

13.6.2014

Counsel for the appellant moved application for amendment of appeal or withdrawal of appeal with permission to file fresh one. On request of learned counsel for the appellant, the file was requisitioned. The learned counsel for the appellant stated at the Bar that the appellate authority i.e DIG of Police, Kohat Region, Kohat (Respondent No. 2) has partially accepted the departmental appeal of the appellant and has converted the penalty of compulsory retirement upon the appellant by the competent authority to that of demotion/reversion to rank of IHC from ASI, while treating the intervening period as leave of the kind due vide order dated 10.6.2014. In the light of this development, the learned counsel would stress on the withdrawal of the appeal with permission to file fresh one.

Consequently, the appeal is dismissed as withdrawn with permission to file fresh one, subject to all legal restrictions and limitation, with no order as to costs.

ANNOUNCED  
13.6.2014

  
CHAIRMAN

Appeal No. 516/2014.  
Mr. Muhammad Zamin.

3.

09.05.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the impugned order dated 01.01.2014, he filed departmental appeal on 06.01.2014, which has not been responded within the statutory period of 90 days, hence the present appeal on 09.04.2014. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. Appellant has also filed an application for suspension of the impugned order dated 01.01.2014. Notice of application should also be issued to the respondents for reply/arguments. To come up for written reply/comments on main appeal on 04.08.2014 as well as reply/arguments on application on 11.06.2014.

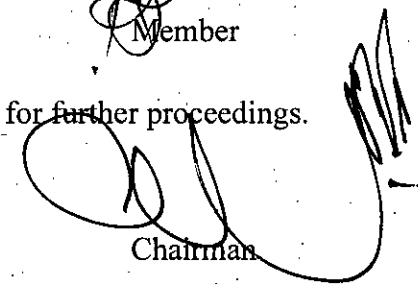
Appoint...  
Sec...  
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Filed with File.

  
Member

4.

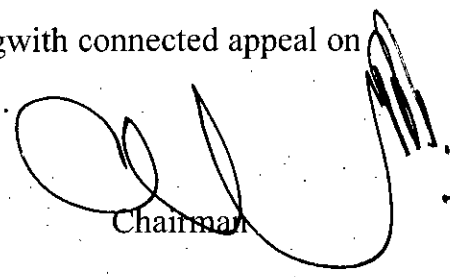
09.05.2014

This case be put before the Final Bench  for further proceedings.

  
Chairman

11.6.2014

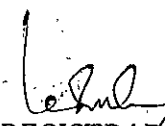
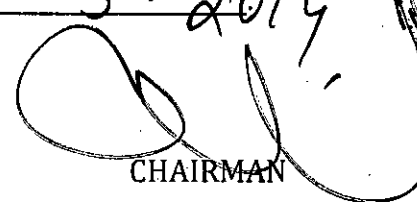
Counsel for the appellant present. Respondents are not present despite their service through registered post/concerned officials. However, Mr. Muhammad Adeel Butt, AAG is present and would be contacting the respondents for reply to application for interim relief and written reply on main appeal alongwith connected appeal on the date already fixed i.e. 4.8.2014.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 516/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	09/04/2014	<p>The appeal of Mr. Inayat Zaman presented today by Mr. Shahid Qayum Khattak Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	14.4-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>9-5-2014</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 516 /2014

Inayat Zaman..... Appellant

Versus

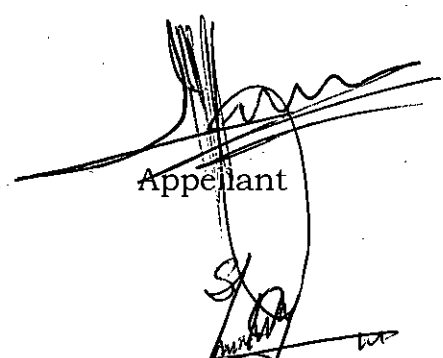
Provincial Police Officer and others..... Respondents

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Through

Appellant

  
Shahid Qayum Khattak  
Advocate, High Court

①

**BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 516 /2014

Inayat Zaman S/o Subhan R/o Rehmant Abad

Tehsil & District Karak..... Appellant

Versus

1. Provincial Police Officer/ Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. District Police Officer, Karak
4. Government of Khyber Pakhtunkhwa through  
Chief Secretary, Peshawar

531  
09/4/2014

.....Respondents

*u/s-4 of the Service Tribunal Act 1974.*  
APPEAL AGAINST THE ORDER DATED 01/01/2014 PASSED BY  
RESPONDENT NO. 1 BY WHICH MAJOR PENALTY OF  
COMPULSORY RETIRMENT FROM SERVICE HAS BEEN  
AWARDED TO THE APPELLANT AND THE REPRESENTATION OF  
THE APPELLANT FILED ON 06/01/2014 HAS NOT YET BEEN  
DECIDED BY THE RESPONDENT NO. 2

PRAYER

On accepting this service appeal, the impugned order bearing OB No. 07 dated 01/01/2014 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable in the eyes of law and the appellant may please be reinstated on his post with all back benefits of pay and service.

Respectfully Sheweth;

1. That appellant joined police department as constable in the year, 1988 and has rendered satisfactory service in the Department for the last 25 long years and has earned promotion to the rank of Assistant Sub: Inspector ( ASI ) and performed his duties with full zeal and enthusiasm.

*S/*

*9/4/14*

2. That respondent No. 3 issued a charged sheet to the appellant on 10/12/2013 containing the allegation of corruption and numerous bad entries in the service record which has properly been replied by the appellant on 16/12/2013. ( Copies of charge sheet and reply are attached)
3. That after the reply of appellant an enquiry was conducted fully exonerated him from the allegation leveled in the charged sheet. (Copy of the enquiry report is attached)
4. That after the receipt of the enquiry report respondent No. 3 issued the impugned order dated 01/01/2014 by awarding major penalty of compulsory retirement from service contrary to the rules and regulation. ( Copy Impugned order dated 01/01/2014 is attached)
5. That Appellant filed representation against the said order to respondent No. 2 on 06/01/2014 but so far the same has not been decided by the leaned respondent No. 2. The same may please be considered as an integral part of this appeal ( Copy of representation is attached)
6. That as the statutory period for filling Appeal is expiring hence, the petitioner filling this appeal on the following amongst other grounds inter alia:

GROUND:

- a. That the impugned orders is illegal, unlawful, without authority, based on mala fide, void abinitio thus untenable in the eyes of law and is liable to be set aside.
- b. That the order of respondent No. 3 is very much harsh and is against the principle of natural justice.
- c. That the respondent No. 3 has not issue any show cause notice nor any proper opportunity of hearing has been provided to appellant thus the impugned order is nullity in the eyes of law and is liable to be set aside.

- d. That as per enquiry report allegation leveled in the charge sheet has not been proved but still respondent No. 3 has passed an order on the basis of mere allegation based on rumors.
- e. That the case of appellant has been treated in very arbitrary manners and no evidence what so ever has been brought on record to substantiate the allegation leveled against appellant.
- f. That the impugned order has been passed in violation of law and rules of disciplinary proceedings and principles of natural justice. Enquiry officer has reported in clear terms that charges of corruption did not stand proved as evidence of any kind was not procured in support of the charges. The authority wrongly and malafidly based the impugned order on assessments and speculations, therefore the impugned order is bad in law.
- g. That the opinion of enquiry officer that there were rumors about the involvement of appellant in corruption has no legal value because enquiry proceedings are quasi judicial proceedings therefore it was incumbent upon enquiry officer to probe into the allegations and find out the truth in the light of concrete evidence. In the absence of any proof, the opinion of enquiry officer was against the settled principles governing disciplinary proceedings.
- h. That the enquiry officer in very explicit words has reported that no evidence has been procured to establish the charge and only opined that there were rumors about the involvement of appellant in corruption. District Police Officer Karak imposed major penalty of compulsory retirement from service on appellant on basis of unfounded and baseless assessments. Under the law punishment in departmental proceedings should always be commensurate to the guilt proved through substantive peace of evidence during enquiry.
- i. That the enquiry proceedings against appellant suffered from gross infirmities, illegalities and irregularities as no evidence what so ever has been produce or cited in the enquiry report nor any witness has been examined before the appellant.

S/A

(4)

- j. That order passed is with mala fide intention as the good entries recorded in the services recorded of appellant has not been considered at all rather bad entries which with due respect are not available in the record of appellant has been discussed by the respondent. Therefore the impugned order is not sustainable under the law.
- k. That the authority went beyond the scope in accepting the opinion of enquiry officer based on assessments and speculations rather the enquiry officer explicitly stated that no evidence available against appellant. The authority did not examine the departmental file in the light of real controversy.
- l. That the impugned order has been based on hallowed and unfounded assessments of enquiry officer who was otherwise not competent to conduct enquiry, therefore the order is worth set aside.
- m. That no final show cause notice was issued to appellant which is mandatory under the law. Similarly appellant was not personally heard and no opportunity of defense has been provided to appellant.
- n. That That worthy provincial police officer had issued clear order No. 6505-25/OS (Ops) dated 17.08.2013 for disposal of such enquires through committee constituted as provincial and regional level while the case of appellant was disposed of by District Police Officer in violation of above orders. ( Copy attached)
- o. That finding of the enquiry officer shows that nothing has been established against appellant which could connect him with the alleged allegation of corruption as no evidence has been collected by the inquiry officer. Mere allegation or opinion does not means that the appellant was involved in corruption thus the impugned order is not tenable in the eyes of law.
- p. That impugned order dated 01/01/2014 is suffered from gross infirmities, illegality , based on no evidence totally contradictory to the enquiry report.

*SA*

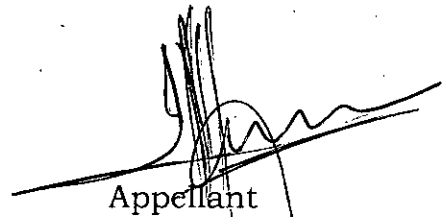


5


- q. That the learned respondent has not taken into consideration that the rules under which the appellant has been charged are not applicable on him.
- r. That the act of respondent is totally based on discrimination undue victimization.

It is, therefore, most humbly prayed that by accepting this service appeal, the impugned order bearing OB No. 07 dated 01/01/2014 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable in the eyes of law and the appellant may please be reinstated on his post with all back benefits of pay and service.

Any other relief not specifically prayed for but deem appropriate in the circumstances of the case may also be granted.

  
Appellant

Through

  
Shahid Qayum Khattak  
Advocate, High Court  
Peshawar

Dated: /04/2014

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.

  
Advocate

6

BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2014

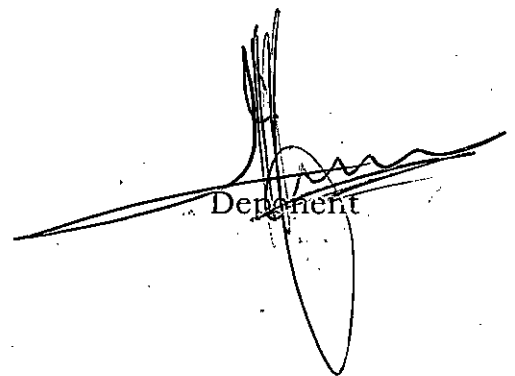
Inayat Zaman..... Appellant

Versus


Provincial Police Officer and others..... Respondents

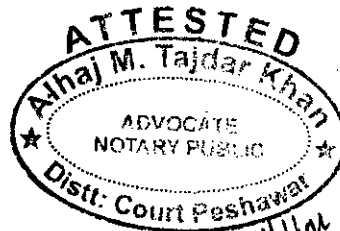
Affidavit


I, Inayat Zaman S/o Subhan R/o Rehmant Abad Tehsil & District Karak, do hereby solemnly affirm and declare on Oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

  
Deponent

Identified by

  
Shahid Qayum Khattak  
Advocate



  
9/4/2014

(7)

BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2014

Inayat Zaman..... Appellant

Versus

Provincial Police Officer and others..... Respondents

APPLICATION FOR SUSPENSION OF THE IMPUGNED ORDER  
DATED 01/01/2014 TILL THE FINAL DISPOSAL OF THIS CASE

Respectfully Sheweth;

1. That the above noted case has been filed before this Hon'ble Forum in which no date of hearing is yet fixed.
2. That the applicants/appellants has got a good prima facie case in his favor and balance of convenience also lies in her favor
3. That if the order dated 01/01/2014 has not been suspended till the disposal of this Appeal then the applicant/ appellants would suffer an irreparable loss and damages.
4. That the grounds of main Petition may please also be considered as integral part of this application.

It is, therefore, respectfully prayed that by accepting this application impugned order dated 01/01/2014 may please be suspended till the final decision of the case.

Through

Applicant/ Appellant

Shahid Qayum Khattak  
Advocate

8

BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2014

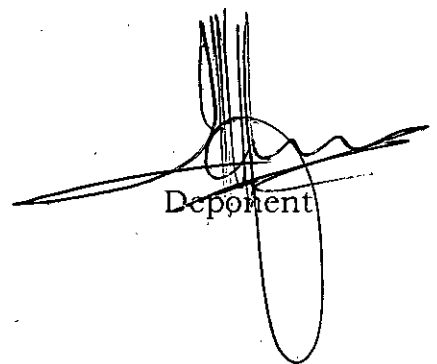
Inayat Zaman..... Appellant

Versus

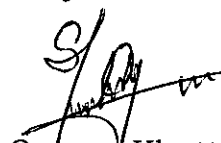
Provincial Police Officer and others..... Respondents

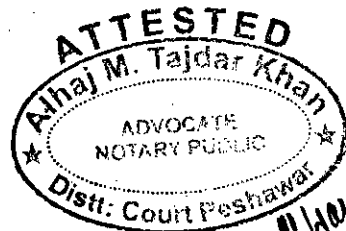
Affidavit


I, Inayat Zaman S/o Subhan R/o Rehmant Abad Tehsil & District Karak, do hereby solemnly affirm and declare on Oath that the contents of the above application are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.

  
Deponent

Identified by

  
Shahid Qayum Khattak  
Advocate



  
9/4/2014

9

BEFORE THE SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2014

Inayat Zaman..... Appellant

Versus

Provincial Police Officer and others..... Respondents

ADDRESS OF THE PARTIES

APPELLANT

Inayat Zaman S/o Subhan R/o Rehmant Abad  
Tehsil & District Karak

RESPONDENTS

1. Provincial Police Officer/ Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police Kohat Region, Kohat.
3. District Police Officer, Karak
4. Government of Khyber Pakhtunkhwa through  
Chief Secretary, Peshawar

Through

Appellant

Shahid Qayum Khattak  
Advocate, High Court

(10)

No. 17067  
Dated 10/12/2013

CHARGE SHEET

1. Aqil Ullah Khan Wazir, District Police Officer, Karak as competent authority.

"You ASI Inayat Zaman carry bad reputation for corruption. Furthermore your service record carries numerous bad entries, which show your inefficiency, misconduct and ill reputation."

2. By reason of your commission / omission, constitute miss-conduct under Police disciplinary rules-1975 and have rendered your-self liable to all or any of the penalties specified in Police rules-1975 ibid.

3. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer Mr. Gul Jansal Khan SDPO Takht-e-Nasrati. Your written defense if any should reach the Enquiry Officers within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

4. Intimate whether you desire to be heard in person.

5. A statement of allegation is enclosed.

District Police Officer, Karak.

ATTESTED TO BE TRUE COPY

10-A

BETTER COPY

CHARGE SHEET

I Atiq Ullah Khan Wazir, District Police Officer, Karak as competent authority hereby charge you ASI Inayat Zaman Police Station Karak as follow:

“ You ASI Inayat Zaman carry bad reputation for corruption. Furthermore your service record carries numerous bad entries which show your inefficiency, misconduct and ill reputation.

2. By reason of your commission / omission, constitute miss-conduct under Police disciplinary rules-1975 and have rendered your self liable to all or any of the penalties specified in Police rules-1975 ibid.
3. You are, therefore, required to submit your written defense within 07- days of the of the receipt of this charge sheet to the enquiry Officer Mr. Gul Jamal Khan SDPO Takt-e-Nasrati. Your written defense if any should reach the Enquiry Officers within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
4. Intimate whether you desire to be heard in person.
5. A statement of allegation is enclosed.

District Police Officer Karak

ATTESTED TO BE TRUE COPY

(11)

No. \_\_\_\_\_ /EC

Dated \_\_\_\_\_ /2013

DISCIPLINARY ACTION

1. I, Atiq Ullah Khan Wazir Police Officer, Karak as competent authority, is of the opinion that ASI Inayat Zaman Police Station Karak, has rendered him liable to be proceeded against departmentally on the charges of committing misconduct and negligence in duty.

"ASI Inayat Zaman carries bad reputation for corruption. Furthermore his service record carries numerous bad entries, which show his inefficiency, misconduct and ill reputation."

2. The enquiry Officer Mr. Gul Jamal SDPO Takht-e-Nasrati shall in accordance with provision of the Police disciplinary rules-1975 may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

3. The accused official shall join the proceeding on the date, time and place fixed by the enquiry committee.

District Police Officer, Karak.

No. 17068-9/EC (enquiry), dated 10/12 /2013

Copy to:-

1. The enquiry Officer for initiating proceeding against the accused under the Provision of Police disciplinary rules-1975.
2. ASI Inayat Zaman Police Station Karak.

ATTESTED TO BE TRUE COPY



11-A

BETTER COPY

DISCIPLINARY ACTION

1. I, Atiq Ullah Wazir Police Officer, Karak, as competent authority is of the opinion that ASI Inayat Zaman Police Station Karak has rendered him liable to be proceeded against departmentally on the charges of committing misconduct and negligence in duty.

“ ASI Inayat Zaman carries bad reputation for corruption. Furthermore his service record carries numerous bad entries which show his inefficiency, misconduct and ill reputation.

2. The enquiry Officer Mr. Gul Jamal SDPO Takht-e-Nasrati shall in accordance with provision of the Police disciplinary rules-1975 may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.
3. The accused official shall join the proceeding on the date, time and place fixed by the enquiry committee.

District Police Officer, Karak

No. 17068-69/EC(enquiry), dated 10/12/2013

Copy to :-

1. The enquiry Officer for initiating proceeding against the accused under the provision of Police disciplinary rules-1975.
2. ASI Inayat Zaman Police Station Karak.

ATTESTED TO BE TRUE COPY



بیان آزال عنایت زمان ASI تقانہ کرک

جناب عالی!

بحوالہ چارج شیٹ 17067/ع مہر و من ہوں۔ رہ من

10-12-2013

ASI نے حکمہ پولیس میں پچیس سال سروس نہایت خوش اسلوبی سے سرانجام دی۔ دوران سروس سائل نے کسی بھی بلا آفسر کی اختتام کو کسی قسم کا ٹھیس نہیں پہنچایا ہے۔ اور سائل نے شروع سے آج تک اپنا دامن غیر اخلاقی افعال رشوت فوری

یا نہیں جسے سے پاک رکھا۔ کوشی ازما لکٹوں کے باوجود سائل اپنی اصول پر مستقیم رہا۔ اور اپنا ریکارڈ صاف و شفاف

دکھنے کیلئے کافی کوشش کی۔

علاوہ آزیں سائل حکمانہ لکڑیوں کے علاوہ کسی بھی

شکایت پر القباہی مراحل سے نہیں گذرا۔ اور نہ ہی میرے خلاف کسی فرد واحد نے غیر اخلاقی یا کرپشن کے متعلق کھربری یا زبانی شکایت کی ہے۔ جسے لٹے میرا سروس ریکارڈ قابل ملاحظہ ہے۔

اسکے علاوہ سائل کے خلاف ضلع میں موجود کسی بھی ضلع ایجنسی کی غلط رپورٹ نہیں ہوئی۔ کیونکہ اگر میرے خلاف کوئی رپورٹ ہوئی۔ تو حکمہ میرے خلاف فرور رد عمل ظاہر کرتی۔

دوران ملازمت نہ تو سائل نے کوئی جائیداد فریدہ ہے اور

نہ ہی میرا کوئی بنید بیلنس موجود ہے۔ اور نہ ہی پوری مکان کے علاوہ

کوئی مکان یا کوئی لکڑی لکڑی ہے۔ ان جملہ مقالوں کے باوجود

مجھے کرپشن اور عمل نامہ میں بیڈ ریکارڈ پر چارج شیٹ جاری

ہوا ہے۔ جو میرے ساتھ سراسر ناانصافی ہے۔ میرا دامن اس

سلسلہ میں بالکل پاک ہے۔ میں نازدہ گناہ میرا انصافی

مرحل سے گذر رہا ہوں۔ میرا باقی کرکے میرا چارج شیٹ

جلد مزید کارروائی کے داخل دفتر فرمائی جاوے

عنایت زمان ASI تقانہ کرک

16-12-13

ATTESTED TRUE COPY

جناب عالی

خواجہ حکیم عمر EC/69-17068 رضی 13: 12-10 آیت عنایت ترائان Asi  
کمزور اور علیل اور بے روزگار ہونے کے الزامات کے بارے میں انکوٹہ کا پورکھروں خدمت میں

دوران انکوٹہ عنایت ترائان Asi مدم پر میں آئیٹل نے اپنا تحریر کیا  
پیش کر کے جو میرے لفے اور قابل ملاحظہ ہے، اور ساتھ اپنا کارڈ بھی پیش کر دیا۔

مذکورہ پتے بیان میں ظاہر کیا کہ اسے دوران سروس میں اپنے سسر  
اقربان کے اتحاد کر ٹیس میں ہی رہا ہے۔ اور ساتھ ہی آج تک اپنا حرامین عیاض  
کریشن یا ڈیٹ لینے کے متعلق تحریر یا تریاں شکایت نہ کی ہے۔ اور اسی طرح خفیہ  
اجینسی لاپرواہ سے اس کے خلاف غلط ریورٹ وصول ہو گیا ہے۔ مذکورہ پتے پر بھی  
کیا کہ اسے دوران خدمت میں کبھی جائیداد نہیں خریدی ہے اور نہ ہی اس کا بینک  
بیلنس ہے۔ پوری جائیداد کے علاوہ ایک مکان بھی تحریر میں کیا ہے

دوران انکوٹہ مذکورہ کے ہلالام سے مدد شدہ انٹر سٹریٹ طلب شدہ بھی  
وصول ہو کر جو میرے لفے اور قابل ملاحظہ ہے

اسی طرح اس کے جائیداد کے بارے میں اس کے متعلق پورا خان سے ریکارڈ حاصل  
کرنے پر میرے لفے ہے۔ ریکارڈ شو کرنے کے مطابق اس کے نام پر کوئی جائیداد نہیں ہے۔  
اس کا بینک بیلنس بھی نہیں ہے۔ اس کے قرضے کے کمانے 7155/300 اور کمانے ٹیکس میں جو  
پورا کر کے ہے۔ کسی کارڈ کے اخذ نہ ہوئے لفے اور قابل ملاحظہ ہے۔ مذکورہ کارڈ  
تسلی بخش ہے۔

ریکارڈ ملاحظہ کرنے سے اس کے خلاف کریشن کے بارے میں کوئی ثبوت  
نہیں ملتا۔ البتہ عام افواہ ہے۔ کہ وہ کریشن میں ملوث پایا گیا ہے۔ انکوٹہ

محمد عابد الحق  
SDP  
تحت الترقی

ATTESTED TO BE TRUE COPY

This Order is passed on the departmental enquiry against ASI Inayat Zaman of this District Police leading to the present departmental proceedings are as

WS:-

According to the charge sheet, ASI Inayat Zaman carried bad reputation for corruption and also carries numerous bad entries in his service record, which clearly show inefficiency, misconduct and ill reputation on his part.

Charge Sheet and Statement of allegation based on above allegations was served upon the defaulter ASI Inayat Zaman. Mr. Gul Jamal Khan, SDPO Takht-e-Ratti was appointed as enquiry Officer to scrutinize the conduct of ASI Inayat Zaman in reference to the charges leveled against him.

The Enquiry Officer conducted departmental enquiry, during the course of which he obtained land record and bank accounts in the name of defaulter ASI which revealed nothing on his part. However, the enquiry officer recommended him as corrupt on the basis of general reputation and public perception for appropriate action.

From the perusal of available record, recommendations of enquiry officer and verbal information given by local Officers of special Branch and I.B about his corrupt reputation, the undersigned being competent authority under Rule-3 of NWFP Police Rules 1975, am satisfied that the defaulter ASI is an offender of ill repute and remained involved in misuse of powers during his longer service of 25- years in Police Organization, hence in exercise of powers vested in me under rule 5(5) of the rules ibid, he is awarded major penalty of compulsory retirement from service with immediate effect.

No. 7

Dated 01-01-2014

*Miqat*  
District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER, KARAK

19/01/2014, dated Karak the 01-01-2014.

Copy of above is submitted to the Deputy Inspector General of Police, Kohat Region Kohat for favour of information w/r to his Office Endst:No.1364-66/C-Cell, dated 02.08.2013.

*Attested*

*Miqat*  
District Police Officer, Karak

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14-A

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ORDER

This order is passed on the departmental enquiry against ASI Inayat Zaman of this District Police leading to the present departmental proceedings are as follows:-

According to the charge sheet, ASI Inayat Zaman carried bad reputation for corruption and also carries numerous bad entries in his service record, which clearly show inefficiency, misconduct and ill reputation on his part.

Charge Sheet and Statement of allegation based on above allegation were served upon the defaulter ASI Inayat Zaman, Mr Gul Jamal Khan, SDPO Takht-e-Nasrati was appointed as enquiry Officer to scrutinize the conduct of ASI Inayat Aaman with reference to the charge leveled against him.

The enquiry Officer conducted departmental enquiry, during the course of which he obtained land record and bank accounts in the name of defaulter ASI which prove nothing on his part. However, the enquiry officer recommended him as corrupt on the basis of general reputation and public perception for appropriate action.

From the perusal of available record, recommendations of enquiry officer and verbal information given by local Officers of special Branch and I.B about his corrupt reputation, the undersigned being competent authority under Rule-3 of NWFP now Khyber Pakhtunkhwa Police Rules 1975, am satisfied that that the defaulter ASI is an officer of ill repute and remained involved in misuse of powers during his long service of 25 years in Police Organization, hence in exercise of powers vested in me under rule 5(5) of the rules ibid, he is awarded major penalty of compulsory retirement from service with immediate effect.

OB No. 7  
Dated 01/01/2014

District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER, KARAK

No. 19 /EC, dated karak the 01/01/2014

Copy of above is submitted for information and further necessary action to:-

1. The Deputy Inspector General of Police, Kohat Region Kohat w/r to his Office Ends: No. 1364-66/C-Cell, Dated 22.08.2013.
2. The District Police Officer, Kohat.

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District Police Officer, Karak

15

157

To,

The Deputy Inspector General of Police  
Kohat Region Kohat.

Subject: Representation.

Respected Sir,

Most respectfully appellant submits the representation on the following facts and grounds:

Facts:

- 1) That appellant had joined police department as constable in the year, 1988. Appellant qualified basic recruit course, promotion courses of lower and intermediate. Appellant also qualified other professional courses.
- 2) That appellant was among the handworker and professional police officers. Appellant has earned promotion to the rank of Assistant sub-inspector.
- 3) That appellant was noted for good performance therefore, appellant was charged with independent charge of Police Station for a period of about one year despite the fact appellant was possessing junior rank of ASI.
- 4) That district police officer Karak issued charge sheet based on allegations of involvement in corruption and bearing ill-reputation to appellant.
- 5) That appellant submitted detailed reply in response to the charge sheet, contending therein that appellant has got only inherited immovable property and there is no bank balance of appellant. Furthermore, no penalty on charges of corruption was imposed on appellant during long service.
- 6) That District Police Officer Karak imposed penalty of compulsory retirement from service upon appellant vide order bearing OB.No. 7, dated 01.01.2014. Hence the present representation on the following grounds:

Grounds.

- a) That the impugned order has been passed in violation of law and rules of disciplinary proceedings and principles of natural justice. Enquiry officer has reported in clear terms that charges of corruption did not stand proved as evidence of any kind was not procured in support of the charges. The authority wrongly and mala fide based the impugned order on assessments and speculations, therefore the impugned order is bad in law.
- b) That the opinion of enquiry officer that there were rumors about the involvement of appellant in corruption has no legal value because enquiry proceedings are quasi-judicial proceedings therefore it was incumbent upon enquiry officer to probe into the allegations and find out the truth. In the absence of any proof, the opinion of enquiry officer was against the settled principles governing disciplinary proceedings.
- c) The enquiry officer has reported that no evidence to establish the charge was procured and only opined that there were rumors about the involvement of appellant in corruption. District Police Officer Karak imposed major penalty of compulsory retirement from service on appellant on

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BETTER COPY

To,

The Deputy Inspector General of Police,  
Kohat Region Kohat.

Subject: Representation.

Respected Sir,

Most respectfully appellant submits the representation on the following facts and grounds:

Facts:

- 1) That appellant had joined police department as constable in the year, 1988. Appellant qualified basis recruit course, promotion courses of lower and intermediate. Appellant also qualified other professional courses.
- 2) That appellant was among the handworker and professional police officers. Appellant has earned promotion to the rank of Assistant Sub: Inspector.
- 3) That appellant was noted for good performance therefore, appellant was charged with independent charge of Police Station for a period of about one year despite the fact appellant was possessing junior rank of ASI.
- 4) That district police officer karak issued charge sheet based on allegations of involvement in corruption and bearing ill reputation to appellant.
- 5) That appellant submitted detailed reply in response to the charge sheet, contending therein the appellant has got only inherited immovable property and there is no bank balance of appellant. Furthermore, no penalty on charges of corruption was imposed on appellant during long service.
- 6) That District Police Officer Karak imposed penalty of compulsory retirement from service upon appellant vides order bearing OB. No. 7 dated 01.01.2014. Hence the present representation on the following grounds:

Grounds:

- a) That the impugned order has been passed in violations of law and rules of disciplinary proceedings and principles of natural justice. Enquiry officer has reported in clear terms that charges of corruption did not stand proved as evidence of any kind was not procured in support of the charges. The authority wrongly and malafidly based the impugned order on assessments and speculations, therefore the impugned order is bad in law.
- b) That the opinion of enquiry officer that there were rumors about the involvement of appellant in corruption has no legal value because enquiry proceedings are quasi judicial proceedings therefore it was incumbent upon enquiry officer to probe into the allegations and find out the truth. In the absence of any proof, the opinion of enquiry officer was against the settled principles governing disciplinary proceedings.
- c) The enquiry officer has reported that no evidence to establish the charge was procured and only opined that there were rumors about the involvement of appellant in corruption. District Police Officer Karak imposed major penalty of compulsory retirement from service on appellant on basis of unfounded and

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the basis of unfounded and baseless assessments. Under the law punishment in departmental proceedings should always be commensurate to the guilt proved during enquiry.

- d) That the enquiry proceedings against appellant suffered from gross infirmities and such as non-production of any evidence and examination of witnesses in the presence of appellant.
- e) That good entries recorded in the service record of appellant were completely ignored. Again there is no bad entry in the service record relating to the charges. Therefore the impugned order is not sustainable under the law.
- f) That the authority went beyond the scope in accepting the opinion of enquiry officer based on assessments and speculations. The authority did not examine the departmental file in the light of real controversy.
- g) That the impugned order has been based on hallowed and unfounded assessments of enquiry officer, therefore the order is worth set aside.
- h) That no final show causes notice was issued to appellant. Similarly appellant was not personally heard and no opportunity of defense was provided to appellant.
- i) That worthy provincial police officer had issued clear order No. 6525-27/os dated 17.08.2013 for disposal of such enquiries through committee constituted at provincial and regional level while the case of appellant was disposed of by District Police Officer in violation of above orders.
- j) That appellant was posted at district Kohat while the impugned order was issued by district police officer karak. The charge sheet did not specifying any lapses and omission committed at district karak. The charge was general in nature. Therefore, district police officer karak has acted beyond jurisdiction and powers Vested in him.

It is therefore, requested that the impugned order may be set aside with all back benefits.

(INAYAT ZAMAN)  
S/O SUBHAN r/o Rehmat Abad  
Tehsil & Distrit Karak.

6/11/2014

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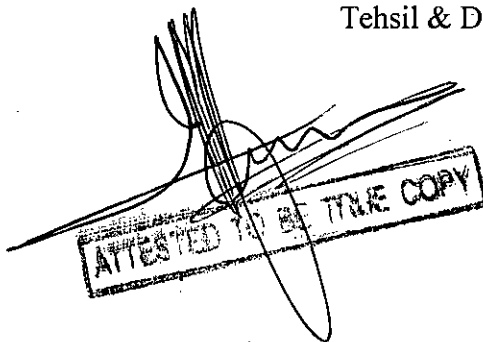
16-A

BETTER COPY

- baseless assessments. Under the law punishment in departmental proceedings should always be commensurate to the guilt proved during enquiry.
- d) That the enquiry proceedings against appellant suffered from gross infirmities and such as non production of any evidence and examination of witnesses in the presence of appellant.
  - e) That good entries recorded in the services recorded in the service record of appellant were completely ignored. Again there is no bad entry in the service record relating to the charges. Therefore the impugned order is not sustainable under the law.
  - f) That the authority went beyond the scope in accepting the opinion of enquiry officer based on assessments and speculations. The authority did not examine the departmental file in the light of real controversy.
  - g) That the impugned order has been based on hallowed and unfounded assessments of enquiry officer, therefore the order is worth set aside.
  - h) That no final show cause notice was issued to appellant. Similarly appellant was not personally heard and no opportunity of defense was provided to appellant.
  - i) That worthy provincial police officer had issued clear order No. 6525-27/OS (Ops) dated 17.08.2013 for disposal of such enquires through committee constituted as provincial and regional level while the case of appellant was disposed of by District Police Officer in violation of above orders.
  - j) That appellant was posted at district Kohat while the impugned order was issued by district police officer karak. The charge sheet did not specifying any lapses and omission committed at District Karak. The charge was general in nature. Therefore, district police officer karak has act beyond jurisdiction and powers vested in him.

It is, therefore, requested that the impugned order may be set aside with all back benefits.

( INAYAT ZAMAN )  
S/O SUBHAN R/O Rehmant Abad  
Tehsil & District Karak

  
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*Handwritten signature*

From : The Inspector General of Police,  
Khyber Pakhtunkhwa,

To : The Capital City Police Officer,  
Peshawar.

All Regional Police Officers,  
Khyber Pakhtunkhwa,

All District Police Officers,  
Khyber Pakhtunkhwa.

17

No. 6505-25/OS (Ops)

Dated: 17.08.2013

Subject: ERADICATION OF CORRUPTION

Memo:

This is in continuation of correspondence on the subject.

2. All senior officers have powers to take disciplinary action against inefficiency, misconduct and corruption of their subordinates. Chief Minister Khyber Pakhtunkhwa has ordered strict and prompt action against all corrupt police officers / officials. In line with drive of KPK government against corruption an institutionalize mechanism has been devised by KPK Police to deal with corrupt officers/officials. For the purpose Police Accountability Commission at CPO level and Regional Disciplinary Committees at RPOs level are established. The commission and committees will complete their task within 30 days and submit report to Provincial Police Officer.

3. Detail about composition and functions along with working mechanism of Police Accountability Commission and Regional Disciplinary Committees is as under:

a. Police Accountability Commission

*Composition*

- Addl IG HQrs
- DIG HQrs
- DIG Enquiries & Inspections
- AIG Establishment
- AIG Legal

*Functions*

- Review of recommendations of Regional Disciplinary Committees
- Monitoring of all major and minor punishments including removal, retirement and lay off from service
- Review and assessment of administrative, disciplinary, appellate actions
- Retention policy for inefficient and corrupt officers / officials

b. Regional Disciplinary Committees

*Composition:*

- RPO
- All DPCs in the Region
- SSP Special Branch

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From : the Inspector General of Police,  
Khyber Pakhtunkhwa.

To: The Capital City Police Officer,  
Peshawar

All Regional Police Officers,  
Khyber Pakhtunkhwa

All District Police Officers,  
Khyber Pakhtunkhwa

No. 6505-25/OS(Ops)

Dated 17.08.2013

Subject:- ERADICATION OF CORRUPTION

Memo:

This is in continuation of correspondence on the subject .

2. All senior officers have powers to take disciplinary action against inefficiency , misconduct and corruption of their subordinates. Chief Minister Khyber Pakhtunkhwa has ordered strict and prompt action against all corrupt police officers / officials in line with \_\_\_\_\_ of KPK government against corruption an institutionalize mechanism has been devised by KPK Police to deal with corrupt officers/ officials. For the purpose Police Accountability Commission at CPO level and Regional Disciplinary Committees at RPOs level are established. The commission and committees will complete their task within 30 days and submit report to Provincial Police Officer.

3. Detail about composition and functions along with working mechanism of Police Accountability Commission and Regional Disciplinary Committees is as under.

a. Police Accountability Commission

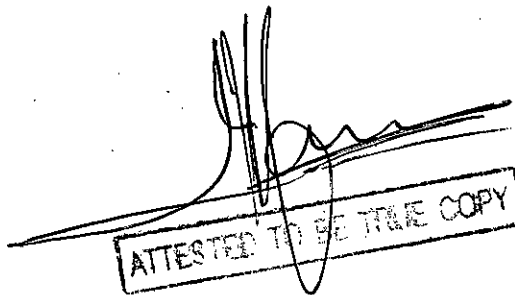
Composition  
Addl IG HQrs  
DIG HQrs  
DIG Enquiries & Inspections  
AIG Establishment  
AIG Legal

Functions

Review of recommendations of Regional Disciplinary Committees  
Monitoring of all major and minor punishment including removal retirement and lay off from service.  
Review and assessment of administrative, disciplinary , appellate actions  
Retention policy for inefficient and corrupt officers / officials

b. Regional Disciplinary Committees

Composition  
RPO  
All DPSs in the Region  
SSP Special Branch

  
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12-

**Function:**

- Report about reputation and assets from intelligence agencies.
- Identification of corrupt and inefficient officers / officials.
- Scrutiny of service, punishment and appeals records.

**c. Mechanism:**

- **Step 1:** Review of service records of police officers (AST and DSP) by RDCs.
- **Step 2:** Seeking reports about reputation and assets from intelligence agencies by RDCs.
- **Step 3:** Recommendation by RDCs to the commission.
- **Step 4:** Evaluation of the recommendations by the commission and direction to disciplinary authorities.
- **Step 5:** Action by disciplinary authorities.
- **Step 6:** Final report by Police Accountability Commission and Regional Disciplinary Committees.

4. All concerned are required to take immediate steps for formal functioning and reports of Police Accountability Commission and Regional Disciplinary Committees under intimation to DIG Hqrs.

5. This issued with approval of Inspector General Police.

*(Signature)*  
 (MIAN MUHAMMAD ASIF) PSP  
 Addl. IGP, Ops & Trg  
 For Inspector General of Police,  
 Khyber Pakhtunkhwa.

No 6525-27 /OS (Ops)

**Copy to:**

1. The Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
2. The Addl. IGP Hqs, Khyber Pakhtunkhwa.
3. The Addl. IGP Special Branch, Khyber Pakhtunkhwa.
4. The DIG Hqs, Khyber Pakhtunkhwa.
5. The DIG Inquiries and Inspection, Khyber Pakhtunkhwa.
6. The AIG Establishment CPO.
7. The AIG Legal CPC.
8. The PSO to Inspector General of Police.

*(Signature)*  
 ATTACHED IS THE COPY

(MIAN MUHAMMAD ASIF) PSP  
 Addl. IGP, Ops & Trg  
 For Inspector General of Police,  
 Khyber Pakhtunkhwa.

③ 6290-72

18-A

Functions

Report about reputation and assets from intelligence agencies  
Identification of corrupt and inefficient officers / officials  
Scrutiny of service, punishment and appeal record.

c. Mechanism

- Step 1: Review of service record of police officer ( ASI or DSP) by RDCs
- Step 2: Seeking reports about reputation and asset from intelligence agencies by RDCs
- Step 3: Recommendation by RDCs to the commission
- Step 4: Evaluation of the recommendations by the commission and direction to disciplinary authorities.
- Step 5: Action by Disciplinary authorities.
- Step 6: Final report by the Police accountability commission and Regional Disciplinary committees

4. All concerned are required to take immediate steps for formation, functioning and reports of Police Accountability Commission and Regional Disciplinary Committees under intimation to DIG Hqrs.

5. This issues with approval of inspector General Police.

(MIAN MUHAMMAD ASIF) PSP  
Addl: IGP, Ops

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بعدالت صواب سرور میں درخواستیں KPC لیشاور

Appeal no: 1/2014

2، منجانب Appealant

عنايت رحمان بنام 1 GP

مورخہ

مقدمہ

دعویٰ

جرم

## باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام لیشاور کیلئے شاید فیوج ضک اید و لہڈ لیشاور مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت مقدمہ مذکور 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 بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخنتہ منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

عنايت رحمان ولد سیدان سید رحمان  
ضمیمہ و صلہ

Accepted by

20/14

ماہ ابریل

المرقوم

العبد گواہ العبد

کے لئے منظور ہے۔

مقام