

22.06.2021

Appellant with counsel present.

15
01/0
Learned counsel for the appellant states that on revision petition preferred by the appellant, respondent No. 1 has passed the order dated 18.06.2021, whereby he was reinstated into service and the punishment of reduction from the rank of D.List Head Constable to the rank of Constable awarded by DPO Kohat was upheld. In view of the said development, the appellant submitted an application for withdrawal of instant appeal with permission to file fresh one.

In view of the above, the present appeal is dismissed as withdrawn with permission to appellant to file fresh one, if so advised, subject to all just and legal objections. File be consigned to the record room.


Chairman

ANNOUNCED

22.06.2021

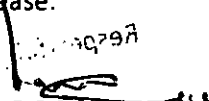
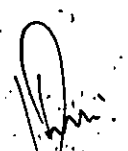

P

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 919 /2021 21

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	14/01/2021	<p>The appeal of Mr. Sohail Ahmad presented today by Mr. Shahid Qayum Khattak 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</p>
2-	15.03.2021	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>15/03/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 22.06.2021 before S.B.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE SERVICE TRIBUNAL KYBER PAKHTUNKHWA, PESHAWAR

Appeal No. /2020

Sohail Ahmad Applicant/ Appellant

VERSUS

The District Police Officer and others..... Respondents

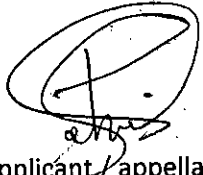
APPLICATION FOR WITHDRAWAL OF THE ABOVE NOTED APPEAL WITH
PERMISSION TO FILE A FRESH ONE

Respectfully Sheweth;

Applicant / appellant humbly submits as under;

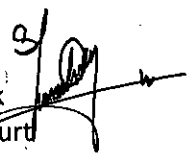
1. That the above noted appeal is pending before this Hon'ble Tribunal which is fixed for hearing today i.e 22/06/2021.
2. That applicant / appellant filed revision petition before the worthy IGP which has partially been accepted by the worthy IGP and the order of Regional Police officer has been set aside vide order dated 18/06/2021..
3. That the same due to passing of the order dated 18/06/2021 the nature of appeal is changed and now the applicant / appellant will file fresh appeal by challenging the impugned order too, but as the instant appeal is fixed for preliminary hearing today therefore, applicant filed instant application for withdrawal of the instant appeal with permission to file fresh one.

It is, therefore, most humbly prayed that by accepting this application applicant/ appellant may please be allowed to withdraw this appeal with permission to file a fresh one.


Applicant / appellant

Sohail Ahmand

Through


Shahid Qayum Khattak
Advocate Supreme Court



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI 2681 /21, dated Peshawar the 18/06/2021.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Sohail Ahmad No. 494.

The petitioner was awarded punishment of reduction from the rank of D-List Head Constable to the rank of Constable by District Police Officer, Kohat vide OB No. 631, dated 11.09.2020 on the following allegations:-

- i. Various complaints against Amir Hussain alias America regarding fraud, cheating and false persuasion were sent to the appellant for necessary legal action but he kept mum over it as he was in close contact/relation with the above named notorious/bad character person.
- ii. That he illegally facilitated the accused for his personal gain as he was constantly contacting him through his cell phone as asking him to escape as Police is chasing him.
- iii. A case vide FIR No. 142, dated 16.07.2020 w/s 406/416/420/468/471 PPC Police Station KDA was registered against Amir Hussain alias America.
- iv. That during interrogation, the accused unfolded the facts that he was telephonically informed by the appellant in order to escape.
- v. That he narrated the status of accused in Daily Diaries as eye wash in order to save the skin of accused.

The Appellate Authority i.e. Regional Police Officer, Kohat enhanced his punishment into dismissal from service vide order Endst: No. 22013-14/EC, dated 24.12.2020.

Meeting of Appellate Board was held on 06.05.2021 wherein petitioner was heard in person. Petitioner contended that the allegations are baseless and there is no proof against him.

The petitioner has long service of 21 years, 11 months & 12 days at his credit. Keeping in view his long service, the Board decided that the petitioner is hereby re-instated in service and the punishment of reduction from the rank of D-List Head Constable to the rank of Constable awarded by DPO, Kohat vide OB No. 631, dated 11.09.2020 is upheld.

Sd/-

KASHIF ALAM, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. SI 2682-90 /21,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Fauji Missal/enquiry file of the above named Ex-FC received vide your office Memo: No. 2161/EC, dated 19.02.2021 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

(**IRFAN ULLAH KHAN**) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

Service Appeal No. /2021

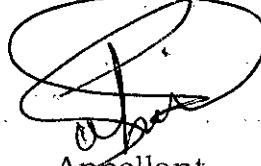
Sohail Ahmad **Appellant**

Versus


Government of Khyber Pakhtunkhwa and others **Respondents**

INDEX

S.No.	Description of Documents	Annex	Pages
1.	Memo of appeal with affidavit		1-5
2.	Address of the parties		6
3.	Copy of Charge Sheet and Reply	A- A-I	7-9
4.	Copy of SCN and reply	B- B-I	10-12
5.	Copy of Impugned order dated 10/09/2020	C	13-14
6.	Copy of Departmental Appeal	D	15-17
7.	Copy of impugned order dated 23/12/2020	E	18
8.	Copy of other documents		19-20
9.	WakalatNama		21


Appellant

Through


Shahid Qayum Khattak
Advocate Supreme Court
of Pakistan
Mob No. 0333-9195776

Dated: 13 /01/2021

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWAPESHAWAR

Service Appeal No. 919 /2021

Khyber Pakhtukhwa
Service Tribunal

Diary No. 970

Sohail Ahmad S/o Abdul Qayum R/o Mohallah Ghari
Dodaiwal , Kohat City.....

Dated 14/1/2021

Appellant

Versus

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

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST THE ORDER DATED 10/09/2020 PASSED BY RESPONDENT
NO. 3 BY WHICH THE APPELLANT HAS BEEN AWARDED MAJOR
PENALTY OF REDUCTION IN RANK FROM D-LIST HEAD CONSTABLE
TO THE RANK OF CONSTABLE WITH IMMEDIATE EFFECT, AND
AGAINST THE ORDER DATED 23/12/2020 PASSED BY RESPONDENT
NO. 2 VIDE WHICH THE DEPARTMENTAL REPRESENTATION/ APPEAL
FILED BY APPELLANT HAS BEEN REJECTED AND THE PUNISHMENT
WAS ENHANCED TO DISMISSAL FROM SERVICE.

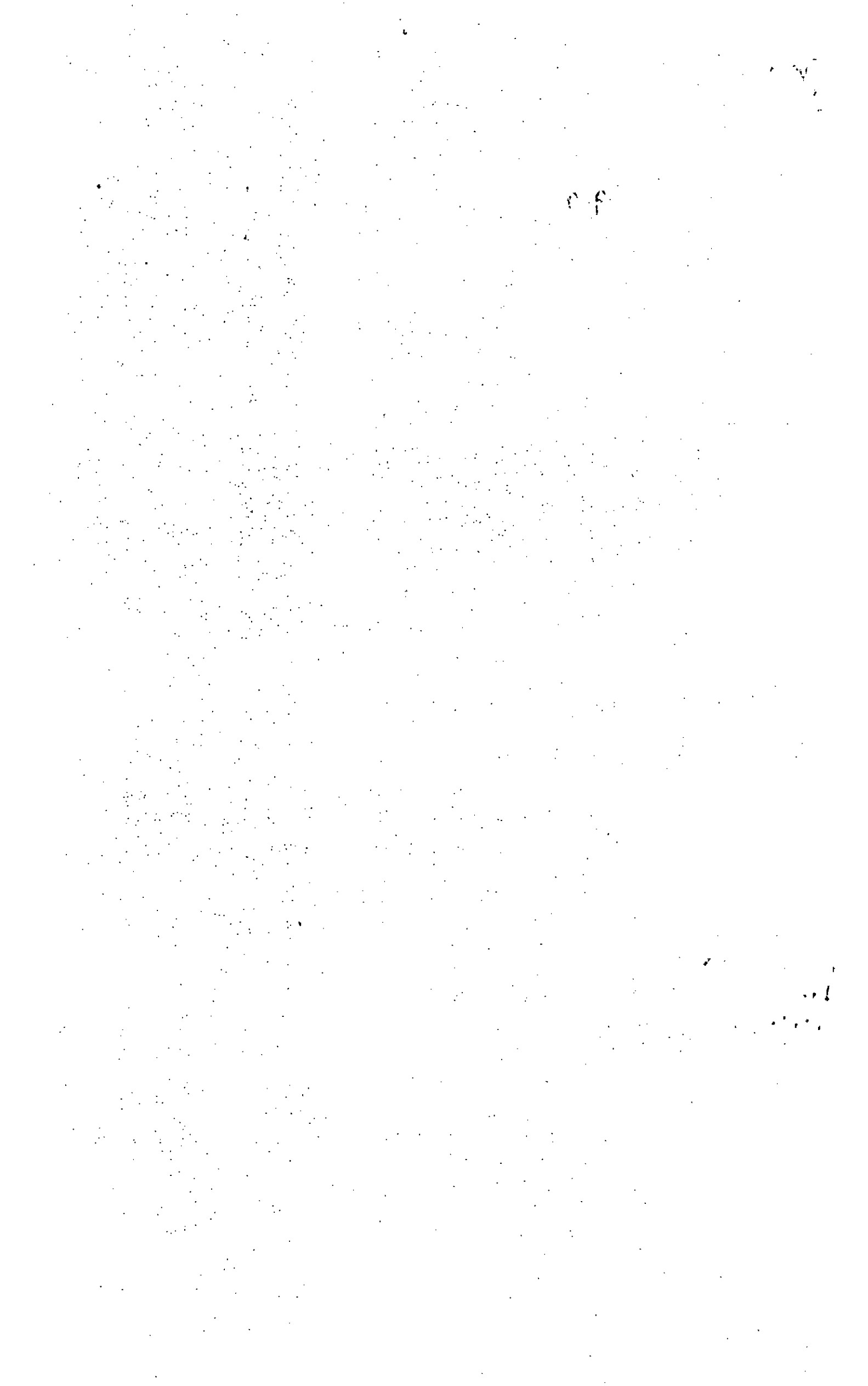
PRAYER

Filed to-day
[Signature]
Registrar
14/1/2021

On accepting this service appeal, the impugned orders dated
10/09/2020 and order dated 23/12/2020 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 appellant is entitled for reinstatement in service with all back
benefits of pay and service

Respectfully Sheweth;

1. That Respondent No. 3 initiated disciplinary proceeding against appellant



and issued charge sheet and statement of allegation which was properly replied. **(Copy attached as Annexure "A" & "A-I")**

2. That thereafter show cause notice was issued to the appellant which was also replied properly. **(Copy attached as Annexure "B"& "B-I)**
3. That respondent No. 3 passed an order dated 10/09/2020 vide which the major punishment of reduction in rank from D-List Head Constable to the rank of Constable with immediate effect has been passed against appellant without collecting any evidence. **(Copy of impugned order is attached as Annexure "C")**
4. That appellant filed departmental appeal /representation (the facts and ground agitated therein may please be treated as part and parcel of this appeal) against the impugned order before respondent No. 2, who vide order dated 23/12/2020 rejected the same without complying codal formalities and enhance the punishment to dismissal from service against the appellant but refuse to hand over the attest copy of the order. **(Copy of appeal and impugned order are attached as Annexure "D" and "E")**
5. That now appellant feeling aggrieved from the above orders hence, filling this appeal on the following amongst other grounds inter alia

GROUND:

- a. That both the impugned orders of the respondents No.3 and 4, are illegal, unlawful, without authority, based on mala fide intention, against the natural justice, violative of the Constitution and Service Law and equally without jurisdiction, hence the same are liable to be set aside in the best interest of justice.
- b. That both the impugned orders passed by respondents are very much harsh, without any evidence based on surmises & conjectures and is equally against the principle of natural justice.
- c. That during enquiry proceedings no one was examined in support of the charges leveled against appellant neither any proper opportunity of hearing has been provided to appellant. No allegations mentioned

above are practiced by the appellant nor proved against him through any cogent reason or evidence.

- d. That both the respondents No.2 and 3 have not properly evaluated the facts and evidences on record before passing the impugned orders. There is nothing on record which connect the appellant with the allegation nor any cell data record is available on record which proved any allegation against the appellant as the appellant was junior officer and remain under the kind control of SHO of concern PS and were bound to obey all the lawful orders of the senior, hence, the impugned orders passed by the respondents against the appellant are liable to be set aside.
- e. That no proper enquiry rules has been observed and without giving any legal consideration to the record that the total seven complaints were received against the accused Amir Hussain were duly entered in the relevant register No. 5 accordingly. As per direction of SHO as per rule intimated the order of SHO to accused for the redressal of the complaints of the people and for his lawful apprehension but in impugned order this fact were not properly investigated by enquiry officer, but this fact has not been considered at all by the respondent while awarding the impugned punishments.
- f. That appellant is young energetic efficient person and having unblemished service record which could be verify from the service record of the appellant. In the present case there is no single evidence available on record which could connect the appellant with the allegation nor proved through any reliable probing and all the proceeding were carried out against the appellant in the absence of the appellant nor heard in person to explain his position.
- g. That the inquiry officer failed to collect any evidence in support of the charges. No one was examined as witness in presence of appellant nor was appellant confronted with any documentary or other kind of evidence on the basis of which the impugned orders were passed.
- h. That the biasness of the respondents are very much proved from the fact that while awarding the impugned major punishment the enquiry

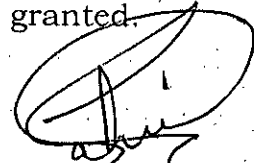
report has not been given to the appellant which is very much necessary as per 1991 PLC CS 706 & 1991 PLC 584.

- i. That while awarding the impugned orders the respondents not bothered to take that the appellant is honest and dedicated official of Police and left no stone unturned to discharge his duties
- j. That the impugned orders have been passed in violation of law and rules of disciplinary proceedings and principles of natural justice. The authority wrongly and malafidly based the impugned orders without giving any reason with proof whatsoever, therefore the impugned order is bad in law.
- k. That it is the settle principle of justice that no one should be condemn un heard but in the instant case no proper enquiry has been conducted to enquire regarding the allegations. No independent witness has been examined in front of appellant nor any opportunity of cross examination has been provided to appellant. Both the impugned orders are based on non-reading and miss-reading of available record.
- l. That respondent No. 2 has not decided the departmental appeal / representation in accordance to the rules and regulation which clearly shows mala fide intention thus, has no sanctity in the eyes of law thus the act of respondents are totally based on male fide intention which clearly shows discrimination and undue victimization.
- m. That the order of the appellate authority totally illegal, against the rules and regulation and has no power and authority to enhance the punishment by itself in appeal filed by the appellant. No final Show Cause notice has been issued to appellant regarding the award of impugned punishment or enhancement of punishment
- n. That both the order is very much silent regarding the compliance of operational and professional guideline issued by the respondents.
- o. That the appellate authority has not provided any personal hearing opportunity to the appellant nor the order passed is speaking one.

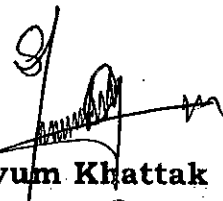
5

It is, therefore, most humbly prayed that on accepting this service appeal, the impugned orders dated 10/09/2020 and order dated 23/12/2020 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void ab-initio, and thus not sustainable in the eyes of law and appellant is entitled for reinstatement to service with all back benefits of pay and service.

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

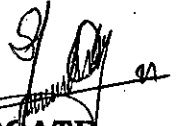

Appellant

Through


Shahid Qayum Khattak
Advocate Supreme Court
of Pakistan

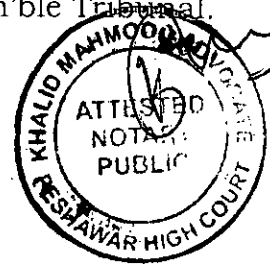
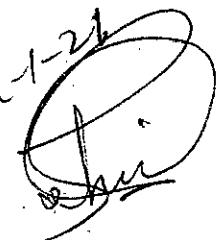
Dated: 13 /01/2021

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


ADVOCATE

AFFIDAVIT

I, Sohail Ahmad S/o Abdul Qayum R/o Mohallah Ghari Dodaiwal , Kohat City 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

6

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No. /2021

Sohail Ahmad **Appellant**

Versus

Government of Khyber Pakhtunkhwa and others..... **Respondents**

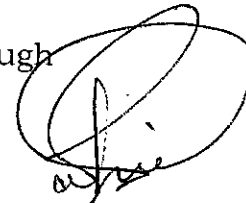
ADDRESSES OF THE PARTIES

APPELLANT

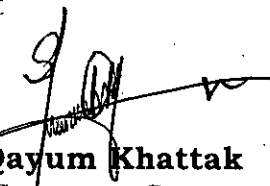
Sohail Ahmad S/o Abdul Qayum R/o Mohallah Ghari
Dodaiwal , Kohat City

RESPONDENTS

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


Appellant

Through


Shahid Qayum Khattak
Advocate Supreme Court
of Pakistan

Dated: 13 /01/2021



Office of the
District Police Officer,
Kohat

No. 298-6/PA

Dated 21-7-2020

DISCIPLINARY ACTION

I, **MR. JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **IHC Sohail Ahmad No. 494 (under suspension)** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2011) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

- i. That various complaints against Amir Hussain son of Ihsan Ali r/o Kurram presently, KDA, Kohat regarding fraud, cheating and false persuasion were sent to you for necessary legal action, but you turned deaf ear and willfully kept mum over it in connivance with the then SHO, in addition you have close relation with a notorious / bad character person.
- ii. That you illegally facilitated the accused for your personal gain. Further you was constantly in contact with accused via his Cell No. and asked them to escape as police is chasing you.
- iii. That lastly, a case vide FIR No. 142 dated 16.07.2020 u/s 406, 419, 420, 468, 471 PPC PS KDA was registered against Amir Hussain alias America.

Attest
[Signature]
D.P.O. KOHAT
6/11

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SDPO HQrs, Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

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

**DISTRICT POLICE OFFICER,
KOHAT**

No. 298-57/PA, dated 21-7-2020.

- 1. Copy of above to:-
SDPO HQrs, Kohat :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
- 2. The **Accused official**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

جامعہ عالی

حوالہ ڈسٹریکٹ انکیشن نمبر 298-S/PA 21.7.2020 جاریہ جناب ٹی ٹی سٹریٹ ایجنسی

آفیسر صاحب کو پانچ معروضی درخواست ہوں گے جن میں 11HC مورخہ 4/3/2019

سے مطالبہ کیا گیا ہے جس میں درخواست گزار نے اپنی اپیل کی تجدید میں

خیر الخضر منصفی بہایت احسن طریقے سے ادا کئے۔ کارپوریشن کی ادائیگی

میں کوئی دقیقہ فرو گزاشت نہیں کیا۔ افسران بالا بہادری کو کسی

قسم کی شکایت کا موقع نہیں دیا۔ فیروزہ ایف ایم ایف میں ملزم

عامر حسین ولد اصال علی سکے پارہ چار حال KDA کے خلاف

مختلف اوقات میں 7 درخواستیں موصول ہو کر جن کو حسب ضابطہ رجسٹر

میں درج کر کے روز بروز کی ڈاک میں SHO صاحب کو بغیر من و مہر کاوائی

پیش کیے گئے۔ درخواست دہائے برخلاف ملزم عامر حسین کی لفٹیل ذیل ہے۔

45 درخواست والیہی رقم برخلاف عامر حسین SKDA

78 درخواست ازان کو یوسف سکے البراہیم زئی برخلاف عامر حسین SKDA

120 درخواست ازان عمران برخلاف عامر حسین SKDA

131 درخواست ازان عباس کو یوسف برخلاف عامر حسین SKDA

160 درخواست ازان کو یوسف برخلاف عامر حسین SKDA

161 درخواست ازان محمد عارف برخلاف عامر حسین SKDA

124 درخواست ازان عبدالعزیز برخلاف عامر حسین SKDA

حکم دہا SHO صاحب مدد سے بالا احکامات کے تسلسل میں ملزم عامر حسین

کسی نہ کسی طریقے سے ڈاک کے ذریعہ پیشین ہونے کی بیادیت کرتا تھا۔

میں نے اس کے خلاف کئی بار درخواستیں دی ہیں۔ 11HC میں

ملزم کو پانچ معروضی درخواستیں دی ہیں جن کے فرار ہونے کی وجہ سے (جاری ہے)

TESTED BY

علاجہ

ملزم حاضر میں خلاف دفعہ 142 اور 143 کے تحت 16/07/2020ء کو ایک نوٹیفکیشن جاری کیا گیا ہے جس کی کاپی ملزم کو ارسال کی گئی ہے۔

ملزم نے اس نوٹیفکیشن کی کاپی حاصل کرنے کے لیے درخواست دی ہے۔

ملزم نے اس نوٹیفکیشن کی کاپی حاصل کرنے کے لیے درخواست دی ہے۔

ملزم نے اس نوٹیفکیشن کی کاپی حاصل کرنے کے لیے درخواست دی ہے۔

ملزم نے اس نوٹیفکیشن کی کاپی حاصل کرنے کے لیے درخواست دی ہے۔

ملزم نے اس نوٹیفکیشن کی کاپی حاصل کرنے کے لیے درخواست دی ہے۔

ملزم نے اس نوٹیفکیشن کی کاپی حاصل کرنے کے لیے درخواست دی ہے۔

ملزم نے اس نوٹیفکیشن کی کاپی حاصل کرنے کے لیے درخواست دی ہے۔

494/2018
14c

25/07/2020

Signature

ATTESTED TO BE TRUE COPY

جناب عالی

بجوالہ ڈسپلنری ایکشن نمبر 298-8/PA 21-7-2020 جاریہ جناب ڈسٹرکٹ پولیس آفسر صاحب کو باٹ ضرور عرض ہوں۔ کہ میں IHC فورم 4³/₂₀₁₇

سے چھانہ KDA میں بحیثیت شرر لکھنا تھا اپنے آٹا لکھانی میں غلطیوں منجھی نہایت احسن طریقے سے ادا کئے۔ کارسرفارمی ادا کی میں کوئی دقت نہ ہو گزشتہ نہیں کیا۔ افسران بالا

صاحبان کو کسی قسم کی شکایت کا موقع نہیں دیا۔ میرا ایام لکھانی میں ملزم عاقر حسین ولاد احسان علی سکندہ پاڑہ جناب حال KDA کے خلاف مختلف اوقات میں 7 درخواستیں وصول ہو کر جن کو حسب جناب راجسٹر آفیسر کے درج کر کے روزمرہ کی

ڈاں میں SHO صاحب کو لکھنے مناسب کارروائی پیش کی تھی۔ درخواست پائے برخلاف ملزم عاقر حسین کی تفصیل ذیل ہیں۔

- 1- 45 / 5 KDA درخواست والی رقم برخلاف عاقر حسین
- 2- 78 / 5 KDA درخواست ازان یوسف سکندہ البراسیم زئی برخلاف ملزم عاقر حسین
- 3- 120 / 5 KDA درخواست ازان عمران برخلاف ملزم عاقر حسین
- 4- 131 / 5 KDA درخواست ازان عباس یوسف برخلاف عاقر حسین
- 5- 160 / 5 KDA درخواست ازان گوہید برخلاف عاقر حسین
- 6- 161 / 5 KDA درخواست ازان محمد عارف برخلاف عاقر حسین
- 7- 124 / 5 KDA درخواست ازان عبد الصمد برخلاف عاقر حسین

حسب احکم جناب SHO صاحب مندرجہ بالا احکامات کے متعلق میں ملزم عاقر حسین کسی نہ کسی ذریعہ فون رائے کر کے حد کو رہ کر پیش کر کے پرائیوٹ کیا رہا تھا۔ بلایع وجہ سائل کے ملزم کسی نہ کو باقیل فون پر رائے ہو گیا ہے۔ من IHC ملزم کو پیش ہوں

(جاری ہے)

TESTED TO BE TRUE COPY

کلیے رائے کی ہے۔ نہ کہ فرار میں کلیے۔
عالتجاہ

ملزم عاصر حسین کینڈا فوٹو عدالت 142 حورہ 16 ⁷/₂₀

بجرائم 406-419-420 PPC مکانہ KDA میں درج رجسٹرڈ
468-471

ملزم مذکورہ بالا حسب جنابکم گرفتار ہو کر پولیس افسران کے
علاقہ حساس اداروں کے افسران صاحبان نے نہایت باریک بینی کے
ساتھ پریلو سرچنگ عمل کے ساتھ انٹارگٹ کیا ہے۔ اگر ملزم بالا
نے دوران انٹارگٹیشن افسران بالا صاحبان کو اگشتاف کیا ہو۔ کہ
میں IHC ساتھ شہرمانہ تعلقات میں۔ تو من IHC افسروں پر
کے تفریق میں سزا کلیے سر تسلیم ہم ہے

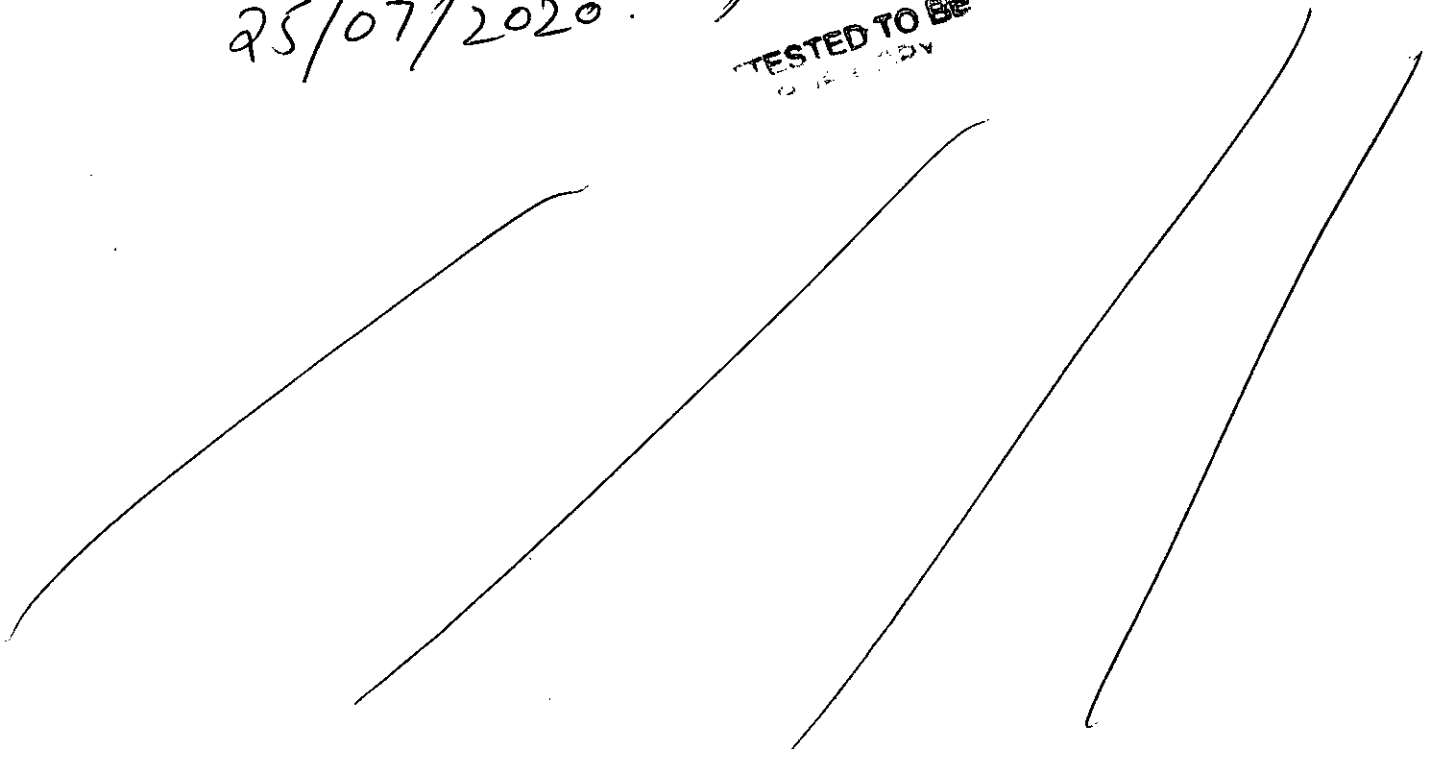
اگر ملزم اور من IHC درمیان ٹیلی فوننگ گفتگو مابین فراری
مابینک نہایت موجود ہو تو بے شک من IHC کو کڑی سے کڑی سزا
دیں۔ بصورت دیگر انکو کڑی سزا کو داخل دفتر کرت ماحکم صادر
فرمائیں۔ سائل دعا گو ہے گا۔

مسئیل احمد 494
IHC

25/07/2020

Shah

TESTED TO BE
Genuine



(10)

Annexure "B"



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No. 4197 /PA dated Kohat the 25/8/2020

FINAL SHOW CAUSE NOTICE

1. I, **Javed Iqbal, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, **IHC Sohail Ahmad No. 494** as follow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 2986-87/PA dated 21.07.2020.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

- a. ***That various complaints against Amir Hussain son of Ihsan Ali r/o Kurram presently, KDA, Kohat regarding fraud, cheating and false persuasion were sent to you for necessary legal action, but you turned deaf ear and willfully kept mum over it in connivance with the then SHO, in addition you have close relation with a notorious / bad character person.***
- b. ***That you illegally facilitated the accused for your personal gain. Further you was constantly in contact with accused via his Cell No. and asked them to escape as police is chasing you.***
- c. ***That lastly, a case vide FIR No. 142 dated 16.07.2020 u/s 406,419,420, 468, 471 PPC PS KDA was registered against Amir Hussain alias America.***

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid.**

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

Javed Iqbal
**TESTED TO BE
TRUE COPY**

[Signature]
DISTRICT POLICE OFFICER,
KOHAT *25/8*

جواب عالی -

جواب ڈیپلومی اکیڈمی 1197ء درجہ 20 و 25 جاریہ ڈیپلومی اکیڈمی کو جس میں
 معروف فن کاروں کی طرف سے 1197ء درجہ 20 و 25 کے نام پر 1197ء میں طبع
 شدہ تصانیف تھا اپنی آیات لفظی میں قدر الغرض فقہی مقدمات
 اور کلامی کے ادا کی ہے 'کارہ' کا نام اور اس میں کوئی وقفہ
 کا موقع نہیں ہے اور ان کے علاوہ صاحبان کو بھی کسی کتاب کا شکر ہے
 علی سید باقرہ چنا، حال 1197ء کے قریب مختلف اوقات میں
 روزنامہ میں موصول ہوئے ہیں۔ صاحبان کے ناموں کے علاوہ کتاب
 روزانہ اور وہ 'ڈان' میں 1197ء کو بھی موصول تھا۔ کارہ کی
 شہرت ہے۔ اور اس کے بارے میں مزید جاننے کے لیے تفصیل دینا ہے۔

1 - 45 / 5-1197 - درخواست واپس آئے ہر طرف عام ہیں

2 - 78 / 5-1197 - درخواست از ان یوسف سید ابراہیم خان ہر طرف عام ہیں

3 - 120 / 5-1197 - درخواست از ان عمران ہر طرف عام ہیں

4 - 131 / 5 - درخواست از ان عساکر یوسف ہر طرف عام ہیں

5 - 160 / 5 - درخواست از ان محمد عارف ہر طرف عام ہیں

6 - 161 / 5 - درخواست از ان قویہ ہر طرف عام ہیں

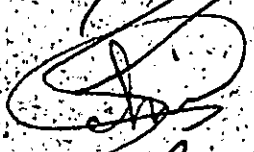
7 - 124 / 5 - درخواست از ان عبدالغنی ہر طرف عام ہیں

صاحبان کے ناموں کے علاوہ 1197ء میں طبع شدہ تصانیف کے علاوہ
 مقدمات اور کلامی کے ادا کی ہے 'کارہ' کا نام اور اس میں کوئی وقفہ
 کا موقع نہیں ہے اور ان کے علاوہ صاحبان کو بھی کسی کتاب کا شکر ہے
 علی سید باقرہ چنا، حال 1197ء کے قریب مختلف اوقات میں
 روزنامہ میں موصول ہوئے ہیں۔ صاحبان کے ناموں کے علاوہ کتاب
 روزانہ اور وہ 'ڈان' میں 1197ء کو بھی موصول تھا۔ کارہ کی
 شہرت ہے۔ اور اس کے بارے میں مزید جاننے کے لیے تفصیل دینا ہے۔

MAK
 TESTED TO EN
 COPY

مذکورہ بالا حسب ضابطہ رقم شمارہ پور یو ایس ایف اے کے تحت اساتذہ کرام
 اور اس کے اساتذہ کرام نے تہنیت وادب میں اساتذہ کرام پر عمل
 پر عمل پیرا عمل کے ساتھ اساتذہ کرام نے دوران اساتذہ کرام
 کے ساتھ اساتذہ کرام کو انکشاف کیا ہے اس کے ساتھ اساتذہ کرام
 تعلقات کے لئے اساتذہ کرام کو اساتذہ کرام کے لئے اساتذہ کرام
 کے لئے اساتذہ کرام کے لئے اساتذہ کرام کے لئے اساتذہ کرام

اساتذہ کرام کے لئے اساتذہ کرام کے لئے اساتذہ کرام کے لئے اساتذہ کرام
 میں اساتذہ کرام کے لئے اساتذہ کرام کے لئے اساتذہ کرام کے لئے اساتذہ کرام
 کے لئے اساتذہ کرام کے لئے اساتذہ کرام کے لئے اساتذہ کرام کے لئے اساتذہ کرام

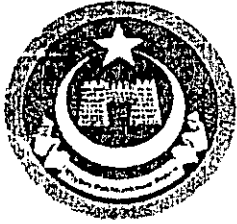


4911
 14C

26-8-2020

Shah

FASTED TO BE
 TRUE COPY



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

ORDER

This order will dispose of departmental proceedings conducted against IHC Sohail Ahmad No. 494, the then MHC PS KDA (**hereinafter called accused official**) under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Facts arising of the case are that various complaints against Amir Hussain son of Ihsan Ali r/o Kurram presently, KDA, Kohat regarding fraud, cheating and false persuasion were sent to him for necessary legal action, but he turned deaf year and willfully kept mum over it in connivance with the then SHO, in addition he has closed relation with a notorious / bad character person. For the reasons the accused official was served with charge sheet alongwith statement of allegations is as under:-

ii. That he illegally facilitated the accused for his personal gain. Further he was constantly in contact with accused via his Cell No. and asked him to escape as police is chasing you.

iii. That lastly, a case vide FIR No. 142 dated 16.07.2020 u/s 406, 419, 420, 468, 471 PPC PS KDA was registered against Amir Hussain alies America.

ASP HQrs Kohat was appointed as enquiry officer to scrutinize the conduct of accused. The Enquiry officer vide his report established the charges leveled, held him guilty of the charges.

Final Show Cause Notice was served upon the accused official, to which a filed reply, gone through and found unsatisfactory.

In order afford, opportunity of defense the accused official was called in Orderly Room held on 10.09.2020, heard in person, but the accused official failed to submit any plausible explanation to his gross professional misconduct.

I have gone through the record, which transpires that the accused official held a key post of Police station as Moharir and responsible for maintenance of record, quick response on reports and complaints etc. It was transpired that the accused official in connivance with the then SHO Mukamil Khan kept mum over the complaints against accused Amir Hussain and instead of taking legal action, the accused official contacted the accused and facilitated him. Record further indicates that the accused official has misused his authorities, links with a criminal, facilitated him for his personal gain.

After removal of the accused official from PS KDA, a case vide FIR No. 142/2020 was registered. Similarly, so many other FIRs were also registered against Amir Hussain accused to whom the accused official was facilitating and recovery of motor cars were also made from accused (Amir Hussain)

Shah
TESTED TO

In view of the above, I reached to the conclusion that the accused official is in leagues with criminals and the charges / allegations have been established against the accused official beyond any shadow of doubt. The accused official is also found in-efficient official and un-trustworthy as well. Therefore, in exercise of powers conferred upon me I, Javed Iqbal District Police Officer, Kohat impose a major punishment of reduction of accused official from the rank of D-List Head Constable to the rank of constable with immediate effect.

Announced

10.09.2020

DISTRICT POLICE OFFICER,
KOHAT 09/09/20

OB No. 631

Date 11-09-2020

No 4471-73 IPA dated Kohat the 14-9-2020.

Copy of above to the Regional Police Officer, Kohat for favour of information please.

- 2. Reader/SRC/P.O for necessary action.

DISTRICT POLICE OFFICER,
KOHAT 09/09/20

Javed Iqbal
ATTESTED TO BE
TRUE COPY

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION
KOHAT

SUBJECT: APPEAL AGAINST THE IMPUGNED ORDER OF DPO KOHAT VIDE DATED 14-09-2020, OB NO:-631 IN WHICH WITHOUT ENQUIRING THE ALLEGATIONS DIRECTLY IMPOSED THE MAJOR PUNISHMENT OF REDUCTION FORM THE OFFICIAL RANK OF D-LIST HEAD CONSTABLE TO THE RANK OF CONSTABLE WITH IMMEDIATE EFFECT.

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

Briefly facts as per impugned order that various complaints against Amir Hussain s/o ehsan Ali r/o kurram agency presently KDA Kohat regarding fraud cheating false persuasion were sent to him for necessary legal action but he turned deaf ear and will fully kept mum over it in connivance with the then SHO ,in addition he has closed relation with a notorious /bad character person. For the reasons the accused official was served with the charge sheet along with statement of allegations is as under .

- i) That he illegally facilitated the accused for his personal gain further he was constantly in contact with accused via his cell number and asked him to escape as police is chasing you.
- ii) That lastly a case vide FIR No-142 dated 16-07-2020 u/s 406-419-420-468-471 PPC PS KDA was register against Amir Hussain alies America.

That due to above allegation the appellant was awarded the major punishment of reduction form the Rank of D-List head constable to constable.(Copy of impugned order is annexed as annexure A)

That there is nothing on record which connect the appellant with the allegation nor any cell data record is available on record which proved any allegation against the appellant as the appellant was junior officer and remain under the kind control of SHO of concern PS and were bound to obey all the lawful orders of the senior.

That the appellant had tender 21 years good service in police department to the entire satisfaction to superiors but this fact was not kept in mind before announcement of the impugned major punishment and only served the FCN (Copy of ,FCN along with reply is annexed as annexure B)

That no proper enquiry rules were observed and without giving any legal consideration to the record that the total seven complaints were received against the accused Amir Hussain and all these complaints were duly entered in the

[Handwritten Signature]
TESTED TO BE
TRUE COPY

relevant register No-5 accordingly moreover non from any complainant intents for registering the criminal case against accused. except on simple complaints and it is worth mentioning here that in other complaints complainant were patched the matter with accused and the same were returned to DPO office Kohat which needs urged consideration (Copy annexed as annexure C)

That as per direction of SHO as per rule intimated the order of SHO to accused for the redressal of the complaints of peoples and for his lawful apprehension but in impugned order this fact were not properly investigated by enquiry officer as well as the rules regarding enquiry not observed.

That all the proceedings were conducted against the appellant ex parte and no opportunity of personal hearing and defense has been provided to the appellant which is against to the service rules as well as against to the Police rules.

That the appellant is young energetic efficient person and having un blemished service record which could be verify from the service record of the appellant.

That no single evidence is available on record which connect the appellant with the allegation nor proved through any reliable probing.

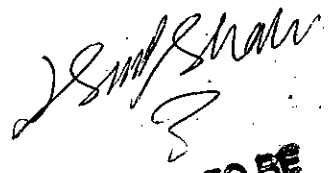
That all the proceedings were conducted against the appellant in the absence of the appellant nor heard in person to explain the position.

That the appellant is very dedicated keen and apprehensive towards his assign duty but this factor has not been appreciated and the appellant was blessed with impugned order.

That the appellant feeling aggrieved from the impugned order and submit the representation on the following grounds:-

Grounds:-

1. That the allegations never practice by the appellant and there is nothing on record which connect the appellant with the allegation.
2. That it is the settle princple of justice that no one should be condemn un heard but in the case of appellant no proper enquiry has been conducted to enquire the allegation .
3. That again an unjust has been done with the appellant by not giving ample opportunity of cross examination as well as not heard in person nor properly enquired the allegation. Just on the basis of non reading of available record relying held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).



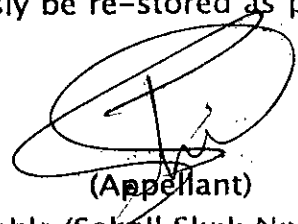
TESTED TO BE TRUE COPY

- 4. That while awarding the impugned order none from the general public was examined in support of the charges leveled against the appellant.
- 5. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.
- 6. That the DPO Kohat has acted whimsically and arbitrary, which is apparent from the impugned order.
- 7:-That the Impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.
- 8:-That the impugned order is outcome of surmises and conjecture.

Pray:

In the view of above circumstances It is humbly prayed that the impugned order of DPO Kohat may please be set aside for the end of justice and the appellant may please be graciously be re-stored as previous in service with all needs as per prevailing rules.

Date: 28/09/2020



(Appellant)

Constable (Sohall Shah No. 494)

Sohall Shah
3

TESTED TO BE TRUE COPY

POLICE DEPTT.

KOHIAT REGION

ORDER

This order will dispose of a departmental appeal, moved by Const. Sahail Ahmed (Ex-IRC) of Kohat district presently serving at District Upper Kohistan, against the punishment order, passed by DPO Kohat vide OB No. 631, dated 11.09.2020 whereby he was awarded major punishment of reduction from the rank of IRC to Constable on the following allegations :-

- i. Various complaints against Amir Hussain alias America regarding fraud, cheating and false persuasion were sent to the appellant for necessary legal action but he kept mum over it as he was in close contact / relation with the above named notorious / bad character person.
- ii. That he illegally facilitated the accused for his personal gain as he was constantly contacting him through his Cell phone as asking him to escape as Police is chasing him.
- iii. A case vide FIR No. 142, dated 1607.2020 w/s 406, 419, 420, 468, 471 PPC PS KDA was registered against Amir Hussain alias America.
- iv. That during interrogation, the accused unfolded the facts that he was telephonically informed by the appellant in order to escape.
- v. That the accused narrated the status of accused in Daily Diaries as eye was in order to save the skin of accused."

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Kohat and his enquiry file was perused. He was also heard in person in Orderly Room, held in this office on 23.12.2020. During hearing, the appellant failed to advance any plausible explanation in his defense.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the Enquiry Officer in his findings. The punishment awarded to the appellant is very light and does not commensurate with the gravity of offense, which is hereby enhanced into Dismissal from service with immediate effect.

Order Announced
23.12.2020

JHC

(TAYYAB RAFAEZ) PSP
Region Police Officer,
Kohat Region.

*Copy
28/12/20
24/12*

No. 22013-14 /EC, dated Kohat the 24/12 2020

Copy for information and necessary action to the District Police Officer, Kohat w/r to his office Memo: No. 15468/LR, dated 09.11.2020. His Enquiry File is returned herewith.

2. The District Police Officer, Upper Kohistan.

*0116/484/PSP/16
24/12/20*

JHC

(TAYYAB RAFAEZ) PSP
Region Police Officer,
Kohat Region.

Attested

By Superintendent Police
Head Quarter Dappin

18-1

Better copy

POLICE DEPTT:

KOHAT REGION

ORDER.

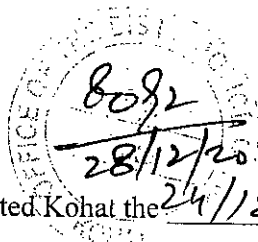
This order will dispose of a departmental appeal, moved by Const: Sohail Ahmed (Ex-IHC) of Kohat district presently serving at District Upper Kohistan, against the punishment order, passed by DPO Kohat vide OB No. 631, dated 11.09.2020 whereby he was awarded major punishment of reduction from the rank of IHC to Constable on the following allegations :-

1. Various complaints against Amir Hussain alias America regarding fraud, cheating and false persuasion were sent to the appellant for necessary legal action but he kept mum over it as he was in close contact / relation with the above named notorious / bad character person.
- ii. That he illegally facilitated the accused for his personal gain as he was constantly contacting him through his Cell phone as asking him to escape as Police is chasing him.
- iii. A case vide FIR No. 142, dated 1607.2020 u/s 406, 419, 420, 468, 471 PPC PS KDA was registered against Aamir Hussain alias America.
- iv. That during interrogation, the accused unfolded the facts that he was telephonically informed by the appellant in order to escape.
- v. That the accused narrated the status of accused in Daily Diaries as eye was in order to save the skin of accused."

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Kohat and his enquiry file was perused. He was also heard in person in Orderly Room, held in this office on 23.12.2020. During hearing, the appellant failed to advance any plausible explanation in his defense.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the Enquiry Officer in his findings. The punishment awarded to the appellant is very light and does not commensurate with the gravity of offense, which is hereby enhanced into Dismissal from service with immediate effect.

Order Announced
23.12.2020



JH Ce
(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

No. 22013-14 /EC, dated Kohat the 24/12 /2020.

Copy for information and necessary action to the District Police Officer, Kohat w/r to his office Memo: No. 15468/LB, dated 09.11.2020. His Enquiry File is returned herewith.

2. The District Police Officer, Upper Kohistan.

Fauz Mishtal

*copy to DPO/SP/PP/L
for necessary action*



JH Ce

(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

TESTED TO
TRUE COPY
24/12

2

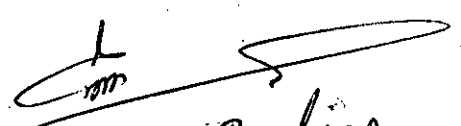
ضلع امرتسر ضلع

یولین لائن

نقل دیتا صد 10 دھڑنا 3 11/20 16

صدر 10 حاضر 10 11/20 16 وقت 40 16 11/20 سے اس وقت کنڈل سہیل ساہ 4940
جو انر آرڈر نمبر 11495 بطور شکایتی صدر الحکم انڈیا بلا ڈسٹرکٹ کھنڈ
سے جس سے ان سرکاری باجی کے ضلع ہذا حاضر آ گیا ڈسٹرکٹ بھوانی سہیل سہیل
کی حیرت بیان کی

جنا علی! نقل بھوانی اہل ہے


AMH... line
Police Line
Muzila/10/1220

ATTESTED TO BE TRUE COPY

بسم الله الرحمن الرحيم

الحمد لله

بسم الله الرحمن الرحيم
الحمد لله الذي هدانا لهذا
ما كنا لنهتدي لولا أن هدانا الله
والحمد لله رب العالمين

بسم الله الرحمن الرحيم

الحمد لله

10/01/2021

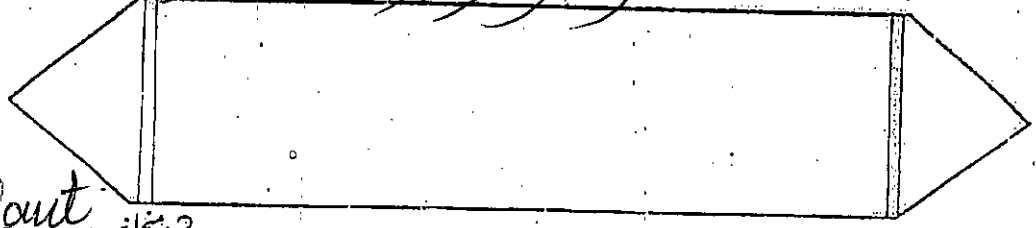
بسم الله الرحمن الرحيم

الحمد لله

بسم الله الرحمن الرحيم

ATTESTED TO BE TRUE COPY

بعدالت سرسبز ریلوے کے مشاوری



Appellout 2 پنجاب
سہیل سناہ بنام PPO / Police

Service - call
APP -
موزخہ
مقدمہ
دعویٰ
پریم

باعث تحریر آنگہ

وکیل
سہیل سناہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی اور کُل کارروائی متعلقہ
آج کے مقام سناور کیلئے سہیل سناہ کے لئے سہیل سناہ کے لئے سہیل سناہ کے لئے
مقررہ کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کُل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو رضی نامہ کرنے اور تقرر ثالثیت و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور
بلاورثت ڈگری کرنے اجراء اور وصولی چیک اور وپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زر اس پر دستخط کرنے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یا کٹرفٹ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل گمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کُل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا اہلیت
و اخذیہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب 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
مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

سہیل سناہ وکیل
سہیل سناہ وکیل
سہیل سناہ وکیل
سہیل سناہ وکیل

الرتوم 13 ماہ 01 2021

سہیل سناہ
وکیل