

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 1387/2020

Date of Institution ... 09.03.2020

Date of Decision ... 09.12.2021

Zaheen Shah S/O Rasool Shah, Ex-LHC No. 36 Operation Staff
Kohat.

... (Appellant)

VERSUS

Provincial Police Officer/Inspector General of Police Khyber
Pakhtunkhwa, Peshawar and three others.

... (Respondents)

MR. SHAHID QAYUM KHATTAK,
Advocate

--- For appellant.

MR. MUHAMMAD ADEEL BUTT,
Additional Advocate General

--- For respondents.

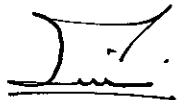
MR. AHMAD SULTAN TAREEN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts forming the background of the instant service appeal are that the appellant while posted as Moharrar in Police Post Sumari Bala was proceeded against on the charges reproduced as below:-



"You LHC Zaheen Shah No. 36 has arranged a musical program for Notorious Proclaimed offender Anwar Hayat group at Police Post Sumari Bala.

ii. A video of the program was viral in which your presence/illegal activities are shown.

iii. Your this illegal act caused embarrassment, damage the image of Police and proved links/relations with a notorious PO

group, wanted to Police in numerous heinous crimes including target killing of 04 Police Officers.

iv. You are previously awarded punishment for illegal/extra departmental activities, but you did not improve yourself."

The appellant submitted reply to the charge sheet. On conclusion of the inquiry, the appellant was awarded major penalty of dismissal from service vide OB No. 1431 dated 08.11.2019. The appellant challenged the order dated 08.11.2019 through filing of departmental appeal, which was also rejected vide order dated 27.02.2020, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions made by the appellant in his appeal.


3. Learned counsel for the appellant has contended that the appellant is quite innocent and disciplinary action was taken against him for ulterior motive; that the appellant has not at all been confronted with the alleged video on the basis of which, departmental proceedings were taken against him; that the date and time on which the alleged musical program was arranged in the Police Post Sumari Bala have not at all been mentioned in the charge sheet or statement of allegations which by itself makes the entire story as doubtful; that as per the alleged inquiry proceedings, the alleged incident occurred on 06.09.2019 at night time, however the Incharge Police Post remained mum and did not report the alleged incident to his high-ups; that no opportunity of cross-examination of the witnesses was provided to the appellant, which has caused prejudice to the appellant; that the inquiry proceedings were conducted in sheer violation of Khyber Pakhtunkhwa Police Rules, 1975 and the appellant has been condemned unheard. In the last he requested that the impugned orders may be set-aside and the appellant may be reinstated into service with all back benefits.

4. Conversely, learned Additional Advocate General for the respondents has contended that the appellant had arranged

Jin

musical show for proclaimed offenders belonging to Anwar Hayat Group inside Police Post Sumari Bala and had thus committed grave misconduct; that video of the musical program got viral and on inquiry against the appellant, he was found guilty of the charges leveled against him, therefore, he has rightly been dismissed from service; that proper regular inquiry was conducted against the appellant by observing all legal and codal formalities and there exist no legal lacunae in the inquiry proceedings. In the last he requested that the impugned orders may be kept intact and the appeal in hand may be dismissed with costs.

5. We have heard the arguments of learned counsel for the appellant as well as learned Additional Advocate General for the respondents and have perused the record.

 6. A perusal of the record would show that the alleged incident of arranging of musical program inside premises of Police Post Sumari Bala had occurred on 06.09.2019, however the Incharge as well as other officials did not report the matter to their high-ups. It was after issuing of charge sheet to the appellant on 26.09.2019 that a report was registered vide Mad No. 21 dated 28.09.2019, wherein the SHO Police Station Lachi reported that a video showing the musical program arranged inside the Police Post Sumari Bala has been received. Copy of the aforementioned Mad is available on the record. The inquiry officer has not recorded statement of the concerned SHO to affirm that the footage of the appellant could be seen in the concerned video. Statements of Khan Saleem FC/97, Niamat Khan FC/449 and Sher Zaman Ex/3602 have been recorded by the inquiry officer, however no opportunity has been provided to the appellant to cross-examine the said witnesses. The said witnesses were posted in the concerned police post and were allegedly present in the police post at the time of the alleged musical show, however they did not report the matter to their high-ups. The testimony of the said witnesses thus could not be taken into consideration, particularly when the appellant has not been provided any opportunity to cross-examine them. The inquiry

officer has not provided opportunity of cross-examination to the appellant, which fact has created material dent in the inquiry proceedings. Moreover, the appellant has not been confronted with the very video, which was made a ground for taking disciplinary action against the appellant. In view of material available on record, the impugned orders are not sustainable in the eye of law and are liable to be set-aside.

7. In view of the above discussion, the impugned orders are set-aside and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
09.12.2021



(AHMAD SULTAN TAREEN)
CHAIRMAN



(SALAH-UD-DIN)
MEMBER (JUDICIAL)


Service Appeal No. 1387/2020

O R D E R
09.12.2021

Appellant alongwith his counsel namely Mr. Shahid Qayum Khattak, Advocate, present. Mr. Arif Saleem, Steno alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, separately placed on file, the impugned orders are set-aside and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
09.12.2021



(Ahmad Sultan Tareen)
Chairman


(Salah-Ud-Din)
Member (J)

11.10.2021

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Ishaq Gul DSP for the respondents present.

Learned Members of the DBA are observing Sogh over the demise of Dr. Abdul Qadeer Khan (Scientist) and in this regard request for adjournment was made; allowed. To come up for arguments on 09.12.2021 before D.B.

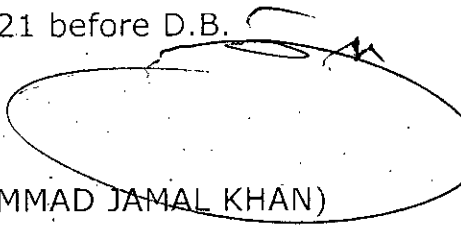

(Atiq-Ur-Rehman Wazir)
Member (E)


(Rozina Rehman)
Member (J)

26.01.2021

Appellant is present in person. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Arif Saleem, Steno, for the respondents, are also present.

Representative of the department submitted written reply on behalf of respondents which is placed on record. File come up for rejoinder and arguments on 13.04.2021 before D.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

13.04.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 06.07.2021 for the same as before.

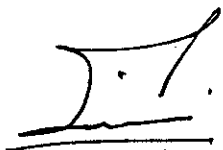

READER

06.07.2021

Mr. Shahid Qayum Khattak, Advocate, for the appellant present. Mr. Arif Saleem, Steno alongwith Mr. Riaz Ahmed Paindakheil, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment being not prepare for arguments. Adjourned. To come up for arguments before the D.B on 11.10.2021.


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


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

07.10.2020

Counsel for the appellant present.

Contends that the appellant was imposed upon major penalty of dismissal from service but without conducting a proper/regular enquiry against him. Any of the witness(s) appearing during the proceedings was not exposed to the appellant for cross-examination. It is also argued that the allegations/charges against the appellant were of the nature which required proof through cogent evidence which is not available in the instant case.

Subject to all just exceptions, this appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 07.12.2020 before S.B.

Appellant Deposited
Security & Process Fee


Chairman

07.12.2020

Appellant in person present.

Kabir Ullah Khattak learned Additional Advocate General alongwith Arif Salim Stenographer for respondents present.

Written reply on behalf of respondents is still awaited. Representative of respondents seeks time to furnish written reply/comment. Opportunity is granted. To come up for written reply/comments on 26.01.2021 before S.B.




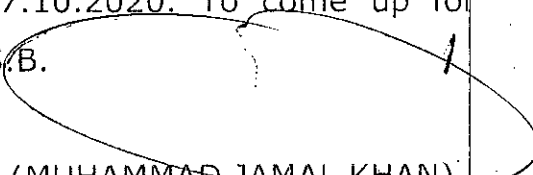

(Rozina Rehman)
Member (J)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1387/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/03/2020	<p>The appeal of Mr. Zaheen Shah presented today by Mr. Shahid Qayum Khattak Advocate may be entered in the Institution Register and put up to the Learned Member for proper order please.</p> <p style="text-align: right;"> REGISTRAR 9/13/2020</p>
2-	13/03/20	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>22/04/2020</u>.</p> <p style="text-align: right;"> MEMBER</p>
	22.04.2020	<p>Due to COVID19, the case is adjourned to 23.07.2020 for the same as before.</p> <p style="text-align: right;"> Reader</p>
	23.07.2020	<p>Appellant is absent. The legal fraternity is observing strike today therefore, no proceedings could be conducted. The case is adjourned to 07.10.2020. To come up for previous proceedings before S.B.</p> <p style="text-align: right;"> (MUHAMMAD JAMAL KHAN) MEMBER</p>

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1387 /2020

Zaheer Shah Appellant

Versus

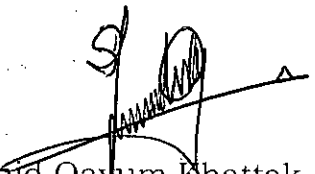
Provincial Police Officer and others Respondents

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4.	Copy of SCN & Reply	B- B-I	9-10
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Appellant

Through


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

Dated: 08 /03/2020.

①

**BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 1387/2020

Khyber Pakhtunkhwa
Service Tribunal

Case No. 1510

Dated 09/3/2020

Zaheen Shah S/o Rasool Shah , Ex-LHC No. 36

Operation Staff Kohat..... 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 08/11/2019 PASSED BY
RESPONDENT NO. 3 BY WHICH THE APPELLANT HAS BEEN
AWARDED MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE
AND AGAINST THE ORDER DATED 03/03/2020 PASSED BY
RESPONDENT NO. 2 VIDE WHICH THE DEPARTMENTAL
REPRESENTATION/ APPEAL FILED BY APPELLANT HAS BEEN
REJECTED

PRAYER

On accepting this service appeal, the impugned orders dated 08/11/2019 and order dated 03/03/2020 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 appellant joined police department and was posted as LHC in operation staff of Kohat Police and has rendered satisfactory service in the Department and performed his duties with full zeal and enthusiasm.

Filed to-day
Registrar
9/3/2020

2. That respondent No. 3 initiated disciplinary proceeding against appellant and issue charge sheet and statement of allegation on 26/09/2019 which was properly replied.
(Copy attached as Annexure "A" & "A-I")
3. That thereafter final show cause notice has been issued to the appellant on 09/10/2019 which was also properly replied by appellant. (Copy attached as Annexure "B" & "B-I")
4. That respondent No. 3 passed an order bearing OB No. 1431 dated 08/11/2019 vide which the major punishment of dismissal from service has been awarded to appellant without collecting any evidence against him. (Copy of impugned order is attached as Annexure "C")
5. That appellant filed departmental appeal /representation (same may please be treated part and parcel of this appeal) against the impugned order before respondent No. 2 on 27/11/2019 who vide order dated 03/03/2020 rejected the same without complying codal formalities . (Copy of appeal and impugned order are attached as Annexure "D" and "E")
6. 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 are illegal, unlawful, without authority, based on mala fide intention, against the nature justice, violative of the Constitution and Service Law and equally with out jurisdiction, hence the same is liable to be set aside in the best interest of justice.
- b. That both the impugned orders passed by respondent are very much harsh, without any evidence based on surmises & conjectures and is equally against the principle of natural justice.
- c. That during enquiry proceeding non from the general public was examined in support of the charges leveled against appellant nor proper opportunity of hearing has been provided to appellant. No allegation mentioned above are practiced by the

appellant nor proved against him through any cogent reason or evidence.

- d. That appellant was neither intimated nor informed by any source of medium regarding enquiry proceedings for any disciplinary action which shows bias on the part of quarter concern.
- e. 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 appellant was confronted with any documentary or other kind of evidence on the basis of which the impugned order was passed.
- f. 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 give to the appellant which is very much necessary as per 1991 PLC CS 706 & 1991 PLC 584.
- g. That while awarding the impugned order the respondent not bother to take that appellant is honest and dedicated and leave no stone unturned to discharge his duties.
- h. That the impugned orders has 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 with out giving any reason with proof whatsoever, therefore the impugned order is bad in law.
- i. That both the impugned orders are self contradictory and with out the support and backing of any concrete evidence and admissible evidence.
- j. 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 respondent No. 2 and 3 is totally based on male fide intention which clearly shows discrimination and undue victimization.

4

It is, therefore, most humbly prayed that on accepting this service appeal, the impugned orders dated 08/11/2019 and order dated 03/03/2020 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.

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

Zahid Shah
Appellant

Through

Shahid Qayum Khattak
Shahid Qayum Khattak
Advocate Supreme Court
of Pakistan

Dated: 08/03/2020

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

Shahid Qayum Khattak
Advocate

AFFIDAVIT

I, Zaheen Shah S/o Rasool Shah R/o Dhall Bazadi, Kohat, Ex-LHC No. 36 Operation Staff Kohat, 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.



Zaheen Shah
Deponent

5

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2020

Zaheen Shah Appellant

Versus

Provincial Police Officer and others Respondents

ADDRESSES OF THE PARTIES

APPELLANT


Zaheen Shah S/o Rasool Shah , Ex-LHC No. 36
Operation Staff Kohat

RESPONDENTS

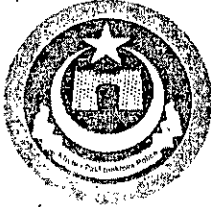
1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. Regional Police Officer Kohat Region, Kohat.
3. District Police Officer, Kohat
4. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar


Appellant

Through


Shahid Qayum Khattak
Advocate Supreme Court
of Pakistan

Dated: 08/03/2020



No. 24067-68/PA

6

Annex - A

Office of the
District Police Officer,
Kohat

Dated 26-9-/2019

CHARGE SHEET.

I, **CAPT ® WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **LHC Zaheen Shah No. 36** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

1991/L
27/9/19

- You LHC Zaheen Shah No. 36 has arranged a musical program to Notorious Proclaimed offender Anwar Hayat group at Police Post Sumari Bala.*
- ii. *A video of the program was viral in which your presence/ illegal activities are shown.*
 - iii. *Your this illegal act caused embarrassment, damage the image of Police and proved links / relations with a notorious PO group, wanted Police in numerous heinous crimes including target killing of 04 Police officers.*
 - iv. *You are previously awarded punishment for illegal /extra departmental activities, but you did not improve yourself.*

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
KOHAT 26/9


Zahid

Arrested



No. 24067-68/PA

(7)

Office of the
District Police Officer,
Kohat

Dated 26-9-2019

DISCIPLINARY ACTION

I, **CAPT ® WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **LHC Zaheen Shah No. 36** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

You LHC Zaheen Shah No. 36 has arranged a musical program to Notorious Proclaimed offender Anwar Hayat group at Police Post Sumari Bala.

- ii. *A video of the program was viral in which your presence/ illegal activities are shown.*
- iii. *Your this illegal act caused embarrassment, damage the image of Police and proved links / relations with a notorious PO group, wanted Police in numerous heinous crimes including target killing of 04 Police officers.*
- iv. *You are previously awarded punishment for illegal /extra departmental activities, but you did not improve yourself.*

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations Siddiq/Laehi 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** 26/9

No. 24067-68/PA, dated 26-9-2019.

1. Copy of above to:- Siddiq/Laehi :- 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.

9/10
Zahid
Qar

(8)

Annex - A-I

جناب عالی!

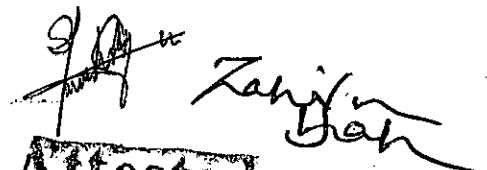
بحوالہ چارج شیٹ نمبر PA/68-24067 مورخہ 26-9-2019 جاریہ جناب DPO صاحب کو ہاٹ
مشمولہ گزارش ہے کہ میں عرصہ تقریباً ایک سال سے بطور محرر تعینات ہوں۔ مجھ پر جو الزامات چوکی ہذا میں
موسیقی کے پروگرام وغیرہ اور جس میں انور حیات کے گروپ کے مفروران کی شمولیت جو الزامات لگائے گئے
ہیں اور نہ ہی میں انور حیات کے گروپ سے کسی قسم کا تعلق رکھتا ہوں اور نہ انہیں جانتا ہوں۔ ویڈیو اور موسیقی
کے پروگرام بے بنیاد ہیں۔

لہذا استدعا ہے کہ چارج شیٹ بلا مزید کارروائی کے داخل دفتر فرمائی جاوے۔

عرضے

آپ کا تابعدار MLHC ذہین شاہ

نمبر 36


Zahid Khan
Attested

(9)

Annex - "B"



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No 30021 /PA dated Kohat the 09/10/2019

FINAL SHOW CAUSE NOTICE

1. I, **Capt. @ Wahid Mehmood, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975; (amended 2014) is hereby serve you, **LHC Zaheen Shah No. 36** 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. 24067-68/PA dated 26.09.2019.
- 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. You LHC Zaheen Shah No. 36 has arranged a musical program to Notorious Proclaimed offender Anwar Hayat group at Police Post Sumari Bala.
- b. A video of the program was viral in which your presence/ illegal activities are shown.
- c. Your this illegal act caused embarrassment, damage the image of Police and proved links / relations with a notorious PO group, wanted Police in numerous heinous crimes including target killing of 04 Police officers.
- d. You are previously awarded punishment for illegal /extra departmental activities, but you did not improve yourself.

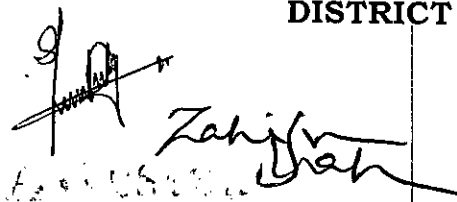
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid.**

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.

DISTRICT POLICE OFFICER,
KOHAT


Wahid Mehmood

جناب عالی!

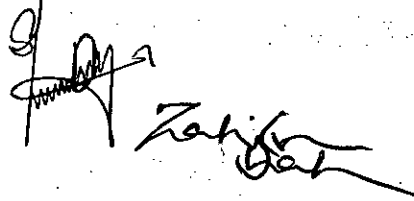
فائل شوکا ز نمبر 30021/PA مورخہ 9 اکتوبر 2019ء جاریہ جناب DPO صاحب کوہاٹ معروض خدمت ہوں کہ میں نے قبل ازیں چارج شیٹ نمبر 24067-68/PA مورخہ 26/9/19 کے سلسلے میں تحریری بیان دے چکا ہوں کہ میں نے پولیس چوکی ساری بالا میں تاج گانے کا اہتمام نہیں کیا تھا، اندریں بارہ لا علم ہوں۔ میرا دوبارہ بھی وہی بیان سمجھا جائے۔ البتہ کنسٹیبلان خان سلیم 97، نعمت خان 449 اور شیر زمان 3602 نے اپنے بیانات میں مجھے مؤرد الزام ٹھہرایا ہے۔ متذکرہ کنسٹیبلان کو اندریں بارہ ضرور علم ہوگا، مجھے کوئی علم نہیں۔ شاکہ میری عدم موجودگی میں متذکرہ کنسٹیبلان نے پولیس چوکی میں تاج گانے کا بندوبست کیا ہو۔ اس بارہ میں مجھے کوئی علم نہیں، میں چوکی کا انچارج نہیں ہوں، جاوید علی ASI چوکی انچارج ہے، اس بارہ میں اس کو ضرور علم ہوگا۔

استدعا ہے کہ آخری شوکا ز نوٹس بلا مذید کارروائی کے داخل دفتر فرمائی جائے۔

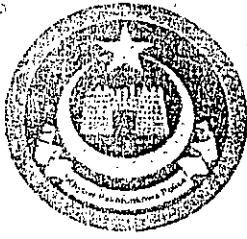
العارض

مورخہ 17 اکتوبر 2019ء

زاہین شاہ LHC/36 متعینہ پولیس چوکی ساری بالا



Attested



(11)

Amnez - e
OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order will dispose of departmental enquiry conducted against LHC Zaheen Shah No. 36 of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Facts arising of the case are that LHC Zaheen Shah No. 36 has arranged a musical program to Notorious Proclaimed offender Anwar Hayat group at Police Post Sumari Bala.

- ii. A video of the program was viral, in which his presence/ illegal activities are shown.
- iii. His illegal act-caused embarrassment, damage the image of Police and proved links / relations with a notorious PO group, wanted Police in numerous heinous crimes including target killing of 04 Police officers.
- iv. He was previously awarded punishment for illegal /extra departmental activities, but he did not improve himself.


For the above, serious / professional misconduct of the accused official, charge sheet alongwith statement of allegations was served upon the accused official. SDPO Lachi, Kohat was appointed as enquiry officer to scrutinize the conduct of accused official. The Enquiry officer vide his report established the charge leveled against the defaulter official and recorded statements of the other relevant officials, which they have mentioned about music program inside PP Sumari has committed immoral, illegal and un-Islamic act of arranging music program intentionally inside PP Sumari in Muharram Ul Haram in collaboration with POs with whom he has relations.

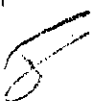
In view of the above, the accused official was served with Final Show Cause Notice to which he submitted reply but he did not advance any defense and relied on his reply to the charge sheet.

The accused official was heard in person in Orderly Room held on 05.11.2019 and afforded opportunity of defense but he failed to submit any plausible explanation. This speaks of professional misconduct and shows inefficiency in discharge of his lawful duty. Record indicates that the defaulter has numerous bad entries, during his service.

From the above, I have reached to the conclusion that the accused official being member of a disciplined force had developed relations with notorious PO gang and facilitated the gang, thus held guilty of violation duty and committed gross professional misconduct. His retention in Police department is most dangerous to the lives of Police personnel and any serious mishap could not be ruled out. The charge leveled against the accused official has been established beyond any shadow of doubt.

11/11/19
11.11.19
صد
لا تفت
کوہاٹی
کلیئر
موسم
دست


Zahid Khan



(12)

Therefore, in exercise of powers conferred upon me under the ibid rules-I, Capt. @ Wahid Mehmood, District Police Officer, Kohat impose a major punishment of dismissal from service on accused LHC Zaheen Shah No. 36 with immediate effect. Kit etc issued be collected.

Announced
05.11.2019

DISTRICT POLICE OFFICER,
KOHAT 08/11/19

OB No. 1431
Dated 08-11-2018

No. 42089-96 PA dated Kohat the 08-11-2019.

Copy of above is submitted for favour of information to the:-

1. Regional Police Officer, Kohat please
2. Reader/Pay officer/SRC/OHC for necessary action.
3. R./L.O for clearance report

DISTRICT POLICE OFFICER,
KOHAT 08/11/19

9/11/19
Zaheen Shah

Attested

(13)

Annex - "D"

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE KOHAT
REGION KOHAT.

SUBJECT: APPEAL AGAINST THE IMPUGNED ORDER VIDE O.B NO 1431 DATED
08-11-2019, UPON THE FINDINGS OF THE ENQUIRY OFFICER
AGAINST THE APPELLANT AWARDED MAJOR PUNISHMENT OF
DISMISSAL FROM SERVICE WITH IMMEDIATE EFFECT.

Respectfully Sheweth,

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

Facts:

Briefly facts of case are that as per impugned order that the appellant has arranged a musical program to Notorious proclaimed offender Anwar Hayat group at police post summary Bala.

A video of the program was viral, in which his presence /illegal activities are shown.

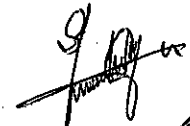
His illegal act caused embarrassment ,damage the image of police and proved links / relations with a notorious P.O group wanted Police in numerous heinous crimes including target killing of 04 police officers.

He was previously awarded punishment for illegal /extra departmental activities ,but he did not improve himself..

That due to the above allegation the appellant was awarded major punishment of dismissal from service.

That the all the above allegation mentioned in the impugned order are base less and no reality in the allegation nor proved from any source only on the rumors based information the appellant was blessed with the impugned order (Copy annexed)

Attested


Zabir
Jah

That the appellant had not arranged any musical program to any proclaimed offender Anwar Hayat Group neither the appellant was the incharge of the police post nor involved in such like activities

That the appellant neither present nor shown in the video nor can be seen in the video and video upon which the appellant dismiss from the service is not related to the appellant nor can seen in that alleged video.

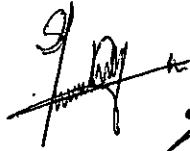
That all the allegation mentioned in the impugned order not practiced by the appellant nor having any links with any Proclaimed offenders and there is nothing on record which connect the appellant with the illegal activities and it is pertinent to mentioned here that the appellant had never award any punishment.

That all the allegations never practice by the appellant not verified nor collect any CDR data nor any private or official person record the statement to connect the appellant with the allegation as well as no source mentioned in impugned order available on record which proves the guilt against the appellant and there is no reality in all the allegations nor proved with any cogent reason and not base on the sound reason the appellant belongs to a pious family and never ever indulged in any such like of corrupt practices .

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 video held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).

That there is nothing on record which connects the appellant with the allegation.

That nothing has been proved beyond any shadow of doubt that the appellant has committed any misconduct or tarnished the image of Police department.


Attested
Zahid
Dah

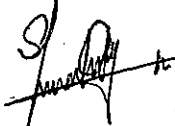
That there are numerous good entries in the service record of the appellant which could be verified but this fact has not been taken in consideration while awarding the major punishment which is against to the canon of justice.

That the appellant was neither provided an opportunity to cross examine the witnesses nor to produce defense evidence and the enquiry proceedings accordingly defective. Furthermore the requirements of enquiry rules have not been observed while awarding the impugned punishment.

1. That the appellant dragged unnecessarily into litigation which is clearly mentioned in 2008 SCMR 725.
2. 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 & PLC 1991 584.

Grounds:

- a. That during enquiry none from the general public was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant.
- b. That the appellant was neither intimated nor informed by any source of medium regarding enquiry proceedings for any disciplinary action which shows bias on the part of quarter concern.
- c. That the punishment is harsh in nature and the appellant is twice vexed for undone single offence which is against the constitution of Islamic republic of Pakistan 1973.
- d. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.


Zahid
Attested

- e. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.
- f. That the DPO Kohat has acted whimsically and arbitrary, which is apparent from the impugned order.
- g. 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.
- h. That the departmental enquiry was not conducted according to the rules.
- i. That the impugned order is outcome of surmises and conjecture.
- j. That proper rule have not been observed while awarding the major punishment .

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 reinstate in service with all back benefits.

Date: 27/11/2019.

(Appellant)

Zaheen Shah

Zaheen Shah

(Ex -LHC.No-36)

Kohat.

Zaheen Shah
Attested

POLICE DEPTT:

17

KOHAT REGION

ORDER.

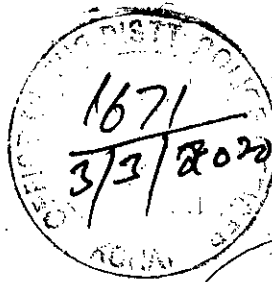
This order will dispose of a departmental appeal, moved by LHC Zaheen Shah No. 36 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 1431, dated 08.11.2019 whereby he was awarded major punishment of dismissal from service on the following allegations:-

- i. The appellant while posted at Police Post Sumari Bala arranged a musical program to notorious PO Anwar Hayat group at PP.
- ii. A video of the program was viral in which his presence / illegal activities are shown.
- iii. His illegal act caused embarrassment, damaged the image of Police and proved links / relations with a notorious PO group wanted in numerous heinous crimes including target killing of 04 Police officers.
- iv. He was previously awarded punishment for illegal / extra departmental activities but he did not mend his ways.

He preferred an appeal to the undersigned upon which comments were obtained from DPO Kohat and his service record was perused. He was also heard in person in Orderly Room, held on 27.02.2020. During hearing, he did not advance any plausible explanation in his defense to prove his innocence and just forwarded lame excuses.

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 E.O in his findings. Therefore, his appeal being devoid of merits is hereby rejected.

Order Announced
27.02.2020



[Signature]
(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

No. 3248 /EC, dated Kohat the 3/3 - /2020.

Copy to District Police Officer, Kohat for information w/r to his office Letter No. 21581/LB, dated 05.12.2019. His Service-Roll & Fauji Missal / Enquiry File is returned herewith.

CHG/BRG
for no action

[Signature]
District Police Officer,
Kohat
3/3/2020

[Signature]
(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

[Signature]
Attestation

قیمت 50 روپے	12158			
ایڈوکیٹ: گلشن نسیم بی بی / مرینہ امین		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: BC-15-6073				
رابطہ نمبر: BC-14-4853				

بعدالت جناب: Services Tribunal Peshawar

مخائب:	دعوی:
Appellant	
ذہین شاہ	علت نمبر:
بنام	مورخہ:
حکومت	جرم:
	تھانہ:

بامث تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام سٹیٹ اور کیلے سٹیٹ ایڈووکیٹ، سر نسیم احمد، سید روحان سید گلشن کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخہ منظور و قبول ہوگا دوران مقدمہ میں جو فرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھو تاکہ سند رہے

المرقوم: 09-03-2020

مقام سٹیٹ اور

Accepted
Shah

Marina

ذہین شاہ وکیل سٹیٹ اور
گلشن نسیم بی بی
16201-5685483-1

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1387/2020
Zaheen Shah Ex-LHC No. 36

..... Appellant

VERSUS

Provincial Police Officer /
Inspector General of Police,
Khyber Pakhtunkhwa & others

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectively Sheweth:-

Parawise comments are submitted as under:-

Preliminary Objections:-

- i. That the appellant has got no cause of action.
- ii. The appellant has got no locus standi.
- iii. That the appeal is bad for misjoinder and nonjoinder of parties.
- iv. That the appeal is bad in eyes of law.
- v. That the appellant is estopped to file the instant appeal for his own act.

Facts:-

1. Correct to the extent that the appellant is employee of Police and during service his performance was not up to the mark. List of bad entries endorsed as **annexure A**.
2. The appellant had links with notorious proclaimed offender groups named Anwar Hayat group, who is wanted in numerous criminal cases included target killing of 04 Police officers. The appellant while posted at Sumari Bala Police Post, located at vicinity of PO Anwar Hayat village, had arranged a music programme to notorious criminals at aforesaid Police Post. Thus the appellant had committed a gross professional misconduct, caused embarrassment to the disciplined department, for which departmental proceedings were initiated against him under the charges detailed in the charge sheet with statement of allegations. Hence, he was dealt with departmentally by the competent authority i.e respondent No. 3 under the relevant rules. Copy of FIR regarding target killing of Police officers is **annexure B**.
3. The allegations framed against the appellant were established by the inquiry officer and he was held guilty of the charges. Therefore, the appellant was served with final show cause notice alongwith relevant documents. The reply

- to the final show cause notice filed by the appellant was found unsatisfactory as he failed to produce any plausible explanation during personal hearing.
4. The charges and allegations framed against the appellant were established during course of inquiry and respondent No. 3. On completion of all codal formalities, the appellant was held guilty of the charges / allegations and awarded punishment commensurate to the charges vide a speaking and well-reasoned order.
 5. The departmental appeal of the appellant was devoid of merits and correctly rejected by respondent No. 2.
 6. The appellant is estopped to file the instant appeal for his own act and invalidly challenged the legal orders of respondents through unsound grounds.


Grounds:-

- a. Incorrect, the appellant indulged himself in highly objectionable and illegal activities. He earned bad name to the entire department, caused embarrassment and he was a stigma on a disciplined department. Therefore, the appellant was awarded punishment commensurate to the charges established against him. Similarly, the departmental appeal was devoid of merits and rejected by the respondent No. 2. Hence, both the orders were passed in accordance with the facts & rules.
- b. Incorrect, the appellant was awarded punishment commensurate to the charges / allegations framed against him in accordance with the rules. It is added that both the orders are speaking, legal and well-reasoned.
- c. As replied above, the appellant had arranged a music programme to the notorious criminals / proclaimed offenders. Therefore, examination of criminals / POs or other criminals affiliated persons attended the said programme was not possible for the inquiry officer.
- d. Incorrect, a regular inquiry was conducted against the appellant, wherein he was served with charge sheet, final show cause notice to which he replied. Furthermore, the appellant was associated with the inquiry proceedings, heard in person by the inquiry officer, respondents No. 2 & 3.
- e. Incorrect, the inquiry report, filed by inquiry officer is a self-explanatory, wherein the appellant was held guilty of the charges.
- f. Incorrect, the orders of respondents are based on facts, evidence and the appellant was awarded punishment commensurate to the charges. Furthermore, all codal formalities were fulfilled during the course of departmental inquiry.
- g. Incorrect, the appellant had committed a gross professional misconduct, and caused embarrassment to the entire department as well.
- h. Incorrect, the appellant was proceeded with departmentally in accordance with the rules and all codal formalities were fulfilled during the process.

- i. Incorrect, the legal orders of respondents are self-explanatory / speaking and well-reasoned.
- j. Incorrect, the departmental appeal of the appellant was processed by respondent No. 2. The appellant was heard in person in orderly room held on 27.02.2020, but the appellant failed to submit any plausible explanation to his gross professional misconduct established against him beyond any shadow of doubt. Hence, the departmental appeal of the appellant was found devoid of merits and correctly rejected by the respondent No. 2.

Prayer -

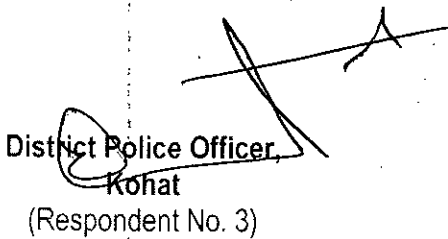
In view of the above, stated facts and reasons, it is prayed that the appeal being devoid of merits may graciously be dismissed with costs.



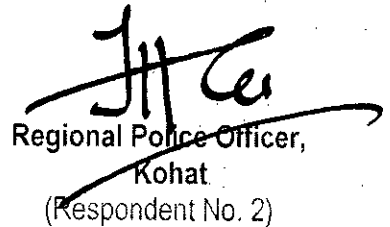
Chief Secretary
Govt of Khyber Pakhtunkhwa,
(Respondent No. 4)



Provincial Police Officer /
Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No. 1)



District Police Officer,
Kohat
(Respondent No. 3)



Regional Police Officer,
Kohat
(Respondent No. 2)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1387/2020
Zaheen Shah Ex-LHC No. 36

..... Appellant

VERSUS


Provincial Police Officer /
Inspector General of Police,
Khyber Pakhtunkhwa & others

.... Respondents

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

Chief Secretary
Govt of Khyber Pakhtunkhwa,
(Respondent No. 4)


Provincial Police Officer /
Inspector General of Police,
Khyber Pakhtunkhwa;
(Respondent No. 1)


District Police Officer,
Kohat
(Respondent No. 3)


Regional Police Officer,
Kohat
(Respondent No. 2)

CONSTABLE ZAHEEN SHAH NO. 36

S#	Name & Number	D.O.B	D.O.E	Edu:	Bad		
					Major	Minor	Leave Without Pay
1	Constable Zaheen Shah No. 36	05.12.1985	23.06.2007	10 th	01	01	01

[Handwritten Signature]
11/12/20

15

کاروان نظام الملک و سلیم حضرت بہ صحت و بزم اللہ و غیرہ برائے اللہ تعالیٰ توفیق حاصل ہو
برائے اللہ تعالیٰ توفیق حاصل ہو
سید رائے تھانوی

برائے اللہ تعالیٰ توفیق حاصل ہو
۵۰
۱۷ ۰۳۴۸۹۶۱۶۸۵۲

دستخط

آپ کے لیے اطلاع دہندہ کا دستخط ہوگا یا اس کی جگہ پر نشان لگایا جائے گا۔ اور اس پر تحریر لکھنا یا اتھارٹی اطلاع کا دستخط ہو تو صدیق ہوگا۔ وہاں حروف الفبا یا عربی حروف و اشعار کے مقابل نام اپنی
آپ کے نام یا شہر کے ترتیب نام کے باشندگان علاقہ غیر یا دیگر ایجنسیوں کے ناموں میں سے جو اس وقت جاری ہے۔

ORDER.

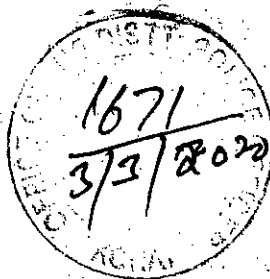
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I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the E.O in his findings. Therefore, his appeal being devoid of merits is hereby rejected.

Order Announced
27.02.2020



[Signature]
(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

No. 3248 /EC, dated Kohat the 3/3 - /2020.

Copy to District Police Officer, Kohat for information w/r to his office Letter No. 21581/LB, dated 05.12.2019. His Service Roll & Fauji Missal / Enquiry File is returned herewith.

CHG/HR
for mission
[Signature]
District Police Officer
Kohat
3/3/2020

[Signature]
(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

(3)



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

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Facts arising of the case are that LHC Zaheen Shah No. 36 has arranged a musical program to Notorious Proclaimed offender Anwar Hayat group at Police Post Sumari Bala.

- ii. A video of the program was viral, in which his presence/ illegal activities are shown.
- iii. His illegal act caused embarrassment, damage the image of Police and proved links / relations with a notorious PO group, wanted Police in numerous heinous crimes including target killing of 04 Police officers.
- iv. He was previously awarded punishment for illegal /extra departmental activities, but he did not improve himself.

For the above, serious / professional misconduct of the accused official, charge sheet alongwith statement of allegations was served upon the accused official. SDPO Lachi, Kohat was appointed as enquiry officer to scrutinize the conduct of accused official. The Enquiry officer vide his report established the charge leveled against the defaulter official and recorded statements of the other relevant officials, which they have mentioned about music program inside PP Sumari has committed immoral, illegal and un-Islamic act of arranging music program intentionally inside PP Sumari in Muharram UI Haram in collaboration with POs with whom he has relations.

In view of the above, the accused official was served with Final Show Cause Notice to which he submitted reply but he did not advance any defense and relied on his reply to the charge sheet.

The accused official was heard in person in Orderly Room held on 05.11.2019 and afforded opportunity of defense but he failed to submit any plausible explanation. This speaks of professional misconduct and shows inefficiency in discharge of his lawful duty. Record indicates that the defaulter has numerous bad entries, during his service.

From the above, I have reached to the conclusion that the accused official being member of a disciplined force had developed relations with notorious PO gang and facilitated the gang, thus held guilty of violation duty and committed gross professional misconduct. His retention in Police department is most dangerous to the lives of Police personnel and any serious mishap could not be ruled out. The charge leveled against the accused official has been established beyond any shadow of doubt.

11-11-19
صیک
لائیٹ ڈیوٹی
کوئی
کلیئر
کریڈنٹ

Therefore, in exercise of powers conferred upon me under the ibid rules I, Capt. @ Wahid Mehmood, District Police Officer, Kohat impose a major punishment of **dismissal** from service on accused LHC Zaheen Shah No. 36 with immediate effect. **Kit etc issued be collected.**

Announced
05.11.2019

DISTRICT POLICE OFFICER,
KOHAT 08/11

OB No. 1431
Dated 08-11-2019

No. 42092-96/PA dated Kohat the 08-11-2019.

Copy of above is submitted for favour of information to the:-

1. Regional Police Officer, Kohat please
2. Reader/Pay officer/SRC/OHC for necessary action.
3. R./L.O for clearance report

DISTRICT POLICE OFFICER,
KOHAT 08/11

جناب عالی!

فائل شوکاژ نمبر 30021/PA مورخہ 19 اکتوبر 2019ء مجاریہ جناب DPO صاحب کوہاٹ معروض خدمت ہوں کہ میں نے قبل ازیں چارج شیٹ نمبر 24067-68/PA مورخہ 26/9/19 کے سلسلے میں تحریری بیان دے چکا ہوں کہ میں نے پولیس چوکی سہاری بالا میں ناچ گانے کا اہتمام نہیں کیا تھا، اندریں بارہ لا علم ہوں۔ میرا دوبارہ بھی وہی بیان سمجھا جائے۔ البتہ کنسٹیبلان خان سلیم 97، نعمت خان 449 اور شیر زمان 3602 نے اپنے بیانات میں مجھے مؤرد الزام ٹھہرایا ہے۔ متذکرہ کنسٹیبلان کو اندریں بارہ ضرور علم ہوگا، مجھے کوئی علم نہیں۔ شائد میری عدم موجودگی میں متذکرہ کنسٹیبلان نے پولیس چوکی میں ناچ گانے کا بندوبست کیا ہو۔ اس بارہ میں مجھے کوئی علم نہیں، میں چوکی کا انچارج نہیں ہوں، جاوید علی ASI چوکی انچارج ہے، اس بارہ میں اس کو ضرور علم ہوگا۔

استدعا ہے کے آخری شوکاژ نوٹس بلائید کاروائی کے داخل دفتر فرمائی جائے۔

العارض

Zahid

زاہن شاہ LHC/36 متعینہ پولیس چوکی سہاری بالا

مورخہ 17 اکتوبر 2019ء

2019/10/17



Office of the
District Police Officer,
Kohat

No. 24067-68/PA

Dated 26-9-/2019

1991/C
27-9-2019

CHARGE SHEET.

I, **CAPT ® WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT,** as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **LHC Zaheen Shah No. 36** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

You LHC Zaheen Shah No. 36 has arranged a musical program to Notorious Proclaimed offender Anwar Hayat group at Police Post Sumari Bala.

- ii. ***A video of the program was viral in which your presence/ illegal activities are shown.***
- iii. ***Your this illegal act caused embarrassment, damage the image of Police and proved links / relations with a notorious PO group, wanted Police in numerous heinous crimes including target killing of 04 Police officers.***
- iv. ***You are previously awarded punishment for illegal /extra departmental activities, but you did not improve yourself.***

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

**DISTRICT POLICE OFFICER,
KOHAT**

Zahid
S.BALA
MLHC-PP-S.BALA

30-09-19



No. 24067-68/PA

Office of the
District Police Officer,
Kohat

Dated 26-9-2019

DISCIPLINARY ACTION

I, **CAPT ® WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **LHC Zaheen Shah No. 36** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

You LHC Zaheen Shah No. 36 has arranged a musical program to Notorious Proclaimed offender Anwar Hayat group at Police Post Sumari Bala.

- ii. A video of the program was viral in which your presence/ illegal activities are shown.*
- iii. Your this illegal act caused embarrassment, damage the image of Police and proved links / relations with a notorious PO group, wanted Police in numerous heinous crimes including target killing of 04 Police officers.*
- iv. You are previously awarded punishment for illegal /extra departmental activities, but you did not improve yourself.*

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations Soor/Laehi 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** 26/9

No. 24067-68/PA, dated 26-9- /2019.

Copy of above to:-

1. Soor/Laehi :- 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.

ریپورٹ نذر عباس SHO 28⁹/₁₉ وقت 20:15 بجے

صفحہ نمبر 21

درج ہے کہ ایک ویڈیو موصول ہوئی۔ جس میں شیخ شو
 ڈھول بلے گانے میوزک شوکا ہر ڈگرام ہے۔ اور کچھ
 فلاشکوف سے لیں بننے بھی نظر آ رہے ہیں۔ جو ناچ
 رہے ہیں۔ اور افواہ تھی کہ ہماری چوکی میں دسویں کی رات
 جب تمام گھانوں کے پولیس والے حرم کی جلوس میں
 مصروف تھے۔ بیان ہر ڈگرام مفقود ہوئے۔ لہذا میں نے اس
 ویڈیو کے بارے میں ویپر یفیکشن کر کے پایا گیا کہ دسویں
 حرم کی رات چوکی ہماری میں ظاہر دلہ گل محمد شاہ
 سکنہ ہماری باہان کی شادی کی فوشی میں ٹھاشا کا اہتمام
 کیا گیا۔ یہ فورگروپ کے آدمی ہیں۔ یہ بھی معلوم ہوئے
 کہ ہماری چوکی کے اہلکاروں میں سے کسی کے یہ دست ہیں

اس ہر ڈگرام میں دو جبرطان اشتہاری (1) عبدالقہار ولد

صوبیدان شاہ مطلوب مقدم 126 14⁵/₁₇ جرم 302

(2) ثناء اللہ ولد جو میں سکنہ ہماری باہان مطلوب مقدم عدت 606

19⁴/₁₈ جرم 302 جمانہ لا ہی بھی فلاشکوفوں کے ساتھ باطلہ

موجود ناچ رہے ہیں۔ پولیس چوکی کے فریش اور سائڈ ہر

نکاس نالی واقع نظر آ رہی ہے۔ سرکار کا کرسی بھی جن ہر

دولے کو بٹھا کر نوٹ نچاوری جا رہی ہیں۔

خان سلیم صاحب بیان ہے کہ چند لوگ ٹیٹ کے سامنے لپٹے گئے

میں نے دیکھا اور آواز دی۔ اُس نے بازار میں کھانا کھا لیا اور ملتا ہوا

میں نے زمین کھانا سے کہا کچھ لوگ آپ سے ملنے آجیے ہیں اُس نے کہا

میرے دوست ہے؟ اے، بعد میں معلوم ہوا اور وہ سہاری ماٹا

کے گاؤں کے لوگ تھے اور وہ اندر جاتے اور روٹی کا لٹو لٹا لیا

اور کھل بھرنے کا لٹا سا کر رہا تھا۔ روٹی لہانے کا سامان لپٹے سے خود

کے کرا لے گئے۔ کئی رات تقریباً 9:00 بجے کا ٹائم تھا۔

① ڈیوٹی لپٹے پر 6:10 Ex پر موجود تھا۔

② ڈیوٹی لپٹے پر 97 Fc پر موجود تھا۔

③ ڈیوٹی لپٹے پر 449 LHC پر موجود تھا۔

جاوید علی خان Ex پر 6:09 بجے موجود نہیں تھا۔

زمین کھانا LHC پر 6:09 بجے موجود تھا۔

یہ میرا بیان ہے؟ افسوس کو اور بددست ہے

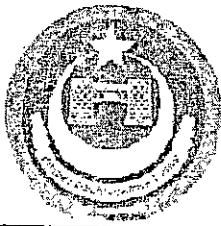
Salim

0334-8322149



بیان اذان لکھنؤ ۶۶۹ متعینہ حال ہوگی ہماری بالا

مورخہ ۱۹/۱۱ کی سیر ڈیوٹی رات ۲ سے ۳ بجے تک یعنی اور شاہی
 اور عشاء اذان کے وقت جوئی چھتے پہنچنے سے پہلے کیا اور سوال
 گھر والوں کے ساتھ بات کی اور سونے لگا اور کافی ٹائم گزرا اور نیچے سے اور
 بندوں کی آئی تو جوئی چھتے سے میں نے دیکھا تو نیچے سے لیکر کمر از کم ۵۰۳ بندوں
 دیکھ تو میں سمجھا کہ آخری دن کمر از کم اور ڈیوٹی والا آئے تو جوہر ایچان
 جاوے علی گھر کو گیا سو اچھا ایسا ماتم لے لے اس کے بعد ذہن شاہ ہوگی ایچان
 سے ہو رہا تو میں نے اچھا کمر از کم سے آواز کی ذہن شاہ ڈیوٹی والا پلا ٹون آئی
 کے تو ذہن شاہ نے بولا ایسا بند سے پھر میں نے پاریاں میں سے لیکر اور کم از کم ۱۰
 منڈ لہر میں سے سو سونے کی کہ بندہ F-C پلا ٹون ڈیوٹی کے لگا آئی سے
 تو نیچے کمر از کم سے سلمان پڑا لگا اور اس کو سنبھالے ٹون جب میں نے آٹرا تو ایک
 سروس میں شرف زمان کے ڈیوٹی تھی اور پاریاں سے آیا تھا اور میں نے شرف زمان کو بولا
 شرف زمان ڈیوٹی والا آئی میں F-C حوالہ ہوئی شرف زمان نے بولا میں یہ پیر گراہ
 والا میں تو مجھ سے بولا روٹی کا پیر گراہ لیکن شرف زمان نے بولا یہ ٹاٹا کرتے ہیں
 تو جوئی ایچان نے ذہن شاہ سے کہیں شرف زمان نے بولا یہ ٹاٹا کرتے ہیں
 جوئی چھتے پہلے اور میرے ۲ عینے ہو گئے ہیں اور میرا بارے میں جوئی
 ایچان کا وہ پیر علی ذور علی کو خبر رسول کے سامنے ہو گیا جان میں بارے
 میں اور جوئی سے جوہر ایچان سے ان سے جو میں بارے میں اور نہ ادھر
 ہماری کوئی بات ہوئی نہ کسی کے ساتھ کوئی رابطہ اور جوہر ایچان میں
 نہ لگوں میں ان کے بارے میں کوئی وقت نہیں آئے الا کہ کلم کے تیار ہونے
 یہ میرا بیان ہے کہ



OFFICE OF THE
DY: SUPERINTENDENT OF POLICE,
LACHI CIRCLE KOHAT

Email.dsplachi@gmail.com Phone.0922-550010

**DEPARTMENTAL ENQUIRY AGAINST LHC ZAHEEN SHAH NO.36 MOHARRAR
PP SUMARI KOHAT**

This departmental enquiry was initiated against LHC Zaheen Shah Moharrar PP Sumari Kohat on the basis of following allegations:-

- I. You LHC Zaheen Shah has arranged in musical program to notorious proclaimed offender Anwar Hayat group at Police Post Sumari Bala.
- II. A video of the program was viral in which your presence/illegal activities are shown.
- III. Your this illegal act caused embarrassment, damage the image of Police and proved links/ relations with a notorious PO group, wanted Police in numerous heinous crimes including target killing of four 4 Police officers.
- IV. Your are previously awarded punishment for illegal/extra departmental activities, but you did not improve yourself.

On the basis of the above allegation, he was issued charge Sheet with summary of allegation by W. DPO Kohat vide office Endst: No.24067-68/PA dated 26-09-2019 The undersigned was appointed as enquiry officer to conduct departmental enquiry against him.

Enquiry was conducted into the matter. During enquiry following steps were taken.

- LHC Zaheen Shah was heard in detail and his statement was recorded.
- Video of musical program was observed carefully.
- PP Sumari was visited and matched the resemblance of PP premises with video.
- Other staff of PP Sumari i.e Khan Saleem FC/97, Niamat Khan FC/449 and Sher Zaman Ex/3602 were heard in detail and their written statements were recorded.
- Information was obtained through SHO Lachi and informers.
- DD report of SHO Lachi vide mad 21 dated 28-09-2019 was observed and discussed with SHO Lachi.

During enquiry it was found that LHC Zaheen Shah have allowed and arranged musical program inside PP Sumari in Muharram ul Haram. In musical program there were POs involved in murder cases alongwith armed person as is evident in video. LHC Zaheen Shah also verbally admitted his guilt but refused in written statement.


The statements of other constables of PP Sumari i.e Khan FC, Niamat Khan FC and Sher Zaman Ex/FC are based on facts in which they have mentioned about music program inside PP Sumari arranged through LHC Zaheen Shah No.36.

Being enquiry officer I have found it crystal clear that LHC Zaheen Shah No.36 while posted in PP Sumari has committed immoral, illegal and un-islamic ^{act} ~~act~~ of arranging musical program intentionally inside PP Sumari in Muharram ul Haram in collaboration with proclaimed offender with whom he has relations.

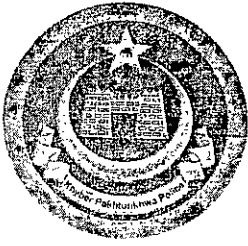
Keeping in view the above facts, found during enquiry, the charges levelled against LHC Zaheen Shah No.36 are un-deniable and true.

It is therefore suggested that major punishment be awarded to LHC Zaheen Shah No.36.

Submitted please.


(MUHAMMAD INAM JAN)
Sub-Divisional Police Officer,
Lachi Circle Kohat

No. 349 /Lachi Dated 08-10-2019



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No 30021 /PA dated Kohat the 09/10/2019

FINAL SHOW CAUSE NOTICE

1. I, **Capt. ® Wahid Mehmood, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, **LHC Zaheen Shah No. 36** 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. 24067-68/PA dated 26.09.2019.
- 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. You LHC Zaheen Shah No. 36 has arranged a musical program to Notorious Proclaimed offender Anwar Hayat group at Police Post Sumari Bala.
- b. A video of the program was viral in which your presence/ illegal activities are shown.
- c. Your this illegal act caused embarrassment, damage the image of Police and proved links / relations with a notorious PO group, wanted Police in numerous heinous crimes including target killing of 04 Police officers.
- d. You are previously awarded punishment for illegal /extra departmental activities, but you did not improve yourself.

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.

DISTRICT POLICE OFFICER,
KOHAT *Wahid Mehmood*

شہر زمان

EX 3609

تاریخ 6/9/09 تاریخ کو بدلتے بدلتے میں

خود موجود تھا، کہ اچانک چند لوگ گیت کے ساتھ کھڑے ہوئے

میں بدلتے اور اور دی گونا گویا، انہوں نے کیا کچھ

زعین شاہ بیلے گھبراہٹ کے ملتا ہوں، زعین شاہ

نے کیا میرے دوست سے، آئے دو، قبر میں پہلو آئے

کہ میرا بیٹا بڑا بڑا ہو گیا، دوڑے جائے واسطہ کار خود لپیٹ لے

اور ڈول باجے ماہر گرام میں لپیٹ آئے تھے کما مشی کی عرصہ سے

زعین شاہ سے اجازت لپیٹ کما شاہ شروع کیا،

بٹرا ایچاچ جوتی میں موجود میں تھا،

۱۱ میرا بیان ہے، آج یہ درست ہے

Sheer Zama



0334 8862834

1560

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 112A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by LIC Baheen Shah No. 36. The petitioner was awarded punishment of forfeiture of two years approved service by District Police Officer, Kohat vide OB No. 1189, dated 09.11.2018 on the allegations that he leveled false accusations against Police personnel/Department and posted viral on facebook social media. He also absented himself from duty for 08 days vide DD No. 20, dated 20.08.2018 PP Sumari Bala. His appeal was filed by Regional Police Officer, Kohat vide order No. 542/EC, dated 18.01.2019.

Meeting of Appellate Board was held on 16.04.2019 wherein petitioner was heard in person. During hearing, petitioner contended that his mobile stolen/lost thefted in 2016 and someone has opened fake account in the facebook and viral the same to damage his service.

Petitioner was heard in person. He said that his mobile was stolen in 2016. However, he does not have any evidence about missing of his mobile. He says that Police had not registered his report. But he had not complained it to DPO or RPO about non-registration of the report. As per record available in Enquiry Report, the petitioner had admitted his guilt in his written reply. Before the Board, he told lies. From perusal of social media messages, it is clear that his stance was genuine because he was prematurely transferred from the Police Station Lachi as Madad Moharrir. The punishment awarded to him is harsh. Therefore, as recommended by the Board his punishment is hereby reduced and converted into "Censure".

This order is issued with the approval by the Competent Authority.

DPO Kohat

*No 4309 Lec For complainant
at 14/05/19*

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

4283
15/5/19

No. S/1561-67/19.

DIG POLICE
KOHAT

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll and one Fauji Missal/enquiry file of the above named LIC received vide your office Memo: No. 3054/EC, dated 04.04.2019 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DGM/HQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to ACP/ Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

DAC/ORE

*For Compliance
Please*

[Signature]

District Police Officer
Kohat

11/5/19



**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 78 /ST

Dated: 12/01 /2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To

The District Police Officer,
Government of Khyber Pakhtunkhwa,
Dir Upper.

Subject: JUDGMENT IN APPEAL NO. 1382/2017 MR. HABIB UR RAHMAN.

I am directed to forward herewith a certified copy of Judgement dated 23.12.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR