

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

**SERVICE APPEAL NO. 278/2018**

Date of institution ... 28.02.2018

Date of judgment ... 15.02.2019

Ifrahim Nasir S/o Abdul Karim

R/o Daggar Nari Tehsil Banda Daud Shah District Karak.

... (Appellant)

**VERSUS**

1. The Secretary Home and Tribal Affairs, Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. The Regional Police Officer, Kohat Region, Kohat.
4. The District Police Officer Karak.
5. The District Police Officer, Kohat.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST  
THE ORDER BEARING NO. 40171/PA (ENDST. NO. 40172-  
76/PA DATED 26.12.2017, WHEREBY THE SERVICES OF  
THE APPELLANT WERE DISMISSED.

Mr. Mehboob Ali Khan Dagai, Advocate

.. For appellant.

Mr. Riaz Ahmad Paindakheil, Assistant Advocate General

.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI

.. MEMBER (JUDICIAL)

MR. HUSSAIN SHAH

.. MEMBER (EXECUTIVE)

**JUDGMENT**

**MUHAMMAD AMIN KHAN KUNDI, MEMBER: -** Counsel for the

appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

2. Brief facts of the case as per present service appeal are that the appellant joined the Police Department as Constable in the year 2009 at District Karak.

Later on he was detailed for duty at Crimes Kidnapping Cell District Kohat vide

*M. Amin*  
15.2.2019

order dated 14.02.2014. The appellant was imposed major penalty of dismissal from service by the District Police Officer Kohat vide order dated 26.12.2017 on the allegations that he while posted at Counter Kidnapping Cell (Digital Lab) Kohat has misused the authority and fraudulently mentioned cell No. 0310-900469 on a prescribed proforma of CDR submitted by SHO PS MRS for ascertaining missing mobile through IME Number 354202079228684 vide reported DD No. 3 dated 23.08.2017. The appellant filed departmental appeal on 28.12.2017 to the Regional Police Officer Kohat which was rejected on 14.02.2018 hence, the present service appeal on 28.02.2018.

3. Respondents were summoned who contested the appeal by filing of written reply/comments.

4. Learned counsel for the appellant contended that the appellant was appointed as Constable at District Karak but later on he was temporarily detailed/posted for duty at Kohat at Counter Kidnapping Cell (Digital Lab) Kohat vide order dated 14.02.2014. It was further contended that after posting at Kohat the appellant was also receiving salary from Karak as the appellant was never permanently posted/adjusted at Kohat therefore, the competent authority of the appellant was District Police Officer Karak but the District Police Officer Kohat framed charge sheet/statement of allegation and issued show-cause notice against the appellant that he fraudulently written cell number 0310-900469 on proforma and handed over to other person. It was further contended that the District Police Officer Kohat also appointed/deputed DSP Lachi (Kohat) for inquiry. It was further contended that after so-called inquiry proceedings, the appellant was imposed major penalty of dismissal from service by the District Police Officer Kohat vide order dated 26.12.2017. It was further contended that at the time of departmental proceedings the appellant was receiving salary from

*M. Amin*  
15-2-2019

District Karak and was only temporarily posted/detailed to District Kohat for duty therefore, it was vehemently contended that District Police Officer Kohat was not the competent authority to issue charge sheet, statement of allegation, show-cause notice as well as to award major penalty to the appellant rather District Police Officer Karak was competent authority therefore, the inquiry proceedings on the direction of District Police Officer Kohat as well as the punishment awarded to the appellant was passed by the incompetent authority therefore, the same is illegal and liable to be set-aside. It was further contended that neither the appellant was associated in the inquiry proceedings nor the appellant was provided opportunity of cross examination, personal hearing and defence and the appellant was condemned unheard therefore, the impugned order is illegal and liable to be set-aside.

5. On the other hand, learned Assistant Advocate General for the respondents opposed the contention of learned counsel for the appellant and contended that the appellant was posted at Counter Kidnapping Cell (Digital Lab) Police Regional Headquarter and assigned important/sensitive job i.e to ascertain Crime Data Analysis, CDR etc and provision to investigating officer to work out the criminal cases. It was further contended that one Mst. Nafeesa Aqil reported regarding loss of her mobile set and report was entered vide daily diary No. 3 dated 23.08.2017, Police Station MRS Kohat in order to trace out the missing mobile set and sent to the appellant with IMEI No. 354202079228684. It was further contended that the appellant fraudulently, malafidely and his personal gain mentioned cell No. 0310-90046791 in the said proforma, got CDR and issued to an unauthorized person and misused his authority. It was further contended that the appellant was properly charge sheet and regular inquiry was also conducted against the appellant wherein the

*M. Amin*  
15.2.2019

appellant was found guilty of the charge and on the basis of inquiry, the appellant was rightly imposed major penalty of dismissal from service. It was further contended that all the codal formalities including opportunity of cross examination, personal hearing and defence was provided and the appellant had committed offence of misconduct within District Kohat therefore, District Police Officer Kohat was the competent authority and he has rightly imposed the major penalty and prayed for dismissal of appeal.

6. Perusal of the record reveals that the appellant was appointed as Constable in District Karak in the year 2009, later on he was nominated for posting at Counter Kidnapping Cell (Digital Lab) Kohat vide order dated 14.02.2014 and was serving in Kohat when the departmental proceeding was initiated against the appellant on the basis of aforesaid allegation. The record further reveals that inquiry was conducted and the inquiry officer has also recorded statement of one Qammar Abbas No. 801 during the inquiry proceeding but the statement of the said Qammar Abbas No. 801 recorded by the inquiry officer available on the record shows that the inquiry officer has not provided opportunity of cross examination to the appellant. Meaning thereby, that the appellant was deprived from the right of cross examination by the inquiry officer and was condemned unheard which has rendered the whole proceeding illegal and liable to be set-aside. As such, we partially accept the appeal, set-aside the impugned order, reinstate the appellant in service with the direction to respondent No. 3 i.e The regional Police Officer, Kohat Region, Kohat to direct the concerned District Police Officer, who is the competent authority of the appellant to issue fresh charge sheet, statement of allegation to the appellant and conduct a de-novo inquiry through inquiry officer in the mode and manner prescribed under the Police Rules, 1975 including the opportunity

*M. Ammar*  
15-2-2019

of cross examination, show-cause notice, personal hearing and defence to the appellant within a period of 90 days from receipt of copy of judgment. The issue of back benefits will be subject to the outcome of decision of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
15.02.2019



(HUSSAIN SHAH)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

Service Appeal No. 278/2018

15.02.2019

Counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of five pages placed on file, we partially accept the appeal, set-aside the impugned order, reinstate the appellant in service with the direction to respondent No. 3 i.e The regional Police Officer, Kohat Region, Kohat to direct the concerned District Police Officer, who is the competent authority of the appellant to issue fresh charge sheet, statement of allegation to the appellant and conduct a de-novo inquiry through inquiry officer in the mode and manner prescribed under the Police Rules, 1975 including the opportunity of cross examination, show-cause notice, personal hearing and defence to the appellant within a period of 90 days from receipt of copy of judgment. The issue of back benefits will be subject to the outcome of decision of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED

15.02.2019



(HUSSAIN SHAH)  
MEMBER



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

16.01.2019

Appellant in person present. Mr. Ziaullah, DDA for the respondents present. Appellant seeks adjournment on the ground that his counsel is not available today. To come up for arguments on 13.02.2019 before D.B.

(Ahmad Hassan)  
Member

(M. Amin Khan Kundi)  
Member

13.02.2019

Counsel for the appellant present. Mr. Riaz Ahmad Paindakheil; Assistant AG for the respondents present. Arguments heard. To come up for order on tomorrow i.e 14.02.2019.

(Hussain Shah)  
Member

(Muhammad Amin Khan Kundi)  
Member

14.02.2019

Counsel for the appellant present. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Order could not be announced due to rush of other judicial work. To come up for order on tomorrow i.e 15.02.2019.

(Hussain Shah)  
Member

(Muhammad Amin Khan Kundi)  
Member

17.08.2018

Appellant Deposited  
Security & Process Fee


Appellant Ifrahim Nasir in person present. Notices to the respondents could not be issued due to none deposit of security and process fee. Appellant sought some time to deposit the same. The appellant is directed to submit security and process fee within 7 days, thereafter notices be issued to the respondents for submission of written reply/comments on 17.10.2018 before S.B.

  
Chairman

17.10.2018

Counsel for the appellant present. Mr. Arif Saleem, Steno alongwith Mr. Kabirulalh Khattak, Addl: AG for respondents present. Written reply not submitted. Requested for adjournment. Granted. Case to come up for written reply/comments on 03.12.2018 before S.B.

03.12.2018

  
(Ahmad Hassan)  
Member  
Counsel for the appellant present. Mr. Bilal Ahmad alongwith Mr. Kabirullah Khattak, Addl: AG for respondents present.

The representative of the respondents submitted written reply. To come up for arguments on 16.01.2019 before D.B. The appellant may submit rejoinder with a copy to the respondents at least a fortnight before the date of hearing.

  
Chairman




12.03.2018

Léarned counsel for the appellant present. Preliminary arguments heard.

The appellant (Constable) has submitted appeal against the order dated 26.12.2017 whereby he was major penalty of dismissal from service. The appellant has also filed departmental appeal against the order dated 26.12.2017 which departmental appeal was rejected vide order dated 14.02.2018.

Points raised need consideration. Admitted for regular hearing subject to all just/legal objections. The appellant is directed to deposit process fees and security within 10 days, thereafter notice be issued to respondents for written reply/comments. To come up for written reply/comments on 30.04.2018 before S.B

  
(Muhammad Hamid Mughal)  
Member

30.04.2018

None present on behalf of appellant. Léarned Addl. AG for the respondents present. The Tribunal is non functional due to retirement of the Honorable Chairman. Therefore, the case is adjourned. To come up for the same on 27.06.2018 before S.B.

  
Reader

27.06.2018



None present on behalf of appellant. Léarned Addl. AG for respondents present. Security and process fee not deposited. Appellant is directed to deposit security and process fee within seven (7) days, thereafter notices be issued to the respondents for written reply/comments on 17.08.2018 before S.B.

  
Member

**Form-A**  
**FORM OF ORDERSHEET**

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

Case No. 278/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	28/02/2018	<p>The appeal of Ifrahim Nasir presented today by Mr. Mehboob Ali Khan Dagai Advocate may be entered in the Institution Register and put up to Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 28/2/18</p>
2-	01/03/18.	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>12/03/18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
12.03.2018		<p>Learned Counsel for the appellant present. Preliminary arguments heard.</p> <p>The appellant (District Attorney) has <del>submitted</del> appeal against the order dated 18.10.2017 whereby minor penalty of stoppage of three (03) annual increments for a period of (03) years was awarded to him and against the order dated 15.01.2018 whereby departmental appeal/Review Petition of the appellant was <del>dismissed</del> for having no substance.</p> <p>Points raised need consideration. Admitted for regular hearing subject to all just/legal objections. The appellant is directed to deposit process fees and security within 10 days, thereafter <del>notice</del> be issued to respondents for written reply/comments. To come up for <del>written reply/comments on 30.04.2018 before S.B</del></p>

5

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,**  
**PESHAWAR.**

S.A.No: 278/18

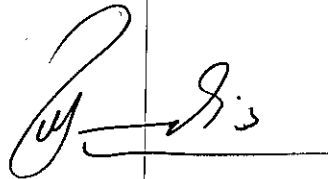
Ifrahim Nasir.....Vs.....Secretary Home and others.

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Sl.No.	Title	Annexure	Page No.	Total number of pages.
1.	Appeal, affidavit, memo of parties addresses.		1 - 5	05
2.	Copy of Impugned order.	A	6-7	02
3.	Copy of appointment order of appellent.	B	8	01
4.	Charge Sheet, Statement of allegations and written defence.	C,D&E	9-11	03
5.	Final Show Cause Notice, Inquiry report and Reply.	F,G&H	12-14	03
6.	Copy of Departmental Appeal	I	15-16	02
8.	Rejection order of Departmental Appeal.	J	17	01
9.	Wakalatnama.			

**Appellant**

Through:



( Mehboob Ali Khan Dagai ),  
Advocate High Court,  
Peshawar.

Cell No.03005908467 & 03119416118

Dated:- 26/2/018.

**BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER  
PUKHTUNKHWA, PESHAWAR.**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 278

Dated 28-2-2018

SERVICES APPEAL NO 278/2018.

Ifrahim Nasir s/o Abdul Karim r/o Daggar Nari Tehsil Banda Daud  
Shah Distict Karak.....APPELLANT.

Versus.

1. The Secretary Home and Triable Affairs, Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. The Regional Police Officer, Kohat Region, Kohat.
4. The District Police Officer Karak.
5. The District Police Officer, Kohat.

.....RESPONDENTS.

Filed to-day

Registrar

28/2/18

**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE ORDER BEARING NO. 40171/PA (ENDST. NO.40172-76/PA DTED 26.12.2017, WHEREBY, THE SERVICES OF THE APPELLNT WERE DISMISSED.(COPY OF IMPUGNED ORDER IS ANNEXURE-A).**

Respectfully Sheweth:

**FACTS.**

Respected Sir,

- 1) That the appellant Joined Police Department as Constable in the year 2009 at District Karak. Copy of the order is Annexure-B.
- 2) That the appellant was detailed for duty at Crimes Kidnapping Cell District Kohat.

- 3) That on 26.10.2017, charge sheet was issued to the appellant without any reason or rhyme on his part to the effect that the appellant has fraudulently written mobile No.0310-9004679 on proforma and handed over to other person, to which the appellant submitted his written statement. Copies of the same are Annexure-C to E.
- 4) That thereafter final show cause was issued to the appellant to which the appellant also submitted his reply. Copies of the same are Annexure-F and H.
- 5) That neither the appellant was associated with the inquiry proceedings nor any regular inquiry under the law was conducted and the District Police Kohat passed the impugned order illegally.
- 6) That aggrieved from the impugned order, on 28.12.2017 the appellant filed Departmental Appeal before the Regional Police Officer, Kohat which was dismissed vide order bearing Endorsement No.1498-99/EC. Dated the 14<sup>th</sup> February, 2018, hence the instant appeal before this august Services Tribunal. Copies of the same are Annexure-I & J.

#### GROUND.

- A. That the impugned order is illegal, perverse, arbitrary, unjustified and against the norms of justice.
- B. That the Appellant was neither associated with the inquiry proceedings nor given him any chance of personal hearing.
- C. That the impugned order was passed by an unauthorized officer hence the same is illegal under the law.

- D. That neither any chance of cross-examination was given to the appellant nor confronted with any evidence.
- E. That there is nothing on record that what wrongful gain was received by the appellant and what wrongful loss were caused to anyone, *and the appellant is totally innocent.*
- F. That the impugned order has been passed on mere presumption, therefore, the same is not sustainable under the law, *and is malefide passed just to have their bias.*
- G. That the appellant belongs to a poor family and penalty of loss of service is award of penalty to the entire members of the family.
- H. That since his dismissal from service, the appellant is jobless.
- I. That the appellant may be allowed to submit further grounds, if any, at the time of final arguments.

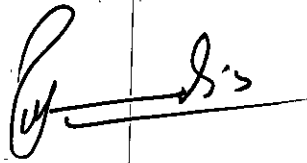
**PRAYER.**

It is prayed that on acceptance of the instant appeal, the impugned order may be set-aside and the appellant may be reinstated in services with all back benefits.

Any other remedy to which the appellant is entitled under the law and justice may also be granted to him.

  
Appellant

Through:

  
(Mehboob Ali Khan Dagai),  
Advocate High Court,  
Peshawar.

Dated:- 26/2/18

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

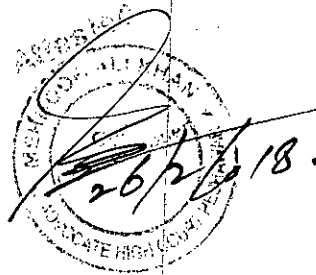
**Ifrahim Nasir.....Vs.....Secretary Home and others.**

**AFFIDAVIT**

I, Ifrahim Nasir s/o Abdul Karim r/o Daggar Nari Tehsil Banda Daud Shah Distict Karak appellant, do hereby solemnly affirm and declare that the contents of my services appeal, titled above, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

Dated:- 26/2/18.

  
DEPONENT



**BEFORE THE SERVICES TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR.**

Ifrahim Nasir.....Vs.....Secretary Home and others.

**MEMO OF PARTIES ADDRESSES**

**APPELLANT.**

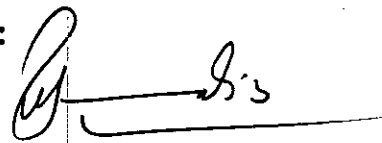
Ifrahim Nasir s/o Abdul Karim r/o Daggar Nari Tehsil Banda Daud Shah Distict Karak.

**RESPONDENTS.**

1. The Secretary Home and Triable Affairs, Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. The Regional Police Officer, Kohat Region, Kohat.
4. The District Police Officer, Karak.
5. The District Police Officer, Kohat.

Appellant

Through:



( Mehboob Ali Khan),  
Advocate High Court,  
Peshawar.

Dated:-26.6.2018





ANNEXURE - 'A'

Office of the  
District Police Officer,  
Kohat

6

No 40171/PA

Dated 26-12/2017

**ORDER**

This order will dispose of departmental proceedings conducted against Constable Ifrahim Nasir No. 818 posted at Counter Kidnapping Cell (Digital Lab) Kohat (hereinafter called accused official) under Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment-2014).

Facts arising of the inquiry are that the accused official deliberately / malafidely and his personal gain handed over CDR to unauthorized person and misused his authority as well. A preliminary inquiry was conducted through SDPO City, Kohat. As contemplated from preliminary enquiry, it has been reported that the accused official misused his authority and fraudulently mentioned cell No. 0310-900469 on a prescribed proforma of CDR submitted by SHO PS MRS for ascertaining missing mobile through IME Number. 354202079228684 vide report DD No. 3 dated 23.08.2017.

The accused officer was served with charge sheet alongwith statement of allegation and SDPO Lachi was appointed as inquiry officer. The accused official submitted his reply to the charge sheet. The inquiry officer examined the concerned witnesses and provided him ample opportunity of hearing / defense. On conclusion of inquiry the inquiry officer held him guilty of the charge.

Final Show Cause Notice was alongwith findings of inquiry served upon the accused official. Reply received unsatisfactory


The accused official was called in OR held on 22.12.2017, heard in person, but failed to advance any plausible explanation to his misconduct.

Record gone through which indicates that the accused official was posted in CKC, a very sensitive and secrete unit / office i.e Digital Laboratory, which deals in provision of CDR etc in heinous cases. The accused official misused his authority for his personal gain and committed a gross professional misconduct. The charge levelled against him is established beyond any shadow of doubt.

Attested -  
[Signature]  
Adv. 07

Therefore, in exercise of powers conferred upon me, I Javed Iqbal District Police Officer, Kohat, hereby impose a major penalty of "dismissal" from service on accused official constable Ibrahim Nasir No. 818 with immediate effect.

Announced.  
22.12.2017

  
(JAVED IQBAL) PSP  
District Police Officer,  
Kohat


No 40172-76/PA

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

1. Regional Police Officer, Kohat please.
2. Deputy Superintendent of Police, CTD Khyber Pakhtunkhwa please.
3. District Police Officer, Karak for necessary action.
4. Reader, SRC & OHC for necessary action
5. Accused Official.

OB No 1096

Date d 22-12-017

  
(JAVED IQBAL) PSP  
District Police Officer,  
Kohat

*Abbed -  
Dis  
Advertiser*

# ANNEXURE - B

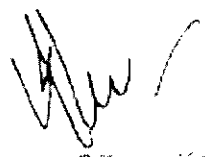
Recruitment Session July 2009

## ORDER

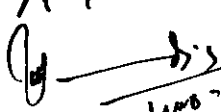
Mr. Alahim Nasir S/O Abdul Karim 40 Dargah Nari Tehsil Banda  
 Daud Shah District Karak, having Height, 5.9 1/4", Chest 34"x36", Education  
 10<sup>th</sup>, Date of birth 07/07/1989, is hereby enlisted as Constable, BPS-5 (3340-  
 160-8140) with effect from 20.07.2009 in this District Police. He is medically fit  
 and also verified to be of good character by the local Police. His service is liable  
 to be terminated within 14 days notice with out assigning any reason.

He is allotted constabulary No 818:

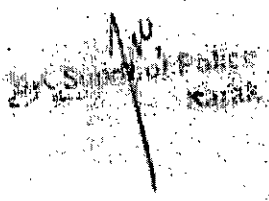
OB. No 795  
 Dated 21/7/2009



District Police Officer, Karak

Attested:  
  
 Dis  
 Adms

Attested



ANNEXURE-C

9

**CHARGE SHEET**

1. **DAVID IOBAL, DISTRICT POLICE OFFICER, KOHAT,** is charged with the offence of you Constable Ibrahim Malik Under Khayber P. Code of Law, Police Act, 1975 (Amendment 2014) as you have committed the following offence

You fraudulently written mobile No. 0310-0004679 in your possession and handed over to other person. Your this act shows irresponsibility on your part.

2. By reasons of the above, you appear to be guilty of misconduct as defined in Rule 2 (iii) of Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties explained in rule 04 of the said rules.

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 defence to put in and in that case ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

*Accepted.*  
*J. D. Ahmad*

*[Signature]*  
**DISTRICT POLICE OFFICER,**  
**KOHAT** 28/10

**DISCIPLINARY ACTION**

1 I, **JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Constable Ifrahim Nasir** 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 fraudulently written mobile No. 0310-9004679 on proforma and handed over to other person. Your this act shows irresponsibility on your part.

2 For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **Mr. Rokhanzeb DSP Lachi Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Disciplinary Rule-1975, provide reasonable opportunity of hearing to the accused official, record its 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 DCP-45 PA, dated 20-10-2017.  
Copy of above is forwarded to:-

1. **Mr. Rokhanzeb DSP Lachi Kohat**:- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. **Constable Ifrahim Nasir**:- The concerned official/ officer's with the directions to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.

*Admitted*  
*Admitted*

ANNEXURE-E

جناب عالی!

مکمل چارج شیٹ نمبر 621/L/2017 کے 30/10/2017ء پر عرض خدمت میں کوڑو ہائل نمبر 03109004679 کے افسران میں سے ایک میں نہیں کیا۔ اور نہ ہی میں نے اس کی CDR کی پرنٹ کسی کے حوالہ کی ہے۔ مزید یہ کہ جیسا چارج شیٹ میں درج ہے کہ یہ فارم میں کوڈ ہائل نمبر 621/L/2017 کے افسران میں سے کسی کے پاس موجود ہے تو اس کا موازنہ Writing Exper سے کر لیا جائے یا پتے بھی یہ فارم میں اندراجات میں لے گئے ہیں اس کو 621/L/2017 کے افسران سے کوڈ ہائل کر لیا جائے گا۔

مزید یہ کہ مجھ پر جو الزام عائد کیا گیا ہے اس سے میرا کوئی تعلق ہی نہیں ہے۔ میں اس سلسلے میں بے گناہ ہوں۔ چند ڈاکٹرز کا نام لکھا ہے جو اس وقت تک ہے اس کو چارج شیٹ جاری کر دیا جائے۔

اگر پھر بھی اس میں میری کوتاہی مانی جاتی ہے تو میں افسران بالا سے معافی کا خواست گزار ہوں۔ اور میری افسران بالا سے عاجزانہ اور پر زور استدعا ہے کہ میری چارج شیٹ فائل فرما کر مشکور ہونے کا موقع دیا جائے۔ آئندہ افسران بالاکو شکایت کا موقع نہیں گا۔

*(Handwritten Signature)*

تفصیلی رپورٹ نمبر 818 ضلع کوٹ مہال CDR کے پاس



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-9260116 Fax 9260125

ANNEXURE-E

No 9504 /PA dated Kohat the 11 /12 /2017

### 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, Constable Ifrahim Nasir Operator Digital Lab Kohat 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. 8041-42/PA. dated 26.10.2017.
- 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 Fraudulently written mobile No. 0310-9004679 on proforma and handed over to other person. Your this act shows irresponsibility on your part.**

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.

Attested -  
J. Iqbal  
District Police Officer

(JAVED IQBAL) PSP  
DISTRICT POLICE OFFICER,  
KOHAT 11/12



BY: SUPERINTENDENT  
 LACHI CIRCLE KOHAT  
 Email: dsplachi@gmail.com Phone: 0922-550010

No.1158/PA

**ANNEXURE - B**  
 Dated: 05/12/2017

13

To: District Police Officer Kohat  
 SUBJECT: ENQUIRY AGAINST IFRAHEEM NASIR CONSTABLE NO.818 OF  
DISTRICT KARAK

Sir,

This is a departmental enquiry against Constable Ifraheem Nasir No.818 of district Karak on the charges that "he while posted as Operator of Digital Lab, fraudulently written mobile No.0310-9004679 on proforma and handed over to other person. Your this act shows irresponsibility on your part." Summary of allegation and charges sheet containing the above allegation was framed and the under-signed was appointed to conduct proper departmental enquiry into the charges.

To find out the real facts the under-signed summoned the alleged accused constable Ifraheem Nasir and his statement was recorded. He in his statement denied the allegations and added that he has never written mobile No.0310-9004679 on proforma and not handed over to other person. Rather the same was endorsed by his colleague operator Qamar Abas posted at CDR Section.

Similarly Qamar Abas No.801 was also called and his statement was recorded. He in his statement deposed that no doubt the mobile number endorsed in proforma is of his handwriting but the same was entered in the proforma on the request of Ifraheem Nasir and he was unaware about the real facts of the case, at the time of entering of the said number. He further disclosed that Ifraheem Nasir has deceitfully got endorsed the said number on the proforma. He further added that the said proforma was sent by Ifraheem Nasir to procure CDR.

To reach a definite conclusion both the constables were summoned and were confronted to each other for providing opportunity of cross examination. During examination accused constable Ifraheem Nasir failed to defend himself with plausible grounds and material collected during the course of enquiry, it surfaced that he (Ifraheem Nasir) maliciously got entered mobile No.0310-9004679 on the proforma through his colleague constable for ulterior motives and sent the same by him for procurement of CDR. The accused constable Ifraheem Nasir is found guilty of the charges and it is suggested that drastic action may be taken against him.

*Attested*  
*[Signature]*  
 Advocate



جناب عالی!

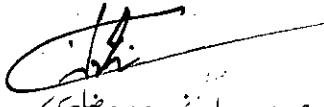
ANNEXURE - 14

14

بحوالہ شوکا ز نوٹس جاریہ نمبر PA/9504 مورخہ 11/12/2017 معروض خدمت ہوں کہ موبائل نمبر 03109004679 کا اندراج میں نے

پر فارم میں نہیں کیا۔ اور جب اندراج ہی میں نے نہیں کیا تو CDR کی پرنٹ کسی کے حوالہ کرنے کا تو سوال ہی پیدا نہیں ہوتا۔ مزید یہ کہ مجھ پر جو الزام عائد کیا گیا ہے اس سے میرا کوئی تعلق ہی نہیں ہے۔ میں اس سلسلے میں بے گناہ ہوں۔ اگر پنڈرائٹنگ کا ملاحظہ کیا جائے تو سچائی خود بخود سامنے آجائے گی۔

اگر پھر بھی اس میں میری کوتاہی مانی جاتی ہے تو میں افسران بالا سے معافی کا خواست گار ہوں۔ اور میری افسران بالا سے عاجزانہ اور پر زور استدعا ہے کہ میری شوکا ز نوٹس فائل فرما کر مشکور ہونے کا موقع فراہم کر دیا جائے۔ آئندہ افسران بالا کو شکایت کا موقع نہیں گا۔

  
کنستبل افرام ناصر بیلٹ نمبر 818 ضلع کرک، حال CDR سیکشن کوہاٹ

A. H. H. H.  
Dis  
A. H. H. H.

To: The Regional Police Officer,  
Kohat.

Subject: DEPARTMENTAL APPEAL.

Respected Sir,

With due respect and humble submission appellant submits departmental appeal against the order of District Police Officer, Kohat bearing O/B No. 1096 dated 22.12.2017 vide which appellant was dismissed from service.

FACTS:

1. That appellant joined Police Department as Constable in the year 2009 district Karak and qualified basic course and was due for promotion Course of Lower in the current year.
2. That appellant was detailed for duty at Crimes Kidnapping Cell district Kohat and unfortunately the CDR of Mobile phone Number 0310-900469 was issued without receipt of any requisition from Police establishment.
3. That there was nothing on the record which may show that the CDR was requisitioned and issued by appellant yet appellant was charge Sheeted on the score of allegation that the CDR was issued by appellant.
4. That inquiry was conducted and the inquiry officer submitted ex-parte finding report and held appellant guilty of the charges. The District Police Officer, Kohat passed the impugned order without given chance of personal hearing hence the present appeal on the following ground.

GROUND:

- a. That the impugned order is legally not sustainable as appellant was on the strength of District Karak Police and was detailed for duty at Kohat, therefore District Police Officer, Kohat had got no jurisdiction of awarding major penalty of dismissal from service to appellant.
- b. That no evidence was available on the face of record which may connect the appellant with the alleged misconduct and in the same vein no evidence was procured during course of inquiry in support of the charges. Major penalty of dismissal of service was imposed on appellant without any evidence in support of the charges.

ANNEXURE - 1  
# 15

28/12/17

Attested  
by  
Advocate

- c. That the inquiry officer did not examine any person in presence of appellant. Inquiry officer recorded statement of a suspected accused officer namely Qamar Abbas who admitted that the Mobile Phone number of which the CDR was requisitioned was entered in the Proforma in his handwriting. Therefore the evidence of such witness was wrongly used against appellant.
- d. That actually appellant was detailed for duty from district Karak and the Crimes Kidnapping Cell officials made appellant a scapegoat for saving their skins.
- e. That the entire departmental file was prepared in violation of rules. No chance of cross examining the witnesses was provided to appellant. Appellant was not confronted with any evidence.
- f. That the impugned order has been based on presumption therefore the order is not sustainable.
- g. That there is nothing on the record that what wrongful gain was received by appellant by requisition of the CDR of Mobile Phone and similarly there is nothing on the file that what wrongful loss was caused to anyone by requisition of CDR.
- h. That the CDR is not a secret document and various agencies has got power of requisition of CDR. The Constitution of Islamic Republic of Pakistan guarantee right to information and Khyber Pakhtunkhwa has passed Right to Information Act, 2013. Therefore award of harsh penalty of dismissal from service on charges of requisition of CDR is against the prevailing and natural laws.
- i. That appellant belongs to poor family and penalty of loss of service is award of penalty to the entire members of the family.

It is therefore, requested that the LPR granted to applicant may be please be cancelled in the interest of the members of my family consist of young school going kids.

*Requested*  
*Dr. Adnan*

Appellant

*[Signature]*

Ifraheem Nasir Ex-Constable No. 318  
 District Karak Cell No. 0336-2222028

28/12/17

ANNEXURE-5

17

ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Ifrahim Nasir No. 818 of Kohat district Police against the punishment order, passed by DPO Kohat vide OB No. 1096, dated 22.12.2017, whereby he was awarded major punishment of Dismissal from service for the allegations of handing over CDR to an authorized person illegally.

He preferred appeal to the undersigned, upon which comments were obtained from DPO Kohat and his service record was perused.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved and the punishment order passed by DPO Kohat is correct. Hence, his appeal being devoid of merits is hereby rejected.

Order Announced  
14.02.2018

*Awal Khan*

(AWAL KHAN)  
Regional Police Officer,  
Kohat Region.

No. 1498-99 / EC, dated Kohat the 14/02 /2018.

Copy to the District Police Officer, Kohat for information w/r to his office Memo: No. 651/LB, dated 08.01.2018.

2. ✓ The District Police Officer, Karak, his service record is returned herewith.

*Attested*  
*[Signature]*  
Advocate.

*Awal Khan*

(AWAL KHAN)  
Regional Police Officer,  
Kohat Region

50 روپے



28118

ایڈووکیٹ: \_\_\_\_\_  
 بار کونسل ایسوسی ایشن نمبر: bc-09-2623  
 رابطہ نمبر: 03119416118

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: \_\_\_\_\_

مخائب: افسر ایس ایم ایس	دعویٰ: <i>Services Appeal</i>
افسر ایس ایم ایس	علت نمبر: _____
بنام	مورخہ: _____
سکیڈی ہیرم و میہر	جرم: _____
	تھانہ: _____

**بابت تحریر آگے**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ محکمہ پشاور  
 آن مقام پشاور کیلئے سید محمد علی خان محکمہ ایڈووکیٹ جی ایم کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقررات و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم 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  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ 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 لکھ دیا تاکہ سند رہے

المرقوم: 22/2/18

المعد العبد واہ شد العبد

مقام پشاور Accepted کے لیے منظور ہے۔

Advocate

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

Abraham Nasir

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service appeal No. 278/2018  
Ifrahim Nasir (Ex- Constable)

.....Appellant

**VERSUS**

Secretary Home & TAs,  
Khyber Pakhtunkhwa & others

..... Respondents

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2.	Counter Affidavit	-	03
3.	Charge sheet and statement of allegations	A & B	04-05
4.	Reply to the charge sheet	-	06
5.	Preliminary inquiry report	C	07
6.	Inquiry officer report	-	08

14

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR**

---

Service appeal No. 278/2018  
Ifrahim Nasir (Ex- Constable)

.....Appellant

**VERSUS**

Secretary Home & TAs,  
Khyber Pakhtunkhwa & others

..... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.**

**Respectively Sheweth:-**

Parawise comments are submitted as under:-

**Preliminary Objections:-**

- i. That the appellant has got no cause of action.
- ii. That the appellant has got no locus standi.
- iii. That the appeal is not maintainable in the present form.
- iv. That the appeal is not maintainable for mis-joinder and non-joinder of necessary parties.
- v. That the appellant is estopped to file the instant appeal for his own act.
- vi. That the appellant has not come to this Hon: Tribunal with clean hands.
- vii. That the appellant concealed facts from this Honorable Tribunal.

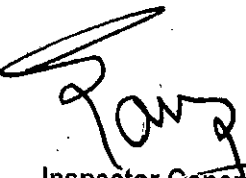
**FACTS:-**

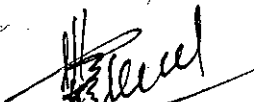
1. Pertains to record, hence no comments.
2. The appellant was posted at Digital Laboratory, Police Regional HQrs and assigned important / sensitive job i.e to ascertain Crime Data Analysis, CDR etc and provision to investigating officers to work out the criminal cases.
3. One Mst: Nafeesa Aqil reported regarding loss of her mobile set and report was entered vide daily diary No. 3 dated 23.08.2017, Police station MRS Kohat, in order to trace out the missing mobile set and sent to the appellant with IMEI No. 354202079228684. The appellant fraudulently, malafidely and his personal gain mentioned cell No. 0310-90046791 in the said proforma, got CDR and issued to an unauthorized person and misused his authority as well. The misconduct of the appellant was reported in daily diary No. 18 dated 10.10.2017, Police station MRS Kohat and after due verification, the appellant was found involved in the professional gross misconduct and misuse of his authorities. Therefore, the appellant was proceeded with departmentally. Copies are **annexure "A & B"**.
4. The appellant was held guilty of the charge by the inquiry officer, therefore, in order to fulfill the legal requirements, the appellant was served with final show cause notice. Reply to the final show cause notice was found unsatisfactory by the respondent No. 5.
5. Incorrect, the appellant was associated with the inquiry proceedings, conducted in accordance with law & rules. Furthermore, the appellant was also heard in person by the respondent No. 5.
6. The departmental appeal of the appellant was devoid of merits. Hence correctly rejected by the respondent No. 3 on merit after due process.


**Grounds:-**

- A. Incorrect, the appellant was proceeded with departmentally for his gross professional misconduct, detailed in the facts submitted above. Therefore, after conducting proper departmental proceedings legal and speaking orders were passed.
- B. Incorrect, the appellant was properly associated with inquiry proceedings, but failed to defend himself with plausible explanation to the inquiry officer.
- C. Incorrect, the appellant was posted / serving under the command of respondent No. 5, who is competent to proceed against the appellant.
- D. Incorrect, the appellant appeared before the inquiry officer and submitted his statement. Similarly, the officials posted in the digital lab mentioned in DD No. 18 dated 10.10.2017 deposed against the appellant.
- E. Incorrect, documentary evidence, it is available against the appellant on the basis of which a preliminary inquiry was conducted by SDPO City & upon his recommendation he was proceeded with proper departmental inquiry. Copy is **annexure C**.
- F. Incorrect, departmental proceedings and orders were passed on the basis of compliant and misconduct established against the appellant.
- G. Irrelevant.
- H. Irrelevant.
- I. The respondents may also be allowed to advance other grounds at the time of hearing.

Keeping in view of the above, the appeal is without merit and not substantiated. It is, therefore, prayed that the appeal may kindly be dismissed with cost please.

  
Inspector-General of Police,  
Khyber Pakhtunkhwa,  
(Respondent No. 2)

  
District Police Officer,  
Karak  
(Respondent No. 4)

  
District Police Officer,  
Kohat  
(Respondent No. 5)

  
Secretary Home & TAs *Dept.*  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

  
Regional Police Officer,  
Kohat  
(Respondent No. 3)



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
**SERVICE TRIBUNAL, PESHAWAR**

Service appeal No. 278/2018  
Ifrahim Nasir (Ex- Constable)

.....Appellant


**VERSUS**

Secretary Home & TAs,  
Khyber Pakhtunkhwa & others

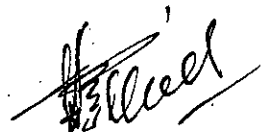
..... Respondents

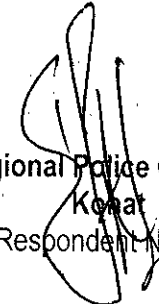
**COUNTER AFFIDAVIT**

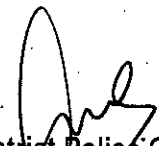
We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

  
Inspector General of Police,  
Khyber Pakhtunkhwa,  
(Respondent No. 2)

Secretary, Home & TAs,  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

  
District Police Officer,  
Karak  
(Respondent No. 4)

  
Regional Police Officer,  
Kohat  
(Respondent No. 3)

  
District Police Officer,  
Kohat  
(Respondent No. 5)

**CHARGE SHEET.**

1. *162/M*  
*30/2/17* **JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, hereby charge you **Constable Ifrahim Nasir** Under Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014) as you have committed the following illegal act.

You fraudulently written mobile No. 0310-9004679 on proforma and handed over to other person. Your this act shows irresponsibility on your part.

2. By reasons of the above, you appear to be guilty of misconduct as defined in Rule 2 (iii) of Police Disciplinary Rules, 1975 and have rendered yourself liable to all or any of the penalties explained in rule 04 of the said rules.

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 defence to put in and in that case ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

*(1)*  
**DISTRICT POLICE OFFICER,  
KOHAT** *2/2/17*

**DISCIPLINARY ACTION**

1. I, **JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Constable Ifrahim Nasir** 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 fraudulently written mobile No. 0310-9004679 on proforma and handed over to other person. Your this act shows irresponsibility on your part.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **Mr. Rokhanzeb DSP Lachi Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Disciplinary Rule-1975, provide reasonable opportunity of hearing to the accused official, record its 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. 8041-42/PA, dated 26-10-2017.

Copy of above is forwarded to:-

1. **Mr. Rokhanzeb DSP Lachi Kohat:-** The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. **Constable Ifrahim Nasir:-** The concerned official/ officer's with the directions to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.

.....

جناب عالی!

بحوالہ چارج شیٹ جاریہ نمبر L/621 مورخہ 30/10/2017 معروض خدمت ہوں کہ موبائل نمبر 03109004679 کا اندراج میں نے پرفارم میں نہیں کیا۔ اور نہ ہی میں نے اس کی CDR کی پرنٹ کسی کے حوالہ کی ہے۔ مزید یہ کہ جیسا چارج شیٹ میں درج ہے کہ پرفارم میں موبائل نمبر بالا کا اندراج میں نے کیا ہے، تو اس کا معائنہ Writing Exper سے کر لیا جائے یا جتنے بھی پرفارم میں اندراجات میں نے کئے ہیں اس کا موازنہ اس اندراج سے کر دیا جائے تو دودھ کا دودھ اور پانی کا پانی ہو جائے گا۔

مزید یہ کہ مجھ پر جو الزام عائد کیا گیا ہے اس سے میرا کوئی تعلق ہی نہیں ہے۔ میں اس سلسلے میں بے گناہ ہوں۔ ہینڈرائٹنگ کا ملاحظہ کیا جا کر جس کی غلطی ہے اس کو چارج شیٹ جاری کر دیا جائے۔

اگر پھر بھی اس میں میری کوتاہی مانی جاتی ہے تو میں افسران بالا سے معافی کا خواست گار ہوں۔ اور میری افسران بالا سے عاجزانہ اور پر زور استدعا ہے کہ میری چارج شیٹ فائل فرما کر مشکور ہونے کا موقع دیا جائے۔ آئندہ افسران بالا کو شکایت کا موقع نہیں دیا جائے گا۔

11/10/17

کنشیل افرایم ناصر ہیٹ نمبر 818 ضلع کرک، حال CDR سیکشن کوہاٹ

11/10/17

From The Sub Divisional Police Officer  
City Circle, Kohat.

To The District Police Officer, Kohat.

No 494 /City, Dated, Kohat the, 11/10 /2017.

Subject: COMPLAINT AGAINST AFRAHIM NASIR OPERATOR OF DIGITAL LAB.

Memo;

It is submitted that SHO PS MRS Kohat, sent a report vide Daily Diary No. 18 dated 10.10.2017 to the undersigned against Digital Lab staff. In this regard I have conducted enquiry and examined the Digital Lab staff. During the course of enquiry, it was found that the mobile No. 0310 9004679 fraudulently has been written on profarma by operator Afrahim Nasir. He gave the CDR to other person and mobile number mentioned/written in the said profarma. This act of operator shows dishonesty / irresponsibility in his official duties.

It is therefore requested that departmental action may kindly be taken against the above named operator.

Submitted please.

10546  
18/10/17

Sub Divisional Police Officer,  
City Circle Kohat

PA  
Issue charge sheet

②

Printed on 10/10/17



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

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

No.1158/PA

Dated.06/12/2017

To: District Police Officer Kohat

**SUBJECT: ENQUIRY AGAINST IFRAHEEM NASIR CONSTABLE NO.818 OF  
DISTRICT KARAK**

Sir,

This is a departmental enquiry against Constable Ifraheem Nasir No.818 of district Karak on the charges that "he while posted as Operator of Digital Lab, fraudulently written mobile No.0310-9004679 on proforma and handed over to other person. Your this act shows irresponsibility on your part." Summary of allegation and charges sheet containing the above allegation was framed and the under-signed was appointed to conduct proper departmental enquiry into the charges.

To find out the real facts the under-signed summoned the alleged accused constable Ifraheem Nasir and his statement was recorded. He in his statement denied the allegations and added that he has never written mobile No.0310-9004679 on proforma and not handed over to other person. Rather the same was endorsed by his colleague operator Qamar Abas posted at CDR Section.

Similarly Qamar Abas No.801 was also called and his statement was recorded. He in his statement deposed that no doubt the mobile number endorsed in proforma is of his handwriting but the same was entered in the proforma on the request of Ifraheem Nasir and he was unaware about the real facts of the case, at the time of entering of the said number. He further disclosed that Ifraheem Nasir has deceitfully got endorsed the said number on the proforma. He further added that the said proforma was sent by Ifraheem Nasir to procure CDR.

To reach a definite conclusion both the constables were summoned and were confronted to each other for providing opportunity of cross examination. During examination accused constable Ifraheem Nasir failed to defend himself with plausible grounds and material collected during the course of enquiry, it surfaced that he (Ifraheem Nasir) maliciously got entered mobile No.0310-9004679 on the proforma through his colleague constable for ulterior motives and sent the same by him for procurement of CDR. The accused constable Ifraheem Nasir is **found guilty of the charges** and it is suggested that drastic action may be taken against him.

  
Dy: Superintendent of Police,  
Lachi Circle, Kohat

5

**BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER  
PUKHTUNKHWA, PESHAWAR.**

C.M. No. \_\_\_\_\_ 2019  
In Services Appeal No. 278/2018.

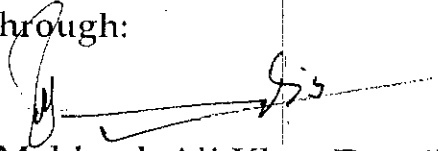
Ifrahim Nasir.....Vs.....Secretary Home and others.

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2.	Rejoinder along with Affidavit		2-4	03

Appellant

Through:

  
( Mehboob Ali Khan Dagai),  
Advocate High Court,  
Peshawar.

Dated:-10/01/2019

Cell No.03005908467 & 03119416118

**BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER  
PUKHTUNKHWA, PESHAWAR.**

C.M. No. \_\_\_\_\_ of 2018.

IN SERVICES APPEAL NO.278 of 2018

Ifrahim Nasir s/o Abdul Karim r/o Daggar Nari Tehsil Banda Daud  
Shah District Karak.....Petitioner

VERSUS

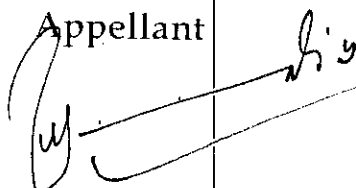
1. The Secretary Home and Triable Affairs, Khyber Pakhtunkhwa, Peshawar.
2. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. The Regional Police Officer, Kohat Region, Kohat.
4. The District Police Officer Karak.
5. The District Police Officer, Kohat.....RESPONDENTS.

**APPLICATION FOR FILING REJOINDER ON BEHALF  
OF APPELLANT IN APPEAL NO. 278 OF 2018**

**RESPECTFULLY SHEWETH:**

- 1) That the captioned appeal is pending disposal before this Hon'ble Tribunal which is fixed for 16.1.2018.
- 2) That as per directions of this Hon'ble Tribunal, the appellant / petitioner submits the annexed rejoinder through the instant CM.

It is prayed that the annexed rejoinder may be treated as part and parcel of the captioned appeal.

Appellant  
Through: 

Dated:-10/01/2019

( Mehboob Ali Khan Dagai),  
Advocate High Court,  
Peshawar.



BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER  
PUKHTUNKHWA, PESHAWAR.

Ifrahim Nasir.....VS.....Secretary Home and others.

REJOINDER ON BEHALF OF APPELLANT

PRELIMINARY OBJECTIONS:

All these objections are incorrect and baseless.

FACTS:

1. Para No.1 and 2 Need no reply.
2. Para No.3. The allegations levelled against the appellant are incorrect, baseless and not proved in any manner whatsoever. Moreover, neither it was brought into the knowledge of the appellant as to who has made the complaint nor the name of alleged complainant Mst. Nafeesa Aqil was mentioned in the show cause notice or final show cause notice to the appellant. In blank & white there is also nothing to show that the task was entrusted to the appellant and in order to save the skin of one Qamar Abbas the allegations were levelled against the appellant.

So far as the mentioning of Cell No.031090046791 is concerned, the appellant is totally ignorant from the same and admittedly the same is in the hand writings of one Qamar Abbas CDR 801, whose ex-parte statement was recorded during alleged inquiry to whom duty equal to the petitioner is assigned. The said Qamar Abbas in order to save his skin has named the appellant to have dictated him the said number which is not corroborated by any other evidence. Neither the name of the alleged other person to whom the alleged proforma was handed over is mentioned nor there any evidence to this effect.

Moreso, no chance was given to the appellant to cross-examine the said Qamar Abbas and was condemned unheard. The appellant has neither committed any sort of fraud nor has any malafide. There is also nothing on record which could prove as to whom the alleged CDR was given by the appellant and what sort of personal gain was achieved by him. No misconduct or misuse of authority has been made by the appellant.

3. Para No.4. Incorrect because the decision of inquiry officer is ex-parte, incorrect, based on malafide and only to merely fulfil the requirement and to save the skin of Qamar Abbas, being a highly approachable person; the alleged show cause notice was issued to the appellant, to which a plausible explanation was given.
4. Para No.5 Incorrect. The appellant was neither associated with the enquiry proceedings under the law nor any chance of cross examination was given to the appellant and he was also not personally heard.
- Moreover, the impugned order is passed by an officer not competent in law, so the same is void and without lawful authority and as such is liable to be set-aside and the services of the appellant are to be re-instated with all back benefits.
5. Para No.6. Incorrect.

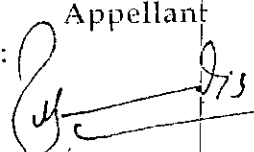
GROUNDS:

- A. Incorrect. The inquiry in question is ex-parte. The impugned order is void, illegal, perverse, arbitrary, unjustified and against the norms of justice.
- B. Incorrect. The Appellant was neither associated with the inquiry proceedings nor any chance of personal hearing was given to him.
- C. Incorrect. The impugned order was passed by an officer incompetent in law hence the same is void and illegal under the law because the appellant was appointed by Distt: Police Officer Karak while the impugned order is passed by District Police Officer Kohat.
- D. Incorrect. The appellant was even not allowed to appear before the inquiry officer. The reply of appellant was received by the Reader of the Enquiry Officer and he was condemned unheard. Neither any chance of cross-examination was given to the appellant nor confronted with any evidence.

- E. Incorrect. There is nothing on record that what wrongful gain was received by the appellant and what wrongful loss were caused to anyone and who was the person to whom the alleged proforma was handed over.
- F. Incorrect. The impugned order is void, passed on mere presumption and malafide; therefore, the same is not sustainable under the law.
- G. Incorrect. Based on facts.
- H. Incorrect. In fact since his illegal dismissal from service, the appellant is jobless.
- I. Incorrect.

In view of the above the reply of the respondents being berift of any proof may be turned down and the appeal of the appellant may be allowed and his services may be reinstated with all back benefits.

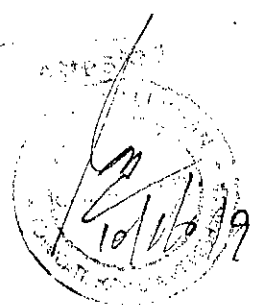
Dated:-10/01/2019

Through:  Appellant  
(Mehboob Ali Khan Dagai),  
Advocate High Court,  
Peshawar.

AFFIDAVIT.

I, Ifrahim Nasir, appellant do hereby solemnly affirm and declare that the contents of my re-joinder, referred to above, are true and correct to the best of my knowledge and belief.

  
DEPONENT



No - 110

dt 21-2-14

0927-210724

0927-210823

The District Police Officer, Kohat

The Dy. Inspector General  
Police, Peshawar Region, Kohat

Reference is made to your letter dated Kohat dt 1/2/2014

MENTION OF CRIMINAL INVESTIGATION  
ANALYSIS CELL

Refer to your letter Memo. No. 9-14/Recd. subject cited above

At the following two (02) Graduate Police are nominated for posting at District Agency, Gali Hecus-15 Kohat.

District Police Officer

EC

above is forwarded to the ADP HQ's Kohat for

Sen  
1/c TIDA  
for info. of Mr.

*[Handwritten signature]*

DY No 381 HQ  
Dt 17-2-14

1/c Lab.  
Brief them regarding  
Lab / Record

**Tele No: 0927-210724**

**Fax No: 0927-210827**

From: The District Police Officer, Karak.

To, The Dy: Inspector General of Police,  
Kohat Region, Kohat

No. 580 /EC, dated Karak the 14/02 /2014

**Subject: ESTABLISHMENT OF TECHNICAL INVESTIGATION AND  
DIGITAL ANALYSIS CELL**

Memo:

Kindly refer to your office Memo: No. 9-14/Reader dated 02/01/2014 on  
The subject cited above.

It is submitted that the following two (02) Graduate /Computer literate  
Constables of this district Police are nominated for posting at Technical Investigation  
and Digital Analysis Cell Rescue-15 Kohat.

1: FC Ifraheem Nasir No.818

2: FC Hamid Nawaz No.563

District Police Officer Karak

No. 581 /EC

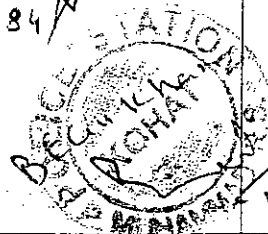
Copy of above is forwarded to ASP HQ's Kohat for information.

District Police Officer Karak

**CDR REQUISITION FORM  
TECHNICAL INVESTIGATION AND DATA ANALYSIS WING KOHAT.**

District:-  
Letter No: -

Dated:

S.No	Case Title	Mobile No.	IMEI No.	Name of I.O.	Duration( from-to)	Reason
1	FIR No.	-	354 202079228684 0310-90046791		31 8 17 to 6 9 17	اسی ایم ای سی کے ذریعہ استعمال کیے گئے اور اس کی کاپی تیار کر لی گئی ہے
	DD-No:	93				
	Date	23-8-17				
	U/S	157-D				
	PS	MH				

DPO/SPInv.

**TO BE FILLED BY TIDA UNIT KOHAT**

Date and time of Receipt	Date	07-09-2017	
	Time	1310	
Received Via	Email	Fax	Mail <input checked="" type="checkbox"/>
	Name	Harid	
Received By	Signature		

Date and time of Dispatch	Date		
	Time		
Dispatched Via	Email	Fax	Mail
	Name		
Dispatched By	Signature		

Dairy No	1376
Dispatched No	
Remarks	NCC

خدمت صحت DPO صحت

صحت عالی

مجھ سے میرا عرواٹل میری صحت کا مکمل ریکارڈ بنانا ہے Paper سے پہلے مجھ سے بنا  
ہے۔ اور جب میں نے Paper مکمل کر لیا تو میری صحت کا مکمل ریکارڈ بن گیا ہے۔  
میرا لپس نہیں کیا۔ صحت کی میری باسی صحت ریکارڈ بن گیا ہے اور اس کا بھی ریکارڈ ہے۔  
میرے عرواٹل میں میری تصویریں ہیں اور میری ریکارڈ اور میرا لپس ہے اور میرا لپس ہے  
نہا۔ جو کہ غلط استعمال ہونے کی وجہ سے میرا لپس نہا ہو سکتا ہے۔  
صحت کی وجہ سے میری لپس ہو سکتی ہے۔ لپس آگے حاصل سے لپس  
ہے کہ میرے لپس Training system کے نام کی اجازت دے دیں۔  
تاکہ میں اپنا مشقی جاکر سوار ہو سکوں۔  
العرض

عرواٹل کا IMET نمبر  
354202079228684  
Samsung Glaxy core prime

لقینہ عقیل ولد محمد عقیل

14301-3247134-0

30-08-017

3204

PAL نمبر

بیان حلفی

مسی اسماة لفظہ عقیل ولد اختر الہوجہ عمر عقیل

کنڈ میاں بارشاہ لہور

حلفاً بیان کرتا کرتی ہوں کہ مجھ سے سامسونگ بریکسر

حکا IMEI 2684 2207920792-3542-10

حدود تھانہ لہور میں کہیں کم اپنس دیکھیں ہو گیا ہے اگلے ہیں تلاش کے باوجود نہیں سکا سکے۔

رپورٹ گمشدگی لکھی جاوے۔ بصورت غلط بیانی میں ذمہ دار ہونگا ہوگی۔

العبد لفظہ عقیل

شناختی کارڈ نمبر 0-134-2473-2473

رابطہ نمبر 9111819-0332

SHO MR

For Legal Action and Report

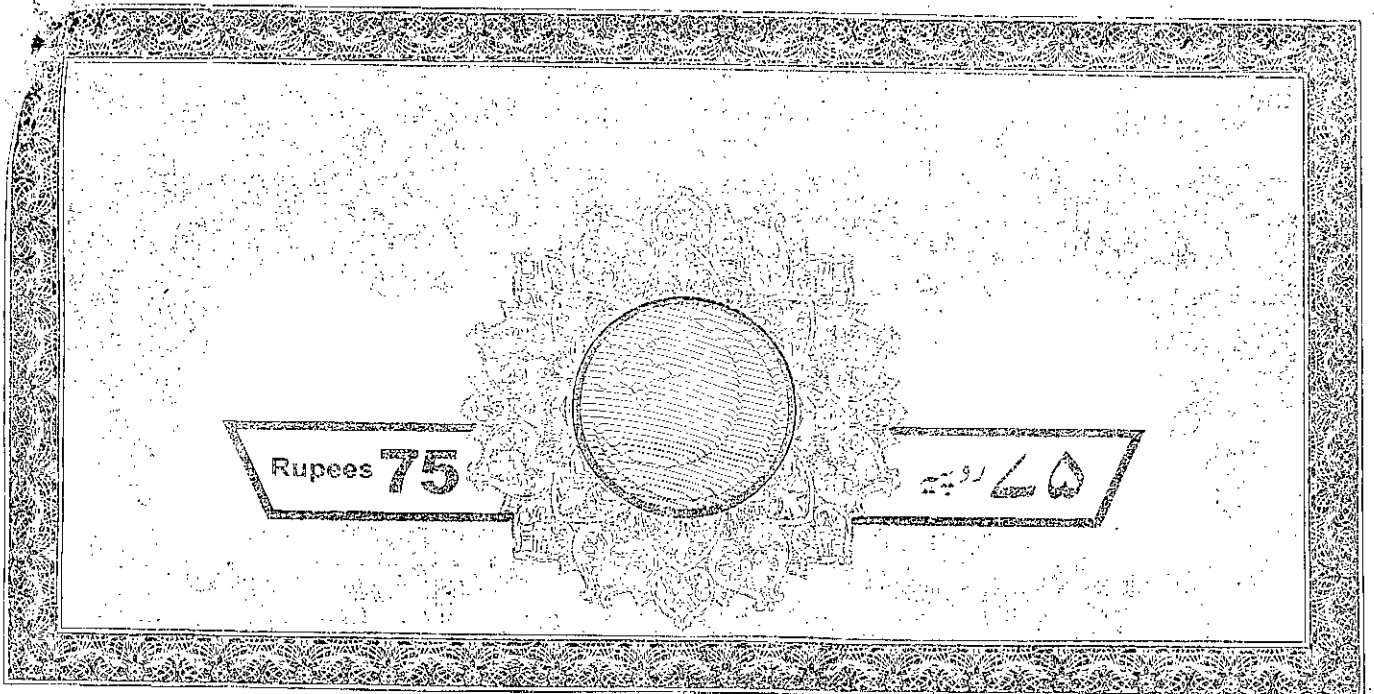
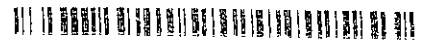
[Signature]  
INCHAGE  
Police Assistant Line  
KOHAT.  
30-08-017

[Signature]  
30/8/17

[Signature]

[Signature]





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339040

بیان خلافی بابت گمشدگی سمائل موبائل

مذکورہ موبائل کے خریدار محمد عقیل نے اپنا موبائل بدلتا ہوا کراچی کے ایک مکان پر لے گیا اور وہاں پر اس کا استعمال کیا۔

کراچی اور ذیل حلقہ بیان کرتا ہوں۔

میں مقرر ایسا موبائل نمبر IMEI 354202/07/922868/4/SAMSUNG GALAXY Core Prime

گمشد ہو گیا ہے۔ اور میں مقرر نے کسی بھی غیر قانونی کام کے لئے استعمال نہیں کیا ہے۔ اور اس بابت رپورٹ درج کیا جاوے تاکہ ان مقرر کو وہ دستاویز کے لئے درخواست گزار کی کرسکوں۔ اور علاوہ ان میں کوئی غلط استعمال نہ کرے۔ بصورت دیگر میں مقرر نقش و نقصان کا خود ذمہ دار ہوں گا۔

جسے بیان خلافی اور سرت و سچ ہے، کوئی بات سچا دپوشیدہ نہ ہے۔

Adil Farid

مذکورہ موبائل کے خریدار محمد عقیل نے یہ موبائل جاوے دیا ہے۔

شناختی کارڈ نمبر (14301-3247134-01) (1-5958850-14301)

0332-9611819

بیان اذان قرعہ سے 8 CDR براہ کوشاں

کریں کہ ہوں کہ کوالہ

یہ جو ایک عہد میں سے نکلا گیا ہے۔ یہ میں نے دیکھا ہے۔ یہ میرا ہے اس

وقت دیکھا ہے DSP صاحب نے ان سے مانگا۔ انکو DSP صاحب

کے دوبارہ بلانے پر حکمرانی میں اس نے <sup>اسٹریٹجی</sup> تجویز کیا کہ یہ عہد اس میں لکھو

شخص نہیں تعلق کہ یہ عہد کسی اہم یا کسی اور نے اس کو دیا ہے۔ جب یہ

عہد میں لکھو دیا تھا اس وقت میں اپنے گاؤں میں موجود تھا۔ آگے اس

میں میری بہن دیا بتی رہتی تھی میں یہ عہد کبھی اپنے ہاتھ سے نہ لکھتا

میں سوائے اس عہد کے لکھنے سے باقی میں لاعلم ہوں

یہ میرا بیان ہے۔

