

Appeal No. 1768/2019
Shah Muhammad vs Govt

22.06.2021

Learned counsel for the appellant and Mr. Asif Masood Ali Shah,


learned Deputy District Attorney for respondents present. Arguments heard and record perused.

Vide detailed judgment of today of this Tribunal placed on file in Service Appeal No. 1767/2019 titled "Sabir Shah Vs Inspector General of Police Khyber Pakhtunkhwa, Peshawar and two others", the impugned order dated 28-09-2019 is set aside and the appellant is re-instated in service for the purpose of De-Novo inquiry with directions to the respondents to conduct proper inquiry strictly in accordance with rule and law within a period of ninety days by providing appropriate opportunity of defense to the appellant. The issue of back benefits is conditional with the outcome of De-Novo inquiry. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

22.06.2021


(AHMED SULTAN TAREEN)
CHAIRMAN


(ATIQ UR REHMAN WAZIR)
MEMBER (E)

Sir,

1. PUC is a list of cases heard & announced by the then Chairman Justice (Rtd) Hamid Farooq Durrani (Late) but judgment could not be written due to his illness & demise later on.

2/N. Submitted for perusal and orders, please.


Registrar

aw
9/6/2021

3. Worthy Chairman

The cases enumerated in the PUC be fixed before a Special D.B comprising the undersigned and the worthy Member who sat in the Bench with the then Worthy Chairman at the time of hearing, for further dealing with the matter in accordance with law, after notices to the parties. 22-06-2021


Chairman

4. Registrar


05.03.2021

Learned counsel for the appellant and Mr. Asif Masood Ali Shah,
learned Deputy District Attorney for respondents present.

Vide detailed judgment of today of this Tribunal placed on file in
Service Appeal No. 1767/2019 titled "Sabir Shah Vs Inspector General of
Police Khyber Pakhtunkhwa, Peshawar and two others", the impugned
order dated 28-09-2019 is set aside and the appellant is re-instated in
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defense to the appellant. The issue of back benefits is conditional with
the outcome of De-Novo inquiry. Parties are left to bear their own costs.
File be consigned to record room.

ANNOUNCED
05.03.2021

(HAMID FAROOQ DURRANI)
CHAIRMAN

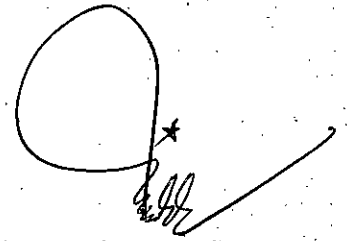

(ATIQ UR REHMAN WAZIR)
MEMBER (E)

19.08.2020

None for the appellant present. Mr. Ziaullah, DDA alongwith Mr. Arif Saleem, Steno for respondents present.

Written reply not submitted. Representative of the respondents seeks time to submit the same on the next date of hearing.

Adjourned to 09.10.2020 before S.B.



(Mian Muhammad)
Member(E)

09.10.2020

Junior to counsel for the appellant and Addl. AG alongwith Arif Saleem, ADI for the respondents present.

Representative of the respondents seeks further time to submit reply/comments. Adjourned to 03.12.2020, on which date the requisite reply/comments shall positively be furnished.



Chairman

03.12.2020

Junior to counsel for the appellant and Addl. AG alongwith Arif Saleem, Steno for the respondents present.

Representative of respondents has submitted parawise comments/reply by the respondents. Placed on record. The matter is assigned to D.B for arguments on 05.03.2021. The appellant may furnish, rejoinder within one month, if so advised.



Chairman

22.06.2020

Counsel for the appellant present. Preliminary arguments heard.

It was submitted by learned counsel for appellant that the present appellant was charged for having contacts with notorious proclaimed offenders group wanted in numerous crimes including target killing of four (04) police officers and that on midnight on 20th and 21st September 2019, police raid was planned on the abode of proclaimed offenders but the present appellant provided information to the gang due to which the operation secrecy was leaked by him willfully. He contended that the allegation mentioned against the appellant is baseless and that he was not given an opportunity of cross-examination as well as he was not heard in person. The learned counsel submitted that the appellant was also charged in FIR No.478 dated 23.09.2019 U/S 216 PPC, 118 Police Act-2017 but the appellant was discharged by the prosecution. He contended that no proper inquiry was initiated and that the impugned order is not based on sound reasons, as enquiry was not conducted according to rules.

Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Notice be issued to the respondents. To come up for written reply/comments on 19.08.2020 before S.B.

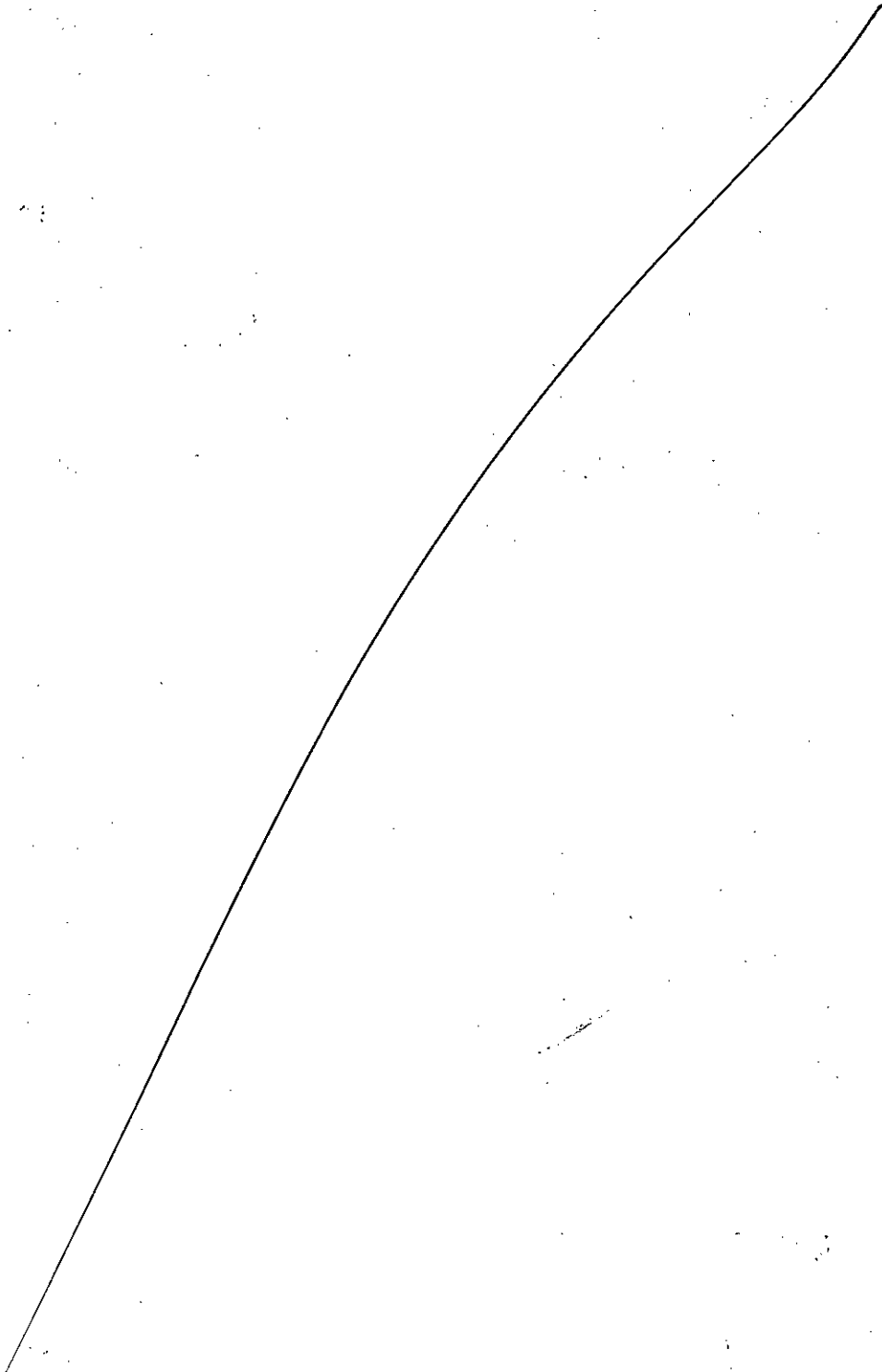

Appellant Deposited
Security & Process Fee


Member (J)

31.03.2020

Due to public holiday on account of COVID-19, the case is adjourned for the same on 22.06.2020 before S.B.


Reader




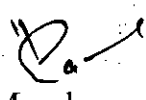


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1768 /2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/12/2019	<p>The appeal of Mr. Shah Muhammad presented today by Syed Mudasir Pirzada Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 12/12/19</p>
2-	13/12/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>17/01/20</u>.</p> <p> CHAIRMAN</p>
	17.01.2020	<p>Nemo for appellant.</p> <p>Notices be issued to appellant/counsel for preliminary hearing on 14.02.2020 before S.B.</p> <p> Chairman</p>
	14.02.2020	<p>Learned counsel for the appellant present and seeks adjournment. Adjourn. To come up for preliminary hearing on 30.03.2020 before S.B.</p> <p> Member</p>

PR

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal 1768 2019

Shah Muhammad Ex-Police Constable Kohat Belt No-985 R/O Kohat

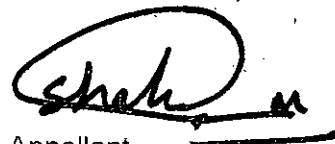
(Appellant)

VERSUS

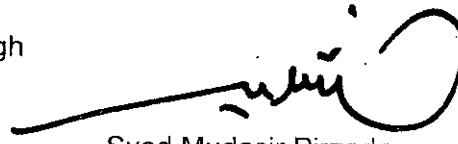
1. INSPECTOR GENERAL OF POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT.
3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

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5	Copy of departmental representation along with rejection order dated 26-11-2019	B	11-14
	Copy of FIR along with Discharge from prosecution	C	15-16
	WakalatNama		


Appellant

Through


Syed Mudasir Pirzada
Advocate P H C
0345-9645854

Date 12/12/19

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Appeal no. 1768/2019

Shah Muhammad Ex-Police Constable Kohat Belt No-985 R/O Kohat

(Appellant)

Khyber Pakhtunkhwa
Service Tribunal

VERSUS

Diary No. 1858

1. INSPECTOR GENERAL POLICE KPK PESHAWAR.

2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

Dated 12-12-19

3. DISTRICT POLICE OFFICER KOHAT.

(Respondent)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 25-09-2019 VIDE OB-NO-1181 IN WHICH THE RESPONDENT NO-3 DIRECTLY AWARD THE MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WITHOUT ANY LAWFUL JUSTIFICATION WITHOUT ANY ENQUIRY AND THE APPELLANT PREFERRED DEPARTMENTAL REPRESENTATION DATED 11-10-2019 AND THE SAME WAS REJECTED ON DATED 26-11-2019

Pray:

In view of above submission it is requested, by accepting of instant appeal the impugned order of Respondent No-3 may be set aside and the present appellant service may please be re-stored with all back benefits .

Respectfully Sheweth,

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

Facts:

Briefly facts are that as per the impugned order that the appellant had contact with notorious Proclaimed Offender group wanted in numerous crimes including target killing of four police officers .on midnight of 20/21Sep 2019 and police raid was planned on the aboard of proclaimed offender .

That the other allegation mentioned in the impugned order the appellant provided information to gang due to which operation secrecy was leaked by the appellant due to which loss of force operating in that raid.

That due to the above allegation the appellant was awarded served with charge sheet which were replied by the appellant but on the same day the respondent No-3 award major punishment of dismissal from service with immediate effect (Copy of Charge sheet and reply and impugned order is annexed as annexure A)

That the allegations mentioned against the appellant is base less and there is no reality nor proved with any cogent reason and not base on the sound reason the

Filed to-day
12-12-19
Sd/-
Registrar

appellant belongs to a pious family and never ever indulged in any such like of corrupt practices but without keeping the service record of the appellant blessed with the impugned order directly appellant feeling aggrieved and prefer departmental representation which was too rejected (Copy of representation and rejection order is annexed as annexure B)

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

1. That there is nothing on record which connects the appellant with the allegation.
2. That nothing has been proved beyond any shadow of doubt that the appellant has committed any misconduct or tarnished the image of Police department.
3. 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.
4. 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.
5. That the appellant dragged unnecessarily into litigation which is clearly mentioned in 2008 SCMR 725.
6. 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.
7. That the appellant never ever admit before any forum regarding any admittance of alleged guilt.
8. That no CDR data prior to the raid or after the raid has not been obtain to prove the allegation against the appellant for any misconduct or leaked the information even no proof is available on record which speaks about the guilt of the appellant.
9. That if the appellant had leaked any information regarding police raid then how it is possible that accused were apprehended by police in the raid .

10. That the appellant has been charged also in case FIR No 478 dated 20-09-2019 U/s 118 Police Act 2017 and according to rules criminal proceedings shall be initiated after approval is accorded in writing by Head of District Police etc but in case of appellant there is no approval available on file and the appellant has been discharged by prosecution in above case which clearly shows that appellant has been twice vexed. (Copy of FIR and Discharge is annexed as annexure C)
11. That the appellant is feeling aggrieved from the impugned order hence preferred instant Service appeal on the following grounds.

Grounds:

- a. That during enquiry none from the general public was examined in support of the charges leveled against the appellant nor any police official record the statement 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 falsely vexed for undone 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.
- e. That it is evident from all the departmental proceedings that no show cause notice nor any final show cause notice were served nor any proper departmental enquiry has been conducted and these material facts shall be a gaited at the time of arguments .
- f. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion .
- g. That the respondent No-3 has acted whimsically and arbitrary, which is apparent from the impugned order.
- h. 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.
- i. That the departmental enquiry was not conducted according to the rules.
- j. That the impugned order is outcome of surmises and conjecture.

- k. That proper rule have not been observed while awarding the major punishment .

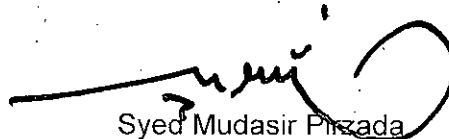
Pray:

In the view of above circumstances it is humbly prayed that the impugned order of punishment awarded by Respondent No. 3 may graciously please be set aside for the end of justice and the appellant's service may please be graciously re-instate and blessed with all back benefits for the end of justice .


Appellant

Through

Date 12/12/19


Syed Mudasir Pirzada
Advocate HC
0345-9645854

Certificate:-

Certified that no such like appeal has earlier been filed in this Hon able Service tribunal as per instruction of my client.

List of Books

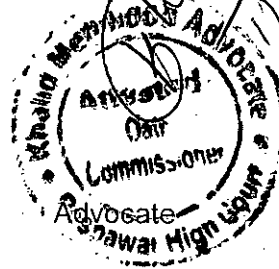
- 1:- Constitution of Pakistan 1973
- 2:- Police Rules
- 3:- Case Law according to need.

Service Appeal _____ 2019

AFFIDAVIT

I, Syed Mudasir Pirzada Advocate, as per instruction of my client do here by solemnly affirm and declare that all the contents of accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this

Honorable Tribunal.



[Handwritten signature]
7

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Shah Muhammad Ex-Police Constable Kohat Belt No-985 R/O Kohat

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

ADDRESS OF THE PARTIES

APPELLANT :-

Shah Muhammad Ex-Police Constable Kohat Belt No-985 R/O Kohat

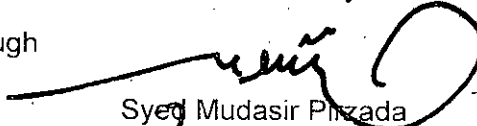
RESPONDENTS

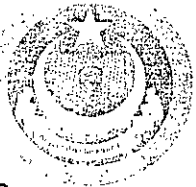
1. INSPECTOR GENERAL OF POLICE KPK PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.


Appellant

Through

Date 12/12/19


Syed Mudasar Pirzada
Advocate PHC
0345-9645854



Annexure A
P-7

Office of the
District Police Officer,
Kohat

No. 22041-42/PA

Dated 21-9-2019

CHARGE SHEET.

1. **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT,** as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **Constable Shah Muhammad No. 986** 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.

i. *You constable Shah Muhammad No. 986 conveyed the information through your father to Anwar group Sumari about raid plan of Jarma Police Station. Your this act show professional gross misconduct on your part.*

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!

Attest
S. Mujib

DISTRICT POLICE OFFICER,
KOHAT

Read
Tameez R. P. C.
24-09-2019

بحوالہ چارج شیٹ نمبری PA/42-22041 مورخہ 21.09.2019 مجاریہ جناب DPO صاحب کو باٹ معروض خدمت ہوں کہ سائل محکمہ پولیس میں سال 2017 کو تحشیث کانیشیل بھرتی ہوا ہے۔ من کانیشیل نے دوران تعیناتی مخرمانہ سرگرمیوں کی بیخ کنی، امن و آمان کے قیام اور عوام الناس کی جان و مال کے تحفظ کو اولین فریضہ سمجھ کر شب و روز محنت و لگن، ایمانداری اور جانفشانی سے اپنے فرائض بخوبی سرانجام دیئے ہیں اور آئندہ بھی اسکو برقرار رکھنے کا عزم رکھتا ہوں۔ سائل کا سروس ریکارڈ بے داغ اور روز روشن کی طرح عیاں ہے۔ سائل پر الزام ہے کہ من کانیشیل اپنے والد صاحب کے ذریعے یہ اطلاع انور گروپ سماری برائے چھاپہ پولیس پہنچائی ہے۔

جناب عالی شان!

من سائل پر لگائے گئے الزام کے بارے میں منوہ بانہ التماس ہے کہ مذکورہ الزام بے بنیاد اور حقیقت کے برعکس ہے۔ نہ تو من سائل نے اپنے والد صاحب کے ذریعے سے مذکورہ اطلاع پہنچائی ہے اور نہ ہی اس قسم کی اطلاع کی فراہمی کے بارے میں سوچ سکتا ہے۔ من سائل نے کم و بیش دو سال محکمہ پولیس میں ملازمت مکمل کر لی ہے۔ من سائل کی ملازمت کی ابھی شروعات ہوئی ہے اور وہ اپنی ملازمت کے آغاز میں بچوں قسم کے افعال کا سوچ بھی نہیں سکتا۔ اس کے علاوہ عرض ہے کہ من سائل موضع چمنی کارہائشی ہے جبکہ ملزمان سماری کے رہنے والے ہیں من سائل نہ تو کبھی تھانہ لاجی اور نہ ہی سماری میں تعینات رہا ہے۔ من سائل کا ملزمان سے نہ تو بلا واسطہ اور نہ ہی بلا واسطہ کوئی تعلق رہا ہے۔ اور نہ ہی ان سے کوئی ہمدردی یا دل میں نرم گوشہ ہے۔ اس لحاظ سے من سائل ناکردہ گناہ ہے اور بالکل بے گناہ ہے۔

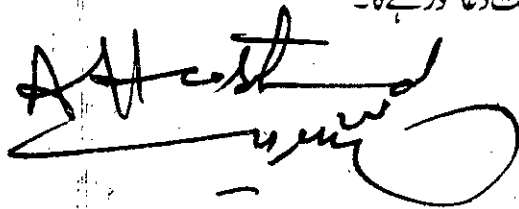
جناب والا!

جہاں تک من سائل کے والد صاحب کے ٹیلیفون کرنے تعلق ہے تو اس بارے میں عرض ہے کہ مجھے اس بارے میں کوئی علم نہیں ہے کہ والد صاحب نے کب، کس وقت ملزمان سے ٹیلیفون پر بات کی اور نہ ہی یہ علم ہے کہ اس بات چیت کی نوعیت کیا تھی۔ مزید برآں من سائل نے کبھی بھی گھر میں اپنے اہل خانہ یا دیگر دوست احباب کے ساتھ دفتری معاملات کے بارے میں قطعاً بات چیت نہیں کرتا۔

جناب عالی!

من سائل کے خلاف لگایا گیا الزام کسی غلط فہمی کا نتیجہ معلوم ہوتا ہے۔ من سائل بے گناہ ہے اور حلف پر آپ صاحبان کی تسلی کرا سکتا ہے کہ من سائل قطعاً اس قسم غیر قانونی فعل میں نہ تو ملوث رہا ہے اور نہ ہی ملوث ہونے کا سوچ بھی سکتا ہے۔ دست لبتہ گزارش ہے کہ من سائل کے خلاف الزام مذکورہ بالا مزید کارروائی واپس لینے کا حکم صادر فرمایا جائے۔

سائل تازیت دعا گور ہے گا۔



تحریر:- 25.09.2019

کانیشیل شاہ محمد 985 متعینہ نیو پولیس لائن کو باٹ

دستخط

9



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

Affected
new

ORDER

This order will dispose of departmental proceedings conducted against constable Shah Muhammad No. 985, (hereinafter called **accused official**) of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Facts arising of the case are that the accused official had contacts with notorious Proclaimed Offender group wanted in numerous heinous crimes including target killing of 04 Police officers. On midnight of 20th /21st Sep: 2019, Police raid was planned on the aboard of Proclaimed offenders. The accused official being member of a disciplined force provided information to the gang through his father, due to which the operation secrecy was leaked by him willfully to the loss of the force operating in that raid.

For the above, serious / professional misconduct of the accused official, charge sheet alongwith statement of allegations was served upon the accused official. SP Operations Kohat was appointed as enquiry officer to scrutinize the conduct of accused official. The Enquiry officer vide his report established contact of accused official with PO Anwar gang on the eventful day the accused official was held guilty of the charge leveled against him.

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 25.09.2019 and afforded opportunity of defense but he failed to submit any plausible explanation. However the accused official admitted that he had contacted PO Anwar Hayat family for provision of clothes etc to the arrested accused after the raid.

I have gone through the available record and finding of the enquiry officer, which transpires that the accused official had contacts with the notorious most wanted POs gang and provided them information regarding Police legal action. The misconduct of the accused official was confirmed from other sources as well. Besides above, a case vide FIR No. 478 dated 23.09.2019 U/Ss 216 PPC , 118 Police Act – 2017 PS Jarma has also been register against the accuse official.

From the above, I have reached to the conclusion that the accused official being member of a disciplined force had relation with notorious PO gang and leaked information to facilitate the target killers, thus held guilty of violation of 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 has been established bevond any shadow of doubt. Furthermore, the

WST
FR

13/9
26-9-
صالح
انور سلطان
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10

Attest

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 constable Shah Muhammad No. 985 with immediate effect. Kit etc issued be collected.

Announced
25.09.2019


DISTRICT POLICE OFFICER,
KOHAT 25/9

OB No. 1181
Dated 25.09.2019

No. 24032-36/PA dated Kohat the 25-9-2019.

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.I./L.O for clearance report


DISTRICT POLICE OFFICER,
KOHAT 25/9

Annexure B
P-11

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE KOHAT
REGION KOHAT.

SUBJECT: APPEAL AGAINST THE IMPUGNED ORDER VIDE O.B NO 1181 DATED
25-09-2019, UPON THE FINDINGS OF THE ENQUIRY OFFICER IN
(SUMMARY PROCEEDINGS) AGAINST THE APPELLANT AWARDED
MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WITH
IMMEDIATE EFFECT.

Respectfully Sheweth,

Attested

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

Facts:

Briefly facts are that as per the impugned order that the appellant had contact with notorious Proclaimed Offender group wanted in numerous crimes including target killing of four police officers .on midnight of 20/21Sep 2019 and police raid was planned on the aboard of proclaimed offender .

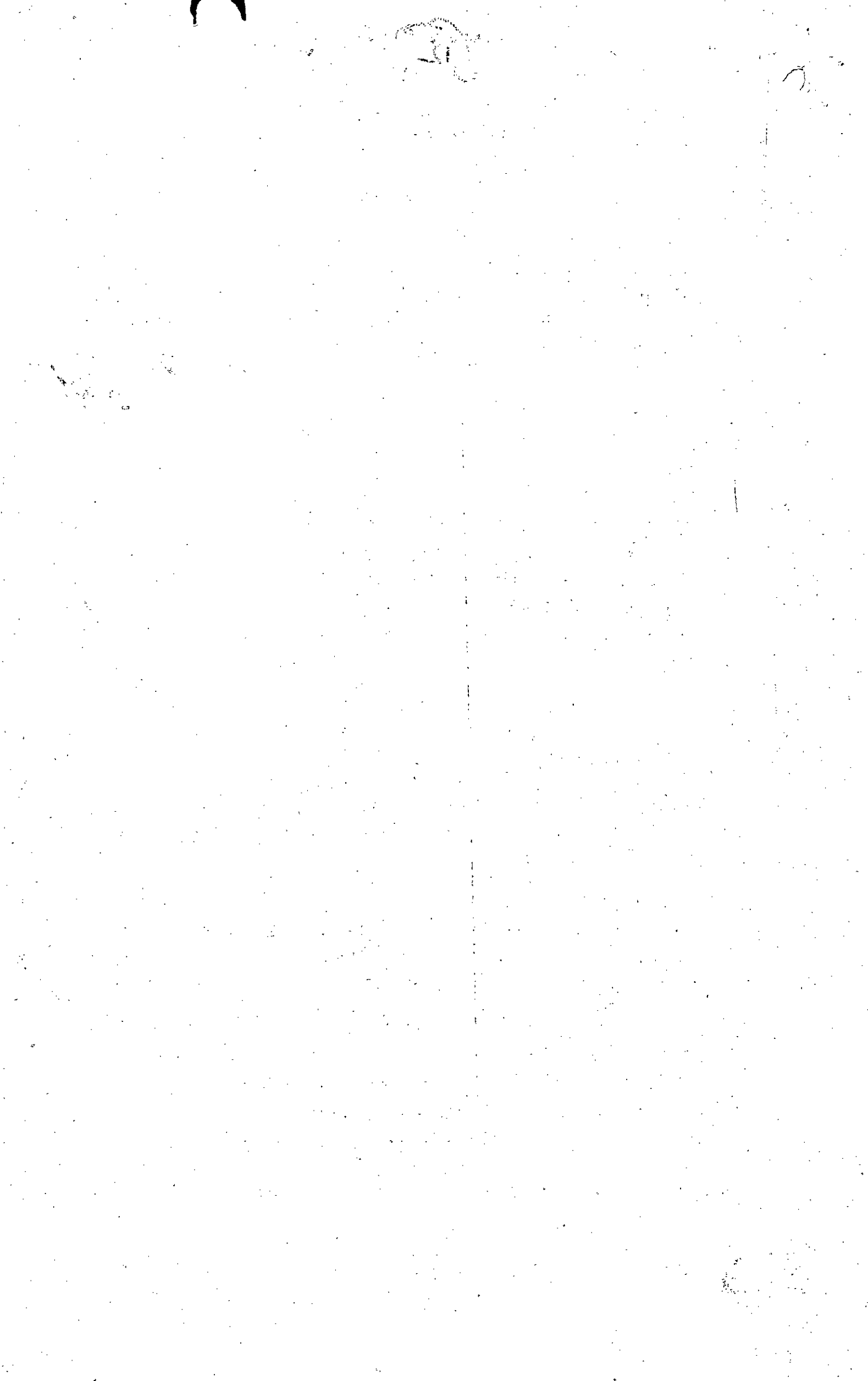
That the other allegation mentioned in the impugned order the appellant provided information to gang due to which operation secrecy was leaked by the appellant due to which loss of force operating in that raid.

That due to the above allegation the appellant was awarded major punishment of dismissal from service with immediate effect (Copy of impugned order is annexed.)

That the allegations mentioned against the appellant is base less and there is no reality 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 secretly probing held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).

1. That there is nothing on record which connects the appellant with the allegation.
2. That nothing has been proved beyond any shadow of doubt that the appellant has committed any misconduct or tarnished the image of Police department.



- 3. 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.
- 4. 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.
- 5. That the appellant dragged unnecessarily into litigation which is clearly mentioned in 2008 SCMR 725.
- 6. 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.

7. That the appellant never ever admit before any forum regarding any admittance of alleged guilt.

8. That no CDR data prior to the raid or after the raid has not been obtain to prove the allegation against the appellant for any misconduct or leaked the information

9. That if the appellant had leaked any information regarding police raid then how it is possible that accused were apprehended by police in the raid

10. That the appellant has been charged also in case FIR No. dated U/s Police station and twice vexed.

11. That the appellant is feeling aggrieved from the impugned order hence preferred departmental representation on the following grounds.

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 falsely vexed for undone 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.
- 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 be re-instate in service with all back benefits.

Date // / 10/2019.


(Appellant)

(Ex Constable Shah
Muhammad Belt No:-985)

14

POLICE DEPTT:

KOHAT REGION

ORDER.

Attet
[Signature]

This order will dispose of a departmental appeal, moved by Ex-Constable Shah Muhammad No. 985 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 1181, dated 25.09.2019 whereby he was awarded major punishment of dismissal from service for the allegations of establishing links with most notorious gang of Sumari Bala and providing secret information to them regarding conducting of raid etc.

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 14.11.2019. During hearing, he did not advance any plausible explanation in his defense to prove his innocence and just move 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. Being a member of disciplined force, he was not supposed to indulge himself in such illegal activities. Therefore, his appeal being devoid of merits is hereby rejected.

Order Announced
14.11.2019

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

No. 10842- /EC, dated Kohat the 26/11 /2019.

Copy to District Police Officer, Kohat for information w/r to his office Letter No. 19298/LB, dated 29.10.2019. His Service Roll & Fauji Missal is returned herewith.

DSPIL + SRC + OHC
[Signature]
E N S

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

9552
28/11/19
KOHAT

2-63

27/11/19

American C

۲۰/۰۶/۲۰۱۱ء (تاریخ نمونہ) (۱) نام (پتہ)

Abul-Hasan Ali Nadwi

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نکتہ جرم قابل دست اندازی پولیس رپورٹ شدہ درجہ اولہ ۱۵۲ مجموعہ ضابطہ نو جداری

ضلع کوہاٹ

آفس نمبر ۴۷۸

تاریخ وقت و فون نمبر 20/06/2011 در مقامی شب

تاریخ وقت رپورٹ 23/09/09 بجے 15:00 بجے جا سیرگی ہیر چور 23/09 وقت 18:15 بجے

03549298499

قسمت خان SHO

2017/118 جولائی میں آنکٹ 2017

جائے وقوعہ قاصدہ تھانہ سے درست حدود تھانہ جسر قاصدہ

نام و سکونت ملزم کانٹینٹل صابری 89 شاہ محمد 485

کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں تاخیر ہو تو جانشین کریں

پرسنل رپورٹ حسب احکام آمران بالا پیر چھوڑا ہوا ہے

پرسنل ڈاک

ابتدائی اطلاع نیچے درج کرو۔ منشیہت میں مندرجہ خانہ نمبر ۲ رپورٹ

بھالہ محمد ۱۷ روز ناچہ 23/09 بہر خلاف ملزمان مندرجہ خانہ نمبر ۵ در آ روز ناچہ کے لئے رپورٹ
 حسب احکام آمران بالا ۲ ماہیان ہیر چور ہرٹم با ۲ بہر خلاف ملزمان مندرجہ خانہ نمبر ۵ جاک کیا جاتا
 ہے نکل FIR رقم پیکر ملزمین لفٹیں حوالہ KBI مشاف کیا جاتا ہے ہیر چور گٹاروں سے نقد کا منس
 نیلی محمد ۲۳ رپورٹ قسمت خان SHO قورہ 23/09 وقت 15:00 بجے درج حسب قسم
 اشہاری محبوب کاسر بلوہ انور حیات ولد انانہ اند خان سکندہ ساری پابان بعد دلیمر گورہ ۰۵ مطلوب
 مقدمات عدالت ۱۷ ۲۵۲۱۱۹۹ 302/324 قہانہ لاچی مقدمہ عدالت 48 قورہ 27/03 1380 مقدمہ 196
 مقدمہ عدالت 135 قورہ 07/07 355/356 قہانہ لاچی مقدمہ عدالت 77 قورہ 17/07 21 جرم 324-353/148-149 مقدمہ
 قورہ 18/07 247 جرم 302-324 قہانہ لاچی مقدمہ عدالت 09 قورہ 05/11 جرم 302/324 قہانہ لاچی مقدمہ
 عدالت 16/07 جرم 266 جرم 302-324 قہانہ لاچی مقدمہ عدالت 09 جرم 17/07 22 لو ایف انفارمیشن وصول ہوئی
 کوہاٹ دیگر درجنوں مقدمات وقتہ ۰۵ میں مطالب سے قورہ 3/4 بندے جو کہ کپڑی میں تاریم پیشی آتے
 تہ انور گروپ سماری پابان سے مخالف گروپ کے 3/4 بندے جو کہ کپڑی اور اسے ساید حصہ اشہاری
 آئینگی کی قوت قتل کرنے کیلئے پلان بنا کر خیر احسنی سے دو اجڑی اور اسے ساید حصہ اشہاری
 حیدر اللہ ولیر احمد جان سکندہ سماری پابان جو قہانہ لاچی میں جسم اشہاری چھ مکرے قتل کا منصوبہ
 بنا کر اور ایسی منصوبہ بندی میں محمد پولیسر کانٹینٹل صابری 89 قہانہ جسر اور دو سہر کانٹینٹل
 شاہ محمد 985 متعینہ میں گڈ گارڈ نیو پولیس لائن سے جہاں پیر بھی چھوٹے کیلئے لٹری جاتا
 ہے لو شان محمد 985 کانٹینٹل ملذورن اپنے والد خان محمد اسکندہ جہتی کو فون کر کے پولیس چھا ہے کے
 متعلق انور گروپ کو انفارمیشن مہیا کرنا ہے اور ماہر 89 کانٹینٹل قہانہ جسر میں قتل اڑیں
 P.T.O

کارروائی انور گروپ کے بابت جملہ انفارمیشن بذریعہ ذاتی فوٹائیل فون انور حیات
 محمد اشہاری کو دی گئی ہے دونوں نسلان مذکورہ حلر تان محمد انور اشہاری انور حیات
 شماری گروپ کی ہر قسم کی امداد اور جائز گھر بناری سے بچانے کی ہر ممکن کوشش کرنا ہے
 صاحبہ 89 کنٹیل مذکورہ کے خلاف قبل ازیں رپورٹ لکھا ہے اور ایف اے او ایٹیل
 محی فورٹرز ملحقہ بھی لکھا جاتا ہے دونوں نسلان کے خلاف لکھنے والی
 کارروائی کرنے کی خاطر رپورٹ درج روزنامہ پبلک کر کے اس کے مناسب حکم آفران بالا
 صاحبان کو ارسال کیا جاتا ہے رہنمائی حاصل کرنے کے بعد کارروائی عمل میں لائی
 3 حاتی گئی جناب عالی نقل منطابقی اصل سے لکھی

S. H. O. P. S. Jammu
 23-09-2019

Handwritten notes and signatures, including a signature that appears to be 'S. H. O. P. S. Jammu' and various illegible scribbles and text.

اخلاق کے نیچے اخلاق دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگا جائے گا۔ اور اگر تحریر کنندہ ابتدائی اخلاق کا دستخط بطور تصدیق ہوگا۔ حروف الف باء سرخ روشنائی سے
 ایک لازم یا مشترک علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں لکھنا چاہئے۔



DISTRICT PUBLIC PROSECUTOR OFFICE,
KOHAT
Phone & Fax # 0922-9260282
E-mail: kohatdpp@gmail.com

16

Attent
[Signature]

To

The Learned Trial Court,
Kohat

State.....VS..... Sabir & others
FIR No. 478, dated 23.09.2019, u/s 118 police Act 2017 / 216PPC,
PS: Jarma

Subject: **APPLICATION FOR THE DISCHARGE OF THE CASE U/S 4C(II) OF THE KHYBER PAKHTUNKHWA PROSECUTION SERVICE (CONSTITUTION, FUNCTION AND POWERS) ACT, 2005 READ WITH SECTION 494 CR.PC ON THE BASIS OF LACKING OF EVIDENCE AGAINST THE ACCUSED**

Respectfully Sheweth

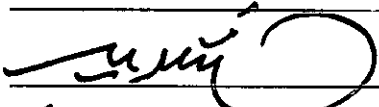
Grounds for discharge of the accused:

1. That the SHO of PS Jarma was reported in the shape of Naqal Mad No. 24 dated 21.09.2019 that the constable Sabir, who is posted as a constable at PS Jarma and he informed the PO namely Anwar Hayat through mobile phone, who is required in different criminal cases to the police.
2. That there is no evidence available on file, which could connect the accused with the commission of the offence.
3. That there is no CDR data available on file.
4. That there is no source disclosed by the concerned police official regarding help of the PO.
5. That there is no forensic audit report annexed with the case file up till now despite directions were issued to the I.O.
6. That as per section 118 of police Act 2017, criminal proceeding shall be initiated after approval is accorded in writing by Head of District police etc and there is no written approval available on file.
7. That there is no probability of the conviction of the accused in the instant case on the basis of available evidence.
8. That the trial of the case of the above noted accused will be futile exercise / wastage of precious time of the Honourable court.

Therefore, in view of the above factual position, this case is completely lacking of evidence so as to substantiate the charges against the accused, thus, this case is not fit for prosecution and the same may be discharged.

[Signature]

Assistant Public Prosecutor
Kohat

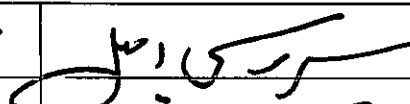
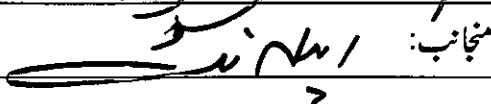
ایڈوکیٹ دستخط: 

بار کونسل ابار ایسوسی ایشن نمبر: 6c-09-1969

رابطہ نمبر: 0345-9645854

کوہاٹ بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: KPK اس کی طرف سے لٹا

دعویٰ: 	منجانب: 
علت نمبر: _____	شناختہ محمد
مورخہ: _____	بنام
تھانہ: _____	19P-etc

باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

آن مقام  کیلئے  کے اقرار لگیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقر 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 بھی وہی جملہ مذکورہ 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 وہ وکیل موصوف وصول کرنے کا حقدار 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 12/12/19

گواہ شد



11

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No 24018 /PA dated Kohat the 25/9 /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, **Constable Shah Muhammad No. 985** 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. 22041-42/PA dated 21.09.2019.
- 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 constable Shah Muhammad No. 985 conveyed the information through your father to Anwar group Sumari about raid plan of Jarma Police Station. Your this act show professional gross misconduct 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.


DISTRICT POLICE OFFICER,
KOHAT



INQUIRY REPORT AGAINST CONSTABLE SHAH MUHAMMAD NO.985No. 964 /PA-Ops Kohat, the dated 25 / 09 /2019**FINDINGS**

This is in response of your good office Charge Sheet vide No.22041-42/PA dated 21.09.2019.

Constable Shah Muhammad No.985 was charge sheeted with the allegations below:-

You Constable Shah Muhammad No.985 conveyed information through your father to Anwar group Sumari about raid plan of Jerma Police Station. Your this act show professional gross misconduct on your part.

For scrutinizing the conduct of enquiry he was summoned for personal hearing, recorded his statement and examined thoroughly. In his written reply of charge sheet and summary of allegations, he defended himself pleading his innocence. He stated that he was appointed as Constable in the year 2017 and performed his duty with zeal and zest. He further added that he made no relation directly or indirectly with criminals during service. He stated that he neither leaked information about raid nor gave information about raid to his father on mobile phone. He further added that his service is in initial stages and cannot think about such activities and he never performed duty in Lachi and Sumari.


In this regard statement Of SHO PS Jarma was also recorded who disclosed that from perusal of CDR it was proved that Constable Sabir No.89 and father of Constable Shah Muhammad No.985 were in contact with Anwar Group resident of Sumari. SHO further added that Constable Sabir No.89 contacted from his personal Mobile No.0313-7340202 with Anwar group resident of Sumari. The PO Anwar Hayat from his mobile number 0333-9301653 contacted with the father of Constable Shah Muhammad on his cell No. 0333-9648431 to get secret information regarding Police raid. Father of Constable Shah Muhammad No.985 got all information from his son and revealed to the POs. Father of Constable Shah Muhammad also exhorted his son to reveal further information to him then he will reveal these informations to POs. It is also pertinent to mentioned that father of constable Shah Muhammad have had very good relations with Anwar Hayat group.

Statement of MHC Police Line Kohat Muhammad Younas was also recorded who disclosed that Constable Shah Muhammad performed duty on the Main gate of Police Line Kohat. He further added that he has no information about his contact with Anwar Group Sumari.

During the course of inquiry he was given complete legitimate opportunity to
end himself according to the law, rules and regulation. During enquiry the said Constable
disclosed that his Father conduct Jirgas in the area and has contact with Anwar group Sumari.

Keeping in view the above circumstances and available record and from the
perusal of case file, I came to the conclusion that the Constable Shah Muhammad 985
revealed information to the POs of Anwar group, who are headache for police and general
public. General public is always target of this group, secretly police has learnt that they are also
demanding money from general public. This Constable Shah Muhammad has proved an
obstacle in the way of police to successfully plan raid at the hide outs of these criminal. Hence
found guilty and is recommended for suitable punishment.

Submitted please.


(TAHIR IQBAL)
Superintendent of Police,
Operations, Kohat

جناب عالی!

بحوالہ چارج شیٹ نمبری PA/42-22041 مورخہ 21.09.2019 مجاریہ جناب DPO صاحب کو
معروض خدمت ہوں کہ سائل محکمہ پولیس میں سال 2017 کو بخشیت کانسٹیبل بھرتی ہوا ہے۔ من کانسٹیبل نے دوران تعیناتی مقرر
سرگرمیوں کی بیخ کنی، امن و آمان کے قیام اور عوام الناس کی جان و مال کے تحفظ کو اولین فریضہ سمجھ کر شب و روز محنت و لگن، ایمانداری اور
جانفشانی سے اپنے فرائض بخوبی سرانجام دیئے ہیں اور آئندہ بھی اسکو برقرار رکھنے کا عزم رکھتا ہوں۔ سائل کا سروس ریکارڈ بے داغ اور روز
روشن کی طرح عیاں ہے۔ سائل پر الزام ہے کہ من کانسٹیبل اپنے والد صاحب کے ذریعے یہ اطلاع انور گروپ سماری برائے چھاپہ پولیس
پہنچائی ہے۔

جناب عالی شان!

من سائل پر لگائے گئے الزام کے بارے میں منوڈ بانہ التماس ہے کہ مذکورہ الزام بے بنیاد اور حقیقت کے برعکس ہے۔
نہ تو من سائل نے اپنے والد صاحب کے ذریعے سے مذکورہ اطلاع پہنچائی ہے اور نہ ہی اس قسم کی اطلاع کی فراہمی کے بارے میں سوچ
سکتا ہے۔ من سائل نے کم و بیش دو سال محکمہ پولیس میں ملازمت مکمل کر لی ہے۔ من سائل کی ملازمت کی ابھی شروعات ہوئی ہے اور وہ اپنی
ملازمت کے آغاز میں بچوں قسم کے افعال کا سوچ بھی نہیں سکتا۔ اس کے علاوہ عرض ہے کہ من سائل موضع جمبئی کارہاشی ہے جبکہ ملزمان
سماری کے رہنے والے ہیں من سائل نہ تو کبھی تھانہ لاپچی اور نہ ہی سماری میں تعینات رہا ہے۔ من سائل کا ملزمان سے نہ تو بلا واسطہ اور نہ ہی
بلا واسطہ کوئی تعلق رہا ہے۔ اور نہ ہی ان سے کوئی ہمدردی یا دل میں نرم گوشہ ہے۔ اس لحاظ سے من سائل ناکردہ گناہ ہے اور بالکل بے گناہ ہے۔

جناب والا!

جہاں تک من سائل کے والد صاحب کے ٹیلیفون کرنے تعلق ہے تو اس بارے میں عرض ہے کہ مجھے اس بارے میں کوئی علم نہیں
ہے کہ والد صاحب نے کب، کس وقت ملزمان سے ٹیلیفون پر بات کی اور نہ ہی یہ علم ہے کہ اس بات چیت کی نوعیت کیا تھی۔ مزید برآں من
سائل نے کبھی بھی گھر میں اپنے اہل خانہ یا دیگر دوست احباب کے ساتھ دفتری معاملات کے بارے میں قطعاً بات چیت نہیں کرتا۔

جناب عالی!

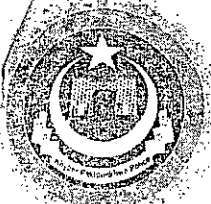
من سائل کے خلاف لگایا گیا الزام کسی غلط فہمی کا نتیجہ معلوم ہوتا ہے۔ من سائل بے گناہ ہے اور حلف پر آپ صاحبان کی تسلی کر سکتا
ہے کہ من سائل قطعاً اس قسم غیر قانونی فعل میں نہ تو ملوث رہا ہے اور نہ ہی ملوث ہونے کا سوچ بھی سکتا ہے۔ دست لبتہ گزارش ہے کہ من
سائل کے خلاف الزام مذکورہ بالا مزید کارروائی واپس لینے کا حکم صادر فرمایا جائے۔
سائل تازیت دعا گور ہے گا۔

تحریر:- 25.09.2019

کانسٹیبل شاہ محمد 985 متعینہ نیو پولیس لائن کوہاٹ



دستخط



No 22041-42/PA

15
Office of the
District Police Officer,
Kohat

Dated 21-9/2019

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 **Constable Shah Muhammad No. 986** 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.

i. ***You constable Shah Muhammad No. 986 conveyed the information through your father to Anwar group Sumari about raid plan of Jarma Police Station. Your this act show professional gross misconduct on your part.***

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 

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Imdad P.P.O.
24-09-2019.

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opy To:

AIG Complaint & Enquiry

SDPO City



No 22041-42/PA

Office of the
District Police Officer,
Kohat

Dated 21-9-2019

DISCIPLINARY ACTION

I, **CAPT ® WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **Constable Shah Muhammad No. 986** 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

- i. ***You constable Shah Muhammad No. 986 conveyed the information through your father to Anwar group Sumari about raid plan of Jarma Police Station. Your this act show professional gross misconduct on your part.***

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

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

**DISTRICT POLICE OFFICER,
KOHAT**

No 22041-42/PA, dated 21-9-2019.

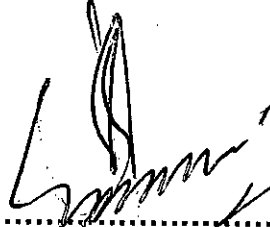
Copy of above to:-

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

بیان ازان قسمت خان SHO تھانہ جرما

حلفاً بیان کرتا ہوں کہ بحوالہ مقدمہ علت نمبر 478 مورخہ 23.09.2019 جرم PPG-118/216 پولیس ایکٹ 2017 تھانہ جرما برخلاف کانسٹیبلان / ملزمان صابر 89 متعینہ جرما اور شاہ محمد 985 متعینہ نیو پولیس لائن گارڈین گیٹ کوہاٹ درج رجسٹر ہو کر FIR میں نقل مد 17 روز نامچہ 23.09.2019 تھانہ جرما میں تفصیلاً رپورٹ میرا بیان ہے اس کے علاوہ تفتیشی شاف نے CDR بابت الزام حاصل کیا جا رہا ہے۔ کانسٹیبلان بالا پر الزامات CDR سے واضح طور پر ثابت ہوئے ہیں۔ مختصر یہ ہے کہ نامی گرامی مجرم اشتہاری انور حیات ولد آمان اللہ سکنہ سہاری پایان موجودہ الوقت زیر استعمال نمبر 0333-9301653 پر کانسٹیبل صابر نے اصغر علی کے نام پر موبائل نمبر 0335-5882844 کو بعد اسکے کارندے گرفتاری پر اپنی ذاتی نمبر 0313-7340202 پر رابطہ کر کے انفارمیشن دی گئی۔ اسی طرح 0333-9301653 نمبر سے PO بالانے 0333-9648431 اسم خان محمد سکنہ چیمبی کو کال کر کے بتلایا ہے کہ اپنے بیٹے کانسٹیبل شاہ محمد کو لاک کریں کہ اگر کوئی چھاپہ پولیس لائن سے نکلتا ہے تو مجھے انفارمیشن دیا کریں۔ انوسٹی گیشن شاف اس نمبرات کی CDR حاصل کیے جا رہے ہیں وہ بھی اگر موصول ہو جائیں تو ملاحظہ کرنے کے بعد واضح ہو جائے گا۔ میرا بیان حقیقت پر مبنی ہے۔

تحریر: 25.09.2019


 دستخط
 SHO / Jermata



Inspector of Police
 Jermata

بیان اذان محمد تونس ۵۹
MHC

جناب عالی

معدودا عدوت ہوں کہ کانسیبل شاہ محمد 985 جس پر الزام ہے
رابطہ الوری گروپ کے ساتھ ہے اور مقدمات 478 میں
سر (PPC 216) کے ساتھ جرم میں جارج پور چکا ہے۔ کانسیبل اور
معدودا 18⁰⁴ سے میں ایسٹ پولیس اسٹیشن پر ڈیوٹی سر انجام دیتا ہے۔
کا یا بیڑ ہے۔ اخلاقی طور پر میں اچھا ہے تاہم اسکے حوالے سے
کے متعلق کوئی معلومات من MHC کو نہیں۔ کانسیبل شاہ محمد 985
معدودا یعنی کارپائس ہے۔

~~MHC~~
MHC - lines - KT
25 - 09 - 19

Office of the
District Police Officer,
Kohat

No 22041-42/PA

Dated 21-9/2019

DISCIPLINARY ACTION

I, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **Constable Shah Muhammad No. 986** 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.

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

**DISTRICT POLICE OFFICER,
KOHAT**

No 22041-42/PA, dated 21-9/2019.

Copy of above to:-

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

Office of the
District Police Officer,
Kohat

No. 22041-42/PA

Dated 21-9-2019

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 **Constable Shah Muhammad No. 986** 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.

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4. A statement of allegation is enclosed.

DISTRICT POLICE OFFICER,
KOHAT

Shah Muhammad
21-9-19

24-9-19

زفائل

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۲ مجموعہ ضابطہ فوجداری

فارم نمبر

ضلع کوہاٹ

جرما

27

تاریخ وقوعہ ۲۰/۲۱/۱۹ اور ۲۰/۲۱/۱۹ درمیان شب

478

تاریخ وقت رپورٹ	۲۳/۱۹ وقت ۱۵:۰۰ بجے	جاں بگدی برہم پورہ ۲۳/۱۹ وقت ۱۵:۱۵ بجے
نام و سکونت اطلاع دہندہ مستفیث	قسمت خان SHO	
مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو۔		03349298499
جائے وقوعہ فاصلہ تھانہ سے اور سمت	حدود تھانہ جرما	۲۰/۱۹/۱۱۸ پولیس اسٹیشن اکت 2017
نام و سکونت ملزم	کانیشیل صاحبہ 89 شاہ محمد 985	
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو		پرسیدگی رپورٹ حسب احکام آفسران بالا پر درج ہے
تھانہ سے روانگی کی تاریخ و وقت		

ابتدائی اطلاع نیچے درج کرو۔

مستفیث من مندرجہ خانہ غیر رپورٹ

بھالہ مرد ۱۶ روز ناچہ ۲۳/۱۹ بہر خلاف ملزمان مندرجہ خانہ غیر ۵ در آ روز ناچہ محرم، نکلر پورہ
 حسب احکام آفسران بالا ماہان بہرہ مجرا تم با ۲ بہر خلاف ملزمان مندرجہ خانہ غیر ۵ جان کیا جاتا
 ہے نکلر FIR میں نکلر ملزمان لفتیش حوالہ ۱۸۲ سٹاف کیا جاتا ہے بہرہ گھڑاں سے لے لکھنا کا مشور
 ذیل SHO 23/19 رپورٹ قسمت خان SHO مورخہ ۲۳/۱۹ وقت ۱۵:۰۰ بجے درج شدہ جرم
 اشہاری گروپ کا سربراہ انور حیات ولد امان اللہ خان سکنہ سماری باباں بھدر دیہ گروہ ۵ مطلوب
 مفدمات علت ۱۷ مورخہ ۱۶/۱۹ جرم 302/324 تھانہ لاچی مفدمات علت ۲۸ جرم 13A0 مفدمات علت 196
 مفدمات علت 135 مورخہ ۱۷/۱۹ جرم 355/506 تھانہ لاچی مفدمات علت ۲۱ جرم 324-353
 مورخہ ۲۴/۱۸ جرم 302-324 تھانہ لاچی مفدمات علت ۲۶ جرم 452/148-149 تھانہ لاچی مفدمات علت 09 مورخہ ۱۷/۱۹ جرم 302/324
 علت 16 مورخہ ۱۶/۱۹ جرم 148-149 تھانہ لاچی مفدمات علت ۰۹ مورخہ ۱۷/۱۹ جرم 302-324
 کوہاٹ دیگر درجنوں مفدمات وقتہ جس و طاوب سے مورخہ ۱۷/۱۹ جرم 302-324 تھانہ لاچی مفدمات علت ۰۹ مورخہ ۱۷/۱۹ جرم 302-324
 سر انور گروپ سماری باباں نے مخالف گروپ کے 3/4 بندے جو کہ کچھری میں تاراج پیشی کیے
 آئینہ کی موٹ منڈل کرنے کیلئے پلان بنا کر خیراجھنی سے دو اجرنی اور اسکی ساکھم اشہاری
 حبیب اللہ ولد احمد جان سکنہ سماری باباں جو تھانہ لاچی میں جرم اشہاری سے کئے قتل کا مشور
 بنا کر اور ایسی منصوبہ بندی میں ملکہ پولیس کنیشیل صاحبہ 89 تھانہ جرما اور دو سہرا کنیشیل
 شان محمد 985 متعینہ مین گیت گارڈ نیو پولیس لائن سے جہاں پر بھی چھاپے کیلئے نثری جاتا
 ہے لو شان محمد 985 کنیشیل ملاکوں اپنے والد خان محمد سکنہ جھٹی کو فون کر کے پولیس چھاپے سے
 متعلق انور گروپ کو انفارمیشن مہیا کرنا ہے اور ماہر 89 کنیشیل تھانہ جرما میں قتل الزام

روایتی انور گروپ کے بابت جملہ انفارمیشن بذریعہ ذاتی و بائٹل فون انور حیات
 محرم اشہاری کو دی گئی ہے دونوں نیشنل مذکورہ عمل نام محمد خان اشہاری انور حیات
 سماری گروپ کی ہر قسم کی امداد اور جوائنٹنگر ختماری سے بچانے کی ہر ممکن کوشش کر رہے
 ہیں۔ 89 نیشنل مذکورہ کے خلاف قبل ازیں رپورٹ لکھا ہے اور اسکا جواب نیشنل
 کی فورسز کے مدد سے بھی کیا جاتا ہے۔ دونوں نیشنل کے خلاف برائے قانونی
 کارروائی کرنے کی خاطر رپورٹ درج روزنامہ مجیب پور کٹر سرد مناسب حکم آفران بالا
 صاحبان کو ارسال کیا جاتا ہے۔ رہنمائی حاصل کرنے کے بعد کارروائی عمل میں لائی
 جانی گئی جناب عالی نقل مختصاتی اصل ہے۔

SHO P's Janna
 23-09-2019

دستخط

مہر

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگایا جائے گا۔ اور اس پر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الف یا ب سرخ روشنائی سے بالقابل بنا
 ایک ملزم یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں، لکھنا چاہئے۔

۱۲

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260115 Fax 9260125

17

ORDER

The Following officials absented themselves from

Officials duties from various places as noted against each:-

S.#	Name	No	Place Of Posting	DD No. With date	Remarks	Order DPO
1.	FC Muhammad Aumair	493	Police Lines	DD No. 41, dt: 14.01.2019 to DD No. 69, dt: 15.01.2019	14 Hours	Warning to be careful in future
2.	FC Muhammad Yasir	431	Police Lines	DD No. 41, dt: 14.01.2019 to DD No. 69, dt: 15.01.2019	14 Hours	Warning to be careful in future
3.	FC Safi Ullah	1328	Police Lines	DD No. 41, dt: 14.01.2019 to DD No. 69, dt: 15.01.2019	14 Hours	Warning to be careful in future
4.	FC Muhammad Farooq	186	Police Lines	DD No. 41, dt: 14.01.2019 to DD No. 69, dt: 15.01.2019	14 Hours	Warning to be careful in future
5.	FC Muhammad Arif	274	Police Lines	DD No. 30, dt: 13.01.2019 to DD No. 44, dt: 14.01.2019	01 day	Absence period is treated as leave without Pay
6.	FC Hidayat Ullah	805	Police Lines	DD No. 30, dt: 14.01.2019 to DD No. 44, dt: 15.01.2019	03 day	Absence period is treated as leave without Pay
7.	FC Muhammad Waqas	580	Police Lines	DD No. 33, dt: 12.01.2019 to DD No. 37, dt: 14.01.2019	02 day	Absence period is treated as leave without Pay
8.	FC Junaid Alam	283	Police Lines	DD No. 33, dt: 12.01.2019 to DD No. 27, dt: 14.01.2019	02 day	Absence period is treated as leave without Pay
9.	FC Ahmad Afaq	306	Police Lines	DD No. 32, dt: 12.01.2019 to DD No. 27, dt: 14.01.2019	02 day	Absence period is treated as leave without Pay
10.	FC Zaheer Ud Din	439	Police Lines	DD No. 33, dt: 12.01.2019 to DD No. 27, dt: 14.01.2019	02 day	Absence period is treated as leave without Pay
11.	FC Ansar	613	Police Lines	DD No. 33, dt: 12.01.2019 to DD No. 27, dt: 14.01.2019	02 day	Absence period is treated as leave without Pay
12.	FC Arslan	488	Police Lines	DD No. 41, dt: 06.01.2019 to DD No. 13, dt: 09.01.2019	03 day	Absence period is treated as leave without Pay
13.	FC Husnain Habib	917	PS KDA	DD No. 09, dt: 10.01.2019 to DD No. 05, dt: 12.01.2019	02 day	Absence period is treated as leave without Pay
14.	FC Tabeer Abbas	115	PP Ghantikol Sharif	DD No. 25, dt: 08.01.2019 to DD No. 14, dt: 09.01.2019	01 day	Absence period is treated as leave without Pay
15.	FC Zahid Khan	807	Police Lines	DD No. 35, dt: 11.01.2019 to DD No. 52, dt: 13.01.2019	11 hours	Warning to be careful in future
16.	FC Asif Nawaz	365	Police Lines	DD No. 20, dt: 13.01.2019 to DD No. 23, dt: 15.01.2019	11 hours	Warning to be careful in future
17.	FC Muhammad Ajmal	799	Police Lines	DD No. 44, dt: 15.01.2019 to DD No. 24, dt: 16.01.2019	01 day	Absence period is treated as leave without Pay
18.	FC Hazrat Ali	631	Police Lines	DD No. 24, dt: 15.01.2019 to DD No. 24, dt: 16.01.2019	01 day	Absence period is treated as leave without Pay
19.	FC Intiaz	1009	Police Lines	DD No. 20, dt: 13.01.2019 to DD No. 23, dt: 15.01.2019	11 hours	Warning to be careful in future
20.	FC Zeeshan	1256	Police Lines	DD No. 20, dt: 13.01.2019 to DD No. 23, dt: 15.01.2019	11 hours	Warning to be careful in future
21.	FC Shahzail	733	Police Lines	DD No. 44, dt: 15.01.2019 to DD No. 52, dt: 16.01.2019	11 hours	Warning to be careful in future
22.	FC Shah Muhammad	985	Police Lines	DD No. 44, dt: 15.01.2019 to DD No. 52, dt: 16.01.2019	11 hours	Warning to be careful in future
23.	FC Zia Ullah	1067	Police Lines	DD No. 44, dt: 15.01.2019 to DD No. 52, dt: 16.01.2019	11 hours	Warning to be careful in future

DISTRICT POLICE OFFICER,
KOHAT

OB No 173

Dated 4.2.2019

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(1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1768/2019

Shah Muhammad Ex-Const No. 985

..... Appellant

VERSUS

Inspector General of Police,

Khyber Pakhtunkhwa, Peshawar and others

..... Respondents

PARAWISE COMMENTS, REPLY BY RESPONDENTS.

Respectively Sheweth:-

Preliminary Objections:-

- i. That the appellant has got no cause of action.
- ii. The appellant has got no locus standi.
- iii. The appellant is estopped to file the present appeal due his own act.
- iv. That the appellant has not come to this Hon: Tribunal with clean hands.
- v. That the appeal is bad in eyes of law as, his revision petition was rejected by respondent No. 1 and the appellant has not questioned the said order. Copy annexed.

FACTS:-

✓ On 20.05.2017, 04 Police officers were martyred by notorious proclaimed offenders vide FIR No. 9 dated 20.05.2017 u/ss 302, 324, 353, 427, 148, 149, 34 PPC, 15AA, 7ATA, Police station CTD Kohat Region. Their arrest was a challenge to Police. On the midnight of 20th / 21st September 2019, Police planned operation / raid at the abodes of notorious proclaimed offenders / target killers. The appellant having links with the notorious disclosed secrecy of Police plan and provided information to the gang. Due to which the operation could not be succeeded. Thus the appellant being member of a disciplined department had committed a gross professional misconduct and exhibited himself as untrustworthy. Copies of FIR and daily diary are **annexure A & B.**

Reply is submitted in the above para.

The appellant was served with charge sheet alongwith statement of allegations under the relevant rules and SP Operation Kohat was appointed as inquiry officer, who held him guilty of the charge after conducting proper inquiry.

After fulfilling all codal formalities including personal hearing of the appellant, the appellant was awarded punishment commensurate to the charge by respondent No. 3 as the charge was established against the appellant beyond any shadow of doubt during regular probe.

Incorrect, the appellant being member of a disciplined department had committed gross misconduct and exhibited himself inefficient and untrustworthy as well which was established against the appellant. The departmental representation being devoid of merits was correctly rejected by respondent No. 2. It is added that revision petition of the appellant was also rejected by respondent No. 2 vide order dated 27.07.2020, which is not challenged by the appellant in the instant service appeal.

Incorrect, the appellant was associated with the inquiry proceedings, afforded ample opportunity of defense and heard in person by the respondent as evident from the impugned orders, but the appellant failed to submit any plausible explanation to his misconduct / defend himself.

1. ✓ Incorrect, the appellant had committed a gross professional misconduct, exhibited himself inefficient and untrustworthy official during his service, the charges / allegations leveled against the appellant were established beyond any shadow of doubt during regular probe..
2. ✓ Incorrect, the appellant was proceeded with departmentally in accordance with the relevant rules. The inquiry officer after conducting proper proceedings held him guilty of the charges.
3. ✓ Incorrect, the appellant submitted false statement in para No. 3 of the appeal, as he did not earn any good entry in his credit during service.
4. ✓ Incorrect, the appellant was associated with the inquiry proceedings, heard in person during disposal of inquiry and hearing of his departmental appeal / revision petition, but failed to submit any plausible explanation to his gross professional misconduct established against him.
5. ✓ Incorrect, the appellant was proceeded with departmentally for the charges of mis-conduct. Furthermore, regarding the case referred by the appellant, it is submitted that each and every case has its own facts and merits. Therefore, the reference is not relevant. It added the appellant was also charged in case FIR No. 478 dated 23.09.2019 u/ss 216 PPC, r/w 118 KP Police Act 2017.
6. ✓ Incorrect, all codal formalities were fulfilled during the course of departmental proceedings.
7. ✓ The charges leveled against the appellant was established by the inquiry officer, competent & appellate authorities vide their legal and valid orders.

گونا گویا سوری سے پتہ چلتا ہے

8. ✓ There was credible information regarding leakage of Police operation plan by appellant as, detailed in daily diary No. 7 dated 23.09.2019, annexure B. The appellant might have used other sources for providing information to the notorious POs as he knew that his cell data will be verified / collected in case of his apprehension.
9. ✓ The Police operation against notorious POs gang was not succeeded as the notorious POs wanted in FIR No. annexure A have made their good escape before arrival of raiding party.
10. Incorrect, the criminal and departmental proceedings can run side by side and there is no legal restriction as the appellant had also committed a criminal act, besides professional misconduct. Furthermore, discussion on criminal case on legal point relates to trial court and beyond the jurisdiction of this honorable Tribunal.
11. The appellant is estopped to file the instant appeal for his own act / conduct.

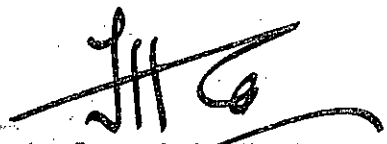
Grounds:-

- a. Incorrect, the matter is not related to general public to whom examination was required during inquiry. However, the concerned Police officials were examined during the course of inquiry proceedings.
- b. Incorrect, the appellant was served with charge sheet / statement of allegations and final show cause notice to which he submitted replies, joined the inquiry proceedings and personally heard by the respondents.
- c. Incorrect, the punishment imposed on the appellant is commensurate to the charges established against him.
- d. Incorrect, the appellant had committed a gross professional misconduct and exhibited himself inefficient / untrustworthy official.
- e. Incorrect, the appellant submitted false statement in para "e" of the grounds of his appeal as the legal proceedings were followed and the appellant was served with final show cause notice to which he submitted reply. Copies already **annexed as C & D.**
- f. Incorrect, the appellant was dealt with departmentally under the relevant rules, hence question of human rights violation does not arise.
- g. Incorrect, all the departmental proceedings were conducted in accordance with the relevant rules.
- h. Incorrect, speaking and legal orders were passed by the respondents.
- i. Incorrect, as replied in the above paras, the departmental proceedings were conducted against the appellant in accordance with relevant / existing rules.
- j. Incorrect, as replied earlier, legal and speaking orders are passed by the respondents.

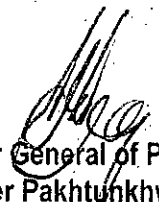
k. Incorrect, reply has been submitted in the preceding paras.

Prayer:-

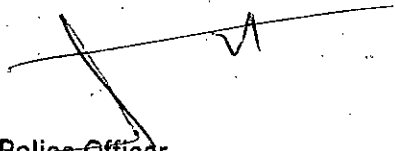
In view of the above, it is prayed that the appeal of the appellant not maintainable may kindly be dismissed with costs.



Dy: Inspector General of Police /RPO
Kohat,
(Respondent No. 2)



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



District Police Officer,
Kohat
(Respondent No. 3)

5

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1768/2019

Shah Muhammad Ex-Const No. 985

..... Appellant


VERSUS

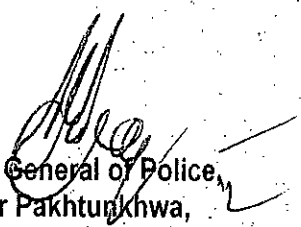
**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar and others**

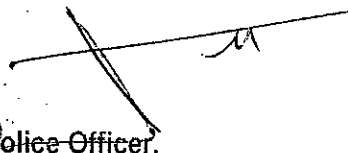
..... Respondents

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.


Dy: Inspector General of Police /RPO
Kohat,
(Respondent No. 2)


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


District Police Officer,
Kohat
(Respondent No. 3)



6
6/10/20
18/8/20

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.**

No. S/ 3306 /20, dated Peshawar the 11/08/2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Ex-FC Shah Muhammad No. 985**. The petitioner was dismissed from service by District Police Officer, Kohat vide OB No. 1181, dated 25.09.2019 on the allegations that he had contacts with notorious proclaimed offender group wanted in numerous heinous crimes including target killing of 04 Police officers. On midnight of 20th/21st September, 2019, Police raid was planned on the aboard of proclaimed offenders. He provided information to the gang through his father, due to which the operation secrecy was leaked. Besides above, a case vide FIR No. 478, dated 23.09.2019 U/Ss 216 PPC, 118 Police Act-2017 Police Station Jarra was also registered. His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 10842/EC, dated 26.11.2019.

Meeting of Appellate Board was held on 21.07.2020 wherein petitioner was heard in person. During hearing petitioner denied the allegations leveled against him.

EC
SP
Serious allegations of having contacts with notorious proclaimed offender group wanted in numerous heinous crimes including target killing of 04 Police officers has been leveled against him. His retention in Police department is most dangerous to the lives of Police personnel and any serious mishap could not be ruled out. Therefore, the Board decided that his petition is hereby rejected.

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

Sd/-

DR. ISHTIAQ AHMED, PSP/PPM
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 3307-3317/20.

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 Ex-FC received vide your office Memo: No. 2799/EC, dated 20.02.2020 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/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

DPO/Kohat

9/110
24/8/20

4/4/20
21/8/20

For n/a along with above mentioned documents met in D the whole and concerned.

(KASHIF ZULFIQAR) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

①

①

POLICE DEPTT:

KOHAT REGION

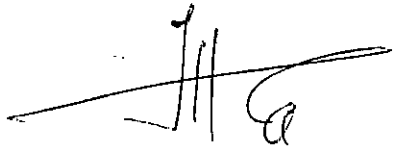
ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Shah Muhammad No. 985 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 1181, dated 25.09.2019 whereby he was awarded major punishment of dismissal from service for the allegations of establishing links with most notorious gang of Sumari Bala and providing secret information to them regarding conducting of raid etc.

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 14.11.2019. During hearing, he did not advance any plausible explanation in his defense to prove his innocence and just move 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. Being a member of disciplined force, he was not supposed to indulge himself in such illegal activities. Therefore, his appeal being devoid of merits is hereby rejected.


Order Announced
14.11.2019

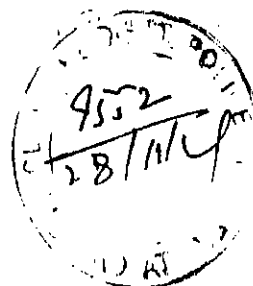

(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

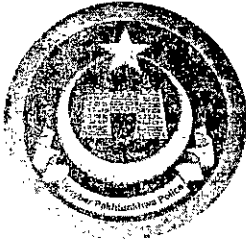
No. 10842- /EC, dated Kohat the 26/11 /2019.

Copy to District Police Officer, Kohat for information w/r to his office Letter No. 19298/LB, dated 29.10.2019. His Service Roll & Fauji Missal is returned herewith.

DSPIL + SRC + OTC.
28/11/19


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





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

ORDER

This order will dispose of departmental proceedings conducted against constable Shah Muhammad No. 985, (**hereinafter called accused official**) of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Facts arising of the case are that the accused official had contacts with notorious Proclaimed Offender group wanted in numerous heinous crimes **including target killing of 04 Police officers**. On midnight of 20th /21st Sep: 2019, Police raid was planned on the ~~board~~ of Proclaimed offenders. The accused official being member of a disciplined force provided information to the gang through his father, due to which the operation secrecy was leaked by him willfully to the loss of the force operating in that raid.

For the above, serious / professional misconduct of the accused official, charge sheet alongwith statement of allegations was served upon the accused official. SP Operations Kohat was appointed as enquiry officer to scrutinize the conduct of accused official. The Enquiry officer vide his report established contact of accused official with PO Anwar gang on the eventful day the accused official was held guilty of the charge leveled against him.

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 25.09.2019 and afforded opportunity of defense but he failed to submit any plausible explanation. However the accused official admitted that he had contacted PO Anwar Hayat family for provision of clothes etc to the arrested accused after the raid.

I have gone through the available record and finding of the enquiry officer, which transpires that the accused official had contacts with the notorious most wanted POs gang and provided them information regarding Police legal action. The misconduct of the accused official was confirmed from other sources as well. Besides above, a case vide FIR No. 478 dated 23.09.2019 U/Ss 216 PPC , 118 Police Act – 2017 PS Jarma has also been register against the accuse official.

From the above, I have reached to the conclusion that the accused official being member of a disciplined force had relation with notorious PO gang and leaked information to facilitate the target killers, thus held guilty of violation of 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. Furthermore, **the accused official having service less than 03 years, indulged himself in**

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26-9-
صین
وکیل
کتاب
کتاب

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9

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 constable Shah Muhammad No. 985 with immediate effect. **Kit etc issued be collected.**

Announced
25.09.2019


DISTRICT POLICE OFFICER,
KOHAT 25/9

OB No. 1181
Dated 25.09.2019

No. 24032-36/PA dated Kohat the 25-9- 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.I/L.O for clearance report


DISTRICT POLICE OFFICER,
KOHAT 25/9

صباح عالی!

جو الہیاتی سائنسوں کے شعبے میں 2018
میں 25 ویں نمبر پر داخل ہوئے ہیں۔
جو ان کے پاس سائنس کے شعبے میں
بہتر نمبروں پر داخل ہوئے ہیں۔
ان کے پاس سائنس کے شعبے میں

25 ویں نمبر پر داخل ہوئے ہیں
2018

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ

بسم الله الرحمن الرحيم
 الحمد لله رب العالمين
 والصلاة والسلام على
 سيدنا محمد وآله
 وبعد
 فإني أفتي
 من أمة محمد
 في كل ما سألتني
 به من أمور
 الدين والدنيا
 بما أرى من
 مصلحة للمسلمين
 وأنها لا تضر
 دينهم ولا
 دنياهم ولا
 آخرة لهم
 والله أعلم
 بالصواب

في كل ما سألتني به من أمور الدين والدنيا بما أرى من مصلحة للمسلمين وأنها لا تضر دينهم ولا دنياهم ولا آخرة لهم والله أعلم بالصواب

محمد بن عبد الله