

18.12.2020

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Arif Saleem, Stenographer for the respondents present.

Former sates that in revisional proceedings before the departmental authority, the hearing has been completed but order is yet to be issued. He, therefore, requests for adjournment in order to lay hands on the *outcome of* awaited proceedings.

Adjourned to 12.03.2021 before the D.B.

(Mian Muhammad)  
Member(E)

Chairman

*The appellant has been suspended by the Deptt on 22/2/2020, therefore the appellant wants to withdraw the instant appeal*  
*12/3/21*

12.03.2021

Appellant present through counsel.

Noor Zaman Khan Khattak learned District Attorney alongwith Arif Salim Stenographer for respondents present.

Request for withdrawal of the instant service appeal was made by the learned counsel for appellant as the grievance of appellant has been redressed by the respondents. In this regard, his statement was also recorded on the margin of order sheet.

In view of above, instant service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.

Announced.  
12.03.2021

(Mian Muhammad)  
Member (E)

(Rozina Rehman)  
Member (J)

29.04.2020

Due to COVID19, the case is adjourned to 21.07.2020 for the same as before.

  
Reader

21.07.2020

Mr. Taimur Ali Khan, Advocate for appellant and appellant himself are present. Mr. Kabirullah Khattak, Additional AG alongwith representative of the department Mr. Arif Saleem, ASI are also present.

Representative of the department submitted para-wise comments on behalf of respondents No. 1 to 3 which are placed on file. To come up for arguments on 12.10.2020 before D.B. The appellant may submit rejoinder within a fortnight, if so advised.

(MUHAMMAD JAMAL KHAN)  
MEMBER

12.10.2020

Due to incomplete Bench, the case is adjourned. To come up for the same on 18.11.2020 before D.B.

  
Reader

06.02.2020

Counsel for the appellant Muhammad Ibrar present. Preliminary arguments heard. It was contended by learned counsel for the appellant that the appellant was serving in Police Department. He was imposed major penalty of dismissal from service vide order dated 18.09.2019 on the allegation of corruption/registration of criminal case. The appellant file departmental appeal but the same was also rejected vide order dated 14.11.2019 hence, the present service appeal. It was further contended that neither proper inquiry was conducted nor the appellant was associated in any regular inquiry nor any show-cause notice was issued to the appellant, therefore, the impugned order is illegal and liable to be set-aside.

The contentions raised by the learned counsel for the appellant need consideration. The appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 19.03.2020 before S.B.

8/2

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

19.03.2020

Appellant in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Arif Saleem, ASI for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department seeks adjournment to furnish written reply/comments. Adjourned to 29.04.2020 for written reply/comments before S.B.

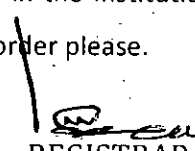



  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

Form- A

FORM OF ORDER SHEET

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

Case No.- 1717/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge.
1	2	3
1-	09/12/2019	<p>The appeal of Mr. Muhammad Ibrar presented today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p> REGISTRAR 9/12/19</p>
2-	10/12/19	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/01/20</u></p> <p> CHAIRMAN</p>
	08.01.2020	<p>Nemo for appellant. Notices be issued to appellant/counsel. To come up for preliminary hearing on 04.02.2020 before S.B.</p> <p> Chairman</p>
	04.02.2020	<p>Appellant in person present and requested for adjournment on the ground that his counsel is not available today due to general strike of Khyber Pakhtunkhwa Bar Council. Adjourned to 06.02.2020 for preliminary hearing before S.B.</p> <p> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>

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

APPEAL NO. 1717 /2019



Muhammad Ibrar

V/S

Police Deptt:

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S. No.	Documents	Annexure	P. No.
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02	Copy of complaint	A	06
03	Copy of FIR	B	07
04	Copies of charge sheet, statement of allegations and reply to charge sheet	C,D&E	08-13
05	Copy of provisionally report	F	14
06	Copy of order dated 18.09.2019	G	15
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THROUGH: **APPELLANT**  
  
**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT**  
  
**(ASAD MAHMOOD)**  
**ADVOCATE HIGH COURT**

Cell# 0333-9390916

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

APPEAL NO. 1717/2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1787

Dated 09/12/2019

Muhammad Ibrar, Ex-LHC, No.1369,  
Police Line Kohat.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region, Kohat.
3. The District Police Officer, Kohat.

(RESPONDENTS)

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APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 18.11.2019, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED AGAINST THE ORDER DATED 18.09.2019, WHEREIN MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT, FOR NO GOOD GROUNDS.

Filed to-day

Registrar

9/12/19

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 18.11.2019 AND 18.09.2019 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATE INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWTH:**

**FACTS:**

1. That the appellant joined the police force in the year 2007 and has completed all his due training etc and performed his duty with great devotion and honesty, whatsoever assigned to him and also have good service record throughout and have also received commendation certificates along with cash award.
2. That the appellant, while posted at Muslim Abad Police Post along with other police officials stopped the loaded truck with chaff on the verbal direction of his superior through incharge Police Post Muslim Abad, due to which large number of trucks were parked and after few days, the Traffic Incharge Kohat and SHO Jerma hold negotiations with the ruck drivers and as result direction has given to the officials of the Muslim Abad Police post to permit two truck in intervals to ensure smooth running of traffic on the road. It is pertinent to mentioned here that before the negotiation one of the truck driver namely Hanif, who is the brother of constable Qayyum requested to incharge PP Muslim Abad to allow the truck of Hanif which was regretted, therefore a incorrect and baseless message has sent to the high ups by Hanif wherein it was alleged that the police posted in Police Post Muslim Abad took money from the truck drivers. **(Copy of complaint is attached as Annexure-A)**
3. That on the basis of complaint, FIR No.419 dated 19.08.2018 U/S 161,162,163 PPC PS Jarma was lodged against the appellant and the appellant was suspended. The appellant was bailout in the instant FIR. **(Copy of FIR is attached as Annexure-B)**
4. That charge sheet along with statement of allegations were issued to the appellant which was duly replied by the appellant in which he denied the allegation and gave the real facts about the situation and also submitted application on non confidence on the inquiry officer, however he did not keep the copy of application, which may be requisite from the department. **(Copies of charge sheet, statement of allegations and reply to charge sheet are attached as Annexure-C,D&E)**
5. That on the complaint, inquiry officer conducted inquiry and submitted provisionally report to respondent No.3 in which the inquiry officer mentioned that the complainant and other person called in inquiry proceeding have given contrast statements, due to which

doubts were created in the issue and further inquiry will be held in the matter. **(Copy of provisionally report is attached as Annexure-F)**

6. That the inquiry if so conducted was one sided as the appellant was never associated with the inquiry proceeding, but despite that the inquiry officer held the appellant responsible on the basis that irregular and improper inquiry if so conducted, even the inquiry report was not given to the appellant.
7. That without conducting regular inquiry and without issuing the show cause notice to the appellant, the appellant was dismissed from service vide order dated 18.09.2019. **(Copy of order dated 18.09.2019 is attached as Annexure-G)**
8. That against the dismissal order dated 18.09.2019, the appellant filed departmental appeal on 26.09.2019, but the same was also rejected for no good ground on dated 18.11.2019. **(Copy departmental appeal and rejection order are attached as Annexure-H&I)**
9. That now the appellant come to this august tribunal on the following grounds amongst others.

#### **GROUND:**

- A) That the impugned order dated 18.11.2019 and 18.09.2019 are against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That inquiry officer conducted inquiry and submitted provisionally report to respondent No.3 in which the inquiry officer mentioned that the complainant and other person called in inquiry proceeding have given contrast statements, due to which doubts were created in the issue and further inquiry will be held in the matter, but despite that no inquiry was conducted against the appellant and if so conducted, the appellant was never associated with inquiry proceeding, but despite that the appellant was dismissed from service, which is violation of law and rules.
- C) That the inquiry if so conducted was one sided as the appellant was never associated in the inquiry proceeding, but despite that the inquiry officer held the appellant responsible in that irregular and improper



inquiry if so conducted, even the inquiry report was not given to the appellant which is against the norms of justice fair play and violation of superior courts judgments, therefore the impugned order is liable to be set aside on this ground alone.

- D) That in the provisionally report, the inquiry officer clearly mentioned that complainant and other person called in inquiry proceeding have given contrast statements, due to which doubts were created in the issue and further inquiry will be held in the matter and in such like situation regular is must with giving full opportunity of defence to the appellant in the shape of recording statements in the presence of the appellant and cross examination of witnesses, but inquiry officer did not associated in the inquiry proceeding if so conducted.
- E) That in complaint, the complainant mentioned that the police officials took money from the truck driver and did not directly mentioned the name of the appellant although many police officials were performing duty in the Muslim Abad Police post, but despite that action has been taken only against the appellant which is against the norms of justice and fair play.
- F) That the appellant was also discriminated as HC Qayas was also called by the inquiry officer, but no action has been taken against him by the respondent department.
- G) That even the show cause notice was not issued to the appellant before passing the impugned dismissal order, which is against the law and rules.
- H) That the appellant is involved in criminal case and the respondent department should suspended him till the conclusion of criminal case pending against the appellant under CSR-194, but the respondent department dismissed him from service without waiting to conclusion of criminal case pending against him, which is violation of CSR-194.
- I) That the appellant has been condemned unheard and has not been treated according to law and rules.
- J) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.



**APPELLANT**

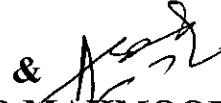
Muhammad Ibrar

THROUGH:



**(TAIMUR ALI KHAN)**

**ADVOCATE HIGH COURT**



**(ASAD MAHMOOD)**

**ADVOCATE HIGH COURT**

**ABDUL WAHID  
ADVOCATE**



ANNEX-A  
1/0  
P-06

## Police Access Service

Source:	IGP
Complaint Code:	2019/08-3163
SMS Id:	155703
Complainant Name:	Muhammad Hanif
Complainant Mobile:	+923018018157
Receiving Mode:	By Sms
Relevant District:	Kohat
Relevant Police Station:	Jurma
Date:	2019-08-08 09:45:04
Complaint Details:	<p>You will be surprised to receive a message from a PRESIDENT OF TRUCK DRIVERS UNION who are carrying Boos from Punjab and Lakki Marwat to Peshawar. The police posted in police post MUSLIM ABAD District Kohat took five thousand rupees per truck from DRIVERS . Kindly take action against them . Sami ullah and M.Hanif Landiwah,Lakki Marwat,</p>
Actual Complaint SMS:	<p>Sir, G. Assalam o alaikum Hope! You are fine. You will be surprised to receive a message from a PRESIDENT OF TRUCK DRIVERS UNION who are carrying Boos from Punjab and Lakki Marwat to Peshawar. The police posted in police post MUSLIM ABAD District Kohat took five thousand rupees per truck from DRIVERS . Kindly take action against them . Sami ullah and M.Hanif Landiwah,Lakki Marwat,</p>
Dead Line:	10 Day(s)

ATTACHED

CH





No 10026-27/PA

ANNEX-C  
P-08  
Office of the  
District Police Officer,  
Kohat

Dated 19-8-2019

CHARGE SHEET.

I, CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you LHC Muhammad Ibrar No. 1369 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.

*Being involved in Criminal Case vide FIR No. 419 dated 19.08.2019 U/Ss 161, 162, 163 PPC PS Jarma, which is a 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.

DISTRICT POLICE OFFICER,  
KOHAT 19/8

ISSUE

CR



Office of the  
District Police Officer,  
Kohat

No 10026-27/PA

Dated 19-8-2019

DISCIPLINARY ACTION

CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT as competent authority, am of the opinion that you LHC Muhammad Ibrar No. 1369 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

*Being involved in Criminal Case vide FIR No. 419 dated 19.08.2019 U/Ss 161, 162, 163 PPC PS Jarma, which is a gross misconduct on your part.*

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations ASP Saddar, 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 19/8

No. 10026-27/PA, dated 19-8-2019.

Copy of above to:-

1. ASP Saddar, 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.

ATTESTED  
A

REPLY TO THE CHARGE SHEET

Respected Sir,

In connection with the charge sheet No.10026-27 dated 19-8-2019, an allegation has been leveled against the respondent is that he is involved "in a criminal case vide FIR No.419 dated 19-8-2019-U/Ss 161/162/163 PPC P.S Jerma, Kohat.

Sir,

As far as registration of the above mentioned case is concerned, it has been incorrectly registered. The factual position is that about seven/7 months ago, the respondent was posted at the Muslim Abad Check Post. During posting of the respondent huge recoveries of narcotics and arms and a ammunition were effected. In addition non-custom paid vehicles and the vehicles involved in criminal case were also impounded by the respondent and his colleagues. The respondent is pleased to say that during posting of the respondent performance of the Police Post Muslim Abad was outstanding throughout the district Kohat. Undoubtedly, the credit of such an outstanding performance goes to the round the clock efforts and hard work of the respondent and his colleagues.

That in consequences of the verbal direction of the worthy Officers, the respondent upon order of the incharge PP Muslim Abad Abdul Qayyas HC stopped the loaded trucks with chaff. Resultantly a large number of trucks were parked making traffic problems for the incoming and outgoing commuters.

P-11

After some days, the traffic incharge Kohat alongwith the HSHO Jerma held negotiations with the truck drivers. As a result of the negotiations while leaving the place both the officers directed the officials of the PP Muslim Abad to permit two truck in intervals so that to ensure smooth traffic on the road.

Sir,

In compliance with the direction of the officers mentioned above, the respondent and his colleagues used to permit two trucks at a time in intervals. As a large number of trucks were parked, therefore, each one of them was trying to take lead. The truck drivers also used to get information about the latest position from the nearby hotel employers and petrol pumps Chawkidars.

That among the trucks parked near the police port Muslim Abad, a truck of one Haneef who is brother of constable Qayyum was also parked. Qayyum constable had asked through phone my incharge PP Muslim Abad to permit Hanif proceed onward. As at that time no talks were held between the police and truck drivers therefore, he regretted his request. Thereafter, a false and incorrect SMS was sent by the driver Hanif with consultation of constable Qayyum to the worthy senior officers wherein it was alleged that the PP Muslim Abad is in league with the owner of hotel Taj Mahal who collects money from the truck drivers for the police.

Respected Sir,

Alter some days of the receipt of the SMS, case vide FIR No.419 dated 19-8-2019 U/Ss 161/162/163 PPC was registered in PS



Jerma against the respondent and Ilyas owner of Taj Mahal Hotel.

Sir,

The registration of FIR was not warranted because sections 161/162 & 163 PPC are non cognizable offences. At the most a complaint could have been moved against the respondent.

Secondly, there is no direct or indirect evidence which could lead a prudent mind that from whom the alleged illegal gratification was taken.

Thirdly, how much illegal gratification was taken by the respondent on his behalf by the owner of the hotel Taj Mahal.

Fourthly, the alleged affectee has not come forward to claim that illegal gratification was paid by him to the owner of Taj Mahal hotel or the respondent.

Fifthly, the respondent being lower subordinate, cannot commit such an offence without connivance of the other offence<sup>CCAY</sup> charging the respondent exclusively for the offence is not correct.

Sixthly, nothing incriminating has been recovered from the respondent. In order to prove the offence of illegal gratification recovery of the bribe amount is necessary. Without recovery of the bribe amount, such an offence cannot be proved.

Respected Sir,

The respondent has more or less 12 years service to his credit in the Police Deptt:



The worthy senior officers was always expressed satisfaction. For the good work of the respondent, the worthy senior officers have awarded commendation certificates besides the cash reward.

Respected Sir,

The respondent is absolutely innocent. He has nothing to do with the offences mentioned in the charge sheet.

That the charge sheet and as well as the criminal case registered against the respondent are incorrect, unfounded baseless and seem to be the result of some misunderstanding.

Respected Sir,

In view of above unrebuttable facts, departmental proceedings and the criminal case against respondent cannot stand / established / proved.

It is humbly requested that the departmental proceedings against the respondent and charge sheet against the respondent may be kindly be filed Criminal case against the respondent may also be kindly cancelled. The respondent will be highly obliged and will pray for your long life and prosperity.

Yours Obediently,



MUHAMMAD IBRAR  
LHC No.1369  
Police Line Kohat.

Dated: 26-8-2019.

**ATTESTED**



SMS کمپلیٹ کوڈ 3163-08-2019 (عبوری رپورٹ)

عنوان:

جناب عالی!

مورخہ 08-8-2019 کو SMS کمپلیٹ کوڈ 3163-08-2019 موصول ہوتے ہی کمپلیٹ کنندہ کے ساتھ بذراجمہ موبائل نمبر 0301801815 رابطہ کر کے سہمی محمد حنیف ولد خواجہ معصوم سکنہ تحصیل لنڈا ہوا کی مرمت کو انکوائیری کے ذریعہ اطلاع دینا طلب کئے۔ مورخہ 09-8-2019 کو کمپلیٹ کنندہ بمعہ ڈرائیور اور دفتر ہذا پیش ہوئے۔ کمپلیٹ کنندہ سے کمپلیٹ کے بابت گفت و شنید ہو کر مذکورہ نے بیان کیا کہ۔

الزام: بھوسہ کے ٹرک ہائے مسلم آباد نا کہ بندی والے لوڈ کی وجہ سے اگے بظرف پشاور نہیں چھوڑا ہے تھے۔ اور تقریباً 50/53 ٹرک ہائے بھوسہ سے لوڈ شدہ نزدیکی ہوٹل اور پٹرول پمپ میں کھڑے تھے۔ مورخہ 01-8-2019 کی رات 12 بجہ تمام بھوسہ ٹرک والوں سے الیاس تاج محل ہوٹل لاجی نے پیسے لینے پر چھوڑ دئے۔ جب اگے ٹرک ہائے بھوسہ سے لوڈ شدہ مسلم آباد چیک پوسٹ پر پہنچ کر پولیس والوں نے ٹرک کا نمبر دیکھ کر نہیں واپس کر دیا۔ اور انہیں کہا کہ جو ڈرائیور ہے وہ اپنے والے محمد الیاس کو پیسے دے دو پھر واپس آ جاؤ۔ انہوں نے ٹرک واپس لے جا کر تاج محل ہوٹل والے محمد سے یہ رقم وصول کی۔ اور مسلم نے مبلغ 2000/- روپیہ جبکہ ٹرک ڈرائیور ضیاء الرحمن نے مبلغ 05 ہزار روپیہ دیکر محمد الیاس نے مسلم آباد چیک پوسٹ والوں کو کال کر کے تب چھوڑا ہے۔

تحقیقات: کمپلیٹ کے سلسلے میں SHO تھانہ لاجی نذر عباس کو فون پر اطلاع دیکر حکم کیا کہ محمد الیاس سے تاج محل ہوٹل والے کو جلد از جلد دفتر ہذا پیش کریں۔

SHO نذر عباس نے محمد الیاس ولد نذیر خان تاج محل ہوٹل لاجی کو لا کر زبردستی سختی کو پیش کیا۔ جس سے رقم کے بارے میں دریافت ہوئی۔ مگر اس نے لاعلمی ظاہر کی۔

الزام علیہ گان کا نیشنل ابراہم FC اور قیاس HC، محمد الیاس اور کمپلیٹ کنندہ کو آسنے سامنے پیش کر کے قرآن پاک کو تھپتھپانے میں رکھ لیا۔ لیکن کمپلیٹ کنندہ فریق نے تب ٹال مٹول سے کام شروع کیا۔ ڈرائیور ان پہلے کہہ رہے تھے کہ رقم انہوں نے محمد الیاس کو خود حوالہ کی ہے۔ لیکن بعد میں کہہ رہے تھے کہ انہوں نے خود حوالہ نہیں کی ہے۔ بلکہ ان کے منشی کو رقم حوالہ کی ہے۔ اور ایک ڈرائیور کہہ رہا تھا کہ اس نے محمد الیاس کو خود رقم حوالہ نہیں کی ہے بلکہ کنڈیکٹر کے ذریعے رقم حوالہ کی ہے۔

معاملہ پندرہ ایس ٹی کوک و شہادت پیدا ہونے کی وجہ سے آج مورخہ 16-8-2019 کو مسلم آباد نا کہ بندی کے اچھاروہ قیاس HC، کا نیشنل ابراہم اور محمد الیاس (تاج محل ہوٹل) کے NIC نمبرات حاصل کر کے CDR کے لئے بھجوا دیے ہیں۔ NIC نمبرات پر درج شدہ تمام موبائل نمبرات کی CDR حاصل کرنے کے لئے پرو فارم CDR براؤزنگ بھجویا ہے۔ CDR موصول ہونے پر مزید انکوائیری اور کارروائی کی جائیگی۔ عبوری رپورٹ مرتب ہو کر گزارش ہے۔

اسٹیشن سپرنٹنڈنٹ ٹرک آف ایس ڈی  
صدر مکمل

ATTESTED



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

**ORDER**

This order is passed on the departmental enquiry against LHC Muhammad Ibrar No. 1369, under the Khyber Pakhtunkhwa, Police Rules (amendment 2014) / 1975.

Brief facts of the case are that being involved in criminal case vide FIR No. 419 dated 19.08.2019 U/Ss 161, 162, 163 PPC PS Jarra, which is a gross misconduct on his part.

He was served with charge sheet & statement of allegations, ASP Saddar, Kohat was appointed as enquiry officer to proceed against him departmentally. Enquiry officer submitted his finding report and stated that the delinquent official took bribe money from truck drivers with the help of Taj Mahal Hotel owner Ilyas and he is further recommended for major punishment.

In view of above, Final Show Cause Notice alongwith finding of enquiry was served upon the accused official. Reply to Show Cause Notice was received unsatisfactory.

Therefore, the defaulter official was called in O.R held on 17.09.2019 and heard in person, but he failed to advance any plausible explanation to his misconduct.

I have gone through the available record, which transpires that the accused official was involved in getting illegal gratification/corruption from public. Besides the finding and recommendation of enquiry officer, the source was confirmed by the undersigned. Hence, the charges / allegations leveled against the accused official are established beyond any shadow of doubt. Therefore, in exercise of powers conferred upon me under the rules ibid, I Capt. @ Wahid Mehmood District Police Officer, Kohat hereby impose a major punishment of "dismissal from service" on accused LHC Muhammad Ibrar No. 1369 with immediate effect. Kit etc issued to the accused official be collected immediately.

Announced

17.09.2019

DISTRICT POLICE OFFICER,  
KOHAT

OB No. 1133  
Date 18-09-2019

No. 21041-43/PA dated Kohat the 18-9-2019.

Copy of above to the:-  
Reader/SRC/OHC/Pay Officer for necessary action.

**ATTESTED**

Handwritten notes in Urdu script on the left margin.

SUBJECT: APPEAL AGAINST THE ORDER OF DPO KOHAT ISSUED  
VIDE OB NO. 1133 DATED 18-9-2019 WHEREBY THE  
APPELLANT EX-LHC MUHAMMAD IBRAR NO. 1379 WAS  
DISMISSED FROM SERVICE WITH IMMEDIATE EFFECT.


RESPECTFULLY SHEWETH,

With veneration, the appellant submits the instant appeal for consideration on the bases of the following facts and grounds.

**FACTS:** Allegation against the appellant is that he remained involved in a case vide FIR No. 419 dated 19-8-2019 w/s 161,162,163, PPC P.S Jerma which was a gross misconduct on his part. On the above score, the appellant was issued charged sheet/summary of allegation by DPO Kohat and ASP Sadar appointed as enquiry officer. The appellant submitted his reply to the charge sheet. On conclusion of the enquiry, the enquiry officer submitted his findings intimating that the appellant had taken bribe through one Ilyas manager Taj Mahal Hotel. The appellant explained his position when appeared personally before the authority (DPO Kohat). However the DPO Kohat dismissed the appellant from service with immediate effect vide the impugned order. Hence this appeal.

**GROUND:**

A. For better understanding of the matter, the appellant seeks permission to explain the actual and factual position. The fact is that as per verbal orders of the senior police officers received through HC Abdul Qayas incharge PP Muslim Abad, Trucks loaded with chaff were stoped at Muslim Abad check post by police posted at the said check post for the reason that such trucks were the source of traffic problem. As such no such truck was allowed to cross the check post to proceed towards Kohat City. That amongst such trucks parked near Muslim Abad check post, the truck of one Haneef brother of constable Qayum was also there. The said constable requested HC Abdul Qayas through phone to allow the truck of his brother to proceed ahead but his request was not entertained in the light of the orders of senior police officers in this respect. Resultantly, large number of such trucks remained parked near the Muslim Abad check post and at the near by hotel Taj Mahal and the filling stations. The situation was therefore brought into the notice of SHO Jerma and incharge traffic police Kohat as the parking of the loaded trucks were creating traffic problem for other outgoing and incoming vehicular traffic on the road. Incharge traffic police Kohat and SHO Jerma held negotiation with the truck drivers. Both these officers thereafter directed the police staff posted to Muslim Abad check post to allow two trucks at one time with interval to ensure smooth running of the traffic on the road. Before grant of such permission, the truck drivers would off and on get information about the latest position of the matter through the employees of Taj Mahal hotel and watchmen of the nearby filling stations. Driver Haneef at the instance of his brother constable Qayum sent SMS to senior police officers alleging that police officials at Muslim Abad check post were collecting money from the truck drivers. After few days of receipt of such false information, the case was

ATTESTED  


P-17

registered against the appellant and the employee of Taj Mahal hotel vide FIR No. 419 dt. 198-2019 u/s 161, 162, 163 PPC P.S Jerma. Constable Qayum had prompted his brother Haneef to send the false information through SMS to senior police officers as the farmer was annoyed with the incharge PP Muslim Abad who had earlier refused to entertain his request to allow the truck of his brother Haneef to cross the check post and proceed towards Kohat. Therefore the case as mentioned above, was registered on the bases of false information.

- B. That the appellant at the outset had submitted an application expressing his no confidence over the enquiry officer and requested the enquiry to be conducted by some other police officer but in vain.
- C. That general allegation was leveled against the staff of Muslim Abad check post without disclosing the particular person from whom the alleged illegal gratification was accepted. Similarly it was not disclosed by any affectee as to how much amount was paid directly to the appellant by the such affectee.
- D. That the enquiry has not been conducted fairly by the enquiry officer as no opportunity of cross-examination of witnesses was afforded to the appellant during the course of enquiry proceedings. Thus the valuable legal right of cross examination was denied to the appellant.
- E. That no final show cause notice was issued to the appellant and no copy of findings of the enquiry officer was furnished to the appellant by DPO Kohat before the announcement of the impugned order. Thus the appellant was caused prejudice to defend himself properly and rebut the allegation leveled against him.
- F. That the substance of the explanation offered by the appellant relating to the alleged misconduct was not recorded by DPO Kohat when the appellant appeared before him for personal hearing, such an action was against Rule 5 (b) (2) (ii) of the police Rules, 1975.
- G. That the appellant had about 12 years of police service to his credit and remained posted to Muslim Abad check post for six (6) months but never indulged in any sort of corruption nor any complaint relating to corruption was ever made against the appellant. Rather the senior police officers had awarded commendation certificates with cash reward to the appellant for his satisfactory performance of his official's duties.
- H. That the offences u/s 161, 162, 163 PPC being non-cognizable, the registration of criminal case against the appellant was not sustainable under the law.
- I. That the appellant is absolutely innocent and had nothing to do with the offences mentioned in the charge sheet.

ATTESTED  
RA

Prayer: In view of the above submissions it is prayed that by accepting the instant appeal, the impugned order may kindly be set aside and the appellant re-instated in service with all back benefits with effect from the date of his dismissal from service and the criminal case registered against the appellant may also be cancelled to meet the ends of justice Please.

Dated 26-09-2019

Yours Obediently



Ex-LHC Muhammad Ibrar No.1369

S/O Khan Moeen

R/O Moh. Qamar Mela Bazid Khel

P.S MRS Kohat

ATTESTED



POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by Ex-LHC Muhammad Ibrar No. 1369 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 1133, dated 18.09.2019 whereby he was awarded major punishment of dismissal from service for the allegations of taking illegal gratification from vehicles in connivance with a private person at Taj Mehal Hotel, Lachi. Besides this, a complaint was also forwarded to the Inspector General of Police in this context and he was also booked under the relevant law vide FIR No. 419, date 19.08.2019 (PS 161, 16-12, 163 PPC PS Janna, Kohat.

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. 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. 10600 /EC, dated Kohat the 18/11 /2019.

Copy to District Police Officer, Kohat for information w/r to his office Letter No. 18771/LB, dated 22.10.2019. His Service Roll & Fauji Missal is returned herewith.

*DSP/Legal/Kohat/SRC*  
*FM N/A*

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

**ATTESTED** 19/11/2019



محمد الیزا 2، منجانب ایسٹ  
محمد الیزا بنام محمد الیزا

مورخہ

مقدمہ

دعویٰ

جرم

### باعث تحریر آنکہ

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

Attested  
& Accepted  
[Signature]

20

ماہ

الرقوم

العبد گواہ العبد

کے لئے منظور ہے۔

[Signature]

مقام

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

---

Service Appeal No. 1717/2019  
**Muhammad Ibrar Ex-Const**

.....Appellant


**VERSUS**

Provincial Police Officer,  
Khyber Pakhtunkhwa, & others

..... Respondents

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3.	Copy of FIR No. 419 dt: 19.08.2019 u/s 161, 162, 163 PPC PS Jarma	B	06
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Respondents  
through  
Representative

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

---

Service Appeal No. 1717/2019  
**Muhammad Ibrar Ex-Const**

.....Appellant

**VERSUS**

Provincial Police Officer,  
Khyber Pakhtunkhwa, & others

..... Respondents

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

**Respectively Sheweth:-**

Parawise comments on behalf of Respondents 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 appellant has not come with clean hands to this Honorable Tribunal.
- v. That the appellant has also filed a Revision Petition before respondent No. 1 which is subjudice / under process, therefore, the present appeal is bad in eyes of law.

**On Facts:-**

1. This para pertains to record, hence no comments.
2. That one Muhammad Haneef s/o Khawaja Masoom r/o Laki Marwat sent SMS complaint to respondent No.1, against police officials deployed at Muslim Abād check post vide complaint code 2019/08-3163 dated 08.08.2019. The complainant stated that the Police officials are taking illegal gratification through one Ilyas owner of Taj Muhammad Hotel from the truck drivers. The matter was enquired into and the appellant alongwith one Ilyas of Taj Mehall Hotel were found involved in this illegal practice. It is further added that on the eventful time the incharge of PP was not found at check post. Copy of SMS complaint and enquiry report is **annexure A**.
3. The appellant had committed a criminal act as well as gross professional misconduct. Therefore, the appellant was proceeded in accordance with the relevant law and rules. Copy of FIR is **annexure B**.


4. That the appellant being member of a disciplined department had committed gross misconduct and earned bad name to the entire department, therefore, he was proceeded with departmental proceedings. Furthermore, the appellant had neither filed any application to the respondent No. 3, nor verbally expressed no-confidence on the enquiry officer during his personal hearing.
5. Incorrect, the report of enquiry officer is self-explanatory wherein the allegation / charge leveled against the appellant was established beyond any shadow of doubt. Copy of enquiry report is already annexed as **A**.
6. Incorrect, the enquiry was conducted in accordance with the rules and all codal formalities were fulfilled during the proceedings.
7. Incorrect, a regular enquiry was conducted against the appellant. The appellant was also served with final show cause notice to which he filed reply. Copy is **annexure C**.
8. The departmental appeal of the appellant was examined which was found devoid of merits and rejected by the respondent No. 2.
9. The appellant did not approach this Honorable Tribunal with clean hands.


**On Grounds.**

- A. Incorrect, the charge leveled against the appellant was established beyond any shadow of doubt. Hence legal and speaking order was passed by the respondent No. 3.
- B. Incorrect, the report of enquiry officer is self-explanatory already **annexure as A**.
- C. Incorrect, the enquiry was conducted against the appellant in accordance with the law and rules and all codal formalities were fulfilled in addition to personal hearing and affording defense opportunity to the appellant.
- D. Incorrect, the inquiry was conducted in accordance with law and rules, in which all the codal formalities were observed and lawful opportunities of defence were afforded to the appellant, no contrast statement were recorded. The appellant was held guilty of the charges in departmental inquiry conducted purely on merit.
- E. On receipt of complaint from respondent No. 1, the matter was enquired and as per report the appellant alongwith one Ilyas private person were found involved in the matter. Preliminary enquiry report is **annexure D**.

- F. Incorrect, the appellant was not discriminated, as he was proceeded with departmentally in accordance with relevant rules. In this regard the annexed enquiry report is worth perusal.
- G. Incorrect, show cause notice was issued to the respondent vide No. 21000/PA dated, 17.09.2019. Copy is **annexure as E**.
- H. The departmental and criminal proceedings are distinct in nature, which can run side by side.
- I. Incorrect, the appellant also heard by enquiry officer, respondent No. 2 and 3, but failed to defend himself.
- J. The respondents through representative may also be allowed to submit other grounds during the hearing.

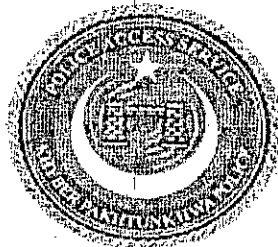
In view of above, it is prayed that the appeal may graciously be dismissed.

  
Regional Police Officer,  
Kohat, Region  
(Respondent No. 2)

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
(Respondent No. 1)

  
District Police Officer,  
Kohat  
(Respondent No. 3)

(1)



Annexure 'A'  
04

## Police Access Service

Source: IGP  
Complaint Code: 2019/08-3163  
SMS Id: 155703  
Complainant Name: Muhammad Hanif  
Complainant Mobile: +923018018157  
Receiving Mode: By Sms  
Relevant District: Kohat  
Relevant Police Station: Jurma  
Date: 2019-08-08 09:45:04

Complaint Details: You will be surprised to receive a message from a PRESIDENT OF TRUCK DRIVERS UNION who are carrying Boos from Punjab and Lakki Marwat to Peshawar. The police posted in police post MUSLIM ABAD District Kohat took five thousand rupees per truck from DRIVERS . Kindly take action against them . Sami ullah and M.Hanif Landiwah,Lakki Marwat,

Actual Complaint SMS:

Sir, G. Assalam o alaikum Hope! You are fine. You will be surprised to receive a message from a PRESIDENT OF TRUCK DRIVERS UNION who are carrying Boos from Punjab and Lakki Marwat to Peshawar. The police posted in police post MUSLIM ABAD District Kohat took five thousand rupees per truck from DRIVERS . Kindly take action against them . Sami ullah and M.Hanif Landiwah,Lakki Marwat,

Dead Line:

10 Day(s)

مورخہ 08-8-2019 کو SMS کمپلیٹ کوڈ 3163-08-2019 موصول ہوتے ہی کمپلیٹ کنندہ کے ساتھ رابطہ کر کے  
موبائل نمبر 0301801815 رابطہ کر کے مسمی محمد حنیف ولد خواجہ معصوم سکندہ تحصیل لنڈیا لکی مروت کو انکوائیری کے سلسلے میں  
دفتر ہذا طلب کیے۔ مورخہ 09-8-2019 کو کمپلیٹ کنندہ بمعہ دوٹرک ڈرائیوران دفتر ہذا پیش ہوئے۔

کمپلیٹ کنندہ سے کمپلیٹ کے بابت گفت و شنید ہو کر مذکورہ نے بیان کیا کہ۔

**الزام:** بھوسہ کے ٹرک ہائے مسلم آبادنا کہ بندی والے لاڈ کی وجہ سے اگے بظرف پشاور نہیں چھوڑے تھے۔ اور  
تقریباً 50/53 ٹرک ہائے بھوسہ سے لوڈ شدہ نزدیکی ہوٹل اور پیٹرول پمپ میں کھڑے تھے۔ مورخہ 01-8-2019 کی رات  
12 بجے تمام بھوسہ ٹرک والوں سے الیاس تاج محل ہوٹل لاجی نے پیسے لیکر چھوڑ دئے۔ جب اگے ٹرک ہائے بھوسہ لوڈ شدہ  
مسلم آباد چیک پوسٹ پر پہنچ کر پولیس والوں نے ٹرک کا نمبر دیکھ کر انہیں واپس کر دیا۔ اور انہیں کہا کہ چاہتے ہیں تو  
والے محمد الیاس کو پیسے دے دو پھر واپس آ جاؤ۔ انہوں نے ٹرک واپس لے جا کر تاج محل ہوٹل والے محمد یونس کو پیسے  
نور اسلام نے مبلغ 2000/- روپیہ جبکہ ٹرک ڈرائیور ضیاء الرحمن نے مبلغ 05 ہزار روپیہ دیکر محمد الیاس نے مسلم آباد چیک پوسٹ  
والوں کو کال کر کے تب چھوڑا ہے۔

**تحقیقات:** کمپلیٹ کے سلسلے میں SHO تھانہ لاجی نذر عباس کوفون پر اطلاع دیکر حکم کیا کہ محمد الیاس کو تاج محل ہوٹل والے  
جلد از جلد دفتر ہذا پیش کریں۔

SHO نذر عباس نے محمد الیاس ولد نذیر خان تاج محل ہوٹل لاجی کو لا کر زبردستی تخطی کو پیش کیا۔ جس سے رقم کے بارے میں دریافت  
ہوئی۔ مگر اُس نے لاطمی ظاہر کی۔

**الزام علیہ گان کاٹنیشنل ابرار FC اور قیاس HC:** محمد الیاس اور کمپلیٹ کنندہ کو آسنے سامنے پیش کر کے قرآن پاک لگی اور میان  
میں رکھ لیا۔ لیکن کمپلیٹ کنندہ فریق نے تب ٹال مٹول سے کام شروع کیا۔  
ڈرائیوران پہلے کہہ رہے تھے کہ رقم انہوں نے محمد الیاس کو خود حوالہ کی ہے۔ لیکن بعد میں کہہ رہے تھے کہ انہوں نے خود  
نہیں کی ہے۔ بلکہ اُن کے منشی کو رقم حوالہ کی ہے۔ اور ایک ڈرائیور کہہ رہا تھا کہ اُس نے محمد الیاس کو خود رقم حوالہ نہیں کی ہے بلکہ  
کنڈیکٹر کے ذریعہ رقم حوالہ کی ہے۔

محکمہ ہذا میں شکوک و شبہات پیدا ہونے کی وجہ سے آج مورخہ 16-8-2019 کو مسلم آبادنا کہ بندی کے اچھارے قیاس  
HC کاٹنیشنل ابرار اور محمد الیاس (تاج محل ہوٹل) کے NIC نمبرات حاصل کر کے CDR کے لئے پھول دیے۔  
NIC نمبرات چھوڑ دیے۔ تمام موبائل نمبرات کی CDR حاصل کرنے کے لئے پروفارمہ CDR برائے محمد الیاس  
موصول ہونے پر مزید انکوائیری اور کارروائی کی جائیگی۔ عبوری رپورٹ مرتب ہو کر گزارش ہے۔

اسٹیشن سپرنٹنڈنٹ  
محمد یونس





صدا عالی !

حوالہ نمائے شو مار نوٹس نمبر 21000/99 ص 17/9  
معمولہ ہوں کہ جو لوگوں میں نہ جان سکتے  
میں زکوٰۃ کی رقم کو دی ہے وہی ہے  
بیان ہے - اس میں کچھ رد عمل نہیں برتا گیا

وہی ہے بیان ہے - ص 17/9

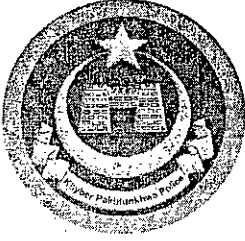
LHC محمد ابراہیم نمبر 1366 حال پولیس نمبر 15



بلسلسہ SMS کمپلیٹ کوڈ نمبر بالا معروض خدمت ہوں۔

کمپلیٹ کا متن:	بھوسہ کے ٹرک ہائے مسلم آبادنا کہ بندی والے لوڈ کی وجہ سے اگے بٹرف پشاور نہیں چھوڑ رہے تھے۔ اور تقریباً 50/53 ٹرک ہائے بھوسہ سے لوڈ سٹارٹ نزدیکی ہوٹل اور پٹرول پمپ میں کھڑے تھے۔ مورخہ 01-8-2019 کی رات 12 بجے تمام بھوسہ ٹرک والوں سے الیاس تاج محل ہوٹل لاجی نے پیسے لیکر چھوڑ دئے۔ جب اُنکے ٹرک ہائے بھوسہ سے لوڈ شدہ مسلم آباد چیک پوسٹ پر پہنچ کر پولیس والوں نے ٹرک کا نمبر دیکھ کر انہیں واپس کر دیا۔ اور انہیں کہا کہ جاؤ تاج محل ہوٹل لاجی والے محمد الیاس کو پیسے دے دو پھر واپس آ جاؤ۔ انہوں نے ٹرک واپس لے جا کر تاج محل ہوٹل والے محمد الیاس کو ٹرک ڈرائیور نور اسلم نے مبلغ 2000/- روپیہ جبکہ ٹرک ڈرائیور ضیاء الرحمن نے مبلغ 05 ہزار روپیہ دیکر محمد الیاس نے مسلم آباد چیک پوسٹ والوں کو کال کر کے تب چھوڑا ہے۔
موقف خلاف فریق	
SHO کا موقف:	کمپلیٹ ہذا کے سلسلے میں کمپلیٹ کنندہ محمد حنیف ولد خواجہ معصوم سکندہ لنڈا یواگی مروت کی طلبی کی گئی۔ جو مورخہ 09-8-2019 کو ہمراہ ٹرک ڈرائیور ان ضیاء الرحمن ولد سر بلند سکندہ تحصیل لنڈا یواگی مروت، نور اسلم خان ولد محمد سلیم سکندہ لنڈا یواگی مروت دفتر زبردستی تخطی پیش ہوئے۔ ٹرک ڈرائیور ان نے بالا الزامات دہرانے (مسی ضیاء الرحمن ولد سر بلند سکندہ تحصیل لنڈا یواگی مروت، نور اسلم خان ولد محمد سلیم سکندہ لنڈا یواگی مروت کے بیانات لف کاروائی ہذا میں)۔
میرٹ فیصلہ:	مورخہ 09-8-2019 کو انکو ایئر کی سلسلے میں فوری طور محمد الیاس (تاج محل ہوٹل) اور اُس وقت ڈیوٹی پر موجود اہلکار محمد ابرار LHC اور عبدالقیاس HC کو دفتر ہذا طلب کئے۔ اور کمپلیٹ کنندہ اور ٹرک ڈرائیور ان کے سامنے پیش کئے گئے۔ ٹرک ڈرائیور ان نے ظاہر کیا کہ محمد ابرار پر انگلی رکھی اور ظاہر کیا کہ اُس رات مزکورہ پرنشیل نے اُنکو واپس کیا تھا۔ کہ واپس ہو جائیں پہلے الیاس تاج محل ہوٹل والے کو پیسے (رشوت) دے دیں۔ پھر آ جائیں۔
☆	محمد ابرار LHC سے کمپلیٹ کنندہ اور ڈرائیور ان کے سامنے وضاحت طلب کیا۔ مگر مذکورہ LHC نے صاف انکار کیا۔
☆	محمد ابرار LHC، عبدالقیاس HC اور محمد الیاس (تاج محل ہوٹل) کے NIC نمبرات حاصل کر کے اُنکے NIC نمبرات پر رجسٹرڈ تمام موبائل نمبرات کی CDR حاصل کی گئی۔
☆	CDR موصول ہو کر مطالعہ پر عبدالقیاس HC کی موجودگی بوقت وقوعہ (01.8.2019 تا نیم 12 بجے سے پہلے اور 12 بجے کے بعد) مسلم آباد چیک پوسٹ پر ثابت ہوئی۔ (CDR لف ہے)۔
☆	محمد ابرار LHC اور محمد الیاس (تاج محل ہوٹل) کے CDR کے مطالعہ پر پایا گیا۔ بوقت وقوعہ (01.8.2019 تا نیم 12 بجے سے پہلے اور 12 بجے کے بعد) محمد ابرار LHC موبائل نمبر 03348254980 سے محمد الیاس موبائل نمبرات 03349421809 / 0301-5777990 پر متعدد بار رابطے ہو چکے ہیں۔ (CDR لف ہیں)۔
☆	مذکورہ انکو ایئر کی اور CDR سے پایا گیا۔ کہ محمد الیاس ولد نذیر خان تاج محل ہوٹل لاجی نے LHC محمد ابرار کے ساتھ مل کر ٹرک ڈرائیور سے رشوت لی ہے۔
قانونی کاروائی:	محمد الیاس ولد نذیر خان سکندہ تاج محل ہوٹل لاجی اور LHC محمد ابرار کے خلاف مقدمہ علت 419 مورخہ 19.8.19 جرم PPC161/162/163 تھانہ جرمادرج رجسٹر کر کے ہر دو ملزمان حسب ضابطہ گرفتار ہیں۔ (نقل FIR لف ہے)۔
	بوقت وقوعہ بمطابق CDR عبدالقیاس HC مسلم آباد چیک پوسٹ پر موجود تھا۔ معاملہ ہذا میں HC مذکورہ کی بحیثیت انچارج کنزور سپرویزن بھی نظر انداز نہیں کیا جاسکتا ہے۔
	لہذا عبدالقیاس HC، محمد ابرار LHC کے خلاف محکمہ کاروائی کرنے اور عبدالقیاس HC کو مسلم آباد چیک پوسٹ سے تبدیل کرنے کی بھی سفارش کی جاتی ہے۔ رپورٹ پیش خدمت ہے۔

اسٹنٹ سیرٹنٹ آف پولیس



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-9260116 Fax 9260125

No 2/000 /PA dated Kohat the 17/9 /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, **LHC Muhammad Ibrar No. 1369** 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. 10026-27/PA dated 19.08.2019.

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. **Being involved in Criminal Case vide FIR No. 419 dated 19.08.2019 U/Ss 161, 162, 163 PPC PS Jarma, which is a 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

17/9.

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

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Service Appeal No. 1717/2019  
Muhammad Ibrar Ex-Const

.....Appellant

VERSUS

Provincial Police Officer,  
Khyber Pakhtunkhwa, & others

..... Respondents

**COUNTER AFFIDAVIT**

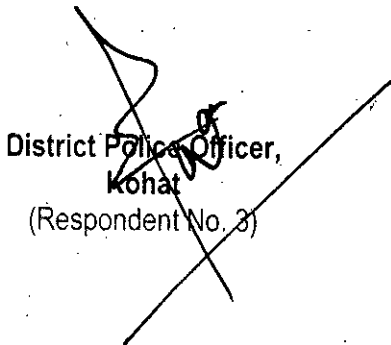
We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.



Regional Police Officer,  
Kohat, Region  
(Respondent No. 2)



Provincial Police Officer,  
Khyber Pakhtunkhwa,  
(Respondent No. 1)



District Police Officer,  
Kohat  
(Respondent No. 3)

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/ 5010 /20, dated Peshawar the 22/12/2020.

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-LHC Muhammad Ibrar No. 1369. The petitioner was dismissed from service District Police Officer, Kohat vide OB No. 1133, dated 18.09.2019 on the allegations of taking illegal gratification from vehicles in connivance with a private person at Taj Mahal Hotel, Lachi. Besides this, a complaint was also forwarded to the Inspector General of Police in this context and he was also booked under the relevant law vide FIR No. 419, dated 19.08.2019 u/s 161/162/163 PPC PS Jarma, Kohat. His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 10600/EC, dated 18.11.2019. His revision petition was discussed in the Appellate Board meeting held on 13.02.2020 in CPO wherein the Board decided that his revision petition be kept pending till decision of the case from the competent court vide this office order No. S/1446/20, dated 17.03.2020.

Meeting of Appellate Board was held on 01.12.2020 wherein petitioner was heard in person. Petitioner contended that he has been acquitted by the court of Judicial Magistrate-I, Kohat vide judgment dated 25.09.2020.

Keeping in view his long service of 12 years, 01 month & 17 days, the Board taken a lenient view deiced that petitioner is hereby re-instated in service, however, the intervening period to be treated as leave of kind due, if any on his credit.

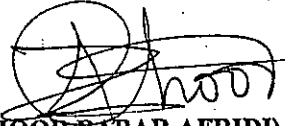
Sd/-

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

No. S/ 5011-20 /20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll and one Fauji Missal of the above named Ex-FC received vide your office Memo: No. 18288/EC, dated 15.10.2020 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO-Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

  
(ZAHOOR BABAR AFRIDI) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

28-12-20

