

18.04.2019

Appellant in person present and stated that as his grievance has been redressed, therefore he wants to withdraw the present service appeal and to this effect he also submitted an application. Consequently the present service appeal is hereby dismissed as withdrawn. No order as to costs. File be consigned to the record room.

  
Member

ANNOUNCED.  
18.04.2019

21-4-19



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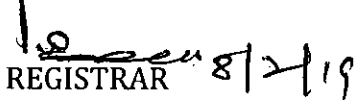
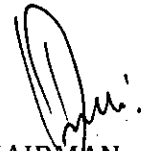

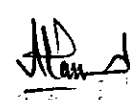
h. 11/12

p 10-10-81

**Form- A**  
**FORM OF ORDER SHEET**

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

Case No. 187/2019


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	08/2/2019	<p>The appeal of Mr. Abdul Hamid resubmitted today by Qazi Sajid-ud-Din Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 8/2/19</p>
2-	13.03.2019	<p>This case is entrusted to <del>learn</del> S. Bench for preliminary hearing to be put up there on <u>13-3-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Junior to counsel for the appellant present and seeks adjournment as senior counsel for the appellant is not in attendance. Adjourn. To come up for preliminary hearing on 18.04.2019 before S.B.</p> <p style="text-align: right;"> Member</p> <p>heard by with draw this Appeal.  18-04-019</p>

The appeal of Mr. Abdul Hameed Assistant Sub Inspector Kohat received today i.e. on 24.01.2019 is incomplete on the following score which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be flagged.
- 2- Copies of reply to show cause notice and departmental appeal mentioned in the memo of appeal are not attached with the appeal which may be placed on it.
- 3- Annexures of the appeal are not in sequence which may be annexed serial wise as mentioned in the memo of appeal.


No. 165 /S.T,

Dt. 28-1- /2019.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Qazi Sajid-ud-Din Adv. Kohat.

Xlat  
Resubmitted on 08/02/2019

  
08/02/2019

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA  
PESHAWAR.

Services Appeal No 187 /2019

Abdul Hameed Asst: Sub Inspector Kohat .....(Appellant)

Versus

Inspector General of Police Khyber Pakhtunkhwa,

Peshawar etc..... (Respondents)

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*Had*  
Abdul Hameed ASI Kohat  
(Appellant)

25/01/2019

Through  
*Said*  
Qazi Said ud Din Advocate

BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER

Khyber Pakhtunkhwa  
Service Tribunal

PUKHTUNKHWA PESHAWAR

Appeal no 187/2019

Diary No. 110  
25-01-2019  
(Appellant)

Abdul Hameed Asst: Sub Inspector Kohat.

Versus

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police Kohat Region Kohat.
3. District Police Officer Kohat. (Respondents)

Appeal U/S 4 of the Khyber Pakhtunkhwa service Tribunal Act against the impugned order of the Deputy Inspector General of the police Kohat Region Kohat dt: 31-12-2018 vide which order of the reduction from the rank of Sub Inspector to the Asstt: Sub Inspector was upheld without any legal OR factual justification.

Respectfully Sheweth,

With Great respect the appellant may be allowed to submit the following for your kind and sympathetic consideration:

FACTS:

1. That in the year 2009 the appellant was recruited through the Khyber Pakhtunkhwa public service commission as Assistant Sub-inspector.
2. That the appellant after qualifying necessary trainings and courses and due to his devotion/dedication in the official work was promoted to the rank of sub-inspector in the year 2016.
3. That the appellant due to his keen interest in the official work not only earned confidence of his senior Police Officer but also earned a number of commendation certificates and cash rewards.
4. That the appellant while posted as SHO Police Station KDA was proceeded against under the summary departmental proceeding on the basis of the

Filed to-day

Registrar

25/1/19

Re-submitted to -day  
and filed.

Registrar

8/2/19

allegations that the appellant had harassed one Muhammad Irfan and tried to delay the handing over of vehicle granted to him on superdari by the court in case FIR No.212 dated 21-08-2018 U/S 406 PPC PS KDA Kohat.

5. That resultantly the worthy DPO Kohat (competent authority) awarded major punishment of reduction from the rank of SI to the rank of ASI with immediate effect vide order dated 06-11-2018. (Copy of the order is annexure-A)
6. That the order of punishment consisted of a number of legal flaws/defects on one hand and unjustified on the other, therefore, it aggrieved the petitioner to great extent.
7. That the appellant filed appeal against the punishment order before the worthy Deputy Inspector General of Police Kohat Region Kohat.
8. That the Worthy Deputy Inspector General of Police Kohat Region Kohat without considering important questions of law and facts, by following comments of the DPO (the competent authority) rejected appeal of the appellant vide No.133887/EC dated 31-12-2018. (Copy of the order is annexure-B)
9. That the impugned order of the Deputy Inspector General of Police Kohat Region Kohat has aggrieved the appellant, therefore following are some of the grounds of appeal, amongst the others: -

GROUNDS:

- a. That the impugned order (annexure-B) is against law facts and evidence on record, hence it deserves to be set aside.
- b. That the appellant was neither served nor received any charge sheet, and statement of allegation from the competent authority, however, inspite of the said legal

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lacuna summary departmental proceedings were illegally initiated against the appellant. By not serving charge sheet and statement of allegations the entire proceedings have legally vitiated against the appellant and thus the proceedings coupled with the punishment order have got no legal force in the eyes of law.

- c. That in absence of the charge sheet / statement of allegations no departmental proceedings can be initiated against a police officer. As such initiation of proceedings against the petitioner under the law is illegal ab-initio.
- d. That the order of punishment does not clearly specify that whether appellant was intended to be proceeded against under the summary proceedings or general proceedings. Under the police Rules 1975, it is mandatory for the competent authority to apprise the defaulter Officer that whether he would be proceeded against under the summary or general proceedings. By not informing the appellant about the nature of proceedings the competent authority has fell in error of law, which is incurable and thus rendered the punishment order as illegal and null and void.
- e. Record reflects that the order of punishment is based on preliminary inquiry while under the law / rules preliminary enquiry is alien to the Police Rules 1975 (Amended 2014). Hence legally speaking no action can be taken nor any punishment can be awarded to the police officer/official as a result of preliminary enquiry.
- f. That in case if competent authority decides to proceed against a Police Officials in summary proceedings, in this case the competent authority will apprise the defaulter police official that Police summary proceedings are being initiated against him however, in such a situation the competent authority cannot award major punishment Rules 5 Sub rules (2) clause II Police Rules 1975 is very much clear in this regard. Hence awarding major punishment to the appellant as a result

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—

of summary proceedings is a clear cut violation of the law referred above and thus the punishment awarded to the appellant has got no legal effect on the appellant.

- g. That from the punishment order it is not clear that whether against the appellant general departmental proceedings or summary proceedings were initiated. Hence, infliction of punishment under such circumstances is not approved by law.

If for arguments sake, it is assumed that the punishment was the result of summary proceedings, even in this case too vide Rule 5 Sub Rules (2) clause (ii) of the Police Rules 1975 (Amended 2014) the competent authority is barred from awarding major punishment. Hence at this score alone the punishment to the appellant has become legally null and void.

- h. That the order of punishment is null and void because it does not fulfill the requirement envisaged under Rule 29 of the Fundamental Rules. The said rule has stated that in case of reversion to the lower rank the authority is bound to mention that for how much period the punishment order will remain operative. (Photo copy of the Rule 29 is enclosed as annexure-C).
- i. That the order of punishment is based on misreading of evidence. In fact the person to whom superdari was granted by the court was not interested to come to Police station and collect the vehicle. He wanted to take revenge from the appellant for impounding his vehicle. The appellant told him on phone that if he would not collect the vehicle, it is likely that the court may revoke its order. Intention of the appellant was that the appellant shall collect his vehicle immediately.
- j. That the appellant was having no malafide whatsoever, on his part.
- k. That being (SHO) responsible police officer, the appellant was conscience about the fact that due to the scarcity of place for the vehicles in the police station



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and to absolve from the responsibility of looking after the vehicle being already released on superdari, the appellant was making all efforts for its delivery to the person to whom superdari was allowed, without further delay.

- i. That against the appellant, summary proceedings were initiated however, contents of the complaint do not call for initiation of the summary proceedings. Hence initiation of the summary proceedings against the appellant is not in accordance with law / rules.
- m. That it is very astonishing that all the proceedings were completed on 06-11-2018 and punishment to the appellant was also awarded on 06-11-2018. Record reflect that the so-called departmental proceedings against the appellant and the order of punishment were conducted / issued in hurried manner. Such a treatment has not fulfilled the ends of justice. Hence the order of punishment has lost its legal sanctity.
- n. That neither the charges were of emergent nature nor the appellant was a dangerous / un-scrupulous person but even then for the reasons best known to the competent authority, the appellant was proceeded against summary departmentally proceedings. The prompt action by the competent authority reflects that he was bent upon to punish the appellant at any cost.
- o. That the appellant has not been afforded opportunity to defend himself during the so called departmental proceedings.
- p. That the punishment order has been awarded without observing legal formalities which have made the punishment order questionable and legally defective.
- q. That on 05-11-2018 FIR No.302 U/Ss 506/189/34 PPC was registered in PS KDA. Due to the efforts of the appellant one accused was arrested on the same day of registration of the case while the next day i.e. 06-11-2018 two accused succeeded to surrender before the court and got bail before arrest. The BBA also annoyed


the Worthy DPO Kohat and awarded the petitioner punishment of censure vide order dated 06-11-2018. Such an action reflects that the authority was bent upon to punish the appellant at any cost. (Copy of punishment is enclosed as annexure-D)

- r. That the appellant being responsible police officer and law abiding person cannot imagine to switch over to unlawful and illegal practices as has been alleged by the competent authority.
- s. That the punishments awarded to the appellant is neither warranted under the law nor rules / facts.
- t. That the appellant may be allowed to raise any other ground arise during arguments of the case.

PRAYER:

It is therefore, humbly prayed that the impugned order being unlawful, malafide ineffective on the legal rights of the appellant and based on misreading of evidence may kindly be set aside in the great interest of law / justice. The respondents may please be directed to restore the appellant on the rank of Sub Inspector from the date of reversion of the appellant to rank of Asstt: Sub Inspector.

Any other relief which the Honourable Tribunal deems proper may also been provided to the appellant.

  
Abdul Hameed ASI Kohat  
(Appellant)

Dated: 25-01-2019.

Through  
  
Qazi Sajid ud Din Advocate

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BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PUKHTUNKHWA PESHAWAR

Abdul Hameed Asst: Sub Inspector Kohat. (Appellant)

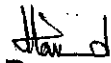
Versus

Inspector General of Police Khyber Pakhtunkhwa Peshawar etc.  
(Respondents)

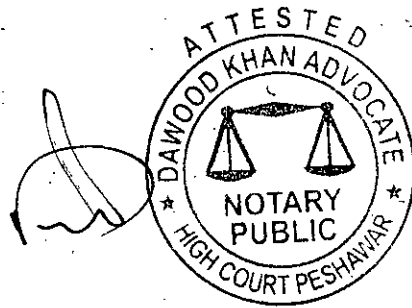
APPEAL

AFFIDAVIT

I, Abdul Hameed Asst: Sub Inspector Kohat do  
hereby solemnly affirm that the contents of  
the appeal is true and correct to the best of  
my knowledge and belief and nothing has  
been concealed from this honourable court.

  
Deponent

Identified by:   
Qazi Sajid ud Din Advocate



25-01-19

13 8

BEFORE THE HONOURABLE SERVICE TRIBUNAL KHYBER  
PUKHTUNKHWA PESHAWAR

Abdul Hameed Asst: Sub Inspector Kohat. (Appellant)

Versus

Inspector General of Police Khyber Pakhtunkhwa Peshawar etc.  
(Respondents)

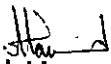
ADDRESS OF THE APRTIES

Appellant:

Abdul Hameed Asst: Sub Inspector Kohat.

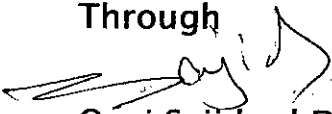
Respondents:

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police Kohat Region Kohat.
3. *Distt Police Officer, Kohat.*

  
Abdul Hameed ASI Kohat  
(Appellant)

Dated: 25-01-2019.

Through

  
Qazi Sajid ud Din Advocate



9  
Annex A

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KOHAT

Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental summary proceedings enquiry against SI Abdul Hameed, SHO PS KDA), hereinafter called **accused official** under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amended 2014).

Facts are that a complaint of Muhammad Irfan regarding misuse of authorities of the SHO PS KDA regarding handing over a vehicle to him ordered by the court on supardari and legal harassment / delayed.

DSP HQrs Kohat was directed to probe into the matter. The enquiry officer vide his report held him guilty of the allegations leveled against him.

In the light of complaint and a report of DSP HQrs, Kohat the defaulter officer was served with Show Cause Notice under Rule 5 (3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014), as under:-

- i. It has been complained by Irfan resident of KDA Kohat that you have harassed him and tried to delay the handing over vehicle granted on supardari by the court in case FIR No. 212 dated 21.08.2018 u/s 406 PPC PS KDA.
- ii. He called the complainant on his cell number that the supardari order has been revoked (cancelled to which the complainant has video recording produced in memory card.
- iii. He deliberately played delay tactics for his personal gain, violated the lawful orders of the court and misused his authority.
- iv. DSP HQrs has conducted a preliminary enquiry on the SMS complaint Code 2018/10-5386 and held him guilty vide his letter No. 876/PA dated 06.11.2018 for the charges leveled against him.

The defaulter submitted reply to the Show Cause Notice, perused found unsatisfactory. He was called in OR on 06.11.2018, heard in person, but failed to explain his position. The complainant was also called and heard, who supported his complaint as well. The memory card produced by the complainant to enquiry officer was also examined.

*Atiq*  
*S*

10

In view of above, and report of DSP HQrs, I reached to the conclusion that the defaulter willfully delayed handing over a vehicle to the complainant, harassed and miss leaded him as a evident from audio recording and misused his authority, therefore, the defaulter has done sheer misconduct! He has stirring reputation. Therefore, in exercise of powers conferred upon the undersigned and dispensed with the general proceedings, SI Abdul Hameed is awarded a major punishment of reduction from the rank of SI to the rank of ASI with immediate effect.

Announced  
06.11.2018

Capt. © Wahid Mehmood PSP  
District Police Officer,  
Kohat 08/11/18

OB No. 1181  
Date 08-11-2018

No 1072325 PA dated Kohat the 09-11-2018.

Copy of above to the Reader / Pay officer/SRC/OHC for necessary action.

.....

*Atty*  
*Et*

ORDER.

Annex B

This order will dispose of a departmental appeal, moved by ASI Abdul Hameed, the then SI/SHO PS KDA of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 1181, dated 08.11.2018, whereby he was awarded major punishment of reduction from the rank of SI to ASI.

Facts of the departmental proceedings were that one Muhammad Irfan lodged SMS complaint to Inspector General of Police, Khyber Pakhtunkhwa wherein he complained that the appellant had harassed him and tried to delay in handing over the vehicle granted to him on superdari by the Court of law in case FIR No. 212, dated 21.08.2018 u/s 406 PPC PS KDA 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 in this office on 26.12.2018. During hearing, he did not advance any plausible explanation in his defense.

Going through the available record, I have reached to the conclusion that despite clear cut directives / order of the court, he did not comply with it and delayed to hand over the vehicle to its legal owner which shows his malafide and misconduct. His appeal being devoid of merit is hereby rejected.

Order Announced  
26.12.2018

(MUHAMMAD IJAZ KHAN) PSP  
Region Police Officer,  
Kohat Region.

No. 13387 /EC, dated Kohat the 31/12 2018.

Copy for information and necessary action to the District Police Officer, Kohat w/r to his office Memo: No. 27156/LB, dated 12.12.2018. His Service Record containing Two Service Books & Fauji Missal / Enquiry File is returned herewith.

(MUHAMMAD IJAZ KHAN) PSP  
Region Police Officer,  
Kohat Region.

S2C  
Per [Signature] Place

Received

[Signature]  
011-01 019

32  
- 9/1/19

[Signature]

**THE HONORABLE DEPUTY INSPECTOR GENERAL OF POLICE**  
**KOHAT REGION KOHAT**

**APPEAL UNDER RULE 11 OF THE POLICE RULES 1975 (AMENDED 2014)**  
**AGAINST IMPUGNED ORDER OF THE W/DPO KOHAT DATED 08.11.2018,**  
**WHEREIN THE APPELLANT WAS AWARDED MAJOR PUNISHMENT OF**  
**REDUCTION FROM THE RANK OF SI TO THE RANK OF ASI.**

Sir,

Respectfully it is submitted that the appellant may be allowed to submit the following for your kind and sympathetic consideration:-

**Facts:**

1. That the appellant was recruited in the rank of ASI in the year 2009.
2. That the appellant after qualifying necessary trainings and courses and due to his devotion / dedication in the official work was promoted to the rank of sub inspector.
3. That the appellant due to his keen interest in the official work not only earned confidence of his senior Police officers but also earned a number of commendation certificates and cash rewards.
4. That the appellant while posted as SHO Police station KDA was proceeded against departmentally on the basis of allegation that the appellant had harassed one Muhammad Irfan and tried to delay the handing over vehicle granted to him on superdari by the court in case FIR No. 212 dated 21.08.2018 U/S 406 PPC PS KDA.

It was further alleged by the competent authority that the appellant for his personal gains had called the complainant Irfan on his cell number and falsely informed him that the superdari order has been revoked. The competent authority further alleged that the appellant on one hand had violated the court orders while on the other hand the appellant exceeded from his lawful authority / powers.

5. That resultantly the worthy DPO Kohat (competent authority) awarded major punishment of reduction from the rank of SI to the rank of ASI with immediate effect vide order dated 08.11.2018.
6. That the impugned order of punishment involves questions of law and facts having aggrieved the appellant.
7. That in view of the mixed questions of law and facts, the impugned order has become legally defective and for removal of grievances. the appellant is having no option except to exercise his legal right and move appeal against the impugned order as has been provided under Rule-11 of the Police Rules 1975 (Amended-2014).

*A. K. Khatun*  




Grounds:-

- A. That the impugned punishment order is not in accordance with law, facts and evidence on record.
- B. That in fact, the appellant has never received any charge sheet, statement of allegation or show cause notice from the worthy competent authority.
- C. That in absence of service of the charge sheet / statement of allegations and show cause notice, no departmental proceedings can be initiated against a government servant / police official / police officer. As such initiation of proceedings against the appellant under the law is illegal ab-initio.
- D. That the impugned order does not clearly specify that whether appellant was proceeded against the summary proceedings or preliminary proceedings. Thus the impugned order has lost legal force in the eye of law.
- E. That under the law / rules, preliminary enquiry is alien to the police rules-1975 (Amended-2014). Hence legally speaking no action can be taken nor any punishment can be awarded to the police officer/official as a result of preliminary enquiry.
- F. That in case if competent authority decides to proceed against a Police officer/official in summary proceedings, in this case to the competent authority will apprise the defaulter Police official that Police summary proceedings are being initiated against him, however, in such a situation the competent authority cannot award major punishment. Rule 5 sub rule (2) clause II Police Rules 1975 is very clear in this regard.
- G. That from the impugned punishment order it is not clear that whether against the appellant preliminary enquiry or summary enquiry was initiated. Hence, infliction of punishment under such circumstances is not approved by law.  
If for arguments sake, it is assumed that the punishment was the result of summary proceedings, even in this case too vide Rule 5 sub Rule (2) clause (ii) of the Police Rules 1975 (Amended-2014) the competent authority is barred from awarding major punishment. Hence at this score alone the punishment to the appellant has become legally nul and void.
- H. That the impugned order is nul and void because it does not fulfill the requirement envisaged under Rule 29 of the Fundamental Rules. The said rule has stated that in case of reversion to the lower rank the authority is bound to mention that for how much period the punishment order will remain operative. (Photo copy of the rule-29 is enclosed).
- I. That the impugned order is based on misreading of evidence on record. In fact the applicant to whom superdari was granted by the court was not interested to come to Police station and collect the vehicle. The appellant told him on phone that if he would not collect the vehicle, it is likely that the court may revoke its order. Intention of the appellant was that the appellant shall collect his vehicle immediately.
- J. That the appellant was having no malafide whatsoever, on his part.
- K. That being (SHO) responsible police officers, the appellant was conscience about the fact that due to the scarcity of place for the vehicles in the police station and to absolve from the responsibility of looking after the vehicle being already released on superdari, the

Att. order  


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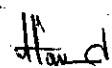
appellant was making effort for its delivery to the person to whom superdari was allowed, without further delay.

- L. That the appellant has not been afforded opportunity to defend himself.
- M. That the punishment order has been awarded without observing legal formalities which have made the punishment order questionable and legally defective.
- N. That on 05.11.2018 FIR No. 302 U/Ss 506, 186, 189, 34 PPC was registered in PS KDA. Due to the efforts of the appellant one accused was arrested on the same day of registration of the case while the next day i.e 06.11.2018 two accused succeeded to surrender before the court and got Bail Before arrest. The BBA also annoyed the W/DPO Kohat and awarded the appellant punishment of censure vide order dated 06.11.2018. Such an action reflects that the authority was bent upon to punish the appellant at any cost.
- O. That the appellant being responsible Police officer and law abiding person cannot imagine to switch over to unlawful and illegal practices.
- P. That the punishments awarded to the appellant is neither warranted under the law nor rules / facts.

Prayer:-

It is therefore, prayed that the punishment order being not in accordance with law / rules / fact and based on misreading of the evidence may be set aside in the great interest of law / justice. The applicant may be restored on his old position i.e Sub Inspector. The appellant shall be highly obliged.

Yours obediently,

  
Abdul Hameed SI

Abdul Hameed

*"FR-24 prescribes that an increment shall ordinarily be drawn as a matter of course unless it is with-held. In ordering the with-holding of an increment, the with-holding authority is required to state the period for which it is with-held and whether the postponement shall have the effect of postponing future increments".*

The corresponding provision FR-29 provides as follows: -

"If a Government servant is, on account of mis-conduct or in-efficiency, reduced to a lower grade or post or to a lower stage in his time scale, the authority ordering such reduction shall state the period for which it shall be effective and whether on restoration it shall operate to postpone future increments and if so, to what extent."

(b) **Explanatory note**

Obviously the above provision if read to-gather lead to the irreparable conclusion that the with-holding authority is under legal obligation to state clearly the period for which the punishment would have the future-effect. The point is necessarily to be decided with reference to the exact terms of FR-29 and Rule 4(1)(a)(ii) of (E & D) rules. This view has been supported by the Peshawar High Court in a case reported in PLJ, 1982 Pesh 85. Withholding of promotion or increment has been classified as minor penalty in the (E & D) Rules. The minor penalty could be imposed by the Authorised officer after having re-coursed to the Rule-5 or 6. When prejudicial allegations are made against an accused official he must normally be provided with details and particulars of charges alleged against him, so that he could prepare his answer.

If relevant evidential material is not disclosed to the accused who is potentially prejudiced by it, there is a prima-facie breach of natural justice.

The stoppage of promotion or increments constitutes penalty, therefore, requires regular procedure to be observed, giving him a reasonable opportunity of show cause against that action.

(c) **As to promotion**

The withholding of promotion has two different features. The distinction between withholding of promotion as penalty and simple stoppage of promotion is summed up as below: -

(d) **Illustrations**

*Alleged*

*15* Annex *C*



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-9260116 Fax 9260125

**ORDER**

This order is passed on the departmental enquiry against SI Abdul Hameed SHO PS KDA under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that SI Abdul Hameed SHO PS KDA, violation of good orders & discipline of not arresting accused Kamran /Rahat of reference to case FIR No. 302 U/S 506,186,189,34 PPC PS KDA.

Besides, he sided/supported with the accused parties.

He was served with Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. He was called in OR and heard in person on 06.11.2018, but failed to explain his position.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, a minor punishment of "**Censure**" is hereby imposed upon the SI Abdul Hameed.

Announced

06.11.2018

DISTRICT POLICE OFFICER,  
KOHAT

OB No. 4198  
Date 6/11 /2018

No 10827-25 /PA dated Kohat the 12-11 2018.

Copy of above to the:

1. R.I/Reader/Pay officer/SRC/OHC for necessary action.

*Abdul Hameed*

عمل ایف بی ای  
پشاور

17

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

SHOW CAUSE NOTICE

(Under Rule 5(3) KPK Police Rules, 1975)

1. That You SI Abdul Hameed the then SHO PS KDA have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct;

i. It has been complained by Irfan resident of KDA Kohat that you have harassed him and tried to delay the handing over vehicle granted on supardari by the court in case FIR No. 212 dated 21.08.2018 u/s 405 PPC PS KDA.

ii. You called the complainant on his cell number that the supardari order has been revoked (cancelled) to which the complainant has video recording produced in memory card.

iii. You deliberately played delay tactics for your personal gain, violated the lawful orders of the court and misused your authority.

iv. DSP HQrs has conducted a preliminary enquiry on the SMS complaint Code 2018/10-5386 and held you guilty vide his letter No. 876/FA dated 06.11.2018 for the charges leveled against him.

2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer:

3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.

4. That your retention in the Police force will amount to encourage an efficient and unbecoming of good Police officers.

5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.

6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) for the misconduct referred to above.

7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.

8. You are further directed to inform the undersigned that you wish to be heard in person or not.

9. Grounds of action are also enclosed with this notice.

No. 10527 /PA

Dated 06-11-2018

DISTRICT POLICE OFFICER,  
KOHAT

باز - مسدود خان SHO قمانہ KDA

سروس میں خدمت میں رہ کر درخواست کنندہ نے لیزنس

SHO سے درخواست کی ہے کہ وہ اس کے لیے سب سے پہلے درخواست دے۔

کے لئے درخواست لے کر دیا گیا ہے۔ درخواست کو

میں دیکھا گیا ہے۔ درخواست کو منظور کیا گیا ہے۔

کے لئے درخواست کنندہ کو درخواست دینے کے لئے

درخواست کرنے کو درخواست دینے کے لئے درخواست دینے

کے لئے درخواست دینے کے لئے درخواست دینے کے لئے

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Attest

محمد علی

## بیان حمید خان SHO تھانہ KDA

معروض خدمت ہوں کہ درخواست کنندہ نے برخلاف من SHO جو الزامات لگائیں ہیں وہ سراسر بے بنیاد ہے۔ من SHO نے درخواست پر کارروائی کر کے مقدمہ درج رجسٹر کیا۔ فلائنگ کوچ کو مقدمہ میں ریکور کیا جو ملزم لے گیا تھا۔ ملزم بھی مقدمہ ہذا میں گرفتار ہے۔ مورخہ 2-10-2018 کو درخواست کنندہ فلائنگ کوچ کی سپرداری کر کے جو کہ 10 لاکھ دو فیری ضمانت تھی۔ درخواست کنندہ کو سپرداری کے ساتھ 2 بجلی بل یا 2 شناختی کارڈ لانے کو کہا۔ درخواست کے بیٹے حفیظ کے نام پر سپرداری کا آرڈر تھا جسکو تھانہ میں بلانے اور اصل مالک کو گاڑی حوالہ کرنا تھا۔ مگر اصل مالک جس کے نام پر سپرداری ہوئی تھی وہ اسلام آباد میں تھا جس نے آنے کا کہا چونکہ ملزم فریق کے وکیل نے درخواست دائر کی تھی جس حوالہ سے درخواست کنندہ کے بیٹے کو تھانہ بلا رہا تھا۔ اور فلائنگ کوچ کی جانچ پڑتال کے بعد اسے درست طور پر حوالہ کیا جائے۔ من SHO کی اس میں کوئی بدیانتی شامل نہیں ہے اور نہ ہی درخواست کنندہ کے الزام کے مطابق من SHO کی ملزم کے ساتھ کوئی رشتہ داری ہے۔ اور نہ ہی میرے علاقے کا وہ ہے۔ من SHO نے اپنی جائے تعیناتی اور دوران ملازمت آج تک کوئی کوتاہی یا غلطی نہیں کی۔ میں بے گناہ ہوں۔

استدعا ہے کہ انکو ایئرے بغیر کارروائی فائل کی جائے۔

AHesdel

Hameed Khan SHO KDA

250  
(19) (14)

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

GROUNDS OF ACTION

That You SI Abdul Hameed the then SHO PS KDA committed following misconducts:-

- i. It has been complained by Irfan resident of KDA Kohat that you have harassed him and tried to delay the handing over vehicle granted on supardari by the court in case FIR No. 212 dated 21.08.2018 u/s 406 PPC PS KDA.
- ii. You called the complainant on his cell number that the supardari order has been revoked (cancelled to which the complainant has video recording produced in memory card.
- iii. You deliberately played delay tactics for your personal gain, violated the lawful orders of the court and misused your authority.
- iv. DSP HQrs has conducted a preliminary enquiry on the SMS complaint Code 2018/10-5386 and held you guilty vide his letter No. 876/PA dated 06.11.2018 for the charges leveled against him.

By reasons of above you have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014), hence these ground of action.

  
DISTRICT POLICE OFFICER,  
KOHAT 06/11

All set  
/



*20*

From The Superintendent of Police,  
Operations Kohat.

To The Sub-Divisional Police Officer,  
Hqrs Circle Kohat.

No. 876 /PA Dated Kohat the, 06-11 /2018.

Subject: SMS COMPLAINT CODE: 2018/10-5386

Memo:

Kindly refer to your office Diary No.9427/RK dated 18.10.2018 on the above cited subject.

It is submitted that matter was probed by the undersigned. In this regard statement of applicant namely Mohammad Irfan s/o Mohammad Ramazan was recorded with supplementary statement (which is placed in file for ready reference). SHO PS KDA Hameed Khan statement was also recorded and heard in person before the undersigned. On the complaint of the applicant the whole allegation was thoroughly probed and enquired. Applicant also produced audio recording in shape of memory card which taken in possession for as evidence of said SHO in the DPO office Kohat and attached with inquiry file which revealed that SHO / SI Hameed Khan seems to be guilty in complaint / allegations leveled against him.

So for inquiry conducted the undersigned reached to the conclusion that SHO Hameed Khan PS KDA misused his authority regarding releasing of flying coach and misguided the applicant. It is therefore, he is recommended for suitable punishment as deemed fit.

Submitted please.

Encl: (07 + Memory card)

Sub-Divisional Police Officer  
Hqrs Circle Kohat

*TOTAL  
08 x Papers  
+ memory  
card*




*Summary  
of the case*

*Found guilty  
Heard in person.  
He has done sheer  
misconduct. He  
is recommended  
punishment  
Reduction in rank  
is recommended  
closed to file  
with comments  
He*

*Nothing reported*

*8*

*6/11/18*

قیمت 50 روپے	2434			
ایڈوکیٹ: قاضی ساجد الازہر کھٹک		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل / ایسوسی ایشن نمبر: 132-09261				
رابطہ نمبر: 6336-8050002				

بعدالت جناب:

مخانب: عبدالظہیر احمد ASI-Kohat	دعویٰ: 1-بیگ
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
<b>باعث تحریر آنگہ</b>	

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

المرقوم: 25/1/19

الع بد گواہ شد الع بد

مقام پشاور کے لیے منظور ہے۔

AS1.123

Advocate

لہذا - جس وقت سے اس ٹریبونل کے حوالے کیا گیا ہے

اپیل نمبر 187/2019

Abdul Hameed Khan

God. 7 Whyhr Pambh... خان - عالی

18.4.2018

گزارش خ ... 187/19

پشاور میں اس وقت جاری ہے۔

کو واپس بحال (Re-mstate) کر دیا۔

لغویہ ... (Withdraw) کہ

جائز ...

اس وقت ... (Withdraw) کہ

ماز ...

Hamid

Abdul Hameed Khan

Sub Inspector.

18-04-019



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

No. S/

1146

/19, dated Peshawar the 12/04/2019.

**ORDER**

This order will dispose of the Revision Petition preferred by ASI Abdul Hameed No. 117/K (the then SI) under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) against the order of his reduction from the rank of SI to ASI passed by District Police Officer, Kohat vide OB No. 1181, dated 08.11.2018.

The brief, yet relevant, facts, of the case are that penalty of reduction from the rank of SI to ASI was imposed on petitioner by District Police Officer, Kohat vide OB No. 1181, dated 08.11.2018 on the following allegations:-

- (i) He while posted as SHO Police Station KDA Kohat, it has been complained by Irfan resident of KDA Kohat that the appellant has harassed him and tried to delay the handing over vehicle granted on superdari by the court in case FIR No. 212, dated 21.08.2018 u/s 406 PPC Police Station KDA Kohat.
- (ii) He called the complainant on his cell number that the superdari order has been revoked cancelled to which the complainant has video recording produced in memory card).
- (iii) He deliberately played delay tactics for his personal gain, violated the lawful orders of the court and misused his authority.
- (iv) DSP/HQrs: has conducted a preliminary enquiry on the SMS complaint code 2018/10-5386 and held him guilty vide his letter No. 876/PA, dated 06.11.2018.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 13387/EC, dated 31.12.2018.

On 13.03.2019, the meeting of Appellate Board was held at CPO Peshawar, wherein the petitioner was present and heard in person.

The appellant has been awarded major punishment of reduction from the rank of SI to ASI by DPO, Kohat without proper regular departmental inquiry. He has been awarded punishment in a summary proceedings. Perusal of the record, appeal and verbal contentions of the appellant warrant lenient view.

Therefore, de-novo enquiry be conducted as departmental enquiry was faulty. His punishment is held in abeyance.

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

(DR. MUHAMMAD ABID KHAN) PSP  
Deputy Inspector General of Police, HQrs:  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

No. S/ 1147-53 /19.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat, 02-Service Books, Fauji Missal & enquiry file and 04 GB Memory Card of the above named officer received vide your office Memo: No. 1599/EC, dated 20.02.2019 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: F-III, CPO, Peshawar.