

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR
AT CAMP COURT D.I.KHAN

Service Appeal No. 1631/2019

Date of institution 03.12.2019

Sabir Hussain ASI D.I.Khan Police, D.I.Khan.

VERSUS

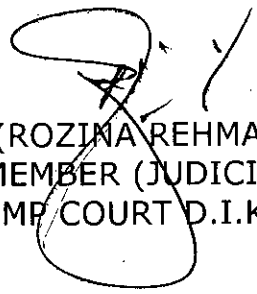
Government of Khyber Pakhtunkhwa through Secretary Home
Department Government of Khyber Pakhtunkhwa Civil Secretariat
Peshawar and three others.

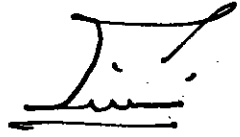
ORDER
23.05.2022

Appellant alongwith his counsel Mr. Gul Tiaz Khan Marwat, Advocate present. Mr. Muhammad Khalil, S.I (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present. Appellant stated at the bar that his grievance has been redressed by the department, therefore, he does not wants to proceed the appeal further and requested for withdrawal of the instant appeal. In this respect, appellant submitted an application, which is placed on file.

In view of the above, the appeal in hand stands dismissed as withdrawn. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
23.05.2022


(ROZINA REHMAN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

بعدالت حساب سروس ٹریبونل بینچ ڈائری اس میں

صالح حسین بیگ حکومت ۱۷۲۸

سروس ایپل ۱۶/۳/۲۰۱۹

درخواست برادر With draw فرمایا جائے

ایپل عنوان سے

حساب عالی اسٹیٹ / ایپلٹنٹ حسین ذیل عرض رسان ہے۔

۱۔ یہ کہ ایپل عنوان بالا زیر تحریر بعدالت حضور الذا

یہ احد امروز تاریخ سے مقرر ہے۔

۲۔ یہ کہ میں ایپلٹنٹ کی حکمت داد سے گری ہے

اس سے مزید ایپل کی لیکوری نہیں کرنا چاہیے

میں وجہ ایپل عنوان سے بلا کوئی Dismiss or with draw فرمایا جائے

کذا استرکانہ کہ ایپل عنوان سے

کو Dismiss or with draw فرمایا جائے

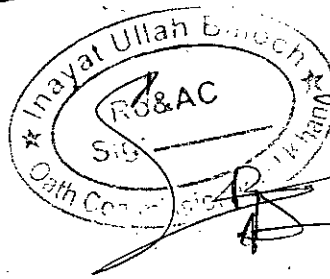
۲۶۵

صالح حسین ایپلٹنٹ

23/02/22

بیان حلف

حلفاً بیان کیا کہ میں اپنی اپیل
سے *with draw* کرنا چاہتا ہوں اور مزید
سہروے نہیں کرنا چاہتا۔



صالح حسین

20/11/2018

24.01.2022

Tour is Cancelled, therefore, case is adjourned to
23.05.2022 for the same as before.


Reader.

Due to COVID-19 therefore the to
come up for the same on 27/9/21

27.09.2021

Mr. Gul Tiaz Khan, Advocate, for the appellant present. Mr. Usman Ghani, District Attorney for the respondents present.

Learned counsel for the appellant submitted an application for seeking amendment in the appeal, copy of which handed over to learned District Attorney. Adjourned. To come up for reply as well as arguments on the application before the D.B on 22.11.2021 at Camp Court D.I.Khan.



(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)
CAMP COURT D.I.KHAN

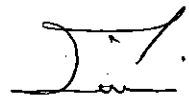


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

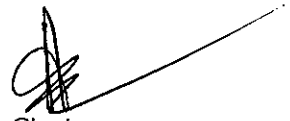
22.11.2021

Counsel for the appellant and Mr. Muhammad Rasheed, DDA alongwith Muhammad Khalil, SI (Legal) for the respondents present.

Learned DDA seeks adjournment to go through the file. Request is accorded. To come up for arguments on 24.01.2022 before the D.B at camp court, D.I.Khan.



(Salah-ud-Din)
Member(J)
Camp Court, D.I.Khan

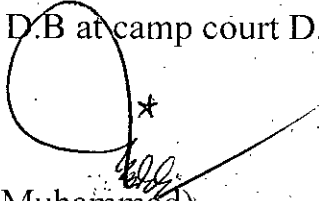


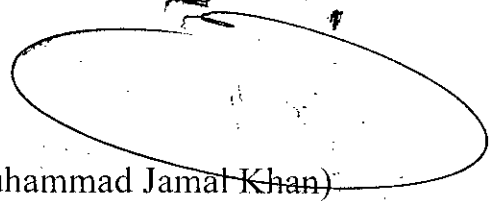
Chairman
Camp Court, D.I.Khan

27.10.2020

Nemo for appellant present. Mr. Muhammad Jan, Deputy District Attorney alongwith Mr. Khalid Nawaz, Inspector for respondents is present.

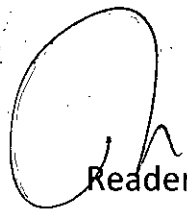
Since the Members of the High Court as well as of the District Bar Association D.I.Khan are observing strike today, therefore, the case is adjourned to 22.12.2020 for arguments before D.B at camp court D.I.Khan.


(Mian Muhammad)
Member(E)


(Muhammad Jamal Khan)
Member(J)
Camp Court D.I Khan

22.12.2020

Due to Pandemic of Covid-19, the case is adjourned to 22.02.2021 for the same.



Reader


22.02.2021

Nemo for parties.

Noor Zaman Khattak learned District Attorney for respondents present.

Notice be issued to appellant/counsel and respondents for 24.05.2021 for arguments before D.B at Camp Court, D.I. Khan.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I Khan


(Rozina Rehman)
Member (J)
Camp Court, D.I Khan

24/3/2020

Due to COVID-19 the case is adjourned. To come up for the same 20/4/2020 at Camp Court, D.I Khan


Reader

20/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 21/9/2020 at Camp Court, D.I Khan

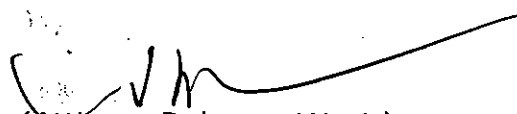

Reader

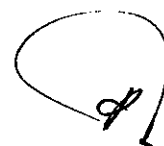
21.09.2020

Appellant present through counsel.

Mr. Usman Ghani, learned District Attorney alongwith Khalid Nawaz Inspector (Legal) for respondents present.

Learned District Attorney produced an order dated 04.03.2020, vide which punishment of reduction in rank was modified to stoppage of one increment for one year he, therefore, requested for dismissal of the instant appeal being in-fructuous. Learned counsel for appellant requests for a short adjournment. Last chance is given. To come up for further proceedings on 27.10.2020 before D.B at Camp Court, D.I Khan.


(Attiq-ur-Rehman Wazir)
Member
Camp Court, D.I Khan


(Rozina Rehman)
Member
Camp Court, D.I Khan

Service Appeal No. 1631/2019

24.02.2020

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Khalid Nawaz, Inspector (Legal) for the respondents present. Representative of the department submitted para-wise comments on behalf of respondents No. 1 to 4. The same is placed on record. Case to come up for rejoinder and arguments on 24.03.2020 before D.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)

Member

Camp Court D.I.Khan

19.12.2019

Counsel for the appellant present.

Learned counsel contends that the appellant was not meaningfully associated in the departmental proceedings. He was not allowed an opportunity to cross-examine the witnesses appearing and recording statements before the enquiry officer. In the said manner, the appellant was deprived of his valuable right of defence, hence the impugned order dated 16.09.2019 was not maintainable. Similarly, the departmental appeal of appellant was rejected without assigning any cogent reason.

In view of the available record and arguments of learned counsel, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 27.01.2020 at camp court, D.I.Khan.


An application for interim relief has been submitted alongwith the appeal. Notice of application be also given to the respondents for the date fixed.

Appellant Deposited
Security & Process Fee


Chairman

27.01.2020

Appellant in person and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Khalil, S.I (Legal) for the respondents present. Written reply on behalf of respondents not submitted. Representative of the department requested for adjournment. Adjourned to 24.02.2020 for written reply/comments before S.B at Camp Court D.I.Khan.

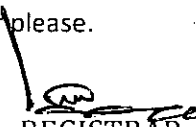

(Muhammad Amin Khan Kundi)
Member
Camp Court D.I.Khan.

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 1631/2019 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/12/2019	<p>The appeal of Mr. Sabir Hussain presented today by Mr. Gul Tiaz Khan Marwat 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 3/12/19</p> <p>This case is entrusted to touring S. Bench. at D.I. Khan for preliminary hearing to be put up there on _____</p> <p style="text-align: right;">CHAIRMAN</p>
2-		

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1631 /2019

Sabir Hussain ASI D.I.Khan Police, D.I.Khan.

..... **APPELLANT**

VERSUS

Govt: of KPK through Secretary Home Department Govt:
of KPK Civil Secretariat Peshawar and others.

.....**RESPONDENTS**

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5	Copy of confirmation order	D	13
6	Copies of charge sheet and statement of allegations	E&F	14-15
7	Copy of reply to charge sheet	G	16-17
8	Copies of Statements and inquiry report	H,J,K,L&M	18-24
9	Copies of final show cause notice, reply and impugned order dated 17.09.2019	N, N-1&N-2	25-29
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Dated: 28 /11/2019

Your Humble Appellant

SABIR HUSSAIN
Through Counsel

GUL TIAZ KHAN MARWAT
Advocate High Court DIKhan

03009092488

I

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

Service Appeal No 1631 /2019

Sabir Hussain ASI D.I.Khan Police, D.I.Khan.

03467845080

..... **APPELLANT**

VERSUS

1. Govt: of KPK through Secretary Home Department

Govt: of KPK Civil Secretariat Peshawar. Khyber Pakhtunkhwa
Service Tribunal

2. Inspector General of Police KPK Peshawar.

Diary No. 1706

3. Regional Police Officer Kohat Region.

Dated 03/12/2019

4. District Police Officer Kohat.

.....**RESPONDENTS**

APPEAL U/S 4 OF KPK SERVICE TRIBUNAL ACT 1974

AGAINST THE ORDER NO. 10623-24/EC DATED

19.11.2019 PASSED BY RESPONDENT NO. 3 VIDE

WHICH DEPARTMENTAL APPEAL AGAINST THE

ORDER OF RESPONDENT NO. 4 BEARING OB NO. 1125

DATED 17.09.2019 OF IMPOSITION OF MAJOR

PENALTY OF REDUCTION FROM THE RANK OF S.I TO

ASI HAS BEEN REJECTED.

Respected Sir,

1. That the appellant was initially appointed as PASI on the recommendation of KPK Public Service Commission vide order No. 981-82 dated 17.03.2010 and 25.03.2010.

Copies of appointment orders are enclosed as **Annexure**

- **A&B** respectively.

Filed to-day

Registrar

3/12/19

Ghuz

2. That the appellant performed his duties to the entire satisfaction of his superiors and on the basis of his good performance, the appellant was further promoted as Sub Inspector vide order No. 1856-62/ES dated 22.05.2014. Copy of order is enclosed as **Annexure - C**.
3. That thereafter the confirmation order of appellant as S.I was issued by the Competent Authority vide office order No. 4245/ES dated 23.10.2017. Copy of order is enclosed as **Annexure - D**.
4. That the appellant is eligible and qualified to be promoted as Inspector and in this respect DPC has already been constituted in which the name of Appellant is also included as a candidate to be promoted as an Inspector.
5. That the appellant performed his duties to entire satisfaction of his superiors and while posted as SHO P.S Jangal Khel Kohat the appellant was suddenly and abruptly served with charge sheet bearing No. 8532-33/PA dated 16.07.2019 alongwith statement of allegations containing holding of Jirga in the Police Station, demand of amount of Rs. 50,000/- in respect of Machlka and misuse of powers. Copies of charge sheet and statement of allegations are enclosed as **Annexure E&F**.
6. That the appellant submitted reply to the charge sheet explaining the factual position of the matter. Copy of reply is enclosed as **Annexure - G**.

Jan 2

7. That after submission of reply by the appellant enquiry was conducted by the inquiry officer/ASP/SDPO Saddar Kohat and statements of witnesses were recorded but in the absence of appellant and at the back of appellant as no opportunity was given to the appellant to cross examine the witnesses who deposed against the appellant and the Inquiry Officer submitted his report / finding wherein recommendation for imposition of major punishment of reduction of rank was made. Copies of statements and inquiry report are enclosed as **Annexure - H,J,K,L&M** respectively.
8. That after submission of report of Inquiry Officer, the appellant was served with final show cause notice dated 09.08.2019 to which the appellant submitted reply and thereafter the impugned order dated 17.09.2019 was passed by the DPO Kohat vide which a major punishment from the rank of Sub Inspector to the rank of ASI has been imposed. Copies of show cause notice, reply and impugned order are enclosed as **Annexure - N,N-1&N-2**.
9. That the appellant then submitted departmental appeal to the Appellate Authority i.e respondent No. 3 which was also rejected by respondent No. 3 vide order dated 14.11.2019. Copies of Appeal and order are enclosed as **Annexure - O&P**.

Qureshi

10. That the Appellant feeling aggrieved from all the impugned orders/actions and inactions of respondents 3&4 individually and collectively, the appellant seeks the indulgence of this learned tribunal under its appellate jurisdiction inter alia on the following grounds.

GROUND:-

- A. That the impugned orders passed by respondents 3&4 are against law and facts.
- B. That although charge sheet, statement of allegations and show cause notice has been served upon the appellant but the impugned order of major punishment from rank of S.I to the rank of ASI has been passed without holding regular inquiry as the appellant has not been provided an opportunity to cross examine the witnesses on the basis of whose statements the appellant has been awarded major penalty of reduction in rank while by now it is a settled principal of law that regular inquiry is must and there should be no punishment without holding regular inquiry.
- C. That the order of reduction in rank of Appellant passed by the Respondent No.4 is against law and facts as neither the Appellant was associated in the so-called inquiry proceedings nor witnesses were examined in the presence of Appellant.

guz

- D. That besides all these legal defects, no personal hearing was provided by the respondent No. 4 before imposition of major penalty of reduction in rank which is must under the law.
- E. That the impugned action/order of respondent No.4 of reduction in rank of Appellant is not sustainable without holding regular inquiry and without proving an opportunity of personal hearing but the Appellant was punished without observing all these legal and mandatory formalities and requirements of law.
- F. That the impugned actions/ orders of rejection of departmental appeal of Appellant by respondent No. 3 are against law and facts as the Appellant was condemned unheard from the beginning to the end.
- G. That the allegation of holding of Jirga contained in the charge sheet and statement of allegations are very funny as on one hand Reconciliation Committees have been constituted and working in the Police Stations throughout the province for settlement of disputes between the parties but on the other hand the Appellant has been charge sheeted for holding Jirga in the Police Station.
- H. That the allegations of demand of amount of Rs. 50,000/- has not been proved against the Appellant as the statements of the witnesses have been recorded

Qureshi

against the appellant in the absence and at the back of Appellant.

- I. That the Appellant has unblemished service record and there is no record in the past of such like activities and there is a record of good performance of the police station Jangal Khel Kohat of 2018 up to 19.09.2019 wherein various criminal cases were registered and launched by the Appellant in respect of recovery of arms, ammunition, narcotics, theft and arrest of absconders have been shown. Copy of list/ details is enclosed as **Annexure - Q**.
- J. That the Appellant has been met out discriminatory treatment and he has not been treated under the law as required under the provisions of fundamental rights guaranteed the Constitution of Islamic Republic of Pakistan.
- K. That this Honorable Tribunal is creation of Constitution under which fundamental rights of the citizens of the Country are protected and having vast Constitutional Power, this Honorable Tribunal is competent and authorized to correct the failure, faults, dereliction of duty, laches, defects in jurisdiction denial of justice, bias or disability and to set aside/struck down illegal and order without lawful authority of the Departmental Authorities of Government Offices/Departments including the Respondents.

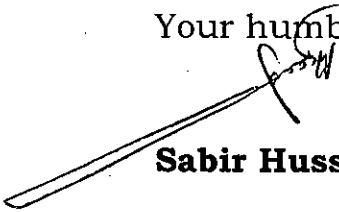
Qm2

L. That counsel for the Appellant may please be allowed to raise additional ground during the course of arguments.

It is, therefore, humbly prayed on acceptance this Appeal this Honorable Tribunal may very graciously be pleased to accept the appeal of the Appellant and to set aside the impugned order of reduction in rank as a consequence thereof the Appellant may please be reinstated/restored as a Sub Inspector with all back benefits.

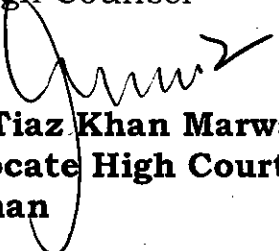
Any other relief deemed appropriate in the prevailing circumstances may also be granted.

Your humble appellant,



Sabir Hussain

Through Counsel

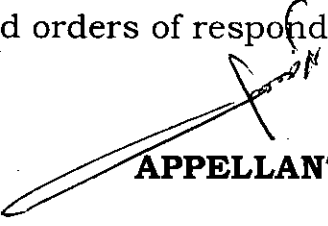


**Gul Tiaz Khan Marwat
Advocate High Court
DIKhan**

Dated: 28/11/2019

CERTIFICATE

Certified that it is a first appeal by the appellant before this learned tribunal against the impugned orders of respondents.

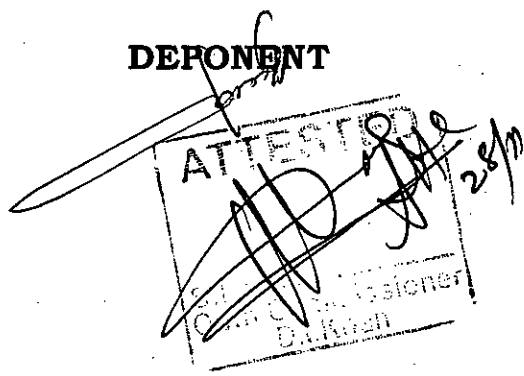


APPELLANT

AFFIDAVIT

I, Sabir Hussain ASI D.I.Khan Police, D.I.Khan, the appellant do hereby solemnly affirm and declare on Oath that the contents of appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

DEPONENT



ATTESTED
28/11

BEFORE THE SERVICE TRIBUNAL KPK PESHAWAR

C.M.A No _____/2019

In

Service Appeal No _____/2019

Sabir Hussain ASI D.I.Khan Police, D.I.Khan.

..... **PETITIONER****VERSUS**Govt: of KPK through Secretary Home Department Govt:
of KPK Civil Secretariat Peshawar and others......**RESPONDENTS****APPLICATION FOR INTERIM RELIEF CONTAINING THE
REQUEST TO SUSPEND THE OPERATION OF IMPUGNED
ORDER OF REDUCTION IN RANK FROM S.I TO ASI AND TO
MAINTAIN STATUS QUO TILL FINAL DISPOSAL OF
APPEAL.*****Respected Sir,***

1. That the instant application may please be considered as integral part of Appeal.
2. That there exists a prima facie case in favour of petitioner.
3. That balance of convenience also tilts in favour of petitioner.
4. That the Appellant/ Petitioner is eligible and qualified to be promoted to the rank of Inspector and in this respect DPC has also been held on 12.09.2019 in which the petitioner/ appellant is also a candidate for promotion.

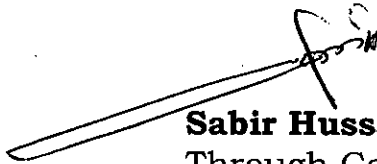
Amir

5. That the petitioner / appellant apprehends that the case of other employees for the promotion to the rank of Inspector will be processed and the Appellant / Petitioner will not be considered for promotion on the basis of order of major penalty awarded to the petitioner / appellant and as such the petitioner will sustained irreparable loss.
6. That had interim relief is not granted by this Honourable Tribunal, then the object/purpose of the Appeal would become illogical and fruitless.

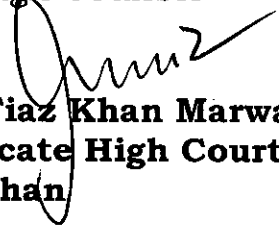
It is, therefore, prayed that on acceptance this petition, this Honourable Tribunal may very graciously be pleased to suspend the operation of impugned order OB No. 1125 dated 17.09.2019 passed by Respondent No. 4 and to maintain status quo till final disposal of the Service Appeal.

Dated: 28 / 11 / 2019

Your Humble Petitioner,



Sabir Hussain
Through Counsel

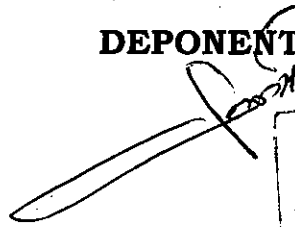


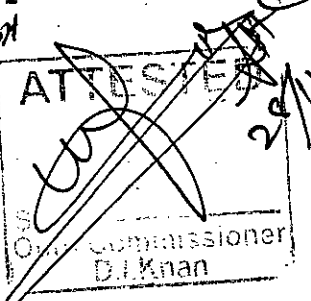
Gul Tiaz Khan Marwat
Advocate High Court
D.I.Khan

AFFIDAVIT

I, Sabir Hussain ASI D.I.Khan Police, D.I.Khan, the appellant do hereby solemnly affirm and declare on Oath that the contents of appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

DEPONENT



ATTESTED

Commissioner
D.I.Khan

ORDER

A

10

On the recommendation of NWFP Public Service Commission and approved by the PPO NWFP Peshawar vide No.5244-50/E-II dated 20.02.2010 the following Constables of this Range have been approved for appointment as P.ASI on three years probation in BPS-09 (3820-230-10720) alongwith usual admissible allowances with effect from the date of their arrival in the district.

They are allotted Range numbers as noted against their names

S#	NAME	RANGE NUMBER ALLOTTED	DISTRICT
1	Muhammad Tahir (Constable) s/o Muhammad Gul r/o Mohallah Muqarab Khan PS Panaila District D.I.Khan	101/D	D.I.Khan District
2	Sabir Hussain (Constable) s/o Shah Jehan r/o village Bhutaisar (Shargi) PO Mahra Tehsil Paroa District D.I.Khan	102/D	D.I.Khan District
3	Shah Muhammad (Constable) s/o Jan Muhammad r/o Akbari District Tank	103/D	Tank District

(Signature)
(FEROZE SHAH)

Dy: Inspector General of Police,
Dera Ismail Khan Range

No. 981-82 /ES Dated 17-03-2010
Copies to the: -

1. District Police Officer, D.I.Khan for information w/r to his memo: No.2640 dated 08.03.2010.
2. District Police Officer, Tank for information w/r to his memo: No.1169 dated 05.03.2010.

The application alongwith connected papers are returned herewith. Necessary gazette notification may be issued accordingly.

(Signature)
(FEROZE SHAH)

Dy: Inspector General of Police,
Dera Ismail Khan Range

POLICE DEPARTMENT

DIKHAN DISTRICT

FOR PUBLICATION IN THE NWFP, GAZETTE

PART-II

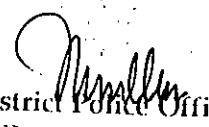
ORDER PASSED BY THE DISTRICT POLICE OFFICER DERA ISMAIL KHAN.

NOTIFICATION

Dated DIKhan the 27 / 3 / 2010

No. 3552 / APPOINTMENT AS PASI - The following Constables of this District Police consequent on the appointment as PASIs on three year probation period in (PBS-9) (3820-230-10720) alongwith usual admissible allowance w.e.f 17.03.2010 vide DIG of Police, DIKhan Endst: No.981-82/ES, dated 17.03.2010. They are allotted Range Nos noted against each their names.

1. PASI Muhammad Tahir No. 101/D
2. PASI Sabir Hussain No. 102/D


District Police Officer,
Dera Ismail Khan

ORDER

5

12

The following ASIs on Promotion List 'E' of D.I.Khan Region have been approved for promotion to the rank of Offg: Sub Inspectors by the Regional Departmental Promotion Committee in meeting held in Regional Police Office D.I.Khan on 22.05.2014 till further order: -

1. Muhammad Ashraf, 112/D of DIKhan District
2. Saleem Parvez, 87/D of DIKhan District
3. Minhaj Sikandar, 88/D of DIKhan District
4. Ebad Wazir, 89/D on deputation to CCP Peshawar (now under transfer to CTD)
5. Muhammad Adnan, 91/D of DIKhan District
6. Sharif Ullah, 93/D of Tank District
7. Kashif Sattar, 92/D of DIKhan District
8. Fazal Rehman, 94/D of DIKhan District (now under transfer to CTD)
9. Nageeb Ullah, 95/D of Tank District (now under transfer to CTD)
10. Abdul Ghani, 10/D of DIKhan District (now under transfer to CTD)
11. Jan Muhammad, 21/D of DIKhan District (now under transfer to CTD)
12. Ghulam Ali, 39/D on deputation to Special Branch Peshawar
13. Said Marjan, 40/D of DIKhan District
14. Muhammad Ramzan, 2/D of DIKhan District
15. Muhammad Tahir, 101/D of DIKhan District
16. Sabir Hussain, 102/D of DIKhan District
17. Shah Muhammad, 103/D of Tank District
18. Zafar Ali Shah, 43/D of DIKhan District
19. Fahim Mumtaz, 70/D of DIKhan District

Their promotion will take effect from the date of taking over charge of higher responsibilities.

QC

(ABDUL GHAFUOR AFRIDI)

PSP, PPM

Deputy Inspector General of Police,
Dera Ismail Khan Region

No. 1856-2 ES Dated D.I.Khan the 22/05/2014

Copies to the: -

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar
2. Commandant Police Training Centre, Hangu
3. Capital City Police Officer, Peshawar
4. Deputy Inspector General of Police,
Special Branch Khyber Pakhtunkhwa Peshawar
5. Deputy Inspector General of Police,
CTD Khyber Pakhtunkhwa Peshawar
6. District Police Officer, D.I.Khan
7. District Police Officer, Tank

Necessary Gazette
Notification may be
issued accordingly

QC

(ABDUL GHAFUOR AFRIDI)

PSP, PPM

Deputy Inspector General of Police,
Dera Ismail Khan Region

Dy. Inspector General of Police
D.I.Khan Region



D 13

**OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN REGION**

No. 4245 /ES,


Dated DI Khan the 23/10/2017

ORDER

The following Officiating Sub Inspectors on list 'E' have been approved for confirmation in their substantive rank by the Regional Departmental Promotion Committee in its meeting held at Regional Police Office DI Khan on 18.10.2017.

They are hereby confirmed as Sub Inspector from the date after counting their Officiating period towards the probation as provided in Police Rule 13.18 and upon completion of mandatory period as per Police Rules 13.10(2) and Standing Order No. 21/2014 amended dated 02.06.2016. They are allotted Region numbers as noted against their names.

S#	Name & No.	Date of Confirmation	Range No.
1	SI Ghulam Kazim, 35/D of CTD KPK	01.06.2015	D/08
2	SI Inayat Ullah, 85/D of Investigation unit DI Khan	15.09.2017	D/16
3	SI Saad Ullah, 96/D of District DI Khan	23.05.2017	D/27
4	SI Tariq Saleem, 22/D of District Tank	22.06.2013	D/28
5	SI Syed Asghar Ali Shah, 51/D of Inv: Tank	16.04.2017	D/30
6	SI Liaqat Ali, 50/D of District DI Khan	19.07.2016	D/45
7	SI Pervez Hussain, 69/D of District DI Khan	03.06.2017	D/46
8	SI Ghulam Farid 109/D of CTD KPK	08.05.2017	D/47
9	SI Fazal Rehman, 94/D of CTD KPK	08.05.2017	D/48
10	SI Jan Muhammad, 21/D of CTD KPK	08.05.2017	D/49
11	SI Muhammad Tahir, 101/D of District Tank	22.05.2016	D/50
12	SI Sabir Hussain, 102/D of District DI Khan	22.04.2017	D/51
13	SI Faheem Mumtaz, 70/D of District Tank	01.06.2016	D/52
14	SI Muhammad Basharat, 105/D of District DI Khan	24.03.2017	D/53
15	SI Anwar Khattak, 65/D of District DI Khan	03.06.2017	D/54
16	SI Anees Ul Hassan, 03/D of District DI Khan	05.12.2016	D/55
17	SI Abid Iqbal, 26/D of District DI Khan	23.02.2017	D/56
18	SI Saleem Ullah, 76/D of District DI Khan	05.12.2016	D/57
19	SI Muhammad Ismail, 04/D of Inv: DI Khan	05.12.2016	D/58
20	SI Jamal ud Din, 15/D of Investigation DI Khan	05.12.2016	D/59
21	SI Amir Badshah, 18/D of Investigation Tank	05.12.2016	D/60


(SYED FIDA HASSAN SHAH) PSP
Regional Police Officer,
Dera Ismail Khan

No. 4246-54 /ES

Dated DI Khan the 23/10/2017

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

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Addl: Inspector General of Police HQs, Khyber Pakhtunkhwa Peshawar.
3. Dy: Inspector General of Police CTD, Khyber Pakhtunkhwa Peshawar.
4. Asstt: Inspector General of Police, Establishment, CPO Peshawar.
- 5-6. District Police Officers DI Khan & Tank. Necessary gazette notification may be issued accordingly.
- 7-8. Superintendents of Police Investigation units, DI Khan & Tank.
9. The Superintendent of Police CTD, Dera Ismail Khan.


(SYED FIDA HASSAN SHAH) PSP
Regional Police Officer
Dera Ismail Khan



No 8539-33/PA

B 14
Office of the
District Police Officer,
Kohat

Dated 16-7/2019

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 **SI Sabir Hussain SHO PS Jungle Khel** rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. *That there was a monetary disputes between Haji Nazar, Aziz Ur Rehman etc and Mudasir Sultan Wali, Waris Khan r/o Afghan Refugee Camp No. 03 and you held in illegal jirga between the parties in Police Station which was behind your mandate and violation of law & Rules.*
- ii. *That on this regard audio tape was viral, wherein you demanded Rs. 500,000/- machalka from each party and directed to keep machalka with you. Furthermore, you made demand of illegal gratification from one party as (Kharcha) from your personal illegal gain.*
- iii. *That you have exceeded from lawful authorities, misused your powers and indulged yourself in extra departmental activities, getting illegal gratification and earned bad name to a disciplined department as well. Thus you also found ill-reputed.*

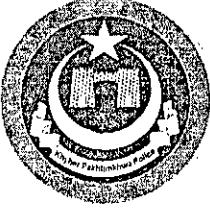
2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

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

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

4. A statement of allegation is enclosed.


DISTRICT POLICE OFFICER,
KOHAT



F

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Office of the
District Police Officer,
Kohat

No _____/PA

Dated _____/2019

DISCIPLINARY ACTION

I, **CAPT ® WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **SI SABIR HUSSAIN SHO PS JUNGLE KHEL** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

- i. That there was a monetary disputes between Haji Nazar, Aziz Ur Rehman etc and Mudasir Sultan Wali, Waris Khan r/o Afghan Refugee Camp No. 03 and you held in illegal jirga between the parties in Police Station which was behind your mandate and violation of law & Rules.
- ii. That on this regard audio tape was viral, wherein you demanded Rs. 500,000/- machalka from each party and directed to keep machalka with you. Furthermore, you made demand of illegal gratification from one party as (Kharcha) from your personal illegal gain.
- iii. That you have exceeded from lawful authorities, misused your powers and indulged yourself in extra departmental activities, getting illegal gratification and earned bad name to a disciplined department as well. Thus you also found ill-reputed.

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

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


**DISTRICT POLICE OFFICER,
KOHAT**

No. 8532-33/PA, dated 16-7/2019.

Copy of above to:-

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

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کا عالی

شکوہ خارج ٹیٹ نمبر 33-32-55 حوالہ 7/16 بجایہ - DPO

ہاگہ کو حفاٹ جو وہیں ہوا م دوران لینا کی 500 منگل کیل آ ہے
ایک مسئلہ جو کہ عالی نذر عزیز الرحمن و شہرہ کو فدر سلطان ولی
وارث خان سلکٹا ہے اعلیٰ خان صاحب کی نمبر 3 کے درمیان تھا 1-500
نے غیر قانونی طور پر پولیس اسٹیشن میں ہرگز مفقود کیا
اسی طرح دوران فرگہ آ ہے سے مبلغ 500 روپے کے طور پر جمع رکھنے کی کوشش
کوشش اور رقم و شہرہ طلب کیا۔ آ - کیا عمل صورت ڈسٹنشن لدر
کا بال حوا فرہ ہے

اندر سے مبلغ حوالہ ہوا الہ حوالہ نمبر 13-16 روز نامہ 7/14 حوالہ

حفاٹ منگل کیل میں سلطان ولی گروپ اور نذر گروپ کے درمیان مسلم
لین دین اور گاڑی خرید و فروخت کے مسلم سے مبلغ 1000 روپے
کا سٹارٹیم تھا۔ نذر گروپ (عالی نذر) نے سلطان ولی کو نذر گروپ کا رقم دینے
میں سلطان ولی سے عوسی بائیوں کے ساتھ نذر گروپ سے رقم لینے کیے گئے
باس کیس نمبر 3 آیا، ہر دو فریقین کے مابین کیوں کی طرف سے اس بات
دستخط نہیں ہے اس اعتبار سے حفاٹ کا مال شہرہ سے منگنی لدر نذر گروپ
خان شہرہ اور نذر نے نذر گروپ کی طرف سے نذر گروپ اور سلطان ولی کے مابین
نذر گروپ کے آرہوں کے لادہوں اور اسلم سے 900 روپے کا گاڑیوں
کے شہرے و شہرہ کو لدر کے اور ان کے دو دو کو زخمی ہی کیا جو عوم کی المذبح
کا لدر جو عوم تھا۔ ہر دو گروپ کے ارٹھی میں کو باہول کا اور مکان لدر
سرد کار اور 200 روپے

گدھے پر دو گروپ کے مشترک اور ٹولڈ لفٹران لدر دپر سر سر سے
مختلف انواع و اقسام کے سگارٹن پکٹس آنا شروع ہوئے

لدر خاص کے لفٹان سارین کے مشترک پر دو گروپ کے حریفان عیسوی
گرائے کی عافی سے مراد

جو کہ لفٹان سارین کے جرگہ ویشہ سن ٹیوٹ فرسٹن کو لینڈ رٹ
کئے کچھ ٹھانت رکھتے ہیں۔ لیکن وہ پر دو فرسٹن کے مشترک کے لئے
روپ کی ٹھانت رکھتے کا طعنہ لگا

جوئے ٹھانے سے باہر پر قسم کے جرگہ ویشہ / جسے بر یا بندھا گئی اور اب
ٹھانے انڈیا یا ۲ کا حکم ٹھانے کو فرسٹن عیسوی سے جرگہ ٹھانے ٹرس
پر سے ۳۰ سے ۳۰ کے عدالت لفٹان یا ۲ پر دو فرسٹن کے مشترک / مشترک
کئے ٹھانے سے باقاعدہ طور پر عدالت ٹھانے کا دفتر کھلوانا لدر ان کو ٹھانے
کے اندر جرگہ ویشہ (ٹھانے) کے کا یا بند کرنا یا

جہاں تک عیسوی ٹھانے طور پر فرسٹن ویشہ کا الزام ٹھانے ٹھانے ٹھانے

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18 بیان اراں عالی نظر محمد ولد سردار محمد علی صاحب 13 افریلا 1

7/019/23

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کہ وہ دن سے سلطان ولی ولد عالی علیک ولد ملک سنگ اہمال
 H صاحب ملک عرق سے تعلق رکھتا تھا۔ 540 صاحب ملک عمارت بھون
 نے بھار کو راجھی نام کے لئے نس قحور بنا تھا، اور وہی بھار
 رومہ مانگتا تھا، اور بھار کو 107 میں جالان کا
 ہم نے عدالت میں راجھی نام لکھیں، اور عمارت
 نام حکام لانا، 540 صاحب ملک عمارت بھون کے نام راجھی نام
 کیوں بنا، سبوں کو لادو۔ میں کالی لکھی حکام کے او
 اور وہی بھار رومہ کے او، اور نس کے انا
 بھار بھان میں نس کے لئے بھون اور
 بھار کے میں، میں بھار بھان کے

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0333-966-516

بیان کرتا ہوں کہ تقریباً 15/20 دن پہلے بیماری ایک نرس سے
عامی منظر اور سلطان دل فریقین کی درمیان جھگڑا ہوا تھا جس میں

دو موٹر کار گاڑیاں ڈنوں منگروں سے ٹک کر قرب ہوئی تھی
SHO صاحب بلوچ نے دونوں فریقین کو سزا دینے میں بندہ کی

دو فریقین کی ریسورٹ کی راج کے مطابق 515 اور پوری جھگڑا
کیونکہ دونوں فریقین کو ایک دوسرے کو چھ مہینے کی

پھر دونوں فریقین کے جمع کو بتایا کہ آپ SHO کو بتا رہے
جو بندہ کی حوالات میں بندہ کے پاس انکو چھوڑ دیں ہم ان کو

راستی نامہ کر لیں گے

میں کیفیت ثالث کردار ادا کرنا ہوں سب سے پہلے جیل جا رہے SHO

صاحب بلوچ کی ساتھ ملے اور میں نے انکو راستی نامہ لکھی تو بتایا

SHO صاحب بلوچ نے جمع کیا کہ جو جھگڑا ہنگوی درمیان میں لگایا ہے

وہ جھگڑا میرے ساتھ جمع کر اور میرا نام لکھا گیا ہے دیکھو

اور بنیائے کسان تو سبھی تمہاری ہی او اس دوران اس خود

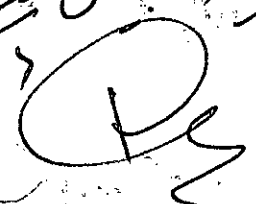
میں سیکرٹریٹ سے ملنے والے اس آپ سے اس افسران تک منجانب سے

اور نہ فرم دیا ہے بلکہ ڈیپارٹمنٹ کے افسران اور نہ SAS ڈائریکٹری دیا ہے

مگر جو کسان عوارات میں بند ہیں یہ دوزخ کی ہے

کشمیری ہیں جس طرح کشمیری سے راہی نامہ ہے

یہ صبر بیان ہے جو عفت ہے



رکن صومالیہ

NIC = AC-38559453154

03339622701

وہ کیا آندر پورک حاجی سلطان ولی ولد حاجی و لاہ خان بہر 26/27 سہ ماہیہ
 اخوان میاں بہر حال صافہ آباد کو کچھ گاڑی نمبر 10894574581-10894
 جو بائبل نمبر 9606107-0333 حضور 7-14 وقت 30-35 بجے نواہی لکھا
 اگر پورک نہ مایہ کم عدہ تقریباً چھ ماہ قبل ساہل نے ایک سوٹر مار کیا
 ماڈل 2006 عسی سوٹر مار ولد سہہ اخوان میاں بہر حال کلید نمبر 3
 سوٹر مار کیا تھا۔ مذکورہ گاڑی کے زخمی ہوا الاکوہ کا گزارہ کیا گیا ہے۔ یہا
 عم عبداللہ و وارث ماہہ نہ کبھی فری میں مذکورہ سے بیسے وصول کرنے کیلئے آئے۔
 ٹرانس آئینا میں بائی یا اس اوپر بائیں بل فراموش خان سے بیسے والیسا کرنے کا
 سولہ لکھا۔ بات مثبت جا رہی تھی کہ زرد چھہ کا ممالی رفیق نے میں بیسے
 کے ادھر گزار کیا جسے گزار سے میرا بیٹی والہ بیسٹ اور دانٹ فری
 سوٹر مار لیدہ لگا کر بائی کے دوران عسی خان محمد ولد سید محمد سہہ اخوان میاں بہر
 حال کبھی فری نہ بڈا لیدہ بیسٹوں صبری گاڑی لہر گاڑی کیا جس سے صبری سوٹر مار
 کی شیشے وغیرہ ٹھوٹ گئے۔ اور نقصان ہوئے۔ لیدہ میاں حاجی یار محمد،
 حاجی زور، خان خالد، عسکر، الیاس، اللہ خان اخوان میاں بہر حال کے لیے
 دیگر 5-6 کسان اسمائے نامعلوم جنکو سافٹ آنے پر شاکٹ کر لیا میں بیسے
 پکڑو کہ بڈا لیدہ ڈاکٹوں، مکوں سے زور کو پکڑا گیا۔ جس سے صبری علاوہ میرا بی
 عبد الکریم جو کہ صبری اعداد آئیے آئے۔ کبھی زخمی ٹھوس ہوئے۔ و جسے عدوت
 لیا یا رحم می والیسی ماہ و طالع بد تھا زخم سے۔ عسی اپنی عجز و صحت، میرا بی عبد الکریم
 می عجز و صحت، گاڑی سوٹر مار کو نقصان کرنے کا بہ خلاف مذکورہ بالا کسان قدرہ
 پادری دعوا لیا ہوں۔ اللہ تعالیٰ انکو کفار مارو کی بولیں صحت کفیتہ سہہ لہر پورک
 دو بار پورک سوٹر مار کو کھینچا یا لیا۔ دہستہ تسلیم کرنے زور پورک خود نشانی انکو
 ثبت کی علی میں لیدہ لہر ہوں۔ سہہ ان خوشی خود ڈاکٹری عسی انہر میں فرنا جاسی
 لکھد علیحدہ ہوئے کہ فری مذہب کا وہ اپنی بلجا و بیسٹ کو لکھا خان 26/27 سہ ماہیہ

ضابطہ عالی
 نقل ہوئی ہے

کھلا تعلیم 6 اور ماہنامہ 7 14

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عدداً راجیوگ نذر ولد محمد سعید بھر 28 سال سنہ افتخاں عیالبر حال کسب مہر 3
 کارڈ نمبر 108 712048-19 (9) حوالہ نمبر 966051-0333 حوالہ نمبر 147
 وقت 13:00 بجے محاضری نماز اور یوں راجیوگ کرنا ہے کہ صہی حامی معلم ولد
 ملک عثمان سنہ افتخاں عیالبر حال حافظ آباد نے اپنی فوٹو کارڈ 011/11x فائل
 2006 سے محمد الرحمن ولد منظور سنہ افتخاں عیالبر حال نو سپرہ پروفیشنل کیا
 تھا۔ بقا یا رقم مبلغ 1 لاکھ 50 روپے لیا اور وہ بچے کا رزم داری والد ام نے ہی لکھی۔ مذکورہ
 کسب نامہ آج مورخہ 147 147 الوقت 16:00 بجے واکسین دینے کا وقت حضور تھا۔
 امروز صبح دکان خود واقع ملک مہر 3 میں موجود تھا۔ کہ وقت قریب 11:20 بجے
 سلطان سلطان، مدرسہ پسران حامی معلم، آدم خان ولد وارث، ابیر اعظم ولد
 دلاور، حامی معلم ولد ملک عثمان ساکنان افتخاں عیالبر حال حافظ آباد، سواتی
 فوٹو کارڈ نمبر 4411، 90 میں آرگنائی سے جملہ متذکرہ باقہ حسان نیچے آئے
 صہری دکان پر آکر چھ بکری کر اپنی کار متذکرہ میں ڈال کر بچے سامنے
 کے جائے ہی کوشش کر رہا تھا۔ کہ اس دوران نزدیک کسب ان کے ان سے
 خدائی کرائی۔ وجہ عداوت بقا یا رقم کی والدہ کی تھی۔ اس متذکرہ کسان
 کے علاوہ کریم ولد گل عرفان، زولفقار عرف و قادریا و امیر ملک عثمان بھٹی
 د عوار میں۔ ان نشان انکو تھا۔ کارہائی تھا حسب گفتہ سابقہ راجیوگ عرف
 جعفر دربارہ سو کر بڑھ کر سنا جا سکتا تھا۔ در وقت تسلیم کرنا فریڈر نور
 خود نشان انکو تھا ثبت آیا۔ جس میں لیبائی کرنا میں۔ تعلیم بیحدہ لیبائی
 کہ کے بفرض قانونی کارہائی بلحاظ بیس نوٹرز اس 110 AS حوالہ لیبائی ہے۔

ضابطہ عالی
 نسل بلحاظ اصل ہے

ان.ان.ان
 19-7-14
 11/11/14

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DEPARTMENTAL INQUIRY SI SABIR HUSSAIN SHO PS
JUNGLE KHEL

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Undersigned was appointed as Inquiry Officer in the said above departmental inquiry against SI Sabir Hussain vide DPO, Kohat office letter No. 8532-33/PA dated 16.07.2019. Charge Sheet was issued vide above said letter with the following allegations:-

- i. That there was a monetary disputes between Haji Nazar, Aziz Ur Rehman etc and Mudasir Sultan Wali, Waris Khan r/o Afghan Refugee Camp No. 03 and you held in illegal Jirga between the parties in Police Station which was behind your mandate and violation of law & Rules.
- ii. That on this audio tape was viral, wherein you demanded Rs. 500,000/- machalka from each party and directed to keep machalka with you. Furthermore, you made demand of illegal gratification from one party as (Kharcha) from your personal illegal gain.
- iii. That you have exceeded from lawful authorities, misused your powers and indulged yourself in extra departmental activities, getting illegal gratification and earned bad name also found ill-disciplined department as well. Thus you also found ill-reputed.

SI Sabir Hussain submitted his written reply (copy attached). He was also given opportunity of personal hearing. He stated that two reports were registered in Daily Diary at PS Jungle Khel vide DD No. 15 and 16 dated 14.07.2019. There was a monetary dispute between Sultan Wali group and Nazar group, because of this dispute, there was a quarrel between the parties. Two vehicles were damaged in it. He said that he reached at the spot, arrested the people and put them in lock up. He further said that many people approached him and tried to settle the dispute through Jirga. He stated that as there is ban on private jirgas that's why he held it in Police Station. However, he negated the allegations levelled against him about keeping Machalka with him and demand of illegal gratification.

Findings:-

A preliminary inquiry was also conducted by DSP HQrs, Kohat, he also concluded that SI Sabir Hussain SHO Jungle Khel demanded bribe as it's evident from audio recording but the said bribe money was not given to him.

During inquiry proceedings, SI Sabir Hussain was asked about audio recording in which he demanded 500,000/- Machalka from each party and his fee as illegal gratification. However, he could not give any satisfactory answer.

Rehman Gul s/o Usman Gul was also summoned to record his statement in inquiry. SI Sabir Hussain demanded Machalka and his Fee from Rehman Gul, that is present in shape of audio recording. Rehman Gul stated that SI Sabir Hussain, SHO Jungle Khel demanded that Rs. 500,000/- Machalka from each party be kept with him and also demanded extra money as his Fee / illegal gratification. However, he said that they did not gave him a penny despite his demand Haji Nazar was also called during inquiry proceedings, he also stated that SHO demanded Rs. 50,000/- as bribe to release the persons (Statements attached).

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Facts:-

- i. SI Sabir Hussain SHO Jungle Khel held an illegal Jirga between Nazar Group and Sultan Wali Group that was beyond his mandate and its violation of law and Rules.
- ii. In the light of audio recording, it's proved that SI Sabir Hussain SHO Jungle Khel demanded that Rs. 500,000/- Machalka from each party be kept with him and also demanded illegal gratification from one party as his fee. However, nothing was given to him as bribe or illegal gratification.
- iii. SI Sabir Hussain's demanded of Machalka and illegal gratification is misuse of authority and a gross misconduct which is not acceptable being part of disciplined force.

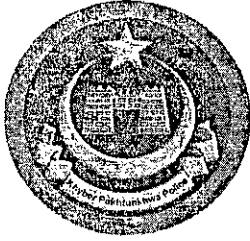
Recommendations:-

In the light of findings above, it is proved that SI Sabir Hussain held illegal Jirga in Police Station, demanded that Machalka be kept with him and also demanded illegal gratification. His this act is misuse of authority and a gross misconduct. Undersigned recommends "Major Punishment" of reduction in rank please.

Submitted Please.



MUHAMMAD NABIL KHOKHAR
ASP/SDPO SADDAR,
KOHAT



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OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No 9786 /PA dated Kohat the 09/8 /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, **SI Sabir Hussain SHO PS Jungle Khel** 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. 8532-33/PA dated 16.07.2019.
- 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 ***That there was a monetary disputes between Haji Nazar, Aziz Ur Rehman etc and Mudasir Sultan Wali, Waris Khan r/o Afghan Refugee Camp No. 03 and you held in illegal jirga between the parties in Police Station which was behind your mandate and violation of law & Rules.***
- b ***That on this regard audio tape was viral, wherein you demanded Rs. 500,000/- machalka from each party and directed to keep machalka with you. Furthermore, you made demand of illegal gratification from one party as (Kharcha) from your personal illegal gain.***
- c ***That you have exceeded from lawful authorities, misused your powers and indulged yourself in extra departmental activities, getting illegal gratification and earned bad name to a disciplined department as well. Thus you also found ill-reputed.***

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 *09/8*.

حوالہ نمبر شوکار نوٹس بری 97871PA عودین برون

26-9-2019

لکھ کر جو میرا رام عائد کیا گیا ہے کہ دوران کسٹیاں SHo
جنگل میں آپ نے ایک مسئلہ جاری تدریس عزت مرزا علی وغیرہ
لکھ کر سلطان ولی وارث خان ساکنانہ سے اہمقان سپارٹس
کیپ مری ڈرمان جامع برائے آ۔ SHo نے عید قانونی طور پر
پولیس اسٹیشن میں سرگرمی منعقد کیا

اسی طرح دوران تدریس آپ SHo نے صلح 5/5 لکھ کر اس طور پر
رکٹوں کی کسٹیاں کی لکھ کر عید طلب کیا ہے گا، جس طرف
ڈسٹریکشن لکھ کر مخالفہ سے

معالجہ

انڈین سلج عودین برون حوالہ لکھ کر ناظم 14/7/2019
15-16 مکان جنگل میں سلطان ولی گروپ لکھ کر گروپ کے
درمیان سے لکھ کر لکھ کر لکھ کر وقت کے سلسلے میں صلح
لکھ کر لکھ کر لکھ کر لکھ کر لکھ کر لکھ کر لکھ کر لکھ کر
ولی کو مذکورہ بالا رقم دہی تھی سلطان ولی کے قریبی ساتھیوں کے
بمبارہ لکھ کر گروپ سے لکھ کر لکھ کر لکھ کر لکھ کر لکھ کر لکھ کر
مائی میں لکھ کر لکھ کر لکھ کر لکھ کر لکھ کر لکھ کر لکھ کر
کے بارے میں بات چیت جاری تھی کہ اس لکھ کر لکھ کر لکھ کر لکھ کر لکھ کر

نذراء عیالی خان محمد ولد سید محمد نے ہزاروں لاکھوں مال جمع کر دیئے۔
 گورنمنٹ کے آرڈر سے نذراء کو روپے کے آرڈر سے لاکھوں روپے اور اسلام سے حاجی
 سلطان گروپ کی کارٹیوں کے ٹیٹے لکھ دئے اور ان کے کچھ لوگوں کو
 رخصتی بھی کیا۔ وقوع کا اطلاع مل کر ہر موقع ٹیٹا ہر دو گروپ کے اشتیاق
 کو جانو کیا اور مکان لاکر سید کو ملاقات مکان گیا اور تذکرہ بالا اور

ہزاروں لاکھوں
 گورنمنٹ کے آرڈر سے نذراء کو روپے لاکھوں لاکھوں روپے
 مختلف انواع، انعام کی سفارش جوائے آنا شروع ہوئے اور خاص
 افسانہ صاحبین کے حیران بے ہرد گروپ کے درمیان فیصلہ کرانے
 کی کوشش

جوان لکھنوی صاحبین و شیخہ کے حیرت میں بہ لوگ ہر دو فریقین کو بلا ہند
 کرنے کیے کچھ کچھ حکمت سے رکھتے ہیں، ہیں وہ ہر دو فریقین کے
 حیران نے ہی لاکھوں کی حکمت رکھتے کا فیصلہ کیا
 جوان مکان سے باہر ہر قسم کے حیرت و شیخہ اور حیرت پر پابندی تھی گورنمنٹ
 صاحبان اور حکم جوائے کوئی فریقین حیرتوں میں حیرت کا فیصلہ کریں
 ہیں وہ سن 1940 کے جب حکم افسران بالا ہر دو فریقین کے حیران
 کو حکم دیا کہ آپ مکان کے اندر جوائے جیسی کے دفتر میں آکر بیٹھیں
 کر بیٹھیں اور جو کچھ بھی حکمت رکھتے ہیں مکان سے رکھیں
 حکمت رکھیں اور فیصلہ و شیخہ بیان میں رکھیں (P. 10)

جہاں تک علیہ کا فون طور پر حرم و مشیرہ کا الزام عائد ہے
 جو بٹالہ سے نیا دہ سے اللہ خیرہ مشران نے خود اپنے بلڈوں کو
 جھڑائے لیے حرم و مشیرہ کی کس کس کی جو میں نے پس لی اور
 نہ ہی بلڈوں کو حکایت پر مخلصی اور صحیح یا بائبلہ طور پر عدالت
 میں حلیت کا

بطور ہذا لکھناں کا فی حیرہ حافظہ کرو۔ / قہقہہ کرو۔ کو علیہ میں
 حیرہ کرنے سے بازرگانی کو کس کی ہے جوئے جوئے مسائل کھانے
 اندر بڑھ مصلحتی کٹی مدد و مشیرہ حل کو ات
 جہاں تک دیو و دائرہ کا الزام ہے صرف لہ صرف کھانے کے اندر حیرہ
 لہر بطور درکانت کھاتے رہتے کا ذکر ہے۔ علیہ برائی ہے
 صفائی چاہیوں اس لئے محض طور میں کا

SHO/J.K

16/9/029

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ORDER

This order is passed on the departmental enquiry against Sub Inspector Sabir Hussain, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that the defaulter officer while posted at Police station Jungle Khel Kohat was indulged in illegal, extra departmental activities as mentioned in the charge sheet. An audio pertaining to conversation of the defaulter accused wherein he demanded Rs. 500,000/- as machalka for private jirga between the parties and also illegal gratification for himself was viral.

Charge sheet alongwith statement of allegations was issued to the accused officer and ASP/SDPO Saddar Kohat was appointed as enquiry officer to scrutinize conducted of the defaulter. The enquiry officer vide his detail report has established the charges leveled against the defaulter officer, held him guilty of the charge and recommended him for major punishment.

In the light of report of enquiry officer and available record, Final Show Cause Notice was served upon him, reply received, wherein he admitted the dealing between the two groups. Further his reply was found unsatisfactory.

Therefore, the accused officer was called in Orderly Room, held on 16.09.2019 and heard in person, but he failed to submit any plausible explanation to his gross misconduct.

In view of above, and enquiry report of ASP Saddar, Kohat and available record, I reached to the conclusion that the defaulter officer indulged himself in extra departmental activities, demanded illegal gratification from the parties mentioned in the charge sheet. Further the statements of individuals also deposed against the defaulter officer, which proved that the defaulter officer demanded illegal gratification from them. The conduct of the defaulter officer earned a bad name and image to Police. Hence the charges / allegations leveled against the accused official are proved beyond any shadow of doubt. Therefore, in exercise of powers conferred upon the me a major punishment of reduction from the rank of Sub Inspector to the rank of ASI is imposed on accused officer Sabir Hussain with immediate effect.

Announced
16.09.2019

DISTRICT POLICE OFFICER,
KOHAT 21/7/19

OB No. 1125
Date 17-9-2019

No. 20086-90/PA dated Kohat the 17-9-2019.

- Copy of above is submitted for favour of information to the:-
1. Inspector General of Police, Khyber Pakhtunkhwa please.
 2. Regional Police Officer, Kohat please.
 3. District Police Officer, D.I Khan
 4. District Account Officer, Kohat
 5. Reader/Pay officer/SRC and OHC for necessary action

DISTRICT POLICE OFFICER,
KOHAT 21/7/19

بابت منسوخی آرڈر نمبری 1125 مورخہ 17.9.19 مجاریہ جناب DPO صاحب ضلع کوہاٹ، بحال فرمائے۔

سائل بچہ سب انسپکٹر

جناب عالی!

معروض خدمت ہوں کہ من سائل مورخہ 01.03.2017 سے ضلع کوہاٹ میں بطور سب انسپکٹر خدمات سرانجام دے رہا ہوں۔ عہدہ تعیناتی کے دوران من سائل نے شعبہ تفتیش کے علاوہ بطور افسر مہتمم تھانہ جنگل خیل، شکر درہ اور جرما میں خدمات سرانجام دیں۔ تھانہ جنگل خیل جو کہ من سائل کی تعیناتی سے قبل ممنوعہ علاقہ (نوگو ایریا) تصور کیا جاتا تھا۔ جرائم پیشہ، سماج دشمن عناصر اور اجرتی قاتلوں کی آماجگاہ بن چکا تھا۔ سائل نے اپنی تعیناتی کے فوراً بعد دن رات کی انتھک محنت و کوشش سے جنگل خیل کا نوگو ایریا اللہ تعالیٰ کے فضل و کرم سے اب امن کا گوارہ بن چکا ہے۔ بدوران تعیناتی SHO جنگل خیل قبضہ مافیا، مجرمانہ اشتہاری، ڈرگ مافیا اور حجروں اور قمار بازی کے اڈوں کو ختم کیا۔ جسکی اہل علاقہ کی طرف سے کافی پزیرائی کی گئی اور من سائل کے تبادلہ کے بعد بصورت وفد اہل علاقہ کے پر زور مطالبہ پر جناب DIG صاحب کے حکم سے دوبارہ SHO جنگل خیل تعینات کیا گیا۔ بعد ازیں تھانہ شکر درہ، تھانہ جرما میں بطور افسر مہتمم تھانہ خدمات سرانجام دیتے ہوئے جرائم پیشہ افراد کا پیچھانہ چھوڑا۔ متعدد بدنام زمانہ مجرمانہ اشتہاری گرفتار کیے۔ اسی طرح ناجائز اسلحہ، منشیات کی برآمدگی اور دیگر جرائم کے خاتمہ میں اہم کردار ادا کیا۔

سائل نے ہر سہ تھانہ جات میں نہ صرف جرائم کا قلع قمع کیا بلکہ کرپشن اور بدعنوانی جیسے ناسور کو جڑ سے اکھاڑ پھینکا۔ بدیں وجہ نہ صرف جناب DPO صاحب بہادر بلکہ جناب DIG صاحب کی طرف سے بھی متعدد بار تعریفی اسناد اور نقد انعامات سے بھی نوازا گیا۔

والاشان!

بحوالہ چارج شیٹ نمبری 6532-33/PA مورخہ 16.07.2019 مجاریہ جناب DPO صاحب ضلع کوہاٹ من سائل پر الزام عائد کیا گیا کہ بدوران تعیناتی SHO جنگل خیل آپ نے ایک مسئلہ حاجی نذر، عزیز الرحمن وغیرہ اور مدثر سلطان، وارث خان ساکنائے افغان مہاجرین کے درمیان ایک واقعہ رونما ہوا تھا جس میں آپ SHO نے غیر قانونی طور پر پولیس سٹیشن میں جرگہ منعقد کیا اور بدوران جرگہ مبلغ 5/5 لاکھ روپے بطور چمکے رکھنے کی پیش کش کی وغیرہ۔

اندریں سلسلہ معروض ہوں کہ بحوالہ مددات نمبر 15-16 روزنامہ 14.7.19 تھانہ جنگل خیل میں سلطان ولی گروپ اور نذر گروپ کے دوران سابقہ لین دین اور گاڑی کی خرید و فروخت کے سلسلہ میں مبلغ 1 لاکھ 60 روپے کا تنازعہ تھا۔ نذر گروپ نے سلطان ولی گروپ کو متذکرہ بالا رقم ادا کرنی تھی۔ سلطان ولی اپنے قریبی ساتھیوں کے ہمراہ نذر گروپ سے باقی پاس روڈ کیمپ نمبر 3 رقم لینے کے لیے آئے۔ ہر دو فریقین کے مابین رقم کی لین دین میں تنازعہ شروع ہو کر ہاتھ پائی شروع ہوئی۔ نذر گروپ کے بھائی خان محمد ولد سید محمد نے بذریعہ پستل فائرنگ کر دی۔ گتھا ماگتھی اور ہنگامہ آرائی میں نذر گروپ کے آدمیوں نے لاشیوں اور اسلحہ سے سلطان گروپ کی گاڑیوں کے شیشے وغیرہ توڑ دیے اور انکے کچھ لوگ زخمی بھی

ہوئے۔ وقوعہ کی اطلاع پا کر بر موقع پہنچا۔ ہر دو گروپ کے اشخاص کو قابو کر کے تھانہ لایا۔ اور متذکرہ بالا رپورٹ ضبط آفیس میں لائی۔
 بعدہ ہر دو گروپ کے مشران اور دیگر انٹیلی جنس ایجنسیز کی طرف سے مسئلہ حل کرنے پر زور دیا گیا۔ حاجی نذر جو کہ سوس کا کام کرتا ہے۔ بذریعہ پرائیویٹ نمبر دھمکی دی گئی کہ متذکرہ گروپ کے اشخاص کے خلاف کسی قسم کی کارروائی نہ کی جائے۔ جسکی بابت افسران بالا کو بروقت آگاہ کیا۔ چونکہ نذر گروپ نے کافی زیادتی کی تھی بدیں وجہ من SHO نے ہر دو گروپ کے اشخاص کو بند بہ حوالات تھانہ رکھا۔ اسی طرح افغان مہاجرین کے جرگہ کے لوگوں نے بھی ہر دو فریقین کو پابند ضمانت کرنے کے لئے مبلغ 5/5 لاکھ روپے بطور ضمانت (مچلکہ) لیکر من SHO سے دونوں فریقین جرگہ کے لیے ضمانت پر چھوڑنے کی استدعا کی۔ جو من سائل نے بر مطابق قانون کارروائی کرتے ہوئے ہر دو الزام علیہ پارٹی کو بند بہ حوالات تھانہ رکھا اور بعدہ پیش عدالت کیا۔

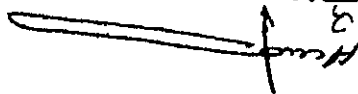
من SHO نے جرگہ مشران کو حکم دیا کہ تھانہ سے باہر کسی قسم کے جرگہ و مچلکہ لینے پر پابندی ہے۔ لہذا آپ جو فیصلہ بھی کرتے ہیں تھانہ میں بذریعہ مصالحتی کمیٹی مسئلہ حل کریں۔ جہاں تک آڈیو وائرل ہونے کا الزام ہے وہ بھی صرف اور صرف تھانہ کے اندر بطور ضمانت 5/5 لاکھ روپے رکھنے کی بات ہوئی ہے نہ کہ من SHO نے اپنی ذات یا دیگر غیر قانونی فعل سرانجام دیا ہے۔
 علاوہ ازیں من سائل کی تعیناتی سے قبل مامور شاہ عرف (پھتو گروپ) کے لوگوں نے بد دوران جرگہ مظلوم شخص سے مبلغ 50 ہزار روپے مچلکہ کے نام پر لیکر ضبط کر لیے تھے۔ من سائل نے دوبارہ بحیثیت SHO جنگل خیل تعین تعینات ہوتے ہی حسب الحکم جناب DPO صاحب 2 گھنٹے کے اندر اندر نہ صرف مبلغ 50 ہزار روپے واپس لیکر درخواست کنندہ کو واپس کر دیے بلکہ سرکش گروپ نے مظلوم گروپ سے معذرت بھی کی۔

عالیجاہ!

درج بالا حقائق کو مد نظر رکھتے ہوئے سائل کے کردار اور فرض شناسی کو پرکھا جاسکتا ہے۔ سائل نے نہ صرف ضلع کو ہاٹ بلکہ جہاں جہاں تعیناتی ہوئی ہے فرائض منصبی کی بطریق احسن سرانجام دہی میں کوئی کسر اٹھا نہیں رکھی۔ من سائل نے جملہ امور نیک نیتی اور محکمہ کے وقار کو مد نظر رکھتے ہوئے سرانجام دیے ہیں۔ سائل پر لگایا گیا الزام بے بنیاد اور من گھڑت ہے اور واقعہ کو غلط رنگ دیکر حقائق کے برعکس منظر عام پر لایا گیا ہے۔ حالانکہ حقیقت کے ساتھ اسکا دور دور تک واسطہ نہ ہے۔ جملہ متذکرہ بالا آڈیو پیغام بھی نیک نیتی پر مبنی ہے۔ نہ تو من سائل کے خلاف کسی پرائیویٹ شخص کی طرف الزام عائد کیا گیا ہے اور نہ ہی انکو آری آفیسر کے سامنے من سائل کے خلاف شہادت ریکارڈ کی گئی ہے۔ اسی طرح انکو آری آفیسر نے بھی من سائل کو سننے اور جرح کرنے کے حق سے بھی محروم رکھا۔ جملہ کارروائی جانب داری کا مظاہرہ کرتے ہوئے عمل میں لائی گئی۔ سائل بے قصور ہے۔

لہذا دردمندانہ التماس ہے کہ آرڈر جناب DPO صاحب کو ہاٹ کو منسوخ فرماتے ہوئے سائل کو اپنے اصل عہدہ

پر بحال کیا جائے۔ سائل آپکا تازیت دعا گور ہے گا۔



Asi/D-51

19-9-2019

ORDER.

32

This order will dispose of a departmental appeal, moved by ASI Sabir Hussain, the then SHO PS Jungle Khel, Kohat, (now posted in D.I.Khan) against the punishment order, passed by DPO Kohat vide OB No. 1125, dated 17.09.2019 whereby he was awarded major punishment of reduction from the rank of SI to ASI.

The appellant while posted as SHO PS Jungle Khel was found indulged in extra departmental activities. In the meanwhile an audio recording of the appellant was viral wherein he was asking Rs. 5 Lac for Machalka in order to resolve the dispute between two parties and demanded illegal gratification "Kharcha". This audio recording caused embarrassment and a question mark on the professionalism of KP Police.

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.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the E.O in his findings. Being a member of disciplined force he was no supposed to indulge himself in such extra departmental activities. Therefore, his appeal devoid of merits is hereby rejected.

Order Announced
14.11.2019


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

No. 10623-24 /EC, dated Kohat the 19-11-2019.

Copy to District Police Officer, Kohat for information w/r to his office Letter No. 17899/LB, dated 07.10.2019. His Service Record containing Service Book, Service Roll & Enquiry File (relevant 24-pages + 01 CD, other enquiries 70-pages) is returned herewith.

2. The District Police Officer, D.I.Khan for information and necessary action


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

ریگوری آف آرمز ایمونیشن منشیات و PO's بدوران تعیناتی SHO تھانہ جنگل خیل

از عرصہ 24.09.2018 تا 30.09.2018

کلاشکوف	کالاکوف	ریپیٹر	پستل	کارتوس	چرس	مال مسروقہ برآمدگی	مجرم اشتہاری
04	-	02	13	227	1055	8258	-

ماہ اکتوبر 2018

05	-	-	29	736	3110	12800	03
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ماہ نومبر 2018

04	-	-	25	651	4385	2900	01
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ماہ دسمبر 2018

02	02	02	20	269	6385	-	01
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ماہ جنوری 2019

04	02	02	32	426	5350	-	05
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ماہ فروری 2019

05	-	05	31	522	4390	-	07
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ماہ مارچ 2019

10	02	05	26	492	3230	-	02
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دوسرا پریڈ 10.06.2019 تا 31.06.2019

02	-	03	21	289	2440	-	04
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ماہ جولائی 2019

01	02	03	18	234	4335	4620	11
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ماہ اگست 01.08.2019 تا 16.08.2019

03	01	03	15	169	1835	-	05
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ماہ اگست 17.08.2019 تا 19.09.2019 SHO تھانہ شکروردہ

03	03	05	35	550	6350	25375	15
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ٹوٹل

43	12	30	265	4565	42865	53953	54
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جناب عالی!

ریگوری آرمز و ایمونیشن منشیات و گرفتاری PO's عرصہ تقریباً 01 سال بطور SHO لف قابل ملاحظہ ہے۔

وکالت نامہ

ایک روپیہ قیمت	کورٹ فیس
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بعدالت جناب **سید محمد امجد علی** صاحب **PKP** پکٹنگ

صاحب **سید حسین** بی نام **گوگنٹ اور** **PKP**

دعوی یا جرم

تفصیل دعوی یا جرم **سید امجد علی** باعث تحریر آٹھ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجود اور اپنی پیشی یا تصدیق مقدمہ مقام **شہادت**

کو حسب ذیل شرطیں تسلیم کر لیا ہے، کہ میں ہر پیشی پر خود بذریعہ اختیار خالص رو برو ہوا کرتا ہوں اور ہر وقت اچانک سے جانے مقدمہ مکمل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر کوئی پر منکر حاضر نہ ہوا اور مقدمہ میری غیر ماضی کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز مکمل صاحب موصوف مقدمہ مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پچھے یا بعد از تظہیر بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ نیز مکمل صاحب موصوف مقدمہ مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پچھے یا بعد از تظہیر بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ مقام پکھری کے علاوہ اور جگہ نامعلوم ہونے یا بعد از تظہیر یا پکھری کے اوقات کے آگے پچھے یا بعد از تظہیر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا ٹکٹا نہ دہانے کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مکمل صاحب موصوف کے ساتھ ہر اہم صاحب موصوف عمل کر وہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو مرضی دہانی یا جواب دعوی یا درخواست ابراء سے ڈگری و نظر ثانی اہل گرامی و ہر قسم درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کا روپیہ وصول کرنے اور سید دینے اور واپس کرنے اور ہر قسم کے بیان دینے اور اس پر حلفی یا راسخی نامہ و قلمی حلف کرنے، اقبال دہانی کا بھی اختیار ہوگا۔ اور ضرورت مندرجہ ذیل تاریخ پیشی مقدمہ مذکورہ بیرون از پکھری سید بیرونی مقدمہ مذکورہ نظر ثانی و اہل گرامی و ہر قسم مقدمہ یا منسوفی و گری کے طرف یا درخواست حکم اتنا ہی یا ترقی یا گرفتاری اہل از تظہیر ابراء سے ڈگری بھی صاحب موصوف کو بشرط اہل گرامی معاوضہ بخاند بیرونی کا اختیار ہوگا اور تمام ساتھ پر و اجازت صاحب موصوف مکمل کردہ ذات خود منظور و قبول ہوگا۔ اور ضرورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی ایک کی کارروائی یا ضرورت درخواست نظر ثانی اہل یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے مکمل یا ہر قسم کو اپنے بجائے یا اپنے ہمراہ مقرر کریں۔ اور ایسے شیر کاروں کو بھی ہر امر میں وہی اور اپنے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائزہ خواہ ہوگا، وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری پیشی تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ کریں اور اسکی صورت میں ہر کوئی مطالبہ کسی حکم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

ہذا وکالت نامہ لکھ دیا ہے تاکہ مستند ہے مورخہ 28 جولائی 2019

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted
Sohail
Dew

Sohail Hussain

03009092488

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

Service Appeal No. ____/2019

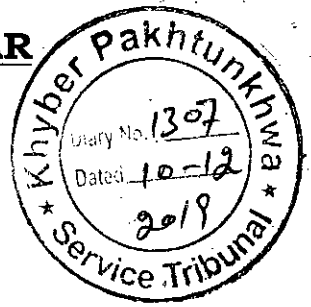
Sabir Hussain

..... **Appellant**

VERSUS

Govt: of KPK etc.

.....**Respondents**



APPLICATION FOR FIXATION OF APPEAL IN PRELIMINARY HEARING AT PESHAWAR

Respected Sir,

1. That the above noted service appeal is pending disposal before this honourable tribunal.
2. That there is no Camp Court at D.I.Khan in the month of December-2019 while the matter involve in appeal is of urgent nature.
3. That very short law point is involved in the matter and if the appeal is listed for preliminary hearing at an early date at Peshawar, then there would be no loss or harm to the respondents but the Appellant may be able to get justice.

It is, therefore, prayed that on acceptance this application, this Honourable Tribunal may very graciously be please to pass an order directing the fixation of the subject cited service appeal of the Appellant for preliminary hearing at Peshawar on 16th instant.

Dated: 09/12/2019

Your Humble Appellant,

Through counsel

put up to the Hon'ble chairman along with appeal.

Reader

10/12/19

GUL TIAZ KHAN MARWAT,
Advocate High Court,
D.I.Khan

Be fixed at Peshawar for PH in 3rd week of December, 2019.

19/12

11/12

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, AT CAMP D.I.KHAN**

CMA No. /2019 in
Service Appeal No. 1631/2019
Sabir Hussain ASI

.....Appellant

VERSUS

Government of Khyber-Pakhtunkhwa,
Through Secretary Home & others

..... Respondents

**REPLY TO THE APPLICATION FOR INTERM RELIEF, ON BEHALF OF
RESPONDENTS**

Respectively Sheweth:-

Reply to the application on behalf of Respondent is submitted as under:-

Preliminary Objections:-

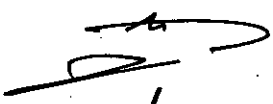
- a) That the application is not maintainable in its present form.
- b) That the application is bad in eyes of law.
- c) That the impugned orders have already been implemented, hence the application is not permissible under the law.

Grounds of application:-

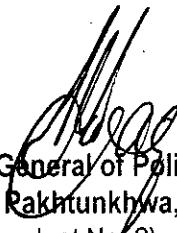
1. That the application is bad in eyes of law and not maintainable.
2. Incorrect, that no prima facia case exists in favour of the applicant / appellant.
3. Incorrect, no balance of convenience lies in favour of the applicant / appellant.
4. Incorrect, the applicant / appellant is not eligible for promotion to the rank of officiating inspector as the appellant is in substantive rank of ASI.
5. According to the relevant provision of Police Rules, confirmed sub inspector is eligible for promotion to the rank of officiating sub inspector, while the appellant is serving in the rank of Assistant Sub Inspector, who is not eligible for the rank of inspector.

6. The applicant / appellant is responsible for his own act. Furthermore, the appeal is subjudice and balance of convenience lies in favour of respondents.


In view of above, it is prayed that the application may graciously be not allowed / dismissed.




Govt of Khyber Pakhtunkhwa,
Through Secretary Home
(Respondent No. 1)



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



District Police Officer,
Kohat
(Respondent No. 4)



Regional Police Officer,
Kohat
(Respondent No. 3)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, AT CAMP D.I.KHAN**

Service Appeal No. 1631/2019
Sabir Hussain ASI

.....Appellant

VERSUS

Government of Khyber Pakhtunkhwa,
Through Secretary Home & others

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectively Sheweth:-

Parawise comments on behalf of Respondent are submitted as under:-

Preliminary Objections:-

- a) That the appellant has got no cause of action.
- b) That the appellant has got no locus standi.
- c) That the appeal is not maintainable in the present form.
- d) That the appellant has filed review petition before respondent No. 2, which is subjudice, hence the instant appeal is bad in eyes of law.
- e) That the appeal is not maintainable for misjoinder and non-joinder of necessary parties.
- f) That the appellant is estopped to file the instant appeal by his own conduct.
- g) That the appellant has not come with clean hands to this Honorable Tribunal.

Facts:-

1. Appointment of appellant pertains to record and is irrelevant in respect of misconduct proved against the appellant.
2. Incorrect, the performance of the appellant remained in different therefore, the appellant was transferred out from D.I.Khan Region to Mardan Region vide Provincial Police Officer, Khyber Pakhtunkhwa, order No. 2653-55/E-III dated 07.06.2017. Later on, the appellant was transferred to Kohat Region vide Provincial Police Officer, Khyber Pakhtunkhwa, order No. 402-06/E-II dated 27.02.2018. Furthermore, as per rule 13.10 (2) and 19.25 (A) of amended Police Rules-2017, promotion to higher rank is subject to completion of required criteria, mandatory courses, training and seniority cum fitness. Therefore, the appellant cannot claim the pre-requisite criteria as good reputation in his credit. Copy of the said Rules are annexed as A & B.

3. This para is irrelevant, however, detail reply regarding promotion / confirmation is submitted in para No: 2 of the comments.
4. The appellant has been reverted from the rank of sub inspector to the substantive rank of Assistant Sub Inspector by District Police Officer, Kohat vide his office OB No. 1125 dated 17.09.2019. Therefore, presently he is not eligible for promotion to the rank of officiating inspector. Copy annexed as **annexure C**.
5. Incorrect, the appellant performance was not up to the mark, he was served a charge sheet alongwith statement of allegation under the relevant rules. Proper inquiry was conducted and thereafter, final show cause notice was served upon the appellant. Regarding departmental proceedings conducted against the appellant, it is submitted that the appellant had committed gross professional misconduct i.e demand of Machalka Rs. 5 Lac from a person and also demanded illegal gratification i.e "**Kharcha**" for himself, in order to resolve the dispute between two parties. This audio recording caused embarrassment and a question mark on the professionalism of Khyber Pakhtunkhwa Police, in addition, the appellant indulged himself in illegal activity. Furthermore, charges leveled against the appellant are detailed in the charge sheet and summary of allegations issued against him.
6. The appellant admitted in his reply to charge sheet and his departmental appeals regarding demand of Machalka from the parties. The act of the appellant was beyond his mandate / profession. Furthermore, the appellant was required to take legal action against the parties and if the matter was of the civil nature then the appellant was required to refer the dispute to DRC instead of exceeding / misusing of his powers for his personal gain.
7. The inquiry officer recorded statement of the aggrieved persons, who deposed against the appellant. Hence, the inquiry officer established charges leveled against the appellant, held him guilty and recommended for reduction to the lower rank. In addition, the inquiry proceedings were conducted in accordance with rules.
8. The appellant had again admitted his guilt in the reply to the final show cause notice. Furthermore, the reply to the final show cause notice also indicates that the appellant had not taken any legal action against the parties. The appellant admitted in his reply that the appellant directed for Rs. 5/5 Lacs Machalka (Surety) from both the parties which was neither permissible in Police Rules or any other provision of law. Hence, the charges / allegations leveled against the appellant were established beyond any shadow of doubt and a penalty was imposed on him by the competent authority i.e respondent No. 4 as per rules.
9. The appellant again admitted his misconduct / guilt in his departmental appeal filed before the respondent No. 3. Therefore, after due process the appeal was found devoid of merits and correctly rejected by the respondent

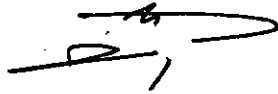
No. 3 vide order dated 14.11.2019. It is added that the appellant has also filed a review petition before the respondent No. 2 which is subjudice.

10. The appellant is estopped to file the instant appeal for his own act, cogent evidence and audio recording available on record, which established that the appellant has not approached this Honorable Tribunal with clean hands. **Audio recording whenever called by the Honorable Tribunal will be produced.**


GROUND:-

- A. Incorrect, the appellant has admitted his illegal act in his departmental appeals. Furthermore, the appellant has also disclosed the names of parties in his appeal against those, a legal action was required but the appellant did not take any legal action for his personal gain. The appellant cannot deny his audio recording which was viral on social media / whatsapp, wherein he was demanding cash machalka Rs. 5 Lac and Kharcha for himself. Therefore, on the basis of available record, recommendation of inquiry officer, the respondents No. 3 & 4 have passed legal and speaking orders.
- B. Incorrect, the departmental inquiry was conducted against the appellant in accordance with law & rules and all codal formalities were fulfilled during the entire process.
- C. Incorrect, the respondent No. 4 being a competent authority has passed the impugned order in accordance with the rules. The appellant participated in the whole proceedings.
- D. Incorrect, the appellant was heard in person on 16.09.2019 in orderly room by respondent No. 4 during his departmental appeal on 14.11.2019, but the appellant failed to advance any plausible explanation / reply to the misconduct established against him.
- E. Incorrect, a legal and speaking order was passed by the respondent No. 4, furthermore, the appellant was afforded opportunity of defence during hearing on 14.11.2019, but the appellant had not plausible explanation to his misconduct.
- F. Incorrect, the departmental appeal of the appellant was without merit and correctly rejected by the respondent No. 3.
- G. In order to resolve grievances of the public Dispute Resolution Council with designated members and functional in independent establishment / building not in Police station. The appellant again admitted in this para the illegal conduct of Jirga by himself, wherein the appellant demanded surety Rs. 5 Lacs and addition rupees as "Kharcha" for himself.
- H. Incorrect, the audio recording of the appellant was viral and he cause embarrassment to the disciplined department. The audio recording CD is available on original inquiry file and will be produced whenever called by the Honorable Tribunal.

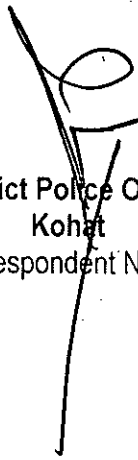
- I. Incorrect, the appellant has in different service record.
- J. Incorrect, the appellant was proceeded with departmentally by the respondent No. 3 & 4 in accordance with the relevant rules and no discrimination was made.
- K. The appellant was proceeded with departmentally in accordance with the relevant rules and no fundamental right of the appellant was violated.
- L. The respondents through their representative may be allowed to advance other ground during the course of hearing.




Govt of Khyber Pakhtunkhwa,
Through Secretary Home
(Respondent No. 1)



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



District Police Officer,
Kohat
(Respondent No. 4)



Regional Police Officer,
Kohat
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, AT CAMP D.I.KHAN

Service Appeal No. 1631/2019
Sabir Hussain ASI

.....Appellant

VERSUS

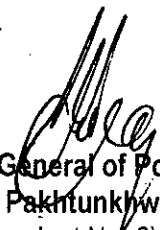
Government of Khyber Pakhtunkhwa,
Through Secretary Home & others

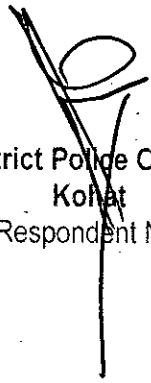
..... Respondents

COUNTER AFFIDAVIT

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

Govt of Khyber Pakhtunkhwa,
Through Secretary Home
(Respondent No. 1)


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


District Police Officer,
Kohat
(Respondent No. 4)


Regional Police Officer,
Kohat
(Respondent No. 3)

BEFORE THE HONOURABLE SERVICE TRIBUNAL,
KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No. 1631 of 2019

Sabir Hussain ASI.

...(Appellant)

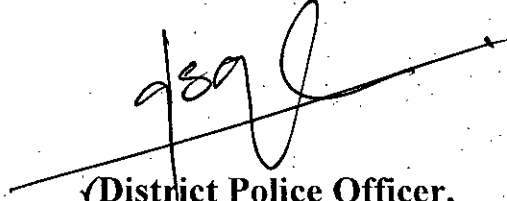
Versus

Govt of Khyber Pakhtunkhwa Peshawar
through Secretary Home & others,

...(Respondents)

A U T H O R I T Y

Inspector Legal DIKhan Mr. Khalid Nawaz is hereby authorized to appear before the Service Tribunal Khyber Pakhtunkhwa, Peshawar, on behalf of Respondents. He is also authorised to produce/ withdraw any application or documents in the interest of Respondents and the Police Department.


✓District Police Officer,
Dera Ismail Khan
through
(Respondents)



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar

Deputy Inspector General
of Police, D.I. Khan
By: 1793 /ES
Dt: 09-06-2017

ORDER.

The following transfers/postings of Upper Subordinates are hereby ordered on complaint basis as noted against each their names with immediate effect:-

S.#	NAME & RANK	FROM	TO
1	SI Muhammad Nawaz SHO Cmti	Dikhan Region	Mardan Region
205 183 2	SI Anwar Khattak SHO City	-do-	-do-
3	SI Sabir Hussain SHO Sadar	-do-	-do-
242 4	SI Samar Abbas SHO University	-do-	-do-

They shall not be posted as SHO or field assignment until further orders.

(Signature)
(Muhammad Ali Khan) PSP
DIGAR/Es:
For Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar

No. 2653-55 /E-III, Dated Peshawar, the 07, 06 /2017.

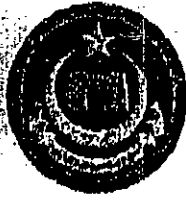
Copy of above is forwarded for information and necessary action to the:-

1. Addl: ICPI/ICQs: Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan Region Mardan.
3. Regional Police Officer Dikhan Region, Dikhan.

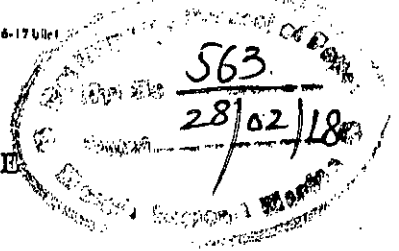
EC
NO: 2299/ES dt: 9-6-17
DPO - Dikhan

For necessary action

(Signature)
Regional Police Officer
Dera Ismail Khan
h
09
8/1



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar



ORDER.

SI Sabir Hussain No. D/51 of DIKhan Region presently serving in Mardan Region is hereby transferred and posted to Kohat Region with immediate effect:-

He will not be posted as SHO until further order.

(SHER AKBAR)

PSP, S.St

Deputy Inspector General of Police HQrs:
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar

No. 402-06 /E-III, Dated Peshawar, the 27/ 02 /2018.

Copy of above is forwarded for information and necessary action to the:-

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan Region Mardan w/r to his office letter No. 495/ES, dated 19.01.2018.
3. Regional Police Officer DIKhan Region, DIKhan.
4. Regional Police Officer, Kohat Region, Kohat.
5. PSO to Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

NO. 1253/ES dt. 28/02/18

Ec/ DPO CHD

For n/action

E-C/P.O

For n/action



KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, THURSDAY, 16TH MARCH, 2017.

OFFICE OF THE PROVINCIAL POLICE OFFICER GOVERNMENT OF THE KHYBER PAKHTUNKHWA

NOTIFICATION

Peshawar, dated the 16.03.2017.

No.755/Legal.-In exercise of the powers conferred by section 140 of the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act No. II of 2017), the Provincial Police Officer, with the approval of Government, is pleased to direct that in the Police Rules, 1934, the following further amendments shall be made, namely:

AMENDMENTS

1. In rule 12.1, after sub-rule (4), the following new sub-rules shall be added, namely:

“(5) No official of police establishment shall be allowed to change the cadre in which he was initially appointed.

(6) The official appointed on contract shall not perform duty in any other Unit except in the Unit for which his services are hired. The period of contract shall be for one year and may be renewed upon satisfactory performance report.”

2. For rule 12.4, the following shall be substituted, namely:

“12.4. Recruitment in Traffic Warden Service.---(1)Direct recruitment in the Traffic Warden Service shall be in rank of Constable and Assistant Sub-Inspector in the same manner as provided for initial recruitment of Constable and Assistant Sub-Inspector in the general cadre.

(2) On appointment, the Constable and Assistant Sub-Inspector in addition to the basic recruit and probation courses, shall undergo mandatory Elite Course and Specialized Traffic Training Courses as determined by Provincial Police Officer.

(3) The ratio of Fast Track Promotion in the Traffic Warden Service, in the ranks of Assistant Sub-Inspector, Sub-Inspector and Inspector, shall be same as provided for Assistant Sub-Inspectors, Sub-Inspectors and Inspectors under the Khyber Pakhtunkhwa Police Act, 2017.

(4) The Constable and Assistant Sub-Inspector shall be promoted on seats allocated for them in their respective districts and regions. The promotion within the Traffic Wardens shall be upto the rank of Inspector subject to completion of requisite promotional and capacity building courses as determined by Provincial Police Officer.

(5) An Inspector of Police Warden Service shall be eligible for promotion as Deputy Superintendent of Police against general posts of Deputy Superintendents of Police, if he successfully completes the requisite courses including Advance Course provided under these rules and also qualifies specialized courses of minimum two (02) weeks each in the Police School of Intelligence, Police School of Investigation, Police School of Tactics and Police School of Public Disorder and Riot Management besides (04) weeks general policing orientation course and (08) weeks field attachment with Sub-Divisional Police Officer office and Police Stations. Deputy Superintendent of Police so promoted shall be eligible to be posted anywhere on any assignment.

10. In rule 13.10, for sub rule (2) the following shall be substituted namely:

“(2) No Sub-Inspector shall be confirmed in a substantive vacancy unless he has been tested for at least a year as an officiating Sub-Inspector in independent charge of a Police Station, a notified Police Post, or as in-charge Investigation of a Police Station or in Counter Terrorism Department:

Provided further that he shall also have to spend one year in any other Unit excluding the period spent on long leave, deputation or promotional training course i.e. upper college course”

11. After rule 13.16, the following new rule shall be added, namely:

“13.16A. **One year mandatory tenure for promotion to Deputy Superintendent of Police.**---An Inspector shall be promoted to the post of Deputy Superintendent of Police after successful completion of mandatory training i.e. Advance Course and completion of one year tenure as Inspector in the Investigation Branch, or Counter Terrorism Department, or Special Branch, or any police training institution.”

12. After Form No. 13.7, the following new Appendices shall be added, namely:

“Appendix 13.7A (I)
(See sub-rule (1) of rule 13.7A)

S.No	SUBJECTS	MARKS
1.	Approved Syllabus of Recruit Course	200
2.	Basic General Knowledge (General Knowledge regarding Pakistan & Khyber Pakhtunkhwa)	30
3.	English Communication	20

Appendix 13.7B (I)
(See sub-rule (2) of rule 13.7A)

S.No	SUBJECTS	MARKS
1.	<u>LAWS</u> i. Pakistan Penal Code ii. Criminal Procedure Code iii. Local and Special Laws iv. Qanoon-e- Shahdat v. Khyber Pakhtunkhwa Police Act, 2017 vi. Huddood Laws	60
2.	Police Rules, 1934	50
3.	English Translation	30
4.	General Knowledge	30
5.	Police Initiatives	30

Note: The subjects mentioned at serial No. 1 and 2 shall include selected portion of the relevant laws to be approved by the Provincial Police Officer.”

13. In rule 19.2, after sub-clause (2), the following new sub-rule shall be added, namely:

“(3) Written examination of recruit course shall be conducted through an accredited testing agency approved by the Provincial Police Officer.”

14. After rule 19.2, as so amended, the following new sub-rule shall be added, namely:

"19.2A. Mandatory training of Information Technology.---A Constable, who has been recruited under these rule shall undergo two (02) weeks basic Information Technology course."

15. In rule 19.10, after sub-rule (2), the following new sub-rules shall be added, namely:

(3) A Constable in order to qualify for appearing in B1 examination shall have to obtain a minimum of six Marks in self- learning skills, or any capacity building course as given below:

S. No.	Self-Learning Skills	Marks
1.	Computer Proficiency in MS Office;	2
2.	Police Station Registers Maintenance;	2
3.	Canine Handling;	2
4.	Proficiency in Geo-tagging and use of Android;	1
5.	BD Equipment Handling;	1
6.	Martial Arts;	1
7.	Swimming;	1
8.	First Aid;	1
9.	Safe Driving; and	1
10.	Map Reading.	1

Note: As far as marks, of self- learning skills, the Constables shall be examined by a Board constituted by Provincial Police Officer regarding the proficiency of the candidate in the relevant field.

(4) The capacity building courses done in approved/accredited institutions shall have following marks:

S. No.	Capacity Building Course	Marks
1.	Basic Elite Course (6 Months)	5
2.	Traffic Course	2
3.	Specialised School Courses of one week	1
4.	Specialised School Courses of two week	2
5.	FSL Course	1
6.	Rescue Course	2

Note:The Provincial Police Officer may include any other capacity building course in the above courses.

16. After rule 19.25, the following new rule shall be added, namely:

"19.25A. Mandatory Training for promotion as Sub-Inspector and Inspector.---(1) Subject to rule 19.25, no Assistant Sub-Inspector or Sub-Inspector as the case may be, shall be promoted to the next higher rank unless he, in addition to other mandatory requirements, completes and qualifies training courses and obtain a total of nine (08) marks from one or more of the following schools:

- (a) Police School of Investigation;
- (b) Police School of Intelligence;
- (c) Police School of Tactics;
- (d) Police School of Explosive Handling;
- (e) Police School of Information Technology;

- (f) Police School of Public Disorder and Riot Management; and
- (g) Police School of Traffic Management.

(2) A training course of one week duration at any of the above schools shall carry one (1) mark while a two weeks course shall carry two (2) marks. A candidate has to successfully complete and qualify each of the courses.

(3) An upper subordinate may choose different courses at any school but shall not repeat the same course.

(4) A school shall keep a complete record of the participants of the courses and the marks obtained by each participant in those courses and it would be the responsibility of the Director of each school to share the record with Deputy Inspector General Training and Assistant Inspector General Establishment.

(5) On the completion of any course, the Director of the respective school shall also send a report in respect of each participant to the head of the concerned District/Region/Unit who shall be responsible to ensure that the result of the course attended and marks obtained is entered in the service roll of the concerned upper subordinate.

(6) Directors of each of the above Police Training Schools shall issue the details of all courses that are to be offered in the next six months one month in advance. Deputy Inspector General Training shall circulate the schedule etc. of the courses among the various units.

(7) Regional Police Officers and District Head of Police shall nominate officers for the above courses; provided that once an officer is selected for a course, his name shall not be cancelled unless approved by Deputy Inspector General Training; provided further that if an officer nominated for a course does not join the course for which he is selected, he shall stand suspended and closed to a region other than that where he is serving.

(8) The Deputy Inspector General of Police training shall determine the number of seats to be allocated to districts or regions, as the case may be, in each school."

17. After rule 19.47, the following new rules shall be inserted, namely:

"19.48. Junior Command Course for Deputy Superintendent of Police.---(1) All Deputy Superintendent of Police for promotion to higher post shall have to successfully complete Junior Command Course in accordance with the discipline standard fixed by Pakistan Provincial Services Academy with whom Police Department shall sign an agreement to the effect that the training institute shall provide academic training, professional training and physical fitness training to the participants of the course.

(2) At least one Junior Command Course shall be conducted every year starting from the month of August each year and the duration of each Junior Command Course shall be thirteen (13) weeks unless otherwise determined by the Provincial Police Officer.

(3) Deputy Superintendent of Police shall be nominated for Junior Command Course strictly in accordance with their order of seniority. There shall be no exemption from Junior Command Course on any ground whatsoever except where he has attained the age of 58 years, in which case he shall be eligible for promotion in accordance with rules if otherwise eligible.

3

DEPARTMENTAL INQUIRY SI SABIR HUSSAIN SHO PS
JUNGLE KHEL

23

M

Undersigned was appointed as Inquiry Officer in the said above departmental inquiry against SI Sabir Hussain vide DPO, Kohat office letter No. 8532-33/PA dated 16.07.2019. Charge Sheet was issued vide above said letter with the following allegations:-

- i. That there was a monetary disputes between Haji Nazar, Aziz Ur Rehman etc and Mudasir Sultan Wali, Waris Khan r/o Afghan Refugee Camp No. 03 and you held in illegal Jirga between the parties in Police Station which was behind your mandate and violation of law & Rules.
- ii. That on this audio tape was viral, wherein you demanded Rs. 500,000/- machalka from each party and directed to keep machalka with you. Furthermore, you made demand of illegal gratification from one party as (Kharcha) from your personal illegal gain.
- iii. That you have exceeded from lawful authorities, misused your powers and indulged yourself in extra departmental activities, getting illegal gratification and earned bad name also found ill-disciplined department as well. Thus you also found ill-reputed.

SI Sabir Hussain submitted his written reply (copy attached) He was also given opportunity of personal hearing. He stated that two reports were registered in Daily Diary at PS Jungle Khel vide DD No. 15 and 16 dated 14.07.2019. There was a monetary dispute between Sultan Wali group and Nazar group, because of this dispute, there was a quarrel between the parties. Two vehicles were damaged in it. He said that he reached at the spot, arrested the people and put them in lock up. He further said that many people approached him and tried to settle the dispute through Jirga. He stated that as there is ban on private jirgas that's why he held it in Police Station. However, he negated the allegations levelled against him about keeping Machalka with him and demand of illegal gratification.

Findings:-

A preliminary inquiry was also conducted by DSP HQrs, Kohat, he also concluded that SI Sabir Hussain SHO Jungle Khel demanded bribe as it's evident from audio recording but the said bribe money was not given to him.

During inquiry proceedings, SI Sabir Hussain was asked about audio recording in which he demanded 500,000/- Machalka from each party and his fee as illegal gratification. However, he could not give any satisfactory answer.

Rehman Gul s/o Usman Gul was also summoned to record his statement in inquiry. SI Sabir Hussain demanded Machalka and his Fee from Rehman Gul, that is present in shape of audio recording. Rehman Gul stated that SI Sabir Hussain, SHO Jungle Khel demanded that Rs. 500,000/- Machalka from each party be kept with him and also demanded extra money as his Fee / illegal gratification. However, he said that they did not gave him a penny despite his demand Haji Nazar was also called during inquiry proceedings, he also stated that SHO demanded Rs. 50,000/- as bribe to release the persons (Statements attached).

(41)

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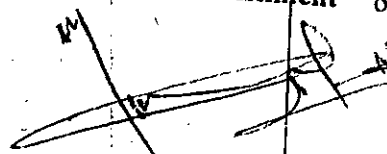
Facts:-

- i. SI Sabir Hussain SHO Jungle Khel held an illegal Jirga between Nazar Group and Sultan Wali Group that was beyond his mandate and its violation of law and Rules.
- ii. In the light of audio recording, it's proved that SI Sabir Hussain SHO Jungle Khel demanded that Rs. 500,000/- Machalka from each party be kept with him and also demanded illegal gratification from one party as his fee. However, nothing was given to him as bribe or illegal gratification.
- iii. SI Sabir Hussain's demanded of Machalka and illegal gratification is misuse of authority and a gross misconduct which is not acceptable being part of disciplined force.

Recommendations:-

In the light of findings above, it is proved that SI Sabir Hussain held illegal Jirga in Police Station, demanded that Machalka be kept with him and also demanded illegal gratification. His this act is misuse of authority and a gross misconduct. Undersigned recommends "Major Punishment" of reduction in rank please.

Submitted Please.


MUHAMMAD NABIL KHOKHAR
ASP/SDPO SADDAR,
KOHAT



N

25

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No 9786 /PA dated Kohat the 09/8 /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, **SI Sabir Hussain SHO PS Jungle Khel** 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. 8532-33/PA dated 16.07.2019.
- 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. *That there was a monetary disputes between Hajl Nazar, Aziz Ur Rehman etc and Mudasir Sultan Wali, Waris Khan r/o Afghan Refugee Camp No. 03 and you held in illegal jirga between the partles in Police Station which was behind your mandate and violation of law & Rules.*
 - b. *That on this regard audio tape was viral wherein you demanded Rs. 500,000/- machalka from each party and directed to keep machalka with you. Furthermore, you made demand of illegal gratification from one party as (Kharcha) from your personal illegal gain.*
 - c. *That you have exceeded from lawful authorities, misused your powers and indulged yourself in extra departmental activities, getting illegal gratification and earned bad name to a disciplined department as well. Thus you also found ill-reputed.*

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 09/8

حوالہ ماسٹر شوکار ٹوش مری 97871PA عوفہ
26-9-2019

کہ لکھنؤ کے اہل حق عائد کیا گیا ہے کہ دوران کینیڈا
جنگل میں آپ نے ایک مسئلہ حل کیا تھا۔ عزیز ترین
لکھنؤ کے سلطان ولی، وارث خان صاحب نے اہل حق میں
کہیے مری کے درمیان واقع پرائیڈ آف سہو نے عظیم گائیڈ طور پر
لوہس اسٹیشن میں فریڈ منسٹر کیا
اسی طرح دوران فریڈ آف سہو نے صلح کی لکھنؤ کے سلطان محمد
رکنے کی کوشش کتنی کی اور فریڈ منسٹر طلب کیا گیا، جس کا حلف
مجلسین لکھنؤ کے عہدہ سے

بملاحظہ

اللہ میں صلح عوفہ میں مری کے حوالہ لکھنؤ مری 14/7/2019
15-16 مکان جنگل میں سلطان علی گروہ لکھنؤ کے
درمیان صلح کتنی میں لکھنؤ فریڈ منسٹر کے صلح
لکھنؤ کے سلطان ولی کا ساتھ لکھنؤ (عظیم ترین) کے سلطان
ولی کو متذکرہ بالادست میں سلطان ولی کے فریڈ منسٹر کے
بمراہ لکھنؤ سے کہیے مری باہر اس روڈ پر رقم لینے کے
مائی میں کہیے مری آئے۔ فریڈ منسٹر کے مابین لکھنؤ کے
کے بارے میں بات چیت جاری ہے کہ اس لکھنؤ میں چھاپا ہوا شرح مری

لذکرے عالی خانی محمد درسد احمد نے ہزاروں لپٹا کر لکھ کر دی گئی
 گورنمنٹ آف انڈیا میں لکھ کر دی گئی۔ ان کے لکھنے سے لاکھوں لوگ اس کے
 سلطان گروپ کے کارڈوں کے تحت لکھ کر دیئے اور ان کے کچھ لوگوں
 نے بھی بھی لکھا۔ جو لوگ لکھ کر دیئے تھے۔ ہر دو گروپ کے استی
 کو کا جو لکھ کر دیئے تھے۔ لکھ کر دیئے تھے۔ لکھ کر دیئے تھے۔

صوبہ گجرات میں لکھی گئی
 گجرات ہر دو گروپ کے مشران گجرات میں لکھ کر دیئے تھے۔
 مختلف انواع، لکھ کر دیئے تھے۔ ان کے شروع ہونے کے لئے لکھ کر دیئے
 لکھ کر دیئے تھے۔ ان کے شروع ہونے کے لئے لکھ کر دیئے تھے۔

ان کو لکھ کر دیئے تھے۔ ان کے شروع ہونے کے لئے لکھ کر دیئے تھے۔
 جو لوگ لکھ کر دیئے تھے۔ ان کے شروع ہونے کے لئے لکھ کر دیئے تھے۔
 لکھ کر دیئے تھے۔ ان کے شروع ہونے کے لئے لکھ کر دیئے تھے۔
 لکھ کر دیئے تھے۔ ان کے شروع ہونے کے لئے لکھ کر دیئے تھے۔
 لکھ کر دیئے تھے۔ ان کے شروع ہونے کے لئے لکھ کر دیئے تھے۔
 لکھ کر دیئے تھے۔ ان کے شروع ہونے کے لئے لکھ کر دیئے تھے۔
 لکھ کر دیئے تھے۔ ان کے شروع ہونے کے لئے لکھ کر دیئے تھے۔
 لکھ کر دیئے تھے۔ ان کے شروع ہونے کے لئے لکھ کر دیئے تھے۔
 لکھ کر دیئے تھے۔ ان کے شروع ہونے کے لئے لکھ کر دیئے تھے۔
 لکھ کر دیئے تھے۔ ان کے شروع ہونے کے لئے لکھ کر دیئے تھے۔

جہاں تک علیہ کا خون طور پر حرم و غیرہ کا الزام عائد ہے۔
 مجموعاً لدر سے زیادہ ہے البتہ جبرگہ مشران نے خود اپنے لدروں کو
 جھپٹائے لیے حرم و غیرہ کی کس کس کی جو میں نے پس لے اور
 نہ ہی لدر مان کو عجات پر مضمون اور صحیح یا باقاعدہ طور پر عدالت

سین عدالت مکہ
 بطور ہدیہ لکھنؤ کا فی جبرگہ دافعہ گرو۔ / قصبہ گرو۔ کو عدالت میں
 جبرگہ کرتے ہیں بازرگانی کو کس کس کے چھوٹے چھوٹے مسائل نکالتے
 اندر بزرگ و فصاحتی کئی مدد و غیرہ حل کر دیتے
 جہاں تک دیو و انزل کا الزام ہے صرف لدر صرف نکالنے کے اندر جبرگہ
 لدر بطور درامات عجات رکتے کا ذکر ہے۔ علیٰ ہر گز سے
 صفائی چاہتا ہوں۔ اس لئے جہاں طور میں کا

SHO/J.K
 16/9/07

N/2 29

ORDER

This order is passed on the departmental enquiry against Sub Inspector Sabir Hussain, under the Khyber Pakhtunkhwa, Policed Rules, 1975 (amendment 2014).

Brief facts of the case are that the defaulter officer while posted at Police station Jungle Khel Kohat was indulged in illegal, extra departmental activities as mentioned in the charge sheet. An audio pertaining to conversation of the defaulter accused wherein he demanded Rs. 500,000/- as machalka for private jirga between the parties and also illegal gratification for himself was viral.

Charge sheet alongwith statement of allegations was issued to the accused officer and ASP/SDPO Saddar Kohat was appointed as enquiry officer to scrutinize conducted of the defaulter. The enquiry officer vide his detail report has established the charges leveled against the defaulter officer, held him guilty of the charge and recommended him for major punishment.

In the light of report of enquiry officer and available record, Final Show Cause Notice was served upon him, reply received, wherein he admitted the dealing between the two groups. Further his reply was found unsatisfactory.

Therefore, the accused officer was called in Orderly Room, held on 16.09.2019 and heard in person, but he failed to submit any plausible explanation to his gross misconduct.

In view of above, and enquiry report of ASP Saddar, Kohat and available record, I reached to the conclusion that the defaulter officer indulged himself in extra departmental activities, demanded illegal gratification from the parties mentioned in the charge sheet. Further the statements of individuals also deposed against the defaulter officer, which proved that the defaulter officer demanded illegal gratification from them. The conduct of the defaulter officer earned a bad name and image to Police. Hence the charges / allegations leveled against the accused official are proved beyond any shadow of doubt. Therefore, in exercise of powers conferred upon the me a major punishment of reduction from the rank of Sub Inspector to the rank of ASI is imposed on accused officer Sabir Hussain with immediate effect.

Announced
16.09.2019

DISTRICT POLICE OFFICER,
KOHAT 17/9

OB No. 1125
Date: 17-9-2019

No. 20286-90/PA dated Kohat the 17-9-2019.

1. Copy of above is submitted for favour of information to the:-
 2. Inspector General of Police, Khyber Pakhtunkhwa please.
 3. Regional Police Officer, Kohat please.
 4. District Police Officer, D.I Khan.
 5. District Account Officer, Kohat
- Reader/Pay officer/SRC and OMC for necessary action

DISTRICT POLICE OFFICER,
KOHAT 17/9

بابت منسوخی آرڈر نمبری 1125 مورخہ 17.9.19 مجاریہ جناب DPO صاحب ضلع کوہاٹ، بحال فرمائے

سائل بچہ سب انسپکٹر

جناب عالی!

معروض خدمت ہوں کہ من سائل مورخہ 01.03.2017 سے ضلع کوہاٹ میں بطور سب انسپکٹر خدمات سرانجام دے رہا ہوں۔ عرصہ تعیناتی کے دوران من سائل نے شعبہ تفتیش کے علاوہ بطور افسر مہتمم تھانہ جنگل خیل، شکر درہ اور جرما میں خدمات سرانجام دیں۔ تھانہ جنگل خیل جو کہ من سائل کی تعیناتی سے قبل ممنوعہ علاقہ (نو گو ایریا) تصور کیا جاتا تھا۔ جرائم پیشہ، سماج دشمن عناصر اور اجرتی قاتلوں کی آماجگاہ بن چکا تھا۔ سائل نے اپنی تعیناتی کے فوراً بعد دن رات کی انتھک محنت و کوشش سے جنگل خیل کا نو گو ایریا اللہ تعالیٰ کے فضل و کرم سے اب امن کا گہوارہ بن چکا ہے۔ بدوران تعیناتی SHO جنگل خیل قبضہ مافیا، مجرمانہ اشتہاری، ڈرگ مافیا اور مجرموں اور قمار بازی کے اڈوں کو ختم کیا۔ جسکی اہل علاقہ کی طرف سے کافی پزیرائی کی گئی اور من سائل کے تبادلہ کے بعد بصورت وفد اہل علاقہ کے پر زور مطالبہ پر جناب DIG صاحب کے حکم سے دوبارہ SHO جنگل خیل تعینات کیا گیا۔ بعد ازیں تھانہ شکر درہ، تھانہ جرما میں بطور افسر مہتمم تھانہ خدمات سرانجام دیتے ہوئے جرائم پیشہ افراد کا پیچھا نہ پھوڑا۔ متعدد بدنام زمانہ مجرمان اشتہاری گرفتار کیے۔ اسی طرح ناجائز اسلحہ، منشیات کی برآمدگی اور دیگر جرائم کے خاتمہ میں اہم کردار ادا کیا۔

سائل نے ہر سہ تھانہ اجات میں نہ صرف جرائم کا قلع قمع کیا بلکہ کرپشن اور بد عنوانی جیسے ناسور کو جڑ سے اکھاڑ پھینکا۔ بدیں وجہ نہ صرف جناب DPO صاحب بہادر بلکہ جناب DIG صاحب کی طرف سے بھی متعدد بار تعریفی اسناد اور نقد انعامات سے بھی نوازا گیا۔

والاشان!

بحوالہ چارج شیٹ نمبری 6532-33/PA مورخہ 16.07.2019 مجاریہ جناب DPO صاحب ضلع کوہاٹ من سائل پر الزام عائد کیا گیا کہ بدوران تعیناتی SHO جنگل خیل آپ نے ایک مسئلہ حاجی نذر، عزیز الرحمن وغیرہ اور مدثر سلطان، وارث خان ساکنائے افغان مہاجرین کے درمیان ایک واقعہ رونما ہوا تھا جس میں آپ SHO نے غیر قانونی طور پر پولیس سٹیشن میں جرگہ منعقد کیا اور بدوران جرگہ مبلغ 5/5 لاکھ روپے بطور چمکے رکھنے کی پیش کش کی وغیرہ۔

اندریں سلسلہ معروض ہوں کہ بحوالہ مدوات نمبر 16-15 روزنامہ 14.7.19 تھانہ جنگل خیل میں سلطان ولی گروپ اور نذر گروپ کے دوران سابقہ لین دین اور گاڑی کی خرید و فروخت کے سلسلہ میں مبلغ 1 لاکھ 60 روپے کا تنازعہ تھا۔ نذر گروپ نے سلطان ولی گروپ کو متذکرہ بالا رقم ادا کر لی تھی۔ سلطان ولی گروپ نے اسے قریبی ساتھیوں کے ہمراہ نذر گروپ سے بائی پاس روڈ کمپ نمبر 3 رقم لینے کے لیے آئے، نذر گروپ نے سلطان ولی گروپ کے ساتھ شروع ہو کر ہاتھ پائی شروع ہوئی۔ نذر گروپ کے ساتھی خان محمد اور سلطان ولی گروپ کے ساتھی نذر گروپ کے آدمیوں نے لاکھوں روپے اور اسلحہ اور اسلحہ کے ساتھ نذر گروپ کے ساتھ شروع ہو کر ہاتھ پائی شروع ہوئی۔ نذر گروپ کے ساتھی خان محمد اور سلطان ولی گروپ کے ساتھی نذر گروپ کے آدمیوں نے لاکھوں روپے اور اسلحہ اور اسلحہ کے ساتھ نذر گروپ کے ساتھ شروع ہو کر ہاتھ پائی شروع ہوئی۔

ہوئے۔ وقوعہ کی اطلاع پاکر بر موقع پہنچا ہر دو گروپ کے اشخاص کو قتل کر کے تھانہ لایا۔ اور متذکرہ بالا اور متذکرہ
 بعدہ ہر دو گروپ کے مشران اور دیگر اٹلی جیسے ایجنسیز کی طرف سے مسئلہ حل کرنے پر زور دیا گیا۔

کا کام کرتا ہے۔ بذریعہ پرائیویٹ نمبر دھکی دی گئی کہ متذکرہ گروپ کے اشخاص کے خلاف کسی قسم کی کارروائی نہ کی جائے
 بابت افسران بالا کو بروقت آگاہ کیا۔ چونکہ نذر گروپ نے کافی زیادتی کی تھی بدیں وجہ من SHO نے ہر دو گروپ کے اشخاص کو بند
 بہ حوالات تھانہ رکھا۔ اسی طرح افغان مہاجرین کے جرگہ کے لوگوں نے بھی ہر دو فریقین کو پابند ضمانت کرنے کے لیے مبلغ
 5/5 لاکھ روپے بطور ضمانت (مچلکہ) لیکر من SHO سے دونوں فریقین جرگہ کے لیے ضمانت پر چھوڑنے کی استدعا کی۔ جو من
 سائل نے برطابق قانون کارروائی کرتے ہوئے ہر دو الزام علیہ پارٹی کو بند بہ حوالات تھانہ رکھا اور بعدہ پیش عدالت کیا۔

من SHO نے جرگہ مشران کو حکم دیا کہ تھانہ سے باہر کسی قسم کے جرگہ و مچلکہ لینے پر پابندی ہے۔ لہذا آپ جو فیصلہ بھی
 کرتے ہیں تھانہ میں بذریعہ مصالحت کمیٹی مسئلہ حل کریں۔ جہاں تک آڈیو وائرل ہونے کا الزام ہے وہ بھی صرف اور صرف تھانہ
 کے اندر بطور ضمانت 5/5 لاکھ روپے رکھنے کی بات ہوئی ہے نہ کہ من SHO نے اپنی ذات یا دیگر غیر قانونی فعل سرانجام دیا ہے۔
 علاوہ ازیں من سائل کی تعیناتی سے قبل مامور شاہ عرف (بھتو گروپ) کے لوگوں نے بدوران جرگہ مظلوم شخص سے
 مبلغ 50 ہزار روپے مچلکہ کے نام پر لیکر ضبط کر لیے تھے۔ من سائل نے دوبارہ بحیثیت SHO جنگل خیل تعین تعینات ہوتے
 ہی حسب الحکم جناب DPO صاحب 2 گھنٹے کے اندر اندر نہ صرف مبلغ 50 ہزار روپے واپس لیکر درخواست کنندہ کو واپس
 کر دیے بلکہ سرکشن گروپ نے مظلوم گروپ سے معذرت بھی کی۔

عالیجاہ!

درج بالا حقائق کو مدنظر رکھتے ہوئے سائل کے کردار اور فرض شناسی کو پرکھا جاسکتا ہے۔ سائل نے نہ صرف ضلع کوہاٹ
 بلکہ جہاں جہاں تعیناتی ہوئی ہے فراغ منضمی کی بطریق احسن سرانجام دی ہیں کوئی کسر اٹھانہ نہیں رکھی۔ من سائل نے جملہ امور
 نیک نیتی اور محکمہ کے وقار کو مدنظر رکھتے ہوئے سرانجام دیے ہیں۔ سائل پر لگایا گیا الزام بے بنیاد اور من گھڑت ہے اور واقعہ کو غلط
 رنگ دیکر حقائق کے برعکس منظر عام پر لایا گیا ہے۔ حالانکہ حقیقت کے ساتھ اس کا دور دور تک واسطہ نہ ہے۔ جملہ متذکرہ بالا آڈیو
 پیغام بھی نیک نیتی پر مبنی ہے۔ نہ تو من سائل کے خلاف کسی پرائیویٹ شخص کی طرف الزام عائد کیا گیا ہے اور نہ ہی انکو امریکی آفیسر
 کے سامنے من سائل کے خلاف شہادت ریکارڈ کی گئی ہے۔ اسی طرح انکو امریکی آفیسر نے بھی من سائل کو سنے اور جرح کرنے کے
 حق سے بھی محروم رکھا۔ جماعہ کارروائی جانب داری کا مظاہرہ کرتے ہوئے عمل میں لائی گئی۔ سائل نے بطور ہے۔

لہذا اور دمندانہ التماس ہے کہ آرڈر جناب DPO صاحب کوہاٹ کو مسترح فرمائے ہوئے سائل کو ایسے اصل عہدہ
 پر بحال کیا جائے۔ سائل آیکتا اور نیک رجحان سے کام لے گا۔

میں نے سائل کو سنے اور جرح کرنے کے حق سے بھی محروم رکھا۔ جماعہ کارروائی جانب داری کا مظاہرہ کرتے ہوئے عمل میں لائی گئی۔ سائل نے بطور ہے۔

ORDER

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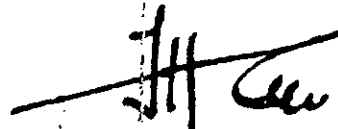
This order will dispose of a departmental appeal, moved by ASI Sabir Hussain, the then SHO PS Jungle Khel, Kohat, (now posted in D.I.Khan) against the punishment order, passed by DPO Kohat vide OB No. 1125, dated 17.09.2019 whereby he was awarded major punishment of reduction from the rank of SI to ASI.

The appellant while posted as SHO PS Jungle Khel was found indulged in extra departmental activities. In the meanwhile an audio recording of the appellant was viral wherein he was asking Rs. 5 Lac for Machalka in order to resolve the dispute between two parties and demanded illegal gratification "Kharcha". This audio recording caused embarrassment and a question mark on the professionalism of KP Police.

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.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the E.O in his findings. Being a member of disciplined force he was no supposed to indulge himself in such extra departmental activities. Therefore, his appeal devoid of merits is hereby rejected.


Order Announced
14.11.2019


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

No. 10623-24 /EC, dated Kohat the 19-11-2019.

Copy to District Police Officer, Kohat for information w/r to his office Letter No. 17899/LB, dated 07.10.2019. His Service Record containing Service Book, Service Roll & Enquiry File (relevant 24-pages + 01 CD, other enquiries 70-pages) is returned herewith.

2. The District Police Officer, D.I.Khan for information and necessary action.


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



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 1271 /20, dated Peshawar the 04/03/2020.

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 ASI Sabir Hussain No. D/51 (the then SI). The petitioner was awarded punishment of reduction in rank from SI to ASI by District Police Officer, Kohat vide OB No. 1125, dated 17.09.2019 on the allegations that he while posted as SHO PS Jungle Khel was found indulged in extra departmental activities. In the meanwhile an audio recording of the appellant was viral wherein he was asking Rs. 5,00,000/- for Machalka in order to resolve the dispute between two parties and demanded illegal gratification "Kharcha". This audio recording caused embarrassment and a question mark on the professionalism of KP Police.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 10623-34/EC, dated 19.11.2019.

Meeting of the Appellate Board was held on 03.03.2020, wherein the petitioner was present and heard in detail.

The appellant was heard in person and enquiry file alongwith his service record perused. The record shows that to settle a private dispute through Masalhti Jirga in the Police Station parties were asked to deposit the amount as surety in the Police Station and no demand by the appellant for his person. The record bears 28 good entries of his performance and long service of 18 years, 01 month & 02 days at his credit.

Keeping in view above, the punishment seems too harsh. Therefore, the Board decided that his punishment of reduction in rank is hereby modified into stoppage of one increment for one year.

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

Sd/-

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

No. S/ 1272-80 /20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Book, one Service Roll and one inquiry file (CD & other papers 94-pages) of the above named SI received vide your office Memo: No. 319/EC, dated 07.01.2020 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-III CPO Peshawar.
8. Office supdt: CPB, ePO.

(MUHAMMAD KARIM KHAN)
DIG/HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

V

BEFORE THE SERVICE TRIBUNAL KPK CAMP COURT

D.I.KHAN

C.M.A No _____/2021

In

Service Appeal No _____/2019

Sabir Hussain ASI D.I.Khan Police, D.I.Khan.

..... **PETITIONER**

VERSUS

Govt: of KPK through Secretary Home Department Govt: of
KPK Civil Secretariat Peshawar and others.

.....**RESPONDENTS**

APPLICATION FOR AMENDMENT OF APPEAL

Respected Sir,

1. That the subjected cited Appeal is pending disposal before this honourable Tribunal and is fixed for today i.e. 27.09.2021.
2. That during the pendency of Appeal, the Board constituted in the office of IGP of Police KPK vide order bearing No. 515 dated 09.03.2020 converted and modified the punishment of major penalty of reduction in rank into stoppage of one increment for one year. Copy of order is enclosed as **Annexure – A**.
3. That the Appeal was filed against the imposition of major penalty of reduction in rank which requires to be amended after passing the order dated 09.03.2020 vide which major penalty has been modified into stoppage of one increment referred to above.

Qm2

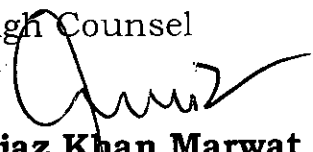
2

It is therefore humbly prayed that on acceptance this application, this Honourable Tribunal may kindly be please to pass an order of amendment of Appeal in the interest of justice.

Dated: 27.09.2021

Your Humble Petitioner,

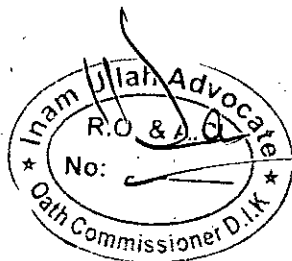
Through Counsel


Gul Tiaz Khan Marwat
Advocate High Court
D.I.Khan

AFFIDAVIT

I, Gul Tiaz Khan Marwat Advocate High Court D.I.Khan, Counsel for petitioner, do hereby solemnly affirm and declare on Oath that the contents of Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


DEPONENT



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

20, dated Peshawar the 09/03/2020

A

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11 A of Khyber Police Rules-1975 (amended 2014) submitted by ASI Sabir Hussain No. D/51 (the then SI). He was awarded punishment of reduction in rank from SI to ASI by District Police Officer, Kohat No. 1125, dated 17/09/2019 on the allegations that he while posted as SHO PS Jungle Khel was engaged in extra departmental activities. In the meanwhile an audio recording of the appellant was made for Rs. 5,00,000/- for Machalka in order to resolve the dispute between two parties and legal gratification Kharcha. This audio recording caused embarrassment and a question of professionalism of KP Police.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 10623-34/EC.

Meeting of the Appellate Board was held on 03.03.2020, wherein the petitioner was present.

The appellant was heard in person and enquiry file alongwith his service record perused. The appellant was asked to settle a private dispute through Masalihu Jirga in the Police Station parties were asked to act as surety in the Police Station and no demand by the appellant for his person. The record reflects his performance and long service of 18 years, 01 month & 02 days at his credit.

Keeping in view above, the punishment seems too high. Therefore, the Board decided that his reduction in rank is hereby modified into stoppage of one increment for one year.

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

Office of the DPOID, I.Kh

Dy. 5/5 /

Dt. 09-03 /2020

Sd/

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

2-20
20,

Copy of the above is forwarded to the:

District Police Officer, Kohat. One Service Book, one Service Roll and one inquiry file (CD & papers 94-pages) of the above named SI received vide your office Memo: No. 319/EC, dated 2020 is returned herewith for your office record.

District Police Officer, Kohat.

IGP/Khyber Pakhtunkhwa, CPO Peshawar.

Asst IGP/HQrs Khyber Pakhtunkhwa, Peshawar.

DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.

Asst Legal, Khyber Pakhtunkhwa, Peshawar.

Asst E-III CPO Peshawar.

EC/0B

For Liaison

[Handwritten signature]

Attended
[Handwritten signature]
Advy