

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

SERVICE APPEAL NO. 18/2019

Date of Institution ... 07.01.2019

Date of Decision ... 15.12.2020

Shoukat Aman S/o Aman Ullah
R/o Alwar Banda, Tehsil Takhti-e-Nasrati District Karak.
... (Appellant)

VERSUS

Provincial Police Officer, Inspector General of Police Khyber
Pakhtunkhwa, Peshawar and three other respondents.

... (Respondents)

MR. SHAHID QAYUM KHATTAK,
Advocate --- For appellant.

MR. RIAZ AHMAD PAINDAKHEIL,
Assistant Advocate General, --- For respondents.

MUHAMMAD JAMAL KHAN --- **MEMBER (Judicial)**
MIAN MUHAMMAD --- **MEMBER (Executive)**

JUDGMENT:

MUHAMMAD JAMAL KHAN, MEMBER:- Through the instant appeal submitted under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, the ambit of the order dated 01.11.2018 passed by the District Police Officer, Kohat, has been called in question whereby major penalty of reduction from the rank of Head Constable to Constable, has been awarded to the appellant. Furthermore, the varies of the order dated 31.12.2018

passed by the Regional Police Officer, Kohat Region, Kohat, has been prevaricated vide which departmental appeal of appellant was rejected.

2. According to the averments of appellant, on induction in to Police Services, due to his satisfactory service, he was promoted to the rank of Head Constable thus performing his duties with zest and zeal and as such he was posted as Moharrar at P.S Jangle Khel. A show-cause notice was issued by the District Police Officer, Kohat, to the appellant on 19.10.2018 containing certain allegations of having links with criminals, narcotic peddlers, proclaimed offenders etc and he was able to submit reply. However, without fulfillment of the requisite requirements as enshrined in the law and rules on the subject passed the impugned order bearing no. 1139 dated 01.11.2018 whereby he was awarded major punishment of reduction from the rank of Head Constable to Constable by respondent no. 3, is tainted with mala-fide. Departmental appeal was filed on 26.11.2018 to the Regional Police Officer, Kohat Region, Kohat, but he rejected the appeal by virtue of order dated 31.12.2018 without observance of the codal formalities hence, appellant submitted the present service appeal on 17.01.2019.

3. Respondents were summoned, in compliance thereof they attended the Tribunal through their legally authorized representative by vehemently denying the allegations through the

submission of their reply/comments wherein certain legal and factual objections have been raised inter-alia, cause of action, locus standi, non-maintainability of appeal in its present forum, estoppel etc,

4. We have heard the arguments of learned counsel representing appellant as well as the learned Assistant Advocate General on behalf of the respondents and were able to go through the record on file in view of which our findings are as under.

5. Learned counsel for the appellant submitted that in the allegations leveled against appellant the names of criminals have not been mentioned. Appellant submitted his written response to the show-cause notice delineating the reasons however, the same were not brought under consideration. As regards awarding of punishment in the past the same has been set at naught by virtue of order dated 16.03.2016. That other officials were also charged and consequently suspended whose services were later on restored with the solitary exception of appellant, therefore, he submitted for setting at naught the impugned order.

6. On the contrary, the learned Assistant Advocate General for the respondents submitted that the appellant has got bad entries in his service record and if his previous history of service is explored he has properly been proceeded against in accordance with the established norms and practice as in vogue. After having considered his reply to the show-cause notice and finding it not

satisfactory the same was not brought under consideration and in consequence thereof he was awarded the subject punishment. He referred to the statement of one Adil Sardar whose statement was recorded by the inquiry officer in which he has admitted certain facts which need not be proved at this stage as facts admitted need not be proved again subsequently.

7. The record on file reflects that on receipt of information that appellant has got connection with criminals and outlaws, departmental proceedings were initiated against him under the General Police proceedings without aid of inquiry officer and accordingly, he was served with a show-cause notice containing the relevant material under Rule-5 (3) of the Khyber Pakhtunkhwa Police Rules (Amended 2014) 1975, in response thereof appellant submitted reply. However, respondent no. 3 i.e District Police Officer, Kohat, did not find it satisfactory hence, he was awarded major punishment of reduction from the rank of Head Constable to Constable vide impugned office order dated 02.11.2018. He moved departmental appeal to the next higher authority i.e The Regional Police Officer, Kohat Region, Kohat, where he was heard in orderly room but the appellant did not advance any viable reasons worth noticeable just to prove his innocence hence, his appeal was rejected. The order dated 26.12.2018 was endorsed on 31.12.2018 unequivocally containing fact that appellant had contact and connection with criminals and proclaimed offenders. During the course of providing him audience, appellant was

required to have reasonably explained that action so taken against him was tainted with malice and mala-fide but he failed to substantiate the very fact. The question arises as to whether the District Police Officer who was at the helm of affairs, was legally competent to initiate disciplinary proceedings against appellant without appointment of an inquiry officer? When sufficient record is placed before the competent authority and he is satisfied he can dispense with the inquiry proceedings and straight away issue show-cause notice calling the official to be proceeded against to submit his response. Of course, that the show-cause notice must be accompanied with the ground of action where-after an appropriate penalty can be imposed if the material on record warrants so or the reply so submitted have no substance. Again a question arises as to how far the department or the competent authority can go against a civil servant as far as his previous record and awarding of punishment is concerned? While initiating disciplinary proceedings against the indicted official the competent authority can take due notice of the past proceedings conducted against him together with his service record and can arrive at a conclusion in the light and in aid thereof. A civil servant who repeats the default can be held accountable, therefore, initiation of disciplinary proceedings followed by awarding of punishment is a robust relevant circumstance which cannot be ignored at any stage when it relates to the reputation and conduct of a civil servant. Therefore, past transaction/punishment particularly when

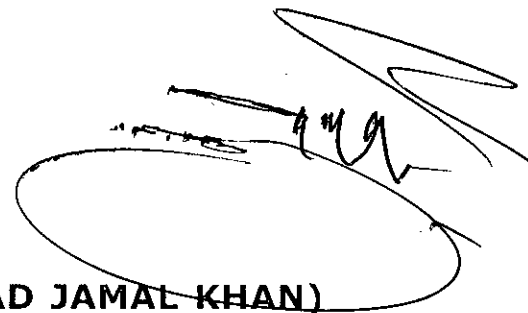
based on full fledged inquiry, being conducted after fulfillment of the codal requirements, cannot escape the notice of the authority. Under the Police Rules in vogue, the competent authority has been invested with plenary powers to summarily proceed against an official when the circumstances so warrants without observance of rest of the codal formalities, therefore, the appellant has rightly been proceeded against while setting in motion the General Police Proceedings sans appointment of inquiry officer. The record on file being placed by the respondents speaks volumes of the above mentioned facts which is a strong corroborated documentary evidence against the appellant. Therefore, the action so taken by the competent authority and declining his appeal by the Regional Police Officer, Kohat Region, Kohat, were within the four corners as sanctified by the law on the subject.

8. Resultantly, we find no substance in the instant appeal to interfere in the impugned orders of the competent authorities hence, is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.

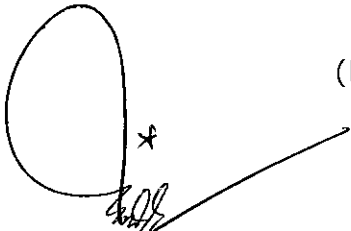
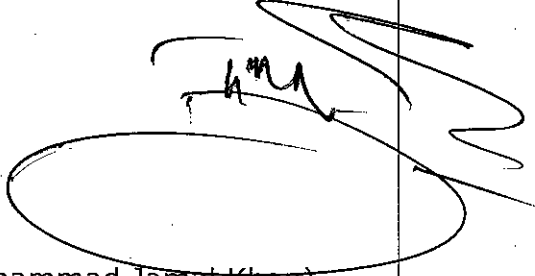
ANNOUNCED
15.12.2020



(MIAN MUHAMMAD)
Member (Executive)



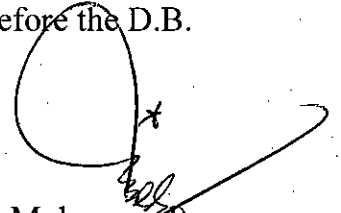
(MUHAMMAD JAMAL KHAN)
Member (Judicial)

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	15.12.2020	<p><u>Present.</u></p> <p>Mr. Shahid Qayum Khattak, ... For appellant Advocate</p> <p>Mr. Riaz Ahmad Paindakheil, ... For respondents Assistant Advocate General</p> <p>Vide our detailed judgment of today, we find no substance in the instant appeal to interfere in the impugned orders of the competent authorities hence, is hereby dismissed. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED</u> 15.12.2020</p> <div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  <p>(Mian Muhammad) Member (Executive)</p> </div> <div style="text-align: center;">  <p>(Muhammad Jamal Khan) Member (Judicial)</p> </div> </div>

09.11.2020

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Arif Saleem, Steno for respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 08.12.2020 for hearing before the D.B.

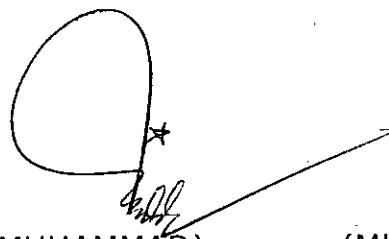


(Mian Muhammad)
Member (E)

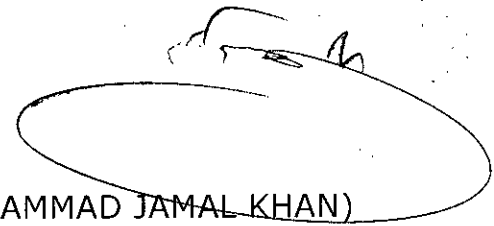
08.12.2020

Appellant in person alongwith Mr. Shahid Qayyum Khattak, Advocate, are present. Mr. Riaz Ahmad Paindakheil, Assistant Advocate General and Mr. Arif Saleem, Steno, for the respondents are also present.

Arguments heard, during the course of which the learned Assistant Advocate General made reference to certain documents but neither the copies of those documents have been appended with the reply/comments nor produced subsequently by adoption of proper procedure for the purpose, therefore, we are constrained to announce the judgment at the moment requiring the learned Assistant Advocate General to submit copies of all those documents for perusal and appropriate orders. File to come up for production of documents and order on 15.12.2020 before D.B.



(MIAN MUHAMMAD)
MEMBER (EXECUTIVE)



(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

30.06.2020

Due to COVID-19, the case is adjourned to 11.08.2020 for the same.


Reader

11.08.2020


Due to summer vacations case to come up for the same on 14.10.2020 before D.B.

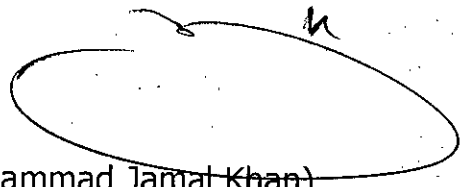

Reader

14.10.2020

Appellant in person present. Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

Former requests for adjournment that his counsel is busy before Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 09.11.2020 before D.B.


(Atiq-Ur-Rehman Wazir)
Member


(Muhammad Jamal Khan)
Member

20.12.2019 Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 30.01.2020 before D.B.


Member

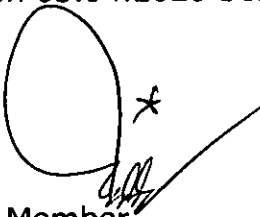

Member

30.01.2020 Appellant in person present. Addl. AG alongwith Mr. Arif Saleem, ASI for respondents present. Due to General Strike of the bar on the call of Khyber Pakhtunkhwa Bar Council, the instant case is adjourned. To come up for further proceedings/arguments on 12.03.2020 before D.B.


Member


Member

12.03.2020 Appellant with counsel present. Asst: AG for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 03.04.2020 before D.B.


Member


Member

3.4.2020

Due to COVID 19, the case is adjourned to 30.6.2020 for same as before.



04.10.2019 Appellant in person present. Mr. Zia Ullah Learned Deputy District Attorney for the respondents present. Appellant seeks adjournment as his counsel is not in attendance. Adjourn. To come up for arguments on 16.10.2019 before D.B.


Member


Member

16.10.2019 Appellant with counsel present. Mr. Usman Ghani learned District Attorney for the respondents present. Learned counsel for the appellant seeks adjournment. Adjourn. To come up for arguments on 12.11.2019 before D.B.


Member


Member

12.11.2019 Appellant in person present. Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Inayat Ullah Head Constable for the respondents present. Appellant seeks adjournment on the ground that his counsel is busy before August Supreme Court of Pakistan. Adjourn. Adjourn. To come up for arguments on 20.12.2019 before D.B


Member


Member

10.04.2019

Appellant with counsel and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Inayat Ullah H.C for the respondents present.

Written reply submitted which is placed on record. To come up for arguments on 26.06.2019 before D.B. The appellant may submit rejoinder within a fortnight, if so advised.


Chairman

26.06.2019

Appellant in person and Mr. Muhammad Jan, DDA alongwith Mr. Inayatullah, H.C for respondents present. Due to incomplete bench case is adjourned to 30.08.2019 before D.B.


Reader

30.08.2019

Appellant in person present. Mr. Ziaullah, DDA for respondents present. Appellant seeks adjournment. Adjourn. To come up for arguments on 04.10.2019 before D.B.


Member


Member

08.02.2019

Counsel for the appellant present.

Contends, inter-alia, that the appellant was proceeded against departmentally, wherein, only show cause notice was issued to him while holding of proper enquiry including charge sheet and statement of allegations was disregarded. Further contends that the impugned order dated 01.11.2018 was based, inter-alia, upon the factor extraneous to the case in hand and the past service history of appellant was relied upon while passing the impugned order.

The appeal in hand, in view of the above and the available record, is admitted for 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 25.03.2019 before S.B.


Appellant Deposited
Security & Process Fee


Chairman

25.03.2019



Appellant in person present. Written reply not submitted. No one present on behalf of respondent department. Notice be issued to the respondent department with the direction to furnish written reply/comments. Adjourn. To come up for written reply/comments on 10.04.2019 before S.B


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 18/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	07/1/2019	<p>The appeal of Mr. Shoukat Aman today by Mr. Zahoor Islam Khattak 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 7/1/19</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>8-2-19</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. **18** /2019


Shoukat Aman Appellant

Versus

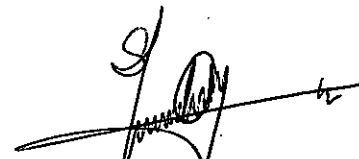
Provincial Police Officer and others..... Respondents

I N D E X

S.No.	Description of Documents	Annex	Pages
1.	Memo of appeal		1-4
2.	Affidavit		5
3.	Address of the parties		6
4.	Show Cause Notice	A	7
5.	Reply of appellant	B	8-11
6.	Copy of impugned order dated 01/11/2018	C	12
7.	Copy of representation	D	13
8.	Copy of Impugned order dated 31/12/2018	E	14
9	Wakalat Nama		15


Appellant

Through



Dated: **07/01/2019**

Shahid Qayum Khattak
Advocate, Supreme Court
Mob No. 0333-9195776

①

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 18 /2019

Shoukat Aman S/o Aman Ullah R/o Alwar Banda, Tehsil Takhti-e-Nasrati District Karak..... Appellant

Versus

Khyber Pakhtunkhwa
Service Tribunal

1. Provincial Police Officer/ Inspector General of Police Khyber Pakhtunkhwa, Peshawar
2. Regional Police Officer Kohat Region, Kohat.
3. District Police Officer, Kohat
4. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar

Diary No. 26

Dated 07-1-2019

..... Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 01/11/2018 PASSED BY RESPONDENT NO. 3 BY WHICH MAJOR PENALTY OF REDUCTION FROM THE RANK OF HEAD CONSTABLE TO CONSTABLE HAS BEEN AWARDED TO THE APPELLANT AND AGAINST THE ORDER DATED 31/12/2018 OF RESPONDENT NO. 2 BY WHICH THE DEPARTMENTAL APPEAL FILED BY APPELLANT HAS BEEN REJECTED.

PRAYER

On accepting this service appeal, the impugned order bearing OB No. 1139 dated 01/11/2018 and order bearing No. 13370/EC, dated Kohat the 31/12/2018 may graciously be set aside by declaring it illegal, void, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable and the appellant is entitled for all back benefits of pay and service

Respectfully Sheweth;

1. That appellant joined police and has rendered satisfactory service in the Department and has earned promotion to the rank of Head Constable and performed his duties with full zeal and enthusiasm. The Performance of appellant was so satisfactory that he was ✓ posted as Moharror of PS Jangle Khel.
2. That respondent No. 3 issued a Show Cause Notice to the appellant on 19/10/2018 containing the allegation that he has links with Criminals, Norcotics sellers, Pos etc, which has properly been replied by the appellant. (Copies of SCN and reply are attached as Annexure "A" & "B")

Filed to-day
Registrar

7/1/19

3. That after the reply of appellant but still without complying codal formalities passed impugned order bearing OB No. 1139 dated 1/11/2018 (*passed on 02/11/2018 but issue on 1/11/2018 which clearly show malafide on the part of respondent*) vide which major punishment of reduction from the rank of Head Constable to Constable has been imposed. (Copy of the impugned order is attached as Annexure "C")
4. That appellant filed departmental appeal on 26/11/2018 against the impugned order before worthy respondent No. 2, who vide order dated 31/12/2018 rejected the same without complying the codal formalities hence, the petitioner feeling aggrieved from the above orders filling this appeal on the following amongst other grounds inter. (Copy of the representation and impugned order are attached as Annexure "D" & "E")

GROUND:

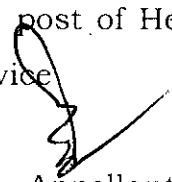
- a. That both the impugned orders of the respondents are illegal, unlawful, without authority, based on mala fide intention, void abinitio, against the nature justice, in violation of the Constitutional mandate and Service Law and equally with out jurisdiction, thus untenable in the eyes of law and is liable to be set aside.
- b. That no charge sheet or statement of allegation has been issued against appellant nor the same has been handed over to clarify his position which is totally against the norms of service law.
- c. That both the impugned orders passed by respondent are very much harsh, without any evidence based on surmises & conjectures and is equally against the principle of natural justice. Appellant has been penalized twice which is illegal. ✓
- d. That the respondent No. 2 has not issue any charge sheet and statement of allegation nor any proper opportunity of hearing has been provided to appellant but this aspect has not been taken into consideration by learned respondent No. 2 at all thus the impugned orders are nullity in the eyes of law and is liable to be set aside.

3

- e. That prior to posting as Moharror PS Jungle Khel, appellant was posted as IHC in the same PS and during that period of 4 (four) months appellant has registered 44 cases against Anti Social element and arrested criminals involved in heinous offence which is on record of the PS and is live proof with regard to action and efficiency of appellant, but still only on the basis of mere allegation the appellant has been penalized. ✓
- f. That learned respondent No. 3 issued the impugned order without adopting codal formalities. Furthermore, no proper charge sheet and final show cause notice has been issued. Similarly proper enquiry has not been conducted to bring solid evidence against appellant but still he has been penalized. ✓
- g. That the case of appellant has been treated in very arbitrary manners and no evidence what so ever has been brought on record to substantiate the allegation leveled against appellant rather he has been proceeded under the rules and regulation which are not at all applicable to petitioner being a civil servant.
- h. That the whole departmental file against appellant has been prepared in violation of law and rules as the finding of respondent No. 3 and 3 are based on assessment and speculations. The findings have not been based on sound reasons and any solid, material and cogent evidence.
- i. That no personal hearing has been provided to the appellant which is totally against the norms of justice. Further the different date mentioned on the impugned order dated 01/11/2018 make it a doubtful.
- j. That the proceedings against appellant suffered from gross infirmities, illegalities and irregularities as no evidence what so ever has been produced or cited in the whole file nor any witness has been examined before the appellant.
- k. That the impugned order has been based on hallowed and unfounded assessments of respondent No. 3, therefore the impugned orders are worth set aside.

- l. That no final show cause notice under the relevant provision of law has been issued to appellant which is mandatory under the law. Similarly appellant was not personally heard and no opportunity of defense has been provided to appellant nor proper proceeding under proper law has been carried against the appellant.
- m. That appellant in his departmental appeal raised number of material grounds and his progress reports (the same may please be taken as integral part of this appeal too) but the same has not been taken into consideration at all.
- n. That the entire service record of the appellant is unblemished therefore, the impugned order would be a black stigma on the clean service career of the appellant, therefore, the same is liable to be set aside.
- o. That the learned respondent has not taken into consideration that the rules under which the appellant has been charged are not applicable on him.

It is, therefore, most humbly prayed that by accepting this service appeal, the impugned order bearing OB No. 1139 dated 01/11/2018 and order bearing No. 13370/EC, dated Kohat the 31/12/2018 may graciously be set aside by declaring it illegal, void, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable and the appellant is entitled to be reversed back to the post of Head Constable with all back benefits of pay and service.



Appellant

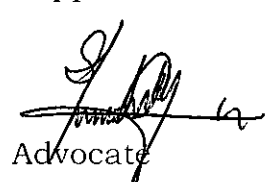
Through



Shahid Qayum Khattak
Advocate, Supreme Court

Dated: 07/01/2019

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.



Advocate

5

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2019

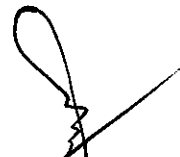
Shoukat Aman Appellant

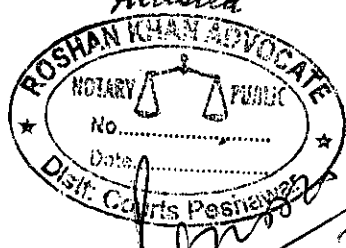
Versus

Provincial Police Officer and others..... Respondents

AFFIDAVIT

I, Shoukat Aman S/o Aman Ullah R/o Alwar Banda, Tehsil Takhti-e-Nasrati District Karak, do hereby solemnly affirm and declare on Oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.


Deponent

Attested

Roshan Khan
07-01-2019

6

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2019

Shoukat Aman Appellant

Versus

Provincial Police Officer and others..... Respondents

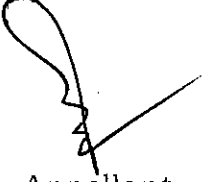
ADDRESS OF THE PARTIES

APPELLANT

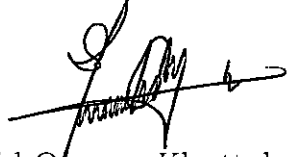
Shoukat Aman S/o Aman Ullah R/o Alwar Banda, Tehsil Takhti-e-Nasrati District Karak

RESPONDENTS

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. Regional Police Officer Kohat Region, Kohat.
3. District Police Officer, Kohat
4. Government of Khyber Pakhtunkhwa through
Chief Secretary, Peshawar


Appellant

Through


Shahid Qayum Khattak
Advocate, Supreme Court

Dated: 07/01/2019

7

Annexure "A"

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

SHOW CAUSE NOTICE

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

1. That You HC Shoukat Aman No. 734 the then Moharir PS J/Khel have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct as under.

- i. *You have links with criminals, narcotics sellers POs and render undue favour to the criminals for your personal gain.*
- ii. *You have indulged in extra departmental activities and ill-reputed.*

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

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

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

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

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

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

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

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

No. 9868 /PA

Dated 19-10 /2018

DISTRICT POLICE OFFICER,
KOHAT

Handwritten signature and initials

بحوالہ مشمولہ شو کاز نوٹس نمبری 9868/PA مورخہ 19-10-2018 معروض خدمت ہوں کہ میں تھانہ جنگل خیل میں بطور IHC مورخہ 17-4-2018 سے 14-06-2018 تک تعینات رہا اپنی عرصہ میں میں نے سماج دشمن عناصر کے خلاف 44 مقدمات درج کئے جنگلی تفصیلاً فہرست لف ہے۔ سماج دشمن عناصر کے خلاف کارروائی کے علاوہ میں نے ملزمان کے خلاف بھی کارروائی کر کے ان کو گرفتار کیے جو ریکارڈ پر موجود ہیں آفسران نے میری اچھی کارکردگی کا نوٹس لیتے ہوئے من سائل کو محرر تھانہ جنگل خیل تعینات کیا اور میں نے تقریباً 4 مہینے عرصہ کی ڈیوٹی سرانجام دی۔

جناب والا!

مسمی لیاقت ولد بادشاہ خان سکھ افغان مہاجر کے قریبی رشتہ داران مقدمہ علت 861 سال 2018 جرم 302/34 میں مطلوب تھے اور ایس ایچ او صاحب طاہر نواز نے ان پر متواتر چھاپے لگائے اور لیاقت کے رشتہ داران کے خلاف 212PPC کی کارروائی بھی کی جس پر لیاقت ناراض ہوا اور انہوں نے ایس ایچ او کے خلاف الزامات پر مبنی شکایات بصورت درخواست درج کی مسمی لیاقت نے کئی مرتبہ من سائل کو طاہر نواز کے خلاف گواہی دینے پر اکسایا لیکن میں نے انکار کیا جس پر لیاقت نے میرے خلاف بھی جنگ شروع کی جس میں وہ کسی حد تک کامیاب رہا۔

جناب والا!

میں سال 2002 میں بطور کانسٹیبل پولیس میں بھرتی ہوا اور اچھی کارکردگی اور پروفیشن کے امتحانات کو بروقت کو ایضائی کرنے پر سال 2014 میں بطور ہیڈ کانسٹیبل ترقی ملی۔

جناب والا!

!میری پوری ریکارڈ آف سروس صاف اور شفاف ہے کبھی بھی محکمہ کارروائی کا سامنا نہیں ہوا۔ اور نہ ہی ایسے الزامات کبھی لگائے گئے ہیں۔ میں نے کبھی بھی کریمنٹل منشیات فروشوں اور اشتہاری ملزمان کے ساتھ تعلقات استوار نہیں کئے اور ان کے خلاف ہمیشہ جنگ لڑی ہے چند تھانوں میں تعینات رہا ہوں اور ایس ایچ او صاحبان نے ہمیشہ میری کارکردگی کو سراہا ہے میرے خلاف الزامات کی تائید میں کسی قسم کی شہادت کا اشارہ نہیں دیا گیا ہے صرف اور صرف الزامات کا بنیاد مفروضات پر رکھا گیا ہے۔ اس سے پہلے بھی کبھی ایسی شکایت نہیں ملی ہے اور سماج دشمن عناصر کے خلاف کارروائی کے نتیجے میں ایسے الزامات کا سامنا ہوا۔

جناب والا!

اچھی کارکردگی کی بنیاد پر پولیس آفسران کی حوصلہ افزائی کرنی چاہیے لیکن اس کے برعکس من سائل کے خلاف محکمہ کارروائی کی گئی میرے خلاف جملہ کارروائی خلاف قانون اور خلاف انصاف پر مبنی ہے۔

Alim
→

(9)

جناب والا!

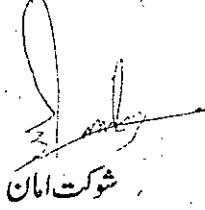
میرے موبائل نمبر 0315-9453032 رجسٹرڈ ہے اور اس کو میں استعمال کرتا ہوں اس موبائل کی CDR کا ملاحظہ بھی کیا جاسکتا ہے۔ کہ میں کبھی بھی مجرمانہ اشتہاری اور منشیات فروشوں کے ساتھ نہیں ملا ہوں۔

جناب والا!

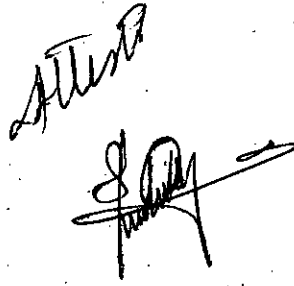
جملہ الزامات صرف اور صرف مفروضات کی بنیاد پر لگائے گئے ہیں۔ جو کہ مس کنڈکٹ اور ڈیوٹی میں غفلت کی زمرے میں نہیں پڑتے ہیں۔ کیونکہ الزامات کی تائید میں کسی قسم کی شہادت موجود نہیں ہے۔ اور نہ کسی خاص واقعہ کی طرف اشارہ کیا گیا ہے۔ لہذا اس سے مس کنڈکٹ نہیں بنتا ہے۔

جناب والا!

مندرجہ بالا امور کو مد نظر رکھ کر من سائل کو جملہ الزامات سے بری الزمہ قرار دینے کا حکم صادر فرما کر شوکا ز نوٹس داخلہ دفتر فرمایا جاوے۔


شوکت امان

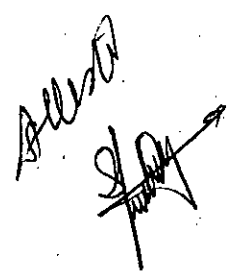
734/HC



فہرست درج شدہ مقدمات تھانہ جنگل خیل کوہاٹ

کارکردگی شوکت امان HC

- (۱) مقدمہ علت 444 مورخہ 24-4-18 جرم 4PO
- (۲) مقدمہ علت 453 مورخہ 26-04-18 جرم 3/4PO
- (۳) مقدمہ علت 455 مورخہ 27-04-18 جرم 4PO
- (۴) مقدمہ علت 462 مورخہ 28-04-18 جرم 4PO
- (۵) مقدمہ علت 463 مورخہ 28-04-18 جرم 4PO
- (۶) مقدمہ علت 473 مورخہ 30-04-18 جرم 15AA/4PO
- (۷) مقدمہ علت 480 مورخہ 04-05-18 جرم 3/4PO
- (۸) مقدمہ علت 481 مورخہ 04-05-18 جرم 4PO
- (۹) مقدمہ علت 482 مورخہ 04-05-18 جرم 4PO
- (۱۰) مقدمہ علت 483 مورخہ 04-05-18 جرم 4PO
- (۱۱) مقدمہ علت 484 مورخہ 04-05-18 جرم 15AA
- (۱۲) مقدمہ علت 489 مورخہ 04-05-18 جرم 15AA
- (۱۳) مقدمہ علت 491 مورخہ 04-05-18 جرم 19AA
- (۱۴) مقدمہ علت 495 مورخہ 05-05-18 جرم 4PO
- (۱۵) مقدمہ علت 498 مورخہ 06-05-18 جرم 4PO
- (۱۶) مقدمہ علت 518 مورخہ 09-05-18 جرم 4-5-6 قمار بازی ایکٹ
- (۱۷) مقدمہ علت 520 مورخہ 09-05-18 جرم 4PO
- (۱۸) مقدمہ علت 521 مورخہ 09-05-18 جرم 4PO
- (۱۹) مقدمہ علت 522 مورخہ 09-05-18 جرم 4PO
- (۲۰) مقدمہ علت 524 مورخہ 09-05-18 جرم 4PO
- (۲۱) مقدمہ علت 525 مورخہ 09-05-18 جرم 3/4
- (۲۲) مقدمہ علت 539 مورخہ 11-05-18 جرم 15AA/3/4AF
- (۲۳) مقدمہ علت 541 مورخہ 11-05-18 جرم 4PO
- (۲۴) مقدمہ علت 547 مورخہ 11-05-18 جرم 4PO



(11)

- (۲۵) مقدمہ علت 549 مورخہ 11-05-18 جرم 4PO
- (۲۶) مقدمہ علت 550 مورخہ 11-05-18 جرم 4PO
- (۲۷) مقدمہ علت 551 مورخہ 11-05-18 جرم 4PO
- (۲۸) مقدمہ علت 554 مورخہ 12-05-18 جرم 4PO
- (۲۹) مقدمہ علت 556 مورخہ 12-9-18 جرم 4PO
- (۳۰) مقدمہ علت 565 مورخہ 14-5-18 جرم 4PO
- (۳۱) مقدمہ علت 568 مورخہ 15-5-18 جرم 15AA
- (۳۲) مقدمہ علت 571 مورخہ 15-5-18 جرم 15AA
- (۳۳) مقدمہ علت 589 مورخہ 19-5-18 جرم 4PO
- (۳۴) مقدمہ علت 596 مورخہ 20-5-18 جرم 4PO
- (۳۵) مقدمہ علت 601 مورخہ 21-5-18 جرم 4PO
- (۳۶) مقدمہ علت 609 مورخہ 25-5-18 جرم 302/324/34 دوٹوں ملزمان گرفتار کئے۔
- (۳۷) مقدمہ علت 614 مورخہ 29-5-18 جرم 4PO
- (۳۸) مقدمہ علت 622 مورخہ 1-6-18 جرم 4PO
- (۳۹) مقدمہ علت 627 مورخہ 3-6-18 جرم 4PO
- (۴۰) مقدمہ علت 630 مورخہ 4-6-18 جرم 4PO
- (۴۱) مقدمہ علت 639 مورخہ 7-6-18 جرم 188PPC
- (۴۲) مقدمہ علت 643 مورخہ 9-6-18 جرم 3/4PO
- (۴۳) مقدمہ علت 649 مورخہ 10-6-18 جرم 4PO

11/11/18

Handwritten signature and initials



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Annexure "C"

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

ORDER

This order is passed on the departmental enquiry against HC Shoukat Aman No. 734 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that the accused official has links with criminals, narcotics sellers POs and rendered undue favour to the criminals for his personal gain and he has indulged in extra departmental activities and ill reputed.

He was served with Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. He was called in OR and heard in person on 02.11.2018, but failed to explain his position.

His service record was requisition and gone through which indicates that the accused official has bad reputation, earned bad entries. He, while posted at district Karak was awarded a major punishment of time scale for 02 years, for demand of illegal gratification from a narcotic accused. He was transferred from Karak district on complaint basis i.e involvement in malpractices.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, a major punishment of reduction from the rank of Head Constable to Constable is hereby imposed upon the HC Shoukat Aman No. 734 with immediate effect. He is placed under observation for 03 months.

Announced

02.11.2018

DISTRICT POLICE OFFICER,
KOHAT 02/11

OB No. 1139
Date 7-11-2018

No. _____/PA dated Kohat the _____ 2018.

Copy of above to the:

1. SP Operations Kohat is directed to keep watch on the official and submit report.
2. R.I/Reader/Pay officer/SRC/OHC for necessary action.

ALLI
S. J. T.

To;

The Regional Police, Officer, Kohat.

Through:

PROPER CHANNEL

Subject:-

REPRESENTATION AGAINST THE ORDER OF LEARNED DISTRICT POLICE OFFICER, KOHAT ISSUED VIDE OB NO. 1139 DATED 01.11.2018 WHEREIN APPLICANT WAS REVERTED FROM THE RANK OF HEAD CONSTABLE TO CONSTABLE

Respected Sir,

The applicant submits the instant representation on the following facts and grounds.

FACTS.

1. Applicant was posted as Moharror of PS Jangle Kohat and was performing his duty with great zeal and spirit.
2. That show cause notice was issued to applicant by the learned District Police officer Kohat on the charges that he (applicant) has link with criminals, narcotic sellers, POs and extending undue favour to the above criminals and anti social elements. (Copy of show cause notice is enclosed as Annexure- A.
3. That applicant submitted plausible and detailed reply in response to the show cause notice. Reply to show cause notice, is enclosed as annexure- B.
4. That prior to posting as Moharror PS Jangle Khel, applicant was posted as IHC in PS Jungle Khel. During this period i.e 4 months, applicant has registered 44 cases against anti social element and arrested criminals involved in heinous offence which is on record of PS and is live proof with regard to action and efficiency of applicant. Copy of the record is enclosed as annexure- C.
5. That on 01.11.2018, the learned District Police Officer, Kohat issued an impugned order and the applicant was reverted from the rank of Head constable to constable. Copy of order is enclosed as annexure-D. Hence, this representation is submitted on the following grounds.

GROUNDS

- a. That learned District Police officer, Kohat issued the order without adopting codel formalities. Furthermore, no proper charge sheet and final show notice was issued. Similarly, proper inquiry was not conducted.
- b. That punishment awarded to applicant is based on conjunctures and surmises. No solid evidence was brought on file.
- c. That harsh punishment was awarded not commensurate with the charges leveled against applicant.
- d. That all senior officers have recorded no complaint against applicant in this regard.
- e. That no proper chance of personal hearing was provided to the applicant.

In view of the above facts and grounds, it is humbly requested that impugned order issued vide above quoted reference may please be set aside. The ranks of applicant may be restored.

Thanks

Yours faithfully,

(Shoukat Aman)
Constable No. 734

[Signature]
26-11-18

[Handwritten signature]

POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by Constable Shoukat Aman No. 734 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 1139, dated 01.11.2018, whereby he was awarded major punishment of reduction from the rank of HC to FC for the allegations of his alleged linkage with criminal / POs for his personal gains and extending undue favour to the criminals & anti-social elements.

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Kohat and his service record was perused. He was also heard in person in Orderly Room, held in this office on 26.12.2018. During hearing, he did not advance any plausible explanation to prove his innocence.

Having gone through the available record, it transpires that the appellant being a member of discipline force has developed relations / linkage with criminals / POs and other anti-social elements which cannot be ignored. His appeal being devoid of merits is hereby rejected.

Order Announced
26.12.2018

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

No. 13370- /EC, dated Kohat the 31/12- /2018.

Copy for information and necessary action to the District Police Officer, Kohat w/r to his office Memo: No. 27179/LB, dated 13.12.2018. His Service Roll & Fauji Missal / Enquiry File is returned herewith.

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

15

قیمت
50 روپے

0825



ایڈوکیٹ: سٹار پبلسٹک

بار کونسل / ایسوسی ایشن نمبر: 10-7677-10-10

رابطہ نمبر: 0333-9195776

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سر سید ایڈووکیٹس

دعویٰ:	منجانب: <i>Dehkhani</i>
علت نمبر:	
مورخہ:	شوکت امان بنام حکومت
جرم:	
تھانہ:	

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی کارروائی متعلقہ سرکار
 ران مقام کٹیا اور اکیڈمی اسٹار پبلسٹک حکومت لارڈ روڈ سٹیٹ سٹریٹ اور کوویل میگزین
 کے بارے میں اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی پٹری یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر ذخیرہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانب التوا سے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا کالت نامہ لکھ دیا تاکہ سندر ہے
 المرقوم: 07 جنوری 2019

شوکت امان ولد امان اللہ سید الورمانہ
 تحصیل کٹیا ضلع کٹیا

مقام کٹیا 9
 07/01/2019
 نوٹ: اس دکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

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

Service appeal No. 18/2019
Shoukat Aman

.....Appellant

VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar & other

..... Respondents

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1.	Parawise comments	-	01-03
2.	Counter affidavit	-	04
3.	Copies of punishment orders	A to E	05-09
4.	Copy of show cause notice	F	10-11


**DISTRICT POLICE OFFICER,
KOHAT**
(Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service appeal No. 18/2019
Shoukat Aman

.....Appellant

VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar & other

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectively Sheweth:-

Parawise comments 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 appeal is bad for misjoinder and non-joinder of parties. ✓
- e. The appellant is estopped to file the instant appeal for his own act. ✓
- f. That the appellant has not approached to this Honorable Tribunal with clean hands. ✓

ON FACTS:-

1. Joining of Police department by appellant pertains to record. The remaining para is incorrect. The appellant was found an inefficient official, proceeded with departmentally on various occasions and awarded different kinds of punishments. (Copies of punishment orders are **annexure A to E**).
2. Correct as, the appellant indulged himself in extra departmental activities i.e links with criminals, narcotics sellers, POs etc. Therefore, the appellant was served with show cause notice under rule 5(3) of Khyber Pakhtunkhwa, Police Rules (Amended-2014) 1975. The reply to the show cause notice was found unsatisfactory. (Copy of show cause notice is **annexure F**).

3. Reply of appellant on the show cause notice was found unsatisfactory. Therefore, the appellant was heard in person by respondent No. 3 in the orderly room held on 02.11.2018. The appellant was apprised on the charge/ allegations, but the appellant failed to advance any plausible explanation.
4. The departmental appeal of the appellant was processed by respondent No. 2. The appellant was heard in person by respondent No. 2, but failed to advance any plausible explanation. Therefore, his departmental appeal being devoid of merits was correctly rejected by the respondent No. 2.

ON GROUNDS:-

- a. Incorrect, both the orders passed by respondent No. 2 and 3 are based on facts, material available on file and according to law & rules.
- b. Incorrect, the appellant was served with show cause notice under rule 5(3) of Khyber Pakhtunkhwa, Police Rules (Amended-2014) 1975.
- ✓c. Incorrect, the appellant has indifferent service record, awarded different kind of punishment on different occasions. However, the respondent No. 3 has taken a lenient view while imposing punishment on the appellant.
- d. Incorrect, as submitted in para No. b, show cause notice was served upon the appellant. The appellant was heard in person by the competent authority i.e respondent No. 3 and departmental appellate authority respondent No. 2. The appellant was afforded opportunity to defend himself during hearing, but failed to defend himself.
- e. Irrelevant, hence no comments.
- f. Incorrect, a legal and speaking punishment order was passed by the respondent No. 3 in accordance with rules ibid.
- g. Incorrect, the appellant was treated in accordance with law & rules.
- h. Incorrect.
- i. ✓ Incorrect, the appellant was heard in person by respondent No. 2 & 3, on 02.11.2018 and 26.12.2018 respectively.
- j. Incorrect, the departmental proceedings were conducted against the appellant in accordance with law & rules.
- k. Incorrect, the impugned order is based on facts.
- l. Under the Khyber Pakhtunkhwa, Police Rules (Amended-2014) 1975, final show cause notice is not mandatory.
- m. The progress report annexed by the appellant with his appeal is not concerned with the charge proved against the appellant. Furthermore, the so called progress is only eyewash.

- n. Incorrect, the appellant has blemished / indifferent service record. The appellant was previously awarded different kind of punishments on his misconduct established against him, but he did not improve his conduct.
- o. Incorrect, the appellant was dealt with departmentally in accordance with existing rules.

In view of the above, it is submitted that the appeal is devoid of merits/ facts may graciously be dismissed please.

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

Govt of Khyber Pakhtunkhwa,
through Chief Secretary, Home &
TAs Department
(Respondent No. 4)

District Police Officer,
Kohat
(Respondent No. 3)

Regional Police Officer,
Kohat
(Respondent No. 2)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service appeal No. 18/2019
Shoukat Aman

.....Appellant


VERSUS

Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar & other

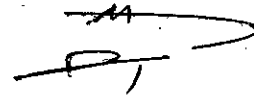
..... Respondents

COUNTER AFFIDAVIT

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



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



Govt of Khyber Pakhtunkhwa,
through Chief Secretary, Home &
TAs Department
(Respondent No. 4)



District Police Officer,
Kohat
(Respondent No. 3)



Regional Police Officer,
Kohat
(Respondent No. 2)

ORDER

Annex A

This Order is passed on the departmental enquiry against HC Shaukat Aman No. 448 (suspended) Police Lines Karak leading to the present departmental proceedings are as follows:-

Being responsible Police Official, cultivated relation with the following POs, gamblers and provided them secret information regarding police raids planning

1. PO Amir Aziz s/o Aziz Ur Rehman r/o Teri.
2. PO Asif zada s/o Mamoon Zada r/o Teri.
3. PO Mujahid Aziz s/o Aziz Ur Rehman r/o Teri.

All wanted in Case FIR No.38 dated 17.03.2014 u/s 302/34 PPC PS Teri, (2) FIR No.216, dated 01.11.2013 u/s 324/34PPC Ps Teri, and (3) FIR No.226, dated 17.11.2013 u/s 4, 5, 6 gambling act PS Teri.

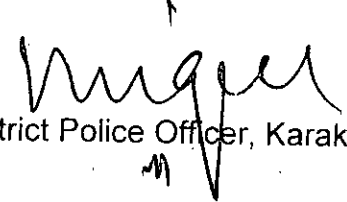
Charge Sheet and Statement of allegation based on above allegations were served upon the HC Shaukat Aman No. 448. Mr. Muhammad Nadeem Siddiqui, DSP HQ's Karak was appointed as Enquiry Officer to scrutinize the conduct of the said HC with reference to the charges leveled against him.

In the meantime Mr. Muhammad Nadeem Siddiqui, DSP HQ's Karak was transferred to FRP D.I. Khan. Mr. Gul Jamal Khan, DSP Takht-e-Nasrati has finalized the enquiry proceedings.

The Enquiry Officer conducted departmental enquiry and reported that after the perusal of record he reach to the conclusion that the allegation leveled against the accused official has not been proved. Because the accused official was charge sheeted on the allegation leveled in the interrogation report while accused Amir Aziz negated the said interrogation report. Furthermore, the accused official was posted as DFC in Police Station Teri w.e from 12.08.2011 to 12.01.2012. While accuseds Amir Aziz and etc charged in the above case on 01.11.2013. The official was discharging duty as AMTO in Police Lines Karak. Therefore, the allegation is proved to be baseless and have no footing to standupon.

In view of the position explained above, finding report of Enquiry Officer, perusal of record and adopted all codal formalities he is warned to be careful and loyal to the force in future. He is reinstated in service from the date of suspension.

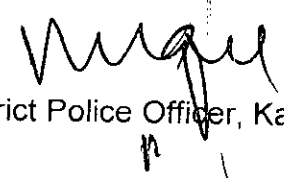
OB No. 840
Dated 13/10/2014


District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER, KARAK

No. 123 /EC (Enquiry), dated Karak the 13/10 /2014

Copy of above is submitted to the Dy: Inspector General of Police, Kohat Region, Kohat for favour of information, please.


District Police Officer, Karak

ORDER

Armpar = "B"

My this Order will disposed off the departmental enquiry HC Shaukat Aman No. 448 the then MHC PS Teri of this district Police.

Facts are that HC Shoukat Aman No.448, while posted as Moharrar PS Teri has demanded illegal gratification from the accused party namely Adnan s/o Usman r/o Darsamand Distt: Hangu, involved in case vide FIR No. 155 u/s 9CNSA PS Teri. In this case huge quantity of Charas was recovered from secret cavity of Motorcar No. MAR 082. Accused recorded his telephonic conversation and later on passed to high-ups. This shows his corrupt activities and malpractices.

He was issued Charge Sheet and Statement of allegation based on above allegations. Mr. Muhammad Ashraf, SDPO, Banda Daud Shah was appointed as Enquiry Officer to conduct proper departmental enquiry against him and to submit his findings in the stipulated period.

From the perusal of findings of Enquiry Officer, it revealed that the allegations against the defaulter HC has based on facts because he demanded illegal gratification from the accused party for himself and other senior officers as cleared from the MMC recording, attached with the enquiry file. The E.O also recommended the defaulter HC for major punishment being found guilty in the charges.

He was served with final show Cause Notice, in response to the Final Show Cause Notice, the accused HC submitted his reply, placed on file.

He was called and heard in person in the Orderly Room held in this office. He could not produce any cogent reasons in his defense. Keeping in view of the available record and facts on file, he is found guilty. Therefore, he is awarded punishment of reduction of service to "time scale" for a period of two (02) years with immediate effect.

OB No. 478
Dated 18/12/2015


District Police Officer, Karak

Aman "C"

POLICE DEPTT:

DISTRICT KOHAT

ORDER

The following police officers/official of this district police are hereby suspended due to their association with the criminals/POs with immediate effect.

1. ASI Hakeem Khan Incharge PP Mills area
2. HC Shoukat Aman (Jungle Khel) 734
3. Constable/DFC Shehzad No. 893
4. Constable/MM Sajawal No. 1301
5. Constable/MM Amir No. 1117

OB No. 1049

Date 18-10/2018

**DISTRICT POLICE OFFICER,
KOHAT**

No 2395-49 / PA dated Kohat the 18-10 2018.

Copy of above is submitted to the Regional Police Officer, Kohat for favour of information please.

2. PA initiate departmental enquiry against the above named police contingents
3. Reader/SRC for necessary action.
4. Line Officer, Police Lines Kohat to ensure their presence in Police Lines round the clock.

19-10 /
18-10 /

**DISTRICT POLICE OFFICER,
KOHAT**



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

ORDER

This order is passed on the departmental enquiry against HC Shoukat Aman No. 734 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that the accused official has links with criminals, narcotics sellers POs and rendered undue favour to the criminals for his personal gain and he has indulged in extra departmental activities and ill reputed.

He was served with Show Cause Notice, reply of the Show Cause Notice was received and found unsatisfactory. He was called in OR and heard in person on 02.11.2018, but failed to explain his position.

His service record was requisition and gone through which indicates that the accused official has bad reputation, earned bad entries. He, while posted at district Karak was awarded a major punishment of time scale for 02 years, for demand of illegal gratification from a narcotic accused. He was transferred from Karak district on complaint basis i.e involvement in malpractices.

In view of above I, Capt ® Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, a major punishment of **reduction from the rank of Head Constable to Constable** is hereby imposed upon the HC Shoukat Aman No. 734 with immediate effect. He is placed under observation for 03 months.

Announced

02.11.2018

DISTRICT POLICE OFFICER,
KOHAT 02/11

OB No. 1139
Date 07-11 /2018

No 10528-31/PA dated Kohat the 07-11 2018.

Copy of above to the:

1. SP Operations Kohat is directed to keep watch on the official and submit report.
2. R.I/Reader/Pay officer/SRC/OHC for necessary action.



Amour : E

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

ORDER

734 This order is passed on the departmental enquiry against Constable Shoukat Aman (The then HC / Moharir PS Jungle Khel) of this district Police under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that he made telephonic conversation with one Adil Sardar and demanded illegal gratification from in-connection with case FIR No. 866 and 868 dated 24.10.2018 U/Ss 212 PPC PS Jungle Khel.

That his conversation recorded by one Adil s/o Said Ghulam Sardar r/o Garhi Banoryan wherein, he made demand of illegal gratification. That he has received Rs. 30,000/- from complainant as illegal gratification and he has admitted the conversation with Adil during the preliminary enquiry conducted by SP Investigation Wing Kohat. That the allegations leveled against have been established in preliminary enquiry.

He was served with Charge Sheet & Statement of Allegations DSP Lachi Kohat, was appointed as enquiry officer to proceed against him departmentally. Enquiry officer submitted his finding report and found him guilty of the charges leveled against him. He was called in OR and heard in person on 29.11.2018, but failed to explain his position.

In view of above I, Capt @ Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a minor punishment of forfeiture of two years approved service.

Announced

29.11.2018

DISTRICT POLICE OFFICER,
KOHAT

OB No. 1316
Date 03-12 /2018

No 12710-14 /PA dated Kohat the 03-12 2018.

Copy of above to the:

1. Regional Police Officer, Kohat w/r to his office letter Nos. 10617/EC dated 05.10.2018 & No. 12094/EC dated 05.11.2018 for favour of information please.
2. District Police Officer, Karak for information & necessary action.
3. R.I/Reader/SRC/OHC for necessary action.

DISTRICT POLICE OFFICER,
KOHAT

Je

Aman F.

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

SHOW CAUSE NOTICE

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

1. That You **HC Shoukat Aman No. 734 the then Moharir PS J/Khel** have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct as under:
 - i. ***You have links with criminals, narcotics sellers POs and render undue favour to the criminals for your personal gain.***
 - ii. ***You have indulged in extra departmental activities and ill-reputed.***
2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer:
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good Police officers.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

No. 9868 / PA

Dated 19-10 / 2018


DISTRICT POLICE OFFICER,
KOHAT *AMAN F.*

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

GROUND OF ACTION

That You **HC Shoukat Aman No. 734 the then Moharir PS J/Khel** committed following misconducts:-

- i. ***You have links with criminals, narcotics sellers POs and render undue favour to the criminals for your personal gain.***
- ii. ***You have indulged in extra departmental activities and ill-reputed.***

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


**DISTRICT POLICE OFFICER,
KOHAT** *BSI BPA*

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 18/2019

Shoukat Aman Appellant

Versus

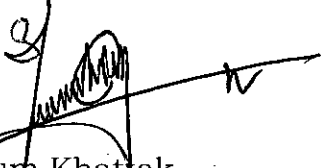
Provincial Police Officer and others.....Respondents

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Appellant

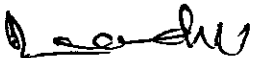
Through


Shahid Qayum Khattak
Advocate, Supreme Court
Mob No. 0333-9195776

Dated: 10/06/2019

put up to the court with
relevant appeal.


16/19.



①



BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 18/2019

Shoukat Aman..... Appellant

Versus

Provincial Police Officer and others..... Respondents

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;

Preliminary objection

That the reply/para-wise comment has not been competently filed and nor any affidavit has been filed in accordance with law nor the same has been properly attested, hence the same has no value in the eyes of law.

Rejoinder to Preliminary objection

Preliminary objection raised by respondents are erroneous, frivolous, based on male fide intention and having no factual and legal backing. Respondents have failed to explain why the appellant has no cause of action; when he has been awarded punishment and filing appeal is his substantive right and he has aggrieved party hence filed this appeal; how the appeal is not maintainable in the present form; who are the other necessary parties to the appeal; how the appellant has been estopped to filed the instant appeal; that what material fact has been concealed by the appellant from this Hon'ble Tribunal. No plausible explanation has been given by the respondents. No specific and due objection regarding the controversial question of facts and law involved in the instant service appeal has provided, therefore, appellant is unable to submit proper rejoinder to the preliminary objection raised by the respondents.

Rejoinder to Facts of Reply/ Parawise comments

1. In response to Para No. 1 and 2 of the reply / parawise comments it is submitted that order dated 13/10/2014 attached by respondent as Annexure "A" Clearly shows that allegation were not proved against appellant that is why has has been reinstated in service from the date of suspension. Order dated 18/12/2015 attached as Annexure "B" has been set aside by the worthy Regional Police Officer vide order dated 16/03/2016 (copy attached as Annexure "A"). Documents attached by respondents as

Annexure "C" and "D" are regarding the present case. Whereas against order dated 29/11/2018 departmental appeal has already been filed (Copy attached as Annexure "B". Furthermore each case has its own merit and the same can not be made as ground for punishment. Furthermore the documents produced by respondents clearly show their mala fide against appellant. Furthermore the reply to the show cause notice has not been taken into consideration all by the respondents.

2. In response to para No. 3 & 4 it is submitted that proper procedure for enquiry proceeding has not been adopted nor the appellant has been provided proper opportunity of hearing nor the allegation has been proved through reliable source. Similarly appellant proper procedure for disposal of appeal has not been adopted by respondent No. 2 envisages in the N.W.F.P Civil Servants (Appeal) Rules, 1986. Hence, appellant left with no other option but to filed the present appeal.

Rejoinder to the Grounds of Reply/ Parawise comments

- a) Para No. a- c of the reply / parawise comments are incorrect and that of memo of appeal are correct. Both the orders are illegal, unlawful, without authority, based on mala fide, void abinitio. The appellant has been proceeded with the rules and regulation which are not applicable to him nor proper procedure has been adopted by the respondents to determine the guilt of appellant. No evidence whatsoever has been procured against appellant.
- b) Para No. d- h of the reply / parawise comments are incorrect hence denied. Detail given in the memo of appeal is correct the same has not been properly replied. The appellant has been victimized without proving any guilt against him. Under the law in opportunity of cross examination of witnesses is the unalienable right of appellant but no opportunity of hearing has been provided to him, nor any statement recorded in his presence. The penalty imposed on appellant is only on the basis of surmises and conjunctures without taking into consideration the documents and evidence provided by the appellant. The stance forwarded by the appellant has not been taken into consideration. Whether a person can be penalized only on here say evidence and whether this important aspect of the case has been considered by the respondent while awarding punishment to appellant. No evidence whatsoever has been attached against the appellant with the

3

Parawise Comments, which speaks about the veracity of the accusation.

c) Para No. i- n of the reply / parawise comments are incorrect hence denied. No proper procedure of enquiry or awarding of punishment has been adopted by the respondent. No proper opportunity of hearing has been provided by the respondent to appellant. The appellant being Civil Servant has wrongly been proceeded with. It is the ultimate purpose of law and rights guaranteed by the Constitution that no body has to be condemned unheard but here the basic right of the appellant has been violated and he has been condemned unheard, hence both the orders are liable to be set aside in the best interest. The Learned respondent No. 2 has not adopted proper procedure as mentioned in the N.W.F.P Civil Servants (Appeal) Rules, 1986. The question arises that whether there is any evidence regarding the allegation leveled against appellant and whether the punishment awarded to appellant being a civil servant is in accordance with law, rule and regulation. The procedure adopted by the respondents clearly show male fide intention, discrimination and undue victimization of the appellant and the appellant approaches this Hon'ble Tribunal being the final and highest forum of appeal. It is further submitted that rules and regulation has been violated by the respondents in awarding punishment to appellant.

It is therefore, most humbly prayed that by accepting this rejoinder and the ground of main appeal the order of respondents may please be set aside.


Appellant

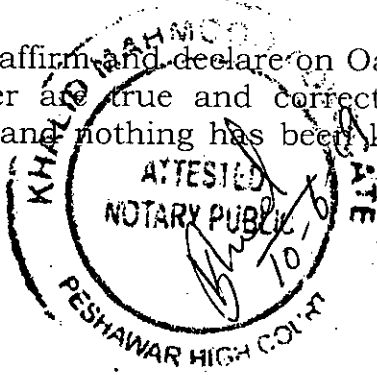
Through


Shahid Qayyum Khattak
Advocate, Supreme Court

Dated: 10/06/2019

Affidavit

I, do hereby solemnly affirm and declare on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.




Defendant

④

1337
21-3-16

ORDER.

This order is proposed to dispose of a departmental appeal, filed by HC Shoukat Aman of Karak district Police, the then MHC PS Teri Karak (hereinafter called appellant) against the punishment order of Time-Scale for the period of two years passed by DPO Karak vide OB No. 476 dated 17.12.2015. The appellant seeks to set-aside the punishment order and to restore his original position.

Facts are that the appellant while posted as Moharrir PS Teri demanded illegal gratification from the accused party namely Adnan s/o Usman r/o Darsamand district Hangu involved in case FIR No. 155 u/s 9-CNSA PS Teri. In this case, huge quantity of Charas was recovered from secret cavity of Motorcar No. MAR-082. Accused recorded his telephonic conversation and later on passed to high ups. This show of his malpractices and amounts to gross misconduct.

To this effect, he was dealt with departmentally, Charge sheet & statement of allegations was issued to him under Police Rules 1975 by the competent authority (DPO Karak). His conduct was also examined through SDPO/B.D.Shah Karak as enquiry officer and was found guilty of the charges leveled against him and was recommended for major punishment. After completion of departmental proceedings, he was awarded punishment of Time-Scale for the period of two years.

Feeling aggrieved from the said punishment, he preferred the instant appeal. Record requisitioned and perused. The appellant was heard in person in orderly room on 20.01.2016, cross queries were asked to him regarding misconduct, but he could not satisfy the undersigned. In order to ensure justice, the same enquiry was entrusted to I/C: Rescue-15 for denove enquiry, who vide his findings report stated that the accused Adnan Khan himself admitted that appellant demanded nothing from him. Charges of demanding illegal gratification is without cogent evidence and could not prove.

Record gone through which indicates that the appellant has not demanded anything illegal from the accused as illegal gratification as the same has also not been proved in denove enquiry. Therefore, on acceptance of his appeal, the punishment order passed by DPO Karak is hereby **set-aside**.

Order Announced
16.03.2016

SRG/CH/16
for 21/03/16

Distt. Police Officer
Karak 21/03/16

(DR. ISHTIAQ AHMAD MARWAT)
Regional Police Officer,
Kohat Region.

No. 2883 /EC, dated Kohat the 16-03-2016.

Copy to the District Police Officer, Karak for information w/r to his office Memo: No. 337/LB, dated 07.01.2016. His service record is enclosed herewith.

///

5

The Regional Police, Officer,
Kohat Region, Kohat.

PROPER CHANNEL

REPRESENTATION AGAINST THE ORDER OF WORTHY
DISTRICT POLICE OFFICER KOHAT WHEREIN APPLICANT
WAS AWARDED PUNISHMENT OF FORFEITURE OF TWO
YEARS SERVICE VIDE OB NO. 1316 DATED 13.12.18

To

Sir,

The applicant submits the instant representation on the following facts and grounds.

Applicant was posted as Moharror PS Jangle^{Khel} Kohat and was performing his duty with great zeal and spirit.

That on 24.08.2018, raid was conducted on the suspected abode of absconders namely Noor Wahab, and Nawab Ss/o Rais Khan r/o Afghan Refugee Camp No. 02, involved in case FIR No.861 dated 23.08.2018 u/s. 302,324,34 PPC PS Jangle Khel under the command of SHO of Police station Jungle Khel.

3. The accused involved in the above referred case were not arrested, however, cases vide FIR No. 866,867,868 dated 24.08.2018 was registered against the accused namely Shoukat & Sadakat Ss/o Badshah and Jehangir s/o Khan Agha of the same village on the charges of harboring to the accused named above.

4. That Adil Sardar visited Police station Jangle Khel soon after the registration of above referred cases and desired to meet with SHO.

5. That SHO was busy in other official work of Police station, therefore I asked him in extremely polite language for wait a bit.

6. That the said Adil Sardar was become furious on my this simple word and was returned from PS and grumbling that he (complainant) will complain against SHO before your highups.

7. That after about half a day, complainant contacted me on phone that he is going to lodge complaint against SHO, because he has disgraced me and demanded illegal money from me, despite the facts that SHO was not met with him nor made any telephonic contact with him.

8. That applicant requested the said Adil Sardar to visit Police station, your problem will be resolved through legally and amicably.

9. That the said Adil Sardar complained to highups and manipulated the story.

10. That applicant was charge sheeted on the above score of allegation that you made telephonic conversation with one Adil Sardar and demanded illegal gratification from him.

11. That applicant has submitted plausible reply in response to the charge sheet.

12. That on 29.11.2018, the impugned order was announced where in the learned DPO Kohat has awarded applicant with punishment of forfeiture of two years approved service vide above referred OB. Hence, this representation is submitted on the following grounds:-

GROUND

a. That learned District Police officer, Kohat issued the order without adopting codel formalities. Furthermore, final show notice was not issued. Similarly, proper inquiry was not conducted.

b. That enquiry officer was unable to properly evaluate the charges leveled against applicant.

5

To

The Regional Police, Officer,
Kohat Region, Kohat.

Through:

PROPER CHANNEL

Subject:-

REPRESENTATION AGAINST THE ORDER OF WORTHY
DISTRICT POLICE OFFICER KOHAT WHEREIN APPLICANT
WAS AWARDED PUNISHMENT OF FORFEITURE OF TWO
YEARS SERVICE VIDE OB NO. 1316 DATED 13.12.18

Respected Sir,

The applicant submits the instant representation on the following facts and grounds.

FACTS.

1. Applicant was posted as Moharror PS Jangle^{Khel} Kohat and was performing his duty with great zeal and spirit.
2. That on 24.08.2018, raid was conducted on the suspected abode of absconders namely Noor Wahab, and Nawab Ss/o Rais Khan r/o Afghan Refugee Camp No. 02, involved in case FIR No.861 dated 23.08.2018 u/s. 302,324,34 PPC PS Jangle Khel under the command of SHO of Police station Jungle Khel.
3. The accused involved in the above referred case were not arrested, however, cases vide FIR No. 866,867,868 dated 24.08.2018 was registered against the accused namely Shoukat & Sadakat Ss/o Badshah and Jehangir s/o Khan Agha of the same village on the charges of harboring to the accused named above.
4. That Adil Sardar visited Police station Jangle Khel soon after the registration of above referred cases and desired to meet with SHO.
5. That SHO was busy in other official work of Police station, therefore I asked him in extremely polite language for wait a bit.
6. That the said Adil Sardar was become furious on my this simple word and was returned from PS and grumbling that he (complainant) will complain against SHO before your highups.
7. That after about half a day, complainant contacted me on phone that he is going to lodge complaint against SHO, because he has disgraced me and demanded illegal money from me, despite the facts that SHO was not met with him nor made any telephonic contact with him.
8. That applicant requested the said Adil Sardar to visit Police station, your problem will be resolved through legally and amicably.
9. That the said Adil Sardar complained to highups and manipulated the story.
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11. That applicant has submitted plausible reply in response to the charge sheet.
12. That on 29.11.2018, the impugned order was announced where in the learned DPO Kohat has awarded applicant with punishment of forfeiture of two years approved service vide above referred OB. Hence, this representation is submitted on the following grounds:-

GROUNDS

- a. That learned District Police officer, Kohat issued the order without adopting codel formalities. Furthermore, final show notice was not issued. Similarly, proper inquiry was not conducted.
- b. That enquiry officer was unable to properly evaluate the charges leveled against applicant.

6

- c. That punishment awarded to applicant is based on conjunctures and surmises. No solid evidence was brought on file.
- d. That harsh punishment was awarded not commensurate with the charges leveled against applicant.
- e. That the applicant is graduate constable and the punishment will badly affect the brilliant future of the applicant.
- f. That no proper chance of personal hearing was provided to the applicant.

In view of the above facts and grounds, it is humbly requested that impugned order issued vide above quoted reference may please be set aside. The service of applicant may be restored by accepting the instant representation.

Thanks

Yours faithfully,

(Shoukat Aman)

Constable No. 734

24-12-18

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 18/2019


Shoukat Aman Appellant

Versus


Provincial Police Officer and others..... Respondents

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Appellant

Through


Shahid Qayum Khattak
Advocate, Supreme Court
Mob.No. 0333-9195776

Dated: 10 /06/2019

①

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 18/2019

Shoukat Aman..... Appellant

Versus

Provincial Police Officer and others..... Respondents

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;

Preliminary objection

That the reply/para-wise comment has not been competently filed and nor any affidavit has been filed in accordance with law nor the same has been properly attested, hence the same has no value in the eyes of law.

Rejoinder to Preliminary objection

Preliminary objection raised by respondents are erroneous, frivolous, based on male fide intention and having no factual and legal backing. Respondents have failed to explain why the appellant has no cause of action; when he has been awarded punishment and filing appeal is his substantive right and he has aggrieved party hence filed this appeal; how the appeal is not maintainable in the present form; who are the other necessary parties to the appeal; how the appellant has been estopped to filed the instant appeal; that what material fact has been concealed by the appellant from this Hon'ble Tribunal. No plausible explanation has been given by the respondents. No specific and due objection regarding the controversial question of facts and law involved in the instant service appeal has provided, therefore, appellant is unable to submit proper rejoinder to the preliminary objection raised by the respondents.

Rejoinder to Facts of Reply/ Parawise comments

1. In response to Para No. 1 and 2 of the reply / parawise comments it is submitted that order dated 13/10/2014 attached by respondent as Annexure "A" Clearly shows that allegation were not proved against appellant that is why has has been reinstated in service from the date of suspension. Order dated 18/12/2015 attached as Annexure "B" has been set aside by the worthy **Regional Police Officer vide order dated 16/03/2016 (copy attached as Annexure "A")**. Documents attached by respondents as

Annexure "C" and "D" are regarding the present case. Whereas against order dated 29/11/2018 departmental appeal has already been filed (Copy attached as Annexure "B". Furthermore each case has its own merit and the same can not be made as ground for punishment. Furthermore the documents produced by respondents clearly show their mala fide against appellant. Furthermore the reply to the show cause notice has not been taken into consideration all by the respondents.

2. In response to para No. 3 & 4 it is submitted that proper procedure for enquiry proceeding has not been adopted nor the appellant has been provided proper opportunity of hearing nor the allegation has been proved through reliable source. Similarly appellant proper procedure for disposal of appeal has not been adopted by respondent No. 2 envisages in the N.W.F.P Civil Servants (Appeal) Rules, 1986. Hence, appellant left with no other option but to filed the present appeal.

Rejoinder to the Grounds of Reply/ Parawise comments

- a) Para No. a- c of the reply / parawise comments are incorrect and that of memo of appeal are correct. Both the orders are illegal, unlawful, without authority, based on mala fide, void abinitio. The appellant has been proceeded with the rules and regulation which are not applicable to him nor proper procedure has been adopted by the respondents to determine the guilt of appellant. No evidence whatsoever has been procured against appellant.
- b) Para No. d- h of the reply / parawise comments are incorrect hence denied. Detail given in the memo of appeal is correct the same has not been properly replied. The appellant has been victimized without proving any guilt against him. Under the law in opportunity of cross examination of witnesses is the unalienable right of appellant but no opportunity of hearing has been provided to him, nor any statement recorded in his presence. The penalty imposed on appellant is only on the basis of surmises and conjunctures without taking into consideration the documents and evidence provided by the appellant. The stance forwarded by the appellant has not been taken into consideration. Whether a person can be penalized only on here say evidence and whether this important aspect of the case has been considered by the respondent while awarding punishment to appellant. No evidence whatsoever has been attached against the appellant with the

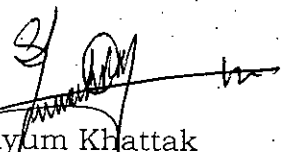
Parawise Comments, which speaks about the veracity of the accusation.

c) Para No. i- n of the reply / parawise comments are incorrect hence denied. No proper procedure of enquiry or awarding of punishment has been adopted by the respondent. No proper opportunity of hearing has been provided by the respondent to appellant. The appellant being Civil Servant has wrongly been proceeded with. It is the ultimate purpose of law and rights guaranteed by the Constitution that no body has to be condemned unheard but here the basic right of the appellant has been violated and he has been condemned unheard, hence both the orders are liable to be set aside in the best interest. The Learned respondent No. 2 has not adopted proper procedure as mentioned in the N.W.F.P Civil Servants (Appeal) Rules, 1986. The question arises that whether there is any evidence regarding the allegation leveled against appellant and whether the punishment awarded to appellant being a civil servant is in accordance with law, rule and regulation. The procedure adopted by the respondents clearly show male fide intention, discrimination and undue victimization of the appellant and the appellant approaches this Hon'ble Tribunal being the final and highest forum of appeal. It is further submitted that rules and regulation has been violated by the respondents in awarding punishment to appellant.

It is therefore, most humbly prayed that by accepting this rejoinder and the ground of main appeal the order of respondents may please be set aside.


Appellant

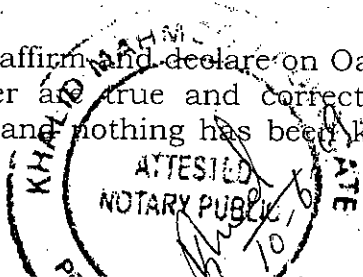
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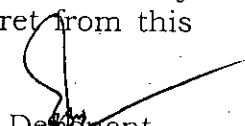

Shahid Qayum Khattak
Advocate, Supreme Court

Dated: 10/06/2019

Affidavit

I, do hereby solemnly affirm and declare on Oath that the contents of the above rejoinder are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.




Deponent

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1337

21-3-16

ORDER.

This order is proposed to dispose of a departmental appeal, filed by HC Shoukat Aman of Karak district Police, the then MHC PS Teri Karak (hereinafter called appellant) against the punishment order of Time-Scale for the period of two years passed by DPO Karak vide OB No. 476 dated 17.12.2015. The appellant seeks to set-aside the punishment order and to restore his original position.

Facts are that the appellant while posted as Moharrir PS Teri demanded illegal gratification from the accused party namely Adnan s/o Usman r/o Darsamand district Hangu involved in case FIR No. 155 u/s 9-CNSA PS Teri. In this case, huge quantity of Charas was recovered from secret cavity of Motorcar No. MAR-082. Accused recorded his telephonic conversation and later on passed to high ups. This show of his malpractices and amounts to gross misconduct.

To this effect, he was dealt with departmentally, Charge sheet & statement of allegations was issued to him under Police Rules 1975 by the competent authority (DPO Karak). His conduct was also examined through SDPO/B.D.Shah Karak as enquiry officer and was found guilty of the charges leveled against him and was recommended for major punishment. After completion of departmental proceedings, he was awarded punishment of Time-Scale for the period of two years.

Feeling aggrieved from the said punishment, he preferred the instant appeal. Record requisitioned and perused. The appellant was heard in person in orderly room on 20.01.2016, cross queries were asked to him regarding misconduct, but he could not satisfy the undersigned. In order to ensure justice, the same enquiry was entrusted to I/C: Rescue-15 for denove enquiry, who vide his findings report stated that the accused Adnan Khan himself admitted that appellant demanded nothing from him. Charges of demanding illegal gratification is without cogent evidence and could not prove.

Record gone through which indicates that the appellant has not demanded anything illegal from the accused as illegal gratification as the same has also not been proved in denove enquiry. Therefore, on acceptance of his appeal, the punishment order passed by DPO Karak is hereby set-aside.

Order Announced

16.03.2016

SRG/10/12/16
600 901/2016

Dist. Police Officer
Karak 21/2016

No. 9883 /EC, dated Kohat the 16-03-2016.

(DR. ISHTIAQ AHMAD MARWAT)
Regional Police Officer,
Kohat Region.

Copy to the District Police Officer, Karak for information w/r to his office Memo: No. 337/LB, dated 07.01.2016. His service record is enclosed herewith.

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To

The Regional Police, Officer,
Kohat Region, Kohat.

Through:

PROPER CHANNEL

Subject:-

REPRESENTATION AGAINST THE ORDER OF WORTHY
DISTRICT POLICE OFFICER KOHAT WHEREIN APPLICANT
WAS AWARDED PUNISHMENT OF FORFEITURE OF TWO
YEARS SERVICE VIDE OB NO. 1316 DATED 13.12.18

Respected Sir,

The applicant submits the instant representation on the following facts and grounds.

FACTS.

1. Applicant was posted as Moharror PS Jangle^{Khel} Kohat and was performing his duty with great zeal and spirit.
2. That on 24.08.2018, raid was conducted on the suspected abode of absconders namely Noor Wahab, and Nawab Ss/o Rais Khan r/o Afghan Refugee Camp No. 02, involved in case FIR No.861 dated 23.08.2018 u/s 302,324,34 PPC PS Jangle Khel under the command of SHO of Police station Jungle Khel.
3. The accused involved in the above referred case were not arrested, however, cases vide FIR No. 866,867,868 dated 24.08.2018 was registered against the accused namely Shoukat & Sadakat Ss/o Badshah and Jehangir s/o Khan Agha of the same village on the charges of harboring to the accused named above.
4. That Adil Sardar visited Police station Jangle Khel soon after the registration of above referred cases and desired to meet with SHO.
5. That SHO was busy in other official work of Police station, therefore I asked him in extremely polite language for wait a bit.
6. That the said Adil Sardar was become furious on my this simple word and was returned from PS and grumbling that he (complainant) will complain against SHO before your highups.
7. That after about half a day, complainant contacted me on phone that he is going to lodge complaint against SHO, because he has disgraced me and demanded illegal money from me, despite the facts that SHO was not met with him nor made any telephonic contact with him.
8. That applicant requested the said Adil Sardar to visit Police station, your problem will be resolved through legally and amicably.
9. That the said Adil Sardar complained to highups and manipulated the story.
10. That applicant was charge sheeted on the above score of allegation that you made telephonic conversation with one Adil Sardar and demanded illegal gratification from him.
11. That applicant has submitted plausible reply in response to the charge sheet.
12. That on 29.11.2018, the impugned order was announced where in the learned DPO Kohat has awarded applicant with punishment of forfeiture of two years approved service vide above referred OB. Hence, this representation is submitted on the following grounds:-

GROUND

- a. That learned District Police officer, Kohat issued the order without adopting codel formalities. Furthermore, final show notice was not issued. Similarly, proper inquiry was not conducted.
- b. That enquiry officer was unable to properly evaluate the charges leveled against applicant.

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- c. That punishment awarded to applicant is based on conjunctures and surmises. No solid evidence was brought on file.
- d. That harsh punishment was awarded not commensurate with the charges leveled against applicant.
- e. That the applicant is graduate constable and the punishment will badly affect the brilliant future of the applicant.
- f. That no proper chance of personal hearing was provided to the applicant.

In view of the above facts and grounds, it is humbly requested that impugned order issued vide above quoted reference may please be set aside. The service of applicant may be restored by accepting the instant representation.

Thanks

Yours faithfully,

(Shoukat Aman)

Constable No. 734

24-12-18



**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**

Tel: 0922-9260116 Fax 9260125

ORDER

734 This order is passed on the departmental enquiry against Constable Shoukat Aman (The then HC / Moharir PS Jungle Khel) of this district Police under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that he made telephonic conversation with one Adil Sardar and demanded illegal gratification from in-connection with case FIR No. 866 and 868 dated 24.10.2018 U/Ss 212 PPC PS Jungle Khel.

That his conversation recorded by one Adil s/o Said Ghulam Sardar r/o Garhi Banoryan wherein, he made demand of illegal gratification. That he has received Rs. 30,000/- from complainant as illegal gratification and he has admitted the conversation with Adil during the preliminary enquiry conducted by SP Investigation Wing Kohat. That the allegations leveled against have been established in preliminary enquiry.

He was served with Charge Sheet & Statement of Allegations DSP Lachi Kohat, was appointed as enquiry officer to proceed against him departmentally. Enquiry officer submitted his finding report and found him guilty of the charges leveled against him. He was called in OR and heard in person on 29.11.2018, but failed to explain his position.

In view of above I, Capt ® Wahid Mehmood, District Police Officer, Kohat in exercise of the powers conferred upon me, award him a minor punishment of forfeiture of two years approved service.

Announced

29.11.2018

DISTRICT POLICE OFFICER,
KOHAT

OB No. 1316
Date 03-12 /2018

No 12710-14 /PA dated Kohat the 03-12 2018.

Copy of above to the:

1. Regional Police Officer, Kohat w/r to his office letter Nos. 10617/EC dated 05.10.2018 & No. 12094/EC dated 05.11.2018 for favour of information please.
2. District Police Officer, Karak for information & necessary action.
3. R./Reader/SRC/OHC for necessary action.

DISTRICT POLICE OFFICER,
KOHAT

Wahid Mehmood

Wahid Mehmood

Wahid Mehmood

Wahid Mehmood



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

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

No.193/PA

Dated:31-10-2018

Subject:

**DEPARTMENTAL ENQUIRY REPORT AGAINST IHC SHOUKAT
AMAN MOHARRAR POLICE STATION JUNGLE KHEL KOHAT**

Background

IHC Shoukat Aman, Moharar Police Station Jungle Khel was charge sheeted on the basis of following allegations:-

- i. That he made telephonic conversation with one Adil Sardar and demanded illegal gratification in connection with case FIR No. 866 and 868 dated 24.10.2018 u/s 212 PPC Police Station Jungle Khel, Kohat.
- ii. That his conversation recorded by one Adil Sardar s/o Said Ghulam Sardar r/o Garhi Banoryan wherein, he made demand of illegal gratification.
- iii. That he has received Rs. 30,000/- from complainant as illegal gratification and he has admitted the conversation with Adil Sardar during the preliminary enquiry conducted by SP/Investigation Kohat.
- iv. That the allegations leveled against him have been established in preliminary enquiry.

To scrutinize the conduct of delinquent official IHC Shoukat Aman, the undersigned was deputed as enquiry officer.

Proceedings

Charge sheet and summary of allegations were served upon the delinquent official IHC Shoukat Aman. He submitted his reply to the charge sheet within stipulated period.

After perusal of reply to the charge sheet, IHC Shoukat Aman was summoned. He was heard in person and cross examined.

Conclusion


During personal hearing in cross examination the delinquent official failed to defend himself with solid proof. Moreover, in the preliminary enquiry conducted against him is also based on fact. The demand of Rs. Rs. 30,000/- as illegal gratification is stand proved. Being a member of disciplined force his action is not tolerable.

The allegations leveled against him have been proved beyond reasonable doubt, which falls in the preview of gross misconduct.

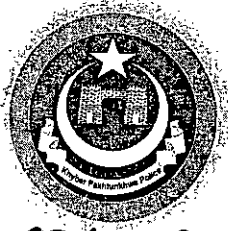
Recommendations

Keeping in view the facts and circumstances the allegations of taking Rs. 30,000/- as illegal gratification from Adil Sardar s/o Said Ghulam Sardar r/o Garhi Banoryan on the part of IHC Shoukat Aman, Moharrar Police Station Jungle Khel, Kohat has proved, therefore, he is recommended for suitable punishment under Police Rules 1975. My this enquiry report consist of two pages, bearing my signature on each page.

Enquiry report is submitted for perusal and orders, please



(Sher Afsar)
Sub-Division Officer
Lachi District Kohat



No 9349-50/PA

Office of the
District Police Officer,
Kohat

Dated 11-10-2018

CHARGE SHEET.

I, **SOHAIL KHALID, DISTRICT POLICE OFFICER, KOHAT,** as competent authority under Khyber Pakhtunkhwa Police Rules 1975 (amendments 2014) am of the opinion that you **IHC Shoukat Aman Moharir 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 you made telephonic conversation with one Adil Sardar and demanded illegal gratification from in connection with case FIR No. 866 and 868 dated 24.10.2018 U/Ss 212 PPC PS Jungle Khel
- ii. That your conversation recorded by one Adil s/o Said Ghulam Sardar r/o Garhi Banoryan wherein, you made demand of illegal gratification.
- iii. That you have received Rs. 30,000/- from complainant as illegal gratification and you have admitted the conversation with Adil during the preliminary enquiry conducted by SP Investigation Wing Kohat.
- iv. That the allegations leveled against you have been established in preliminary enquiry.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of Police Rules 1975.

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.

[Handwritten signature]
12/10/18

[Handwritten signature]

**DISTRICT POLICE OFFICER,
KOHAT**



No 9348-50/PA

Office of the
District Police Officer,
Kohat

Dated 11-10/2018

DISCIPLINARY ACTION

I, **SOHAIL KHALID, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **IHC Shoukat Aman Moharir 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 you made telephonic conversation with one Adil Sardar and demanded illegal gratification from in connection with case FIR No. 866 and 868 dated 24.10.2018 U/Ss 212 PPC PS Jungle Khel
- ii. That your conversation recorded by one Adil s/o Said Ghulam Sardar r/o Garhi Banoryan wherein, you made demand of illegal gratification.
- iii. That you have received Rs. 30,000/- from complainant as illegal gratification and you have admitted the conversation with Adil during the preliminary enquiry conducted by SP Investigation Wing Kohat.
- iv. That the allegations leveled against you have been established in preliminary enquiry.

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

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


DISTRICT POLICE OFFICER,
KOHAT 11/10/18

No. 9348-50/PA, dated 11-10/2018.

Copy of above to:-

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

.....

جواب 18

کوارٹرمینٹ چارج شیٹ نمبری 50 PA - 9349 مورخہ 10/10/18
 جاریہ جواب ڈسٹرکٹ ایس ایچ او کوہاٹ
 معروضی خدمت ہیں کہ مورخہ 24/8/18 کو جواب ملا ہے۔
 نے جرم نامہ دستاویزی نوڈ واپس، جواب پسران واپس
 آگیا تھا انھوں نے جواب نمبر 2 کوہاٹ پولیس اسٹیشن
 قندھار 861، 8/23/18 نمبر 34-324-302 PD تھا
 جنگل جیل کوہاٹ کی گرفتاری کی خاطر حسب مناسبت
 زنی کر کے حلیہ نمبر خود میں عدم موجودگی کے لئے جبکہ
 حلیہ نمبر 2 کوہاٹ واپس، صداقت ولد پارسا،
 جہانگیر ولد خان آغا ساکنان افغانستان مہاجر کیمپ نمبر 2
 جرم نامہ دستاویزی کوہاٹ دہلی کے جرم میں حلیہ نمبر
 866 - 867 - 868 مورخہ 24/8/18 حلیہ
 212 PD تھا جنگل جیل درجہ رجسٹر کے نقول

FIR لف بیان ہے۔

حلیہ عادل سردار احمد رجسٹریشن FIR کے خلاف کر کے
 جس نے طالب SHO کو کیا تو حقائق کی خواہش
 ظاہر کی۔ چونکہ SHO کو دفتر خود میں دیگر کارکنوں
 میں مدد ملتی تھی۔ یہ سب وجہ سے صدر نے حلیہ عادل سردار
 کو استیضاد کرنے کی ہدایت کی۔ جس پر مذکورہ نے
 ناواقفگی کا اظہار کیا اور کہا کہ SHO کے خلاف میں
 اور ان پالا کو قریبی حکایت کروں گا۔ اور تھانہ کے
 رخصت ہوا۔ تقریباً 2 دن گزرنے کے بعد مذکورہ نے من
 صدر کو بزرگ ہو پائل فونڈر کے بتلایا کہ SHO کے
 خلاف میں حکایت کروں گا۔ کیونکہ SHO نے
 میری بے عزتی کی ہے اور جو سے پیسوں کی ڈیمانڈ کیا
 ہے۔ حالانکہ مذکورہ کے ساتھ SHO کوہاٹ نے نہ بھی حلاق
 کی اور نہ ہی کوئی حلیہ یا راجہ کیا ہے

من محمد نے صحیحی عادل سردار کیساتھ فون پر بات
 بات ضروری ہے کہ آپ کی کچھ محفوظات SHo
 متعلق ہوں تو آپ تقاضہ تشریح لے آئیں یا میں
 خود آپ کے پاس آنے کو تیار ہوں۔ تو من کو نے
 جواباً کہا کہ نہ تو آپ محمد نے جو سے رقم لی ہے اور
 نہ ہی جو سے رقم کا مطالبہ کیا ہے۔ آپ محمد کیساتھ
 حیرانگی واسطہ نہیں ہے۔ ہر کام دف اور حرف SHo
 کے ساتھ ہے۔ ہر پاس بطور ریکارڈ ریکارڈنگ ہی
 کیجئے۔ اس پر عیاں کہ میرے خلاف خارجہ شہر
 میں لگائے گئے الزامات من گھڑت اور حقیقت کے
 بالکل برعکس ہیں۔ داخل دفتر فرمایا جاوے
 تو ہر جواب گزارش ہے

محمد
 16.10.08

XXX کس

1. عادل سردار سے آپ نے SHo کے سہیلہ رقم مبلغ 30,000 روپے لی تھا؟
- xx. نہیں میں نے کسی رقم کی رقم نہیں لی ہے
2. طاہر نواز SHo کی عادل سردار کی ڈیٹنگ کے متعلق آپ کو علم تھا؟
- xx. صحیحی عادل سردار تقاضہ اکثر ملاقات نہیں ہوئی وہ بارہ آکر SHo طاہر نواز کے ساتھ ملاقات کر کے مجھے وزیر علم نہیں ہے
3. آپ کے ان عادل سردار کے مابین وہ مابیل پر بات چیت ہوئی تھی؟
- xx. موقع کے دوپہن بعد عادل سردار نے مجھے فون کر کے یہ بتایا کہ طاہر نواز SHo نے جو سے ڈراؤں روپے کی ڈیمانڈ کی ہے اور بعد میں جو سے حاجی زلا روپے لائے اور مجھے مدت یہ آ رہی ہے۔ اس کے خلاف میں ۵ نمبر ڈکریسری شہادت کر دیا۔
4. بات چیت میں 2000 روپے مانگ کر کیا ہے؟ وہ مابیل فون پر
- xx. عادل سردار نے فون پر یہ بتایا کہ طاہر نواز SHo نے جو سے 2000 روپے مانگے
5. کیا طاہر نواز SHo نے آپ کو کہا تھا کہ عادل سردار سے رقم لے لو؟
- اور خلاف طورہ نہ کہتا ہوں، سر طاہر نواز SHo نے جو سے رقم کے متعلق مجھے نہیں

کوئٹہ پولیس (مجموعہ ضابطہ ضابطہ فوجداری) نمبر 15-1 (1)

ابتدائی اطلاعی رپورٹ

فائل

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زبردستی 152 مجموعہ ضابطہ فوجداری

حفظ قبیل

ضلع کوہستان

تھانہ

47 ✓ 866

تاریخ 24 8/18 وقت صبح 8:18

1-	تاریخ و وقت رپورٹ	24 8/18 صبح 8:15	حاکم برکٹ کی 24 8/18 صبح 8:15
2-	نام و سکونت اطلاع دہندہ مستغیث	طلبہ شاہین خان	5110
3-	مختصر کیفیت جرم (موردہ) حال اگر کچھ لیا گیا ہو۔	212	
4-	جائے وقوعہ فاصلہ تھانہ سے اور سمت	خانہ شاہین خان، چوٹی کیمپ 3	
5-	نام و سکونت ملزم	محمد امجد علی شاہ، کوہستان	
6-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	بھارتی و دیگر اداروں سے ملے جانے والے۔	
7-	تھانہ سے روانگی کی تاریخ و وقت		سپیشل 24 8/18

ابتدائی اطلاع نیچے درج کرو۔ اس وقت ایک تیزی و توجہ سے جانچ کر
 کوہستان پولیس سٹیشن کو اطلاع دی گئی اور اس کے مطابق اطلاع
 دی گئی کہ شاہین خان نے اپنے گھر کو چھوڑ کر 24 8/18 صبح 8:15
 کو اپنے گھر سے نکلا اور کوہستان پولیس سٹیشن پر پہنچ کر
 اطلاع دی کہ وہاں پر ایک شخص نے اس کے گھر میں داخل ہو کر
 اس سے اس کی شناخت کر لی اور اس سے اس کے گھر میں داخل ہو کر
 اس سے اس کی شناخت کر لی اور اس سے اس کے گھر میں داخل ہو کر
 اس سے اس کی شناخت کر لی اور اس سے اس کے گھر میں داخل ہو کر
 اس سے اس کی شناخت کر لی اور اس سے اس کے گھر میں داخل ہو کر

اسٹیبلشمنٹ
 24.8.18

یہ اطلاع نامہ
 کوہستان

تاریخ نمبر ۷۳-۱۵

ابتدائی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۳ مجموعہ ضابطہ فوجداری

چنگل خیر

ضلع

کوٹلی

تاریخ

۲۴/۵/۱۸

867

48

تاریخ وقت رپورٹ	۲۶/۵/۱۸ صبح ۱۰:۰۵ بجے
نام و سکونت اطلاع دہندہ مستفید	طلحہ نور محمد
تفصیلات جرم (محدودہ) حال اگر کچھ لیا گیا ہو	212
جائے وقوعہ فاصلہ تھانہ سے اور سمت	خانہ رام پور خانہ واقع کیمپ چوہدری
نام و سکونت ملزم	صداقت ولد مراد شاہ
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کر دینا	افغان جہاز کیمپ
تھانہ سے روانگی کی تاریخ و وقت	۲۴/۵/۱۸

ابتدائی اطلاع نیچے درج کردہ شخص کے حوالے سے ملحقہ ضابطہ فوجداری میں
 کہیں وقت ۱۱۷۵ حوالہ سے ملحقہ ضابطہ فوجداری میں اطلاع ملی کہ ملحقہ لویا پر درج
 رائیس خان کے کنوینٹ میں ملحقہ ضابطہ فوجداری میں اطلاع ملی کہ ملحقہ لویا پر درج
 کمانڈر جنرل خان خورشید میں موجود ہے اطلاع کے بعد فوراً ملحقہ ضابطہ فوجداری میں
 وقت ۱۱۷۵ لپٹی کی کئی کئی کئی لپٹی لپٹی لپٹی لپٹی لپٹی لپٹی لپٹی لپٹی لپٹی لپٹی لپٹی
 ۱۲۸ اگر تفتیش کو تیز کر کے درج کر کے ملحقہ ضابطہ فوجداری میں اطلاع ملی کہ
 کہ درج سے قبل کمانڈر جنرل خان خورشید میں موجود ہے اطلاع کے بعد فوراً ملحقہ
 ملحقہ ضابطہ فوجداری میں اطلاع ملی کہ ملحقہ ضابطہ فوجداری میں اطلاع ملی کہ
 سے بھی کمانڈر جنرل خان خورشید میں اطلاع ملی کہ ملحقہ ضابطہ فوجداری میں
 کر کے واپس بہت سے ملحقہ ضابطہ فوجداری میں اطلاع ملی کہ ملحقہ ضابطہ فوجداری
 درج کر کے ملحقہ ضابطہ فوجداری میں اطلاع ملی کہ ملحقہ ضابطہ فوجداری میں
 حوالہ سے ملحقہ ضابطہ فوجداری میں اطلاع ملی کہ ملحقہ ضابطہ فوجداری میں
 نسبت ۱۱۷۵ کے درج کر کے ملحقہ ضابطہ فوجداری میں اطلاع ملی کہ ملحقہ ضابطہ فوجداری

محمد رفیق
 24.5.18

محمد رفیق
 24.5.18

ابتدائی اسسٹن رپورٹ

فائل

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

509

جینٹل منسٹر

ضلع کونولہ

تاریخ 24 جون 2018

868

49

1-	تاریخ وقت رپورٹ 24 جون 2018	جائے وقوع کونولہ	تاریخ وقت 24 جون 2018
2-	نام و سکونت اطلاع دہندہ مستغیث	ظہیر نواز شاہ	1-410/1-6768366-1 0344-9128700
3-	مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	212	
4-	جائے وقوعہ فاصلہ تھانہ سے اور سمت	خانہ راجس خان واقع کھیر پور	
5-	نام و سکونت ملزم	مستورکت ظہیر شاہ	CQ No 889396441 0349-9859347
6-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہو تو وجہ بیان کرو	جہاں سے ملزم گرفتار ہوا وہاں سے	
7-	تھانہ سے روانگی کی تاریخ وقت	ہاسپٹل کونولہ	

ابتدائی اطلاع نیچے درج کرو۔ اس وقت ایگزیز جرنل پولیس صوبہ سرحد میں ملزم ظہیر شاہ کونولہ میں سکونت رکھتا ہے۔ اس کی شناخت اس وقت کے جینٹل منسٹر کے ذریعہ ہوئی ہے۔ ظہیر شاہ کونولہ میں سکونت رکھتا ہے اور اس کی شناخت اس وقت کے جینٹل منسٹر کے ذریعہ ہوئی ہے۔ ظہیر شاہ کونولہ میں سکونت رکھتا ہے اور اس کی شناخت اس وقت کے جینٹل منسٹر کے ذریعہ ہوئی ہے۔ ظہیر شاہ کونولہ میں سکونت رکھتا ہے اور اس کی شناخت اس وقت کے جینٹل منسٹر کے ذریعہ ہوئی ہے۔

Asi
24-6-18

مستورکت ظہیر شاہ
Asi
24-6-18

تھانہ جھل جیل

ضلع نوشہرہ

798
1-5-11
799
6-5-11

سٹیٹ بینک آف پاکستان اور اولہ حضرت علی سکندہ افغان کیمپ نمبر 3
2 سترانہ جیل اولہ لعل علی سکندہ افغان جبرائیل کیمپ نمبر 3

استفرائتہ زبرد دفعہ 107/150 صرف

جناب عالی! بحوالہ مقدمہ عدالت اعلیٰ قومیہ 83/18 جرم 334-332 جھانہ جھل جیل
میں الزام علیہ بالا مدعی فریق کے ساتھ تعلق رکھتا ہے۔ تازہ وقوعہ ہونے سے ناظرین
انڈیشہ نقص امن کارایا جا رہا ہے۔ فوری اندیشہ نقص امن کی خاطر الزام
علیہ مان بالا کو پابند ضمانت فرمایا جاوے

PS-11
29-8-18

شعبہ عدالت

جیل راجہ خان تھانہ جھل جیل

11/11

11/11

11/11

24/8

والیہ طرز، 840 سے 24/8 وقت 2355 سے 2355
سے 866 سے 23/8 سے 302.324 سے 34

302.324
34
866 سے 23/8 سے 302.324 سے 34
866 سے 23/8 سے 302.324 سے 34

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12. ...

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24/8/18



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

ORDER

The following Police official are hereby re-instated in service from the date of their suspension with immediate effect.

1. Constable Shehzad No. 893
- ✓ 2. Constable Shoukat Aman No. 734
3. Constable Muhammad Amir 1117
4. Constable Atif Naeem No. 1346
5. Constable Muhammad Raheem 15
6. Constable Sajawal Mehmood 1301

OB 1174
dt: 0.11.18

DISTRICT POLICE OFFICER,
KOHAT 2/11/18

- N/A
- 11/11/18
- 11/11/18
- 11/11/18
- 11/11/18

POLICE DEPTT:

DISTRICT KOHAT

ORDER

The following police officers/official of this district police are hereby suspended due to their association with the criminals/POs with immediate effect.

1. ASI Hakeem Khan Incharge PP Mills area
2. HC Shoukat Aman (Jungle Khel) 734
3. Constable/DFC Shehzad No. 893
4. Constable/MM Sajawal No. 1301
5. Constable/MM Amir No. 1117

OB No. 1049
Date 18-10/2018


**DISTRICT POLICE OFFICER,
KOHAT**

No. 23018-49 / PA dated Kohat the 18-10 2018.

Copy of above is submitted to the Regional Police Officer, Kohat for favour of information please.

2. PA initiate departmental enquiry against the above named police contingents
3. Reader/SRC for necessary action.
4. Line Officer, Police Lines Kohat to ensure their presence in Police Lines round the clock.


**DISTRICT POLICE OFFICER,
KOHAT**

19-10 / 1
18-10 / 2

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پولیس لائن

تفویہ 36 روزہ 17/18/10

مر 36 حامزی شوکت اعوان 734/HC مورن 17/18/10 وقت 19:00 کے دور
میں سے بحکم ضابطہ DPO صاحبی گمانہ منتقل
ہیلے سے منتقل لائن قائم آ گیا۔

ضابطہ عالی!

تقل عطا لیا گیا ہے

Mub

mm-line. KT

17-10-18

تذکرہ سید محمد رفیع کوٹلی
سید رفیع کوٹلی 7/15
سید رفیع کوٹلی 7/18

سید رفیع کوٹلی 7/18
سید رفیع کوٹلی

7/18

734

Sd,
Faisalabad

2
SHO. PS. JK

09-04-2018

Sd,
Faisalabad

126

Sub Divisional Police Office
HQrs: Kohat

09-04-2018

16/04/18

ground. To
 Findings on
 specifications and
 assumptions -
 no opportunity
 of (loss) - was
 provided, and
 my own was
 opposed against
 opponents

جو دہریہ ہے اس کے
 - سب سے پہلے
 Page 7
 previous history
 of opponent
 relevant
 - اس کے لئے
 fact admitted
 need not be
 proven.

At A
 8-12-2020
 11-10-2020 date of
 charge sheet
 - substance of charge
 sheet accompanied,
 - جو اس میں لکھا ہے وہ
 اس میں ہے، اس میں
 اس میں ہے، اس میں
 اس میں ہے، اس میں
 اس میں ہے، اس میں
 اس میں ہے، اس میں

Reply
 Amman R.
 - اس کے
 Impugned
 اس کے خلاف اس
 کے پاس کوئی ثبوت
 اس کے خلاف کوئی ثبوت
 اس کے خلاف کوئی ثبوت

8 13
2020

(1) عقوبات (جات بنا کے لئے) سے قبل
میں نے اس کی مہم سے متعلق

Page 12, 2-11-2018
name of community
not mentioned.

سے اس وقت سے شروع
کے لئے یہ ہے
تعمیراتی کاموں کے لئے

D. A. order. 26-11-18

Refracted 31-12-2018 - ANNEXURE C

Page 7, 19-10-2018

29-11-2018

Page 8

اس کے بارے میں جو بات لکھی ہے

Page 10

D A کے بارے میں

Page 4 - جو لکھا ہے

سے عدالت میں

16-3-2016

جو اس وقت

the punishment order

میں لکھی ہے

may be it might

تعمیراتی کاموں

ANNEXURE A, 13-10-2014

میں

ANNEXURE B

Code of

میں لکھی ہے جو اس وقت
میں موجود ہے اس کے بارے میں
میں نے اس کے بارے میں

not under
it

ANNEXURE C, 18-10-2018

میں لکھی ہے جو اس وقت

In present case appellant was upon
 duly awarded punishment of imprisonment
 of two years approved sentence
 when he was held guilty for making
 demand for illegal gratification
 of Rs 1000 on 11/11/51 said 9th Jan
 1952 after conducting of trial
 & aged the jury promising
 them chance of acquittal should
 merely comply with the legal
 requirements. This inquiry was
 held by District Judge.

As regards the order dated
 16-3-52 passed by Regional Police
 Officer Kolar Region that was
 with regard to District Judge
 Kolar. In that order the
 punishment awarded was 1 year
 of a period of two years &
 awarded by DPO Kolar was
 not a part of appeal.

It means that appellant was
 not punished by proceeded
 with the case. In

The question arises as to how far the
department or the competent
authority can go against a Civil
Servant as far as his previous
record and awarding of Punishment
is concerned? While proceeding
with disciplinary proceed-
ings against a delinquent
official the competent authority
can take the notice of the past
proceedings conducted against
the civil servant and can take
into account in the light
thereof an official who reports
the default to can be held
accountable when he was deputed
temporarily proceeded Post Condit
from a servant in my regard
particularly when I sent an
and pledged inquiry after sub-
sistence of the Civil Service
May 1911. Under the Police Rules
the competent authority may plenary
powers to summarily proceed in
official when the circumstances
be exigent without intimation of
least show cause notice