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**BEFORE THE KHYBER PAKHTUKHWA SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. 1213/2022.

Ibrahim..... (Appellant)

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others ..... (Respondent)

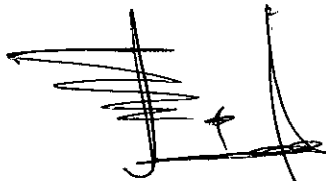
Diary No. 4405

Date 16/3/2023

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DEPONENT



Rafaqat Ullah Khan

SI LEGAL KHYBER

CNIC No.17201-3533074-3

0348-5007134

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.**

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Service Appeal No. 1213/2022.

Ibrahim..... (Appellant)

Versus

Inspector General of Police Khyber Pakhtunkhwa and others..... (Respondents)

**PARAWISE COMMENTS BY RESPONDENTS NO:1, 2 & 3.**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTION:-**

- a) That the Appellant has got no cause of action to file the present Appeal.
- b) That the Appeal is not based on facts.
- c) That the Appeal is not maintainable in the present form.
- d) That the Appeal is bad for non-joinder and miss-joinder of necessary parties.
- e) That the Appellant has not come to this Honorable Tribunal with clean hands
- f) That the Appellant is estopped by his own conduct to file the Appeal.
- g) That the appeal is barred by law and limitation.

**FACTS:-**

1. Pertain to personal information of an appellant, the remaining para is related to the constitution of Pakistan, need no comment.
2. Pertain to service record of an appellant.
3. Incorrect, as per sources report (confidential) the appellant remained involved in drugs peddling and other illegal activities. Moreover, he was issued charge sheet, summary of allegations by DPO Khyber, and DSP/ HQRs was appointed as inquiry officer to dig out the conduct of the accused official. The inquiry officer, after conducting proper inquiry, recommended appellant for major punishment, hence dismissed from service. **(Annexed-A charge sheet. Annexed-B summary of allegations. Annexed-C inquiry report. Annexed-D dismissal order)**
4. Correct, as already explained in para 03.
5. Incorrect, as already explained in the preceding para.
6. Correct, however, respondents again re inquired the matter through SP/ Investigation Khyber, in inquiry the appellant was found guilty of the charges leveled against him, hence, the appeal of appellant for reinstatement in service rejected stand dismissed. **(Annexed-E Re-inquiry Report and Annexed-F Appeal rejection order of CCPO )**

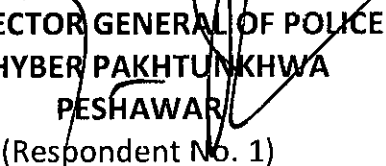
7. Incorrect, appellant has got no cause of appeal, therefore instant appeal may kindly be dismissed on the following grounds.


**GROUND:-**

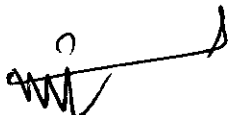
- a. Need no comments.
- b. Incorrect, as already explained in the preceding paras.
- c. Incorrect, appellant has already been dealt with according to law, rules and regulations; no injustice has been done to the appellant.
- d. Incorrect, after fulfillment of the codel formalities appellant dismissed from service according to rules, law and according to constitution of Pakistan 1973.
- e. Incorrect, as already explained in the preceding paras, moreover, the order of respondents is according to law.
- f. Respondents may be allowed to raise other grounds at the time of arguments.

**PRAYER:-**

Keeping in view of the above stated facts, it is humbly prayed that the service appeal is based on wrong grounds may kindly be dismissed with costs please.

  
**INSPECTOR GENERAL OF POLICE**  
**KHYBER PAKHTUNKHWA**  
**PESHAWAR**  
 (Respondent No. 1)

  
**CAPITAL CITY POLICE OFFICER**  
**PESHAWAR**  
 (Respondent No. 2)

  
**DISTRICT POLICE OFFICER**  
**KHYBER**  
 (Respondent No. 3)

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. 1213-P/2022.

Ibrahim ..... (Appellant)

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & other..... (Respondents)

**AFFIDAVIT.**

I, Razaqat Ullah Khan SI Legal Khyber, do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of District Police Officer Khyber are correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable Court.



DEPONENT

Razaqat Ullah Khan

SI LEGAL KHYBER

CNIC No.17201-3533074-3

0348-5007134



**OFFICE OF  
THE DISTRICT POLICE OFFICER  
KHYBER**



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**AUTHORITY LETTER**

I, **Imran Khan**, District Police Officer, Khyber hereby Authorize Saeed Akhtar SP investigation of District Khyber to attend all the cases and submission of Para Wise comments pertaining to this Office in Peshawar High Court, Khyber Pakhtunkhwa Service Tribunal and Lower Courts on behalf of the undersigned.

**(IMRAN KHAN) PSP  
DISTRICT POLICE OFFICER,  
KHYBER.**

OFFICE OF  
THE DISTRICT POLICE OFFICER  
KHYBER



6

CHARGE SHEET U/S 6(1) (A) POLICE RULES 1975

You ASI Ibrahim s/o Khyal Baz Kuki Khel of PS Jamrud while on duty at PS Jamrud district Police Khyber is hereby charged for committing the following omission/commissions:-

"That as per source reports you remained involved in drugs peddling and other illegal/criminal activities, this is a gross misconduct on your part liable to be dismissed from service."

You mentioned above are hereby called upon to submit your written defense against the above charges before the Enquiry Officer.

Your reply should reach the Enquiry Officer within seven (3) days from the date of receipt of this charge Sheet, failing which ex-parte action shall be taken against you.

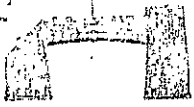
Summary of allegations is enclosed herewith.

*Lama*

DISTRICT POLICE OFFICER,  
KHYBER

ASI Ibrahim Khan  
PS - Jamrud

*Ibrahim*



OFFICE OF  
THE DISTRICT POLICE OFFICER  
KHYBER



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**SUMMARY/STATEMENT OF ALLEGATION U/S 6(1) (A) POLICE  
RULES 1975.**

You ASI Ibrahim s/o Khyal Baz Kuki Khel have committed the following:-

"That as per source reports you remained involved in drugs peddling and other illegal/criminal activities, this is a gross misconduct on your part liable to be dismissed from service."

Your this act falls within the purview of misconduct as contained u/s 2 (iii) of NWFP (now Khyber Pakhtunkhwa) Police Rules 1975.

*Lame*  
DISTRICT POLICE OFFICER,  
KHYBER

SI Ibrahim Khan

PS. Tameed

*11-11-11*

OFFICE OF  
THE DISTRICT POLICE OFFICER  
KHYBER



**ORDER**

**UNDER SUB-SECTION-3 & SECTION 5 OF POLICE RULES, 1975.**

I, District Police Officer, Khyber as competent authority, charge you ASI Ibrahim s/o Khyal Baz Kuki Khel PS Jamrud as prima facie guilty of the following acts to be dealt with u/s 5 (3) of the NWFP, (now Khyber Pakhtunkhwa) Police Rules, 1975.

**"That as per source reports you remained involved in drugs peddling and other illegal/criminal activities, this is a gross misconduct on your part liable to be dismissed from service."**


The act of delinquent official falls within the ambit of gross misconduct and are liable to be proceeded under the NWFP (now Khyber Pakhtunkhwa) Police Rules 1975.

For the purpose of scrutinizing the conduct of the said defaulters with reference to the above allegations, I, District Police Officer, Khyber being authorized officer hereby nominate Enquiry Officer as below to enquire into the charges within the meaning of 2 (iii) under the NWFP (now Khyber Pakhtunkhwa) Police Rules, 1975.

**Mr. Muhammad Nawaz (DSP Headquarters) Khyber**

The enquiry officer after completing all enquiry proceedings, should submit findings to the undersigned within stipulated period of (7) days per u/s 6 (5) of Police Rules.

Charge Sheet and Statement of Allegations are issued against the defaulter officers separately. Reply should submit before the Enquiry Officer within the period of (03) days from the date of receipt.

  
**DISTRICT POLICE OFFICER,  
KHYBER**

No. 937 /PSO-Khyber, dated Peshawar, the 17/03 /2021.

Copy to:-

1. DSP/Hqrs Khyber for initiating proceedings against defaulter under the provisions of the Police Rules 1975.
2. ASI Ibrahim with the direction to appear before the Enquiry Officer on the date, time and place fixed by the Officer.

ASI Ibrahim Khan  
PS. Jamrud







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ENQUIRY REPORT

**Case in Brief:**

It was reported by various sources that ASI Ibrahim is involved in illegal activities while posted at Police Station Jamrud, district Khyber.

**Departmental Proceedings:**

The defaulter ASI was issued Show Cause Notice vide this office No. 351/Showcause, dated 03/02/2021 in reply of which he failed to submit any statement. Afterwards, on 17/03/2021 vide No. 937/PSO-Khyber Charge Sheet with summary of allegations was served upon him in reply of which was also submitted wherein denied the allegations of malpractices. The replies were not found satisfactory by the undersigned and a comprehensive ground check was conducted through various sources which revealed that the defaulter ASI is involved in narcotics and reportedly remained involved in selling out the apprehended narcotics.

Conclusion:

During the course of enquiry it was learned that the defaulter ASI remained involved in malpractices during his posting at Jamrud Police Station. Such kinds of officials are the helping hands of Narcotics Cartels which deeply effect action against drug peddlers.

Recommendation:

It is recommended that the defaulter ASI may be awarded major punishment in order to get rid of the helping hands of criminals.

Submitted, please.

  
MUHAMMAD NAWAZ,  
DSP HQRs, Khyber

Agreed

Major punishment of  
dismissal from service,  
Jamrud  
5/19



OFFICE OF THE  
DISTRICT POLICE OFFICER  
KHYBER



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**ORDER**

ASI Ibrahim s/o Khyal Baz of Police Station Jamrud as per sources report you remained involved in drugs peddling and other illegal activities consequent upon which the undersigned being a competent authority under Police Rules 1975 issued a Show Cause Notice with the opportunity to be heard in person which the defaulter official did not availed.

In reply of the Show Cause notice the defaulter official failed to submit any cogent reason/reply regarding the allegations leveled against him consequently a Charge Sheet with Summary of Allegations was issued on 17/03/2021 and DSP/Hqrs Khyber was assigned as Inquiry Officer.

The Enquiry Officer in his finding report stated that the defaulter official is involved in malpractices during his posting at Police Station Jamrud. In reply of the charge sheet the defaulter official again failed to submit any cogent reason and the inquiry officer was not satisfied. The inquiry office also used other sources to inquire about the defaulter official which also revealed his involvement in drug peddling and involvement in narcotics. The inquiry officer recommended major punishment for the official.

Keeping in view the recommendations of the Enquiry Officer & available record defaulter ASI Ibrahim s/o Khyal Baz is hereby awarded **a major punishment of Dismissal from service** with immediate effect.

  
DISTRICT POLICE OFFICER,  
KHYBER

No. 4138 /PSO Khyber, dated Khyber

24 / 09 / 2021.

Copies to all concerned for further necessary action.



OFFICE OF THE  
DISTRICT POLICE OFFICER  
KHYBER



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INQUIRY REPORT

EX-ASI Ibrahim

Kindly refer to the re-inquiry/fresh assessments directions vide letter no. 139/PA, dated Peshawar the 09/01/2022 of worthy CCPO.

Ex-ASI Ibrahim was dismissed vide Order no. 4138/PSO Khyber, dated Khyber 24/09/2021 due to his alleged involvement in drug peddling/smuggling after proper Departmental inquiry. However, as per direction the undersigned was assigned with re-inquiry of the dismissed official.

A fresh assessment was conducted through local sources. Sources revealed that in 2017, during the era of Political Administration, Mehsud Scouts of Frontier Corps arrested him and recovered 12 KG of Chars from the motorcar. He was in the custody for a while, and later released on bail. Further, in year 2021 he apprehended a drug peddler and recovered 05 KG of Heroin from him. However, he released the culprit without any legal proceedings and sold the recovered drugs. It was in this case that he was suspended and, after inquiry, was dismissed from service. Adding to it, the learned sources confirmed that he has contacts with drug peddlers in the area and is also involved in drug smuggling.

Moreover, Ex-ASI Ibrahim appeared before the Inquiry Officer. He submitted that he was apprehended in a vehicle carrying drugs but that was a Taxi vehicle, which he boarded to reach destination. And that he spent 10 months in jail for that. Further, he denied any involvement in drug peddling activities.

**Concluding Remarks**

1. Ex-ASI Ibrahim was dismissed due to his alleged involvement in drug peddling.
2. He was arrested with 12 KG of Charas in 2017 by Mehsud Scouts, and for which he served a 10 Month long prison term.
3. In fresh Assessment, the chargesheet against him remained the same, with the same accusations.

Submitted Please

  
ABDUS SALAM KHALID  
SP INVESTIGATION,  
KHYBER



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

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ORDER.

This order will dispose of the departmental appeal preferred by Ex-ASI Ibrahim s/o Khyal Baz who was awarded the major punishment of "Dismissal from Service" under PR-1975 by District Police Officer Khyber vide order No.4138/PSO, Khyber dated 24.09.2021.

2- Short facts leading to the instant appeal are that the appellant while posted at Police Station Jamrud Khyber was proceeded against departmentally on the charges that he was involved in drugs peddling and other illegal activities.

3- He was issued proper Charge Sheet and Summary of Allegations by District Police Officer Khyber. DSP/HQr: Khyber was appointed as inquiry officer to scrutinize the conduct of the accused official. The inquiry officer after conducting proper inquiry submitted his findings and recommended the accused official for major punishment. The competent authority in light of the findings of the inquiry officer awarded him the above major punishment.

4- In this regard District Police Officer Khyber was directed that re-inquiry/fresh assessment should be conducted regarding his involvement in drug peddling and other illegal activities. The District Police Officer Khyber conducted inquiry through SP/Inv: Khyber. The inquiry officer submitted that the appellant was found guilty of the charges levelled against him

5- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible justification in his defence. Therefore, keeping in view the re-inquiry/fresh assessment of SP/Investigation Khyber, his appeal for reinstatement in service is hereby rejected/filed.

(MUHAMMAD JAZ KHAN) PSP  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 2006-10 /PA, dated Peshawar the 01/10 /2022

- Copies for information and necessary action to the:-
- ✓ 1. District Police Officer Khyber along with complete inquiry file.
  2. DSP/HQrs Khyber.
  - 2 Accountant & OASI Khyber.