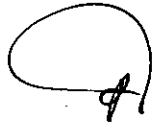


02.12.2022

Learned counsel for the appellant present. Mr. Ihsanullah, ASI alongwith Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present and stated that connected nature Service Appeals bearing No. 12778/2020 & 12779/2020 are fixed for arguments on 18.01.2023, therefore, the appeal in hand may also be fixed on the said date. Learned counsel for the appellant is having no objection on the adjournment. Adjourned. To come up for arguments alongwith connected Service Appeals bearing No. 12778/2020 & 12779/2020 on 18.01.2023 before the D.B.

SCANNED  
KPST  
Peshawar



(Rozina Rehman)  
Member (J)



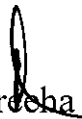
(Salah-Ud-Din)  
Member (J)

18.01.2023

Lawyers are on strike.

To come up for arguments on 14.04.2023 before D.B. Office is directed to notify the next date on the notice board as well as website of the Tribunal.

SCANNED  
KPST  
Peshawar



(Farzha Patel)  
Member (E)




(Rozina Rehman)  
Member (J)

15.07.2022

Clerk of learned counsel for the appellant present.  
Mr. Riaz Ahmad Paindakhel, Assistant Advocate General  
for the respondents present.

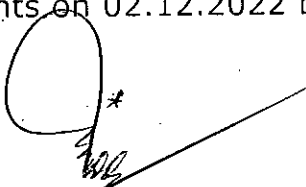
Clerk of learned counsel for the appellant requested  
for adjournment on the ground that learned counsel for  
the appellant is busy in the august Peshawar High Court,  
Peshawar. Adjourned. To come up for arguments on  
10.10.2022 before the D.B.

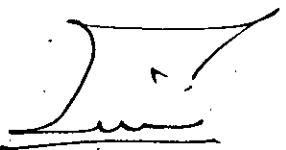
  
(Rozina Rehman)  
Member (J)

  
(Salah-ud-Din)  
Member (J)

10.10.2022

Appellant alongwith his counsel present. Mr. Asif Masood  
Ali Shah, Deputy District Attorney for the respondents present  
and sought time for production of inquiry record of the appellant.  
Adjourned. To come up for production of inquiry record as well  
as arguments on 02.12.2022 before the D.B.

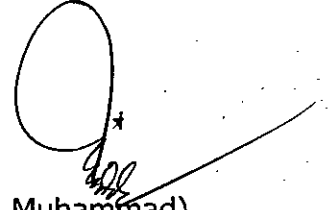
  
(Mian Muhammad)  
Member (E)

  
(Salah-Ud-Din)  
Member (J)

16.11.2021

Appellant in person present. Mr. Kabirullah Khattak,  
Addl: AG for respondents present.

Written reply on behalf of respondents not  
submitted. Learned AAG seeks time to contact the  
respondents for submission of written reply/comments.  
Adjourned. To come up for written reply/comments on  
12.01.2022 before S.B.

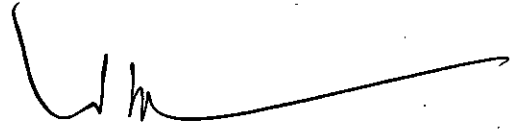


(Mian Muhammad)  
Member(E)

12.01.2022

Learned counsel for the appellant present. Mr. Kabirullah  
Khattak, Addl. AG for respondents present.

Reply/comments on behalf of respondents have already  
been submitted through office which is placed on file. To come  
up for arguments before the D.B on 09.05.2022.

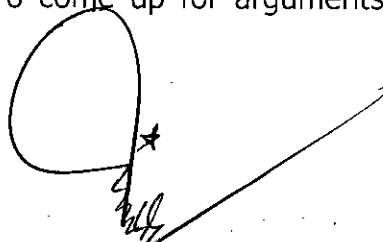


(Atiq-Ur-Rehman Wazir)  
Member (E)

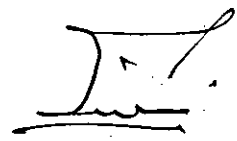
09.05.2022

Learned counsel for the appellant present. Syed Naseer  
Ud Din Shah, Assistant Advocate General for respondents  
present.

Learned counsel for the appellant requested for adjournment  
on the ground that he has not made preparation for arguments.  
Adjourned. To come up for arguments on 15.07.2022 before the  
D.B.



(Mian Muhammad)  
Member(E)



(Salah Ud Din)  
Member(J)

Fawad Khan 1415/2021

05.07.2021

Counsel for the appellant present. Preliminary arguments heard.

The appellant was discharged from service and in consequence of his pursue against the said punishment before the Departmental Authority, the major punishment after de-novo enquiry and submission of report has been converted into minor punishment of withholding of increments for two years with cumulative effect while the period of his remaining out of service was treated as leave without pay. The said order was passed on 17.12.2020 and the same has been challenged through this service appeal on 13.01.2021 within time, therefore, this appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, the office shall submit the file with a report of non-compliance. File to come up for arguments on 16.11.2021 before the D.B.

Appellant Deposited  
Security & Process Fee

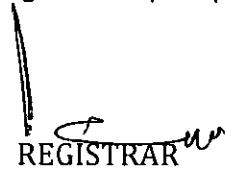



  
Chairman

Form- A

## FORM OF ORDER SHEET

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

Case No.- 1415 /2021 21

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	21/01/2021	<p>The appeal of Mr. Fawad Khan resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>22/03/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
22.03.2021		<p>Learned counsel for the appellant present and sought time for preliminary arguments. Adjourned. To come up for preliminary arguments before S.B on 09.04.2021.</p> <p style="text-align: right;"> (SALAH-UD-DIN) MEMBER (JUDICIAL)</p>
09.04.2021		<p>Due to demise of the Worthy Chairman, the Tribunal is non-functional, therefore, case is adjourned to 05.07.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Fawad Khan Senior Scale Stenographer FRP HQrs Peshawar received today i.e. on 13/01/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Appeal has not been flagged/checked/annexures' marks.
- 4- Copy of impugned order dated 28.08.2020 mentioned in para-3 of the appeal (Annexure-D) is not attached with the appeal which may be placed on it.
- 5- Copy of reply to charge sheet mentioned in para-2 of the memo of appeal is not attached with the appeal which may be placed on it.
- 6- Give more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 53 /S.T,

Dt. 13/01 /2021

*Soomul*  
13/1/2021  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Taimur Ali Khan Adv. Pesh.

*Respected Sir:*

- 1- Removed
- 2- Removed
- 3- Removed
- 4- Copy of order dated 28/08/2020 is attached as Annexure attached at page-15
- 5- Copy of reply to charge sheet is present at page 10-11
- 6- Removed

*Resubmitted after compliance*

*T.A.K.*  
21/01/2021

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

APPEAL NO. 1415 /2021

Fawad Khan

V/S

Police Department.

**INDEX**

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-04
2.	Copy fact finding inquiry report	A	05-07
3.	Copies of charge sheet, statement of allegations and reply to charge sheet	B,C&D	08-11
4.	Copies of inquiry report and order dated 28.08.2020	E&F	12-15
5.	Copies of departmental appeal and denovo inquiry report	G&H	16-23
6.	Copy of order dated 17.12.2020	I	24
9..	Vakalat Nama	-----	25

**APPELLANT**

THROUGH:

  
**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT,**

**&**  
**(ASAD MAHMOOD)**  
**ADVOCATE HIGH COURT,**

Room No. Fr-8, 4<sup>th</sup> Floor,  
Bilour Plaza, Peshawar Cantt:  
Contact No. 03339390916.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

SERVICE APPEAL NO. 1411 /2021

Fawad Khan, Senior Scale Stenographer,  
FRP HQrs, Peshawar.

(APPELLANT)

VERSUS

1. The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. The Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent of Police FRP, Peshawar Range, Peshawar.

(RESPONDENTS)

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APPEAL UNDER SECTION 4 OF THE KP SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 17.12.2020, WHEREBY THE MAJOR PUNISHMENT OF DISCHARGE FROM SERVICE OF THE APPELLANT WAS CONVERTED INTO MINOR PUNISHMENT OF WITHHOLDING OF INCREMENTS FOR TWO YEARS WITH CUMULATIVE EFFECT AND HIS PERIOD OF REMAINING OUT OF SERVICE WAS TREATED AS LEAVE WITHOUT PAY ON HIS DEPARTMENTAL APPEAL.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 17.12.2020 MAY KINDLY BE SET ASIDE AND THE RESPONDENTS MAY KINDLY BE DIRECTED TO RESTORE THE INCREMENTS OF THE APPELLANT OF TWO YEARS WITH ALL BACK AND CONSEQUENTIAL BENEFITS AND THE RESPONDENTS MAY FURTHER BE DIRECTED TO



TREAT REMAINING OUT OF SERVICE PERIOD OF THE APPELLANT WITH PAY AS THE ALLEGATIONS HAS NOT BEEN PROVED ON THE APPELLANT DURING THE DE-NOVO INQUIRY PROCEEDINGS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF THE APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant is working on the post of Senior Scale Stenographer in the Respondent Department and performing his duty with great devotion and honesty whatsoever assigned to him and no complaint has been filed against the appellant regarding his performance.
2. That fact finding inquiry was inducted by inquiry committee against Constable Amir Waseem and Constable Rehmat Zameer on the basis, that they have managed their transfer/posting orders under fake signature of AIG Establishment CPO Peshawar in which inquiry committee recommended Major Punishment for Amir Waseem and Rehmat Zameer and also gave its finding that disciplinary proceeding may be initiated against the appellant and LHC Asad Ullah. (Copy of fact finding inquiry report is attached as Annexure-A)
3. That on the basis of finding of fact finding inquiry, charge sheet along with statement of allegations were issued to the appellant which was duly replied by the appellant in which he denied the allegations and gave the real facts about the issue. (Copies of charge sheet, statement of allegations and reply to charge sheet are attached as Annexure-B,C&D)
4. That inquiry was conducted against the appellant by the inquiry committee, but without observing material on record and statements of different officials, the inquiry committee recommended major punishment for the appellant and on the basis of that inquiry report the appellant was discharged from service vide order dated 28.08.2020. (Copies of inquiry report and order dated 28.08.2020 is attached as Annexure-E&F)

5. That the appellant filed departmental appeal on 04.09.2020 against the order dated 28.08.2020 on which denovo inquiry was directed by the competent authority and for the purpose of denovo inquiry the appellant was reinstated into service on 04.11.2020. The denovo inquiry was conducted by the inquiry committee against the appellant in which the inquiry committee gave its recommendation that *management or any kind of consultation in issuance of fake order has not been proved on the part of the appellant and recommended the appellant for minor punishment of "censure" and may also be given stern warning to be careful in future. His intervening period may be treated as leave of kind due.* **(Copies of departmental appeal and denovo inquiry report are attached as Annexure-G&H)**
6. That on the basis of denovo inquiry report, respondent No.1 passed an order dated 17.12.2020, whereby the major punishment of discharge from service was converted into minor punishment of withholding of increments for two years with cumulative effect and period during which the appellant remained out of service was treated as leave without pay without observing the recommendation of inquiry committee. **(Copy of order dated 17.12.2020 is attached as Annexure-I)**
7. That now the appellant comes to this Honourable Tribunal for redressal of his grievances on the following grounds.

**GROUND:**

- A) That the impugned order dated 17.12.2020 is against the law, facts, norms of justice and material on record. Therefore, not tenable and liable to be set aside.
- B) That the allegation were not proved leveled against the appellant during denovo inquiry proceeding and the inquiry committee also gave recommended for censure, but despite that the appellant has awarded the punishment of withholding of increments for two years with cumulative effect, which is against the norms of justice and fair play, therefore, the impugned order is liable to be set aside.
- C) That the inquiry committee recommended for punishment of censure, but without giving reason by the competent authority for not agreeing with the recommendation of inquiry committee passed the impugned


order dated 17.12.2020, which is violation of superior courts judgments.

- D) That although the denovo inquiry committee recommended that the intervening period of the appellant may be treated as leave of kind due, but despite that intervening period was treated as leave without pay, which is violation of superior courts judgments.
- E) That the allegation has not been proved against the appellant during the inquiry proceeding and has been punished for no fault on his part which is against the norms of justice and fair play.
- F) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

  
APPELLANT

THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT,  
&

(ASAD MAHMOOD)  
ADVOCATE HIGH COURT.

A (5)

انکوائری رپورٹ

جناب عالی!

بحوالہ مشمولہ انکوائری کاغذات بر خلاف کنسٹیبلان عامر وسیم نمبر 6090، رحمت ضمیر نمبر 5138 ایف آر پی کوہاٹ ریجن کوہاٹ معروض خدمت ہوں کہ ہر دو کنسٹیبلان کے خلاف الزام ہیکہ ہر دو کنسٹیبلان نے اپنے ٹرانسفر اپوسٹنگ آرڈرز نمبر 9622-23/E-IV و-9616 17/E-IV مورخہ 11.06.2020 جناب AIG سٹیبلشمنٹ کے جعلی دستخط پر تیار کرائے ہیں۔ ہر دو کنسٹیبلان کو جناب SP صاحب ایف آر پی پشاور ریجن نے بحوالہ آرڈر نمبر 252-58/PA مورخہ 29.06.2020 پر معطل لائن ایف آر پی ہیڈ کوارٹر پشاور کرنے کا حکم صادر فرما کر ہر دو کنسٹیبلان کے خلاف علیحدہ علیحدہ چارج شیٹ و سمری آف ایگیشن جاری کر کے کاغذات برائے انکوائری ہم DSP ہیڈ کوارٹر ایف آر پی پشاور اور RI ایف آر پی پشاور ریجن کو حوالہ ہوئے۔

دوران انکوائری ہر دو کنسٹیبلان پر چارج شیٹ و سمری آف ایگیشن باضابطہ طور پر تقسیم کیئے گئے جو کہ دفتر ہڈ میں پیش ہو کر مذکورین سے متذکرہ آرڈرز کے متعلق پوچھ گچھ کی گئی اور تحریری بیانات لئے گئے جو کہ ہمراہ لف اور خلاصہ جات درج ذیل ہیں۔

خلاصہ بیان FC عامر وسیم نمبر 6090 ایف آر پی کوہاٹ ریجن کوہاٹ :-

مذکورہ نے اپنے بیان میں لکھا ہے کہ ایف آر پی کوہاٹ ریجن میں ڈیوٹی پر تعینات ہے اس نے ہودسٹرکٹ ضلع کرک کے تبادلے کے لئے دفتر OIIC ایف آر پی کوہاٹ ریجن میں تحریری درخواست جمع کی اور اس کے علاقہ کے سیاسی شخصیات کے ذریعے افسران بالا صاحبان کو تبادلہ کے بابت سفارش کی۔ مورخہ 06.06.2020 کو پلاٹون مشی صادق اللہ نمبر اطلاع دی کہ بروز پیر مورخہ 29.06.2020 افسران بالا صاحبان کو بغرض پیشی پیش ہو جائے۔ دوران پیشی اس کو علم ہوا کہ اس کا تبادلہ بحوالہ آرڈر نمبر 9616-17/EIV مورخہ 11.06.2020 پر ہوم ڈسٹرکٹ کرک ہو چکا ہے جو کہ جعلی آرڈر ہے۔ بیان ہمراہ لف ہے۔

خلاصہ بیان FC رحمت ضمیر نمبر 5138 ایف آر پی کوہاٹ ریجن کوہاٹ :-

مذکورہ نے اپنے بیان میں لکھا ہے کہ ایف آر پی کوہاٹ ریجن میں ڈیوٹی پر تعینات ہے اس نے ہودسٹرکٹ ضلع کرک کے تبادلے کے لئے مورخہ 02.03.2020 کو دفتر OIIC ایف آر پی کوہاٹ ریجن میں تحریری درخواست جمع کی اور اسکے خالقہ کے قومی اسمبلی ممبر کو سفارش کے لئے بتلایا۔ مورخہ 06.06.2020 کو پلاٹون مشی محمد علی نمبر اطلاع دی کہ بروز پیر مورخہ 29.06.2020 افسران بالا صاحبان کو بغرض پیشی پیش ہو جائے۔ دوران پیشی اس کو علم ہوا کہ اس کا تبادلہ بحوالہ آرڈر نمبر 9622-23/EIV مورخہ 11.06.2020 پر ہوم ڈسٹرکٹ کرک ہو چکا ہے جو کہ جعلی آرڈر ہے۔ بیان ہمراہ لف ہے۔

اسی سلسلہ میں من RI ایف آر پی پشاور ریجن حسب الحکم افسران بالا صاحبان بغرض ویریفیکیشن CPO پشاور جا کر متذکرہ بالا آرڈرز کے متعلق IV سیکشن کے سپرنٹنڈنٹ جناب عامر الرحمن صاحب سے ملاقی ہوا اور ریکارڈز جسٹریکٹ کر کے معلوم ہوا ہیکہ مورخہ 11.06.2020 کو CPO پشاور سے EIV سیکشن کے ریکارڈز جسٹریکٹ کا آغاز نمبر 6695 اور احتتامی نمبر 6762 درج پایا ہے جبکہ آرڈر نمبرات 9616-17/EIV اور 9622-23/EIV مورخہ 11.06.2020 کے متعلق جناب عامر الرحمن صاحب نے بتلایا کہ یہ نمبرات ہمارے ریکارڈز پر موجود نہیں ہیں اور یہ فرضی/جعلی نمبرات ہیں اس کے علاوہ آرڈرز کے Pattern اور دستخط بھی جعلی ہیں۔ اس قدر دریافت پر رپورٹ پیش خدمت ہیں۔ اگر مزید معلومات درکار ہو تو جناب AIG صاحب اسٹیبلشمنٹ CPO پشاور کے ساتھ خط و کتابت کی جائے تو بہتر ہوگا۔ تفصیلی رپورٹ ہمراہ لف ہے۔

اندریں سلسلہ ایف آر پی کوہاٹ ریجن کے OHC حبیب اللہ کو بذریعہ پروانہ طلب کر کے رپورٹ طلب کی گئی مگر کہ OHC نے اپنی تحریری رپورٹ پیش کی جس کا خلاصہ ذیل ہے۔

خلاصہ رپورٹ OHC حبیب اللہ ایف آر پی کوہاٹ ریجن کوہاٹ :- مذکورہ نے اپنے بیان میں لکھا کہ کنسٹیبلان رحمت ضمیر نمبر 5138 و عامر وسیم نمبر 6090 ایف آر پی کوہاٹ ریجن نے ہودسٹرکٹ تبادلے کے بارے میں اسے کوئی علم نہیں ہے اور نہ SP صاحب ایف آر پی کوہاٹ ریجن کوہاٹ کے دفتر سے کوئی دیگرہ بابت ہوم ڈسٹرکٹ ٹرانسفر جاری نہیں ہوا ہے۔ جہاں تک مذکورین کے دفتر OHC ایف آر پی کوہاٹ ریجن میں ہودسٹرکٹ کو تبادلے کے درخواست کا تعلق ہے وہ SP صاحب ایف آر پی کوہاٹ کے کہنے پر جملہ ایف آر پی ریجن کو ہوم ڈسٹرکٹ جانے کی درخواستیں بذریعہ پروانہ جمع کئے جا چکے ہیں اگر ہوم

ڈسٹرکٹ جانے کے لئے افسران بالا سے حکم موصول ہونے پر بخوشی خود ہوم ڈسٹرکٹ جانے والے کنسٹیبلان کے جمع شدہ درخواستیں سیناری کے بنیاد پر کیے  
ہے بیان ہمراہ لف ہے۔

اس سلسلہ میں انچارج ریکارڈ برانچ ایف آر پی ہیڈ کوارٹرز پشاور سے رپورٹ طلب کی گئی۔ انچارج Establishment ریکارڈ برانچ ایف آر  
پی ہیڈ کوارٹرز پشاور نے اپنے بیان میں بتلایا کہ متذکرہ آرڈرز ان کے دفتر کو دفتر جناب سپرنٹنڈنٹ صاحب کے دفتر سے بدست کنسٹیبل شہزاد نمبر 1320 جو کہ  
سپرنٹنڈنٹ صاحب کے ساتھ بطور اردری تعینات ہے موصول ہوئے اور جو کہ جناب سپرنٹنڈنٹ صاحب نے ہذا سٹیبلشمنٹ کو خود مارک کئے تھے۔ رپورٹ ہمراہ  
لف ہے۔

اس سلسلہ میں دفتر جناب سپرنٹنڈنٹ صاحب ایف آر پی ہیڈ کوارٹرز پشاور کے اردری کنسٹیبل شہزاد نمبر 1350 سے تحریری بیان لیا گیا۔  
مذکورہ نے اپنے بیان میں بتلایا کہ آرڈر نمبر 17/EIV-9616-23/9622-23/EIV مورخہ 11.06.2020 ڈیٹی ممانڈنٹ صاحب کے PA فواد خان نے  
مورخہ 24.06.2020 کو سپرنٹنڈنٹ صاحب کے آفس میں لے آئے جو کہ جناب سپرنٹنڈنٹ صاحب نے عام روٹین کے مطابق مارک کرنے کے ریکارڈ برانچ  
میں جمع کرنے کے لئے مجھے دئے جو کہ میں نے ریکارڈ برانچ میں جمع کئے۔ بیان ہمراہ لف ہے۔

اسی تسلسل میں فواد خان PA ٹو جناب ڈیٹی ممانڈنٹ صاحب کو ایک تحریری پروانہ بھیجوا گیا جس کو جواب میں مذکورہ نے تحریری بیان  
پیش کیا جو کہ ذیل ہے۔

“ In reposne to the parwana it is stated that a few days ago my friend namely constable Asad of  
FRP Kohat range come to my office late hours and stated me that the offices are closed and he has some  
official Dak i.e. Trasfer orders of two constables, were handed to me and subsequently, I have received  
the same.

On the very next day the same Govt. Dak were desposited at record branch FRP HQrs:  
Peshawar. Later on I have known that the same orders were found fake.

It is pertinent to mention here that I, swear on oath that at that time I have no  
knowledge/information that the same orders are fake or bogus.”

دوران انکوائری اسد اللہ نمبر 5975 ایف آر پی کوہاٹ رینج کو دفتر مذکورہ کی گئی اور مذکورہ نے اپنا تحریری بیان پیش کیا  
جس کا خلاصہ ذیل ہے۔

خلاصہ بیان از ایل LHC اسد اللہ نمبر 5975 ایف آر پی کوہاٹ رینج :-

مذکورہ نے اپنے میں لکھا کہ وہ سال 2008 ایف آر پی کوہاٹ رینج کا بھرتی شدہ ہے اور سال 2007 سے PA فواد کے ساتھ تعلقات ہیں۔ اور مذکورہ کا  
PA فواد کے ساتھ سول دوستی اور ایک دوسرے کی طرف آنا جانا اور مہمان نوازی ہوتی رہی۔ مذکورہ نے اپنے بیان میں لکھا کہ اس نے 2007 سے لیکر  
24.07.2020 تک کسی قسم کا سرکاری ڈاک، کاغذات وغیرہ نہیں لایا ہے اور نہ ہی کبھی اپنے یا کسی دوسرے کی ٹرانسفر کے لئے بات کی ہے۔ علاوہ ازیں مورخہ  
24.06.2020 بروز بدھ PA فواد کوہاٹ آیا تھا اور بتلایا کہ مجھ پر ایک مصیبت آئی ہے تو پوچھنے پر بتلایا کہ اس نے 2/2 کنسٹیبلان کا تبادلہ جات آرڈرز آفس  
سپرنٹنڈنٹ ایف آر پی ہیڈ کوارٹرز پشاور کو دئے ہیں اور وہ ٹھیک نہیں ہے۔ جو اب میں نے بتلایا کہ کیا کر سکتا ہوں PA فواد نے بتلایا کہ آپ کہو کہ یہ میں نے PA فواد کو  
دئے ہیں۔ خدا نخواستہ اگر آپ کو کوئی نقصان پہنچا یا نوکری سے جانا پڑا تو پھر میں سارا خرچہ اور بحالی کے لئے ہر ممکن مدد فراہم کرونگا۔ مذکورہ نے لکھا کہ اس نے اس  
بارے میں مدد سے انکار کیا اور نوکری کے علاوہ ہر ممکن مدد جو کہ اس کے بس میں ہو۔ کافی منت سماجت کر کے واپس چلا گیا۔ اب معلوم ہوا ہے کہ اس نے اپنے آپ کو  
بچانے کے لئے اُسے بے گناہ جرم میں ڈالا ہے۔ تفصیلی بیان ہمراہ لف ہے۔

جناب عالی!

درج بالا بیانات اور ریکارڈ سے یہ واضح ہوا کہ ہر دو کنسٹیبلان نے اپنے ٹرانسفر اپوسٹنگ کے لئے آرڈرز نمبر IV-E-9622-23/9616-  
17/IV مورخہ 11.06.2020 جو کہ جناب AIG سٹیبلشمنٹ CPO پشاور کے جعلی دستخط پر ہوئے ہیں۔ برطبق بیان PA فواد کے کنسٹیبل اسد  
جو کہ ایف آر پی کوہاٹ رینج سے تعلق رکھتا ہے نے حوالہ کیا اور مذکورہ PA نے نمبر کسی تصدیق کے متذکرہ آرڈرز کا بیان ریکارڈ برانچ ایف آر پی ہیڈ کوارٹرز پشاور میں  
جمع کئے۔ جو کہ بعد میں پتہ چلا کہ متذکرہ آرڈرز جعلی ہیں۔ کنسٹیبل عامر و سیم نمبر 6090 اور کنسٹیبل رحمت ضمیر نمبر 5138 دونوں بخوبی واقف تھے کہ  
متذکرہ آرڈرز جعلی ہیں اور اپنے بیانات اور کراس سوالات کے جوابات میں واضح غلط بیانی سے کام لے رہے ہیں کہ انھوں نے اپنے خالقہ کے MNA شاہد حاکم اور

MPA میاں ٹار کو سفارش کئے تھے۔ جبکہ مذکورین کی درخواستیں OHC ایف آر پی کوہاٹ ریج کے پاس تاحال پڑے ہیں اور مذکورین کو کسی قسم کی OC نہیں ملے ہے۔

PA فواد نے اپنے بیان میں لکھا ہے کہ متذکرہ آرڈرز LHC اسمد اللہ نمبر 5975 جو کہ ایف آر پی کوہاٹ ریج سے تعلق رکھتا ہے نے اس کو دفتری اوقات کے بعد حوالہ کئے ہیں۔ جبکہ مذکورہ LHC اسمد اللہ نمبر 5975 نے اپنے بیان میں متذکرہ آرڈرز PA فواد کو حوالہ کرنے سے صاف انکار کیا ہے اور لکھا ہے کہ سال 2007 سے PA فواد کے ساتھ کافی تعلقات اور آنا جانا اور مہمان نوازی ہے۔ LHC اسمد اللہ نے اپنے بیان میں لکھا ہے کہ PA فواد کے ساتھ سال 2007 سے تعلق ہے جبکہ مذکورہ سال 2008 کا بھرتی شدہ ہے۔

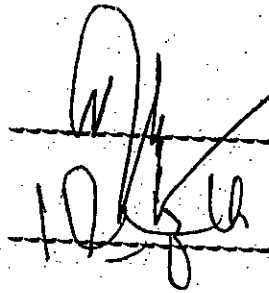
PA فواد نے اپنے بیان میں قسمیہ لکھا ہے کہ آرڈرز حوالہ ہونے کے وقت یہ علم نہیں تھا کہ یہ Fake / جعلی ہے۔

درج بالا بیانات سے یہ واضح ہوتا ہے کہ PA فواد اور LHC اسمد اللہ نمبر 5975 کے ایک دوسرے کے ساتھ 2007 سے تعلقات ہیں اور ایک دوسرے کو بخوبی جانتے ہیں اور ایک دوسرے کے ساتھ آنا جانا ہے۔ PA فواد نے اپنے بیان میں لکھا ہے کہ متذکرہ آرڈرز LHC اسمد اللہ نمبر 5975 نے اس کو دفتری اوقات کے بعد دیئے جو کہ اگلے روز مورخہ 24.06.2020 کو PA فواد نے انس سپرنٹنڈنٹ لے جا کر بمطابق بیان کنسٹیبل شہزاد نمبر 1350 متعینہ انس سپرنٹنڈنٹ نے دستخط کر کے ریکارڈ برانچ میں ڈائری کی ہے۔ جبکہ LHC اسمد اللہ نمبر 5975 نے اپنے بیان میں بتلایا ہے کہ مورخہ 24.06.2020 کو PA فواد کوہاٹ آکر اس بارے میں بتلایا کہ متذکرہ آرڈرز کے بارے میں میری مدد کریں۔ بمطابق بیان PA فواد مورخہ 23.06.2020 کو LHC اسمد اللہ نمبر 5975 نے بذات خود متذکرہ آرڈرز دفتری اوقات کے بعد من PA کو حوالہ کئے ہیں۔

مورخہ 24.06.2020 کو دفتری اوقات میں متذکرہ آرڈرز انس سپرنٹنڈنٹ سے مارک ہو کر ریکارڈ برانچ میں ڈائری ہو چکے ہیں اور LHC اسمد اللہ نمبر 5975 نے اپنے بیان میں لکھا ہے کہ مورخہ 24.06.2020 کو PA فواد کوہاٹ آیا تھا۔ کنسٹیبل عامر وسیم نمبر 6090، کنسٹیبل رحمت ضمیر نمبر 5138 اور LHC اسمد اللہ نمبر 5975 ان تینوں کا تعلق ایف آر پی کوہاٹ ریج سے ہے۔

لہذا درج بالا حقائق کو مد نظر رکھ کر کنسٹیبل عامر وسیم نمبر 6090، کنسٹیبل رحمت ضمیر نمبر 5138 کے خلاف Major Punishment دینے اور LHC اسمد اللہ نمبر 5975 ایف آر پی کوہاٹ ریج اور PA فواد کے خلاف حکمانہ کاروائی کرنے کی سفارش کی جاتی ہے۔

رپورٹ گزارش ہے۔



• DSP ہیڈ کوارٹر ایف آر پی پشاور

• RI ایف آر پی پشاور ریج پشاور

دفعہ نمبر: 191 مورخہ 23.07.2020

کل صفحات 25



B 8

OFFICE OF THE  
SUPERINTENDENT OF POLICE, FRP  
PESHAWAR RANGE, PESHAWAR.

Ph: No. 091-9210467

No. 307 /PA, dated 28/07/2020.

**CHARGE SHEET**

I, Jehanzeb Khan, Senior Superintendent of Police, Frontier Reserve Police, Peshawar Range, Peshawar empowered by the competent authority, under E&D rules 2011 and vide this office letter No.303/PA dated 24.07.2020, the remarks of Commandant FRP/KP Agreed and Suggested conduct proceed accordingly in accordance with law, you Senior Scale Stenographer Fawad Khan (PA to Deputy Commandant FRP/KP) hereby charge as follows:-

i) Constables Amir Waseem No.6090/6019 and Rehmat Zameer No.5138 have managed their transfer/Posting orders under the fake signature of AIG Establishment CPO Peshawar. In this regard preliminary enquiry was conducted through Inquiry Committee comprising by DSP/FRP/HQrs and RI/FRP/PR wherein you were found guilty and involved in submission of the same orders in the office of office Superintendent FRP/KP

ii) All this speaks highly adverse on your part warranting stern disciplinary action you.

2. By reasons of the above, you appear to be guilty of misconduct under Ru 4 of Khyber Pakhtunkhwa Govt. Servants Efficiency and Discipline Rules 2011 and have rendered yourself liable to all or any of the penalties specified in the Rules ibid.

3. You are, therefore, required to submit your written defense within seven days of the receipt of this charge sheet to the inquiry committee/inquiry officer as the case may be.

4. Your written defense, if any should reach the inquiry officer/inquiry committee within the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.

5. Intimate whether you desire to be heard in person.

6. A statement of allegations is enclosed.

(Jehanzeb Khan)  
Superintendent of Police, F.R.P  
Peshawar Range, Peshawar.



**DISCIPLINARY ACTION**

I, Jehanzeb Khan, Senior Superintendent of Police, Frontier Reserve Police, Peshawar Range, Peshawar empowered by the competent authority, under E&D rules 2011 and vide this office letter No.303/PA dated 24.07.2020, the remarks of Commandant FRP/KP Agreed and Suggested conduct proceed accordingly in accordance with law, you Senior Scale Stenographer Fawad Khan (PA to Deputy Commandant FRP/KP) rendered himself liable to be proceeded against, as he has committed the following acts/permissions within the meaning of Khyber Pakhtunkhwa Government Civil servants (Efficiency and Disciplinary) Rules 2011.

**STATEMENT OF ALLEGATIONS**

- i) Constables Amir Waseem No.6090/6019 and Rehmat Zameer No.5138 have managed their transfer/Posting orders under the fake signature of AIG Establishment CPO Peshawar. In this regard preliminary enquiry was conducted through Inquiry Committee comprising by DSP/FRP/HQrs; and RI/FRP/PR wherein you were found guilty and involved in submission of the same orders in the office of office Superintendent FRP/KP
  - ii) All this speaks highly adverse on your part warranting stern disciplinary action you.
2. For the purpose inquiry against the said accused with reference to the above allegation DSP Liarat Gul Si legal is nominated as inquiry officer under the rule-10(1)(a) of the ibid rules. Mushtaq
3. The inquiry officer/committee shall, in accordance with the provision of the rules, provide reasonable opportunity of hearing to the accused, record & record & submit its findings and made, within 30 days of the receipt of this order recommendations as to punishment or other appropriate action against the accused officer.
4. The defaulter official and a well conversant representation of the departmental shall in the proceedings on the date, time and place fixed by the inquiry officer/committee.

(Jehanzeb Khan)  
Superintendent of Police, F.R.P  
Peshawar Range, Peshawar.



REPLY IN RESPONSE TO THE CHARGE SHEET/SUMMARY OF ALLEGATIONS.

It is submitted for kind information that transfer orders in respect of constables Amir Waseem No. 6090 and Rahmat Zameer No. 5138 from FRP to regular Police issued by CPO Peshawar, had been handed over to me by constable Asad of FRP Kohat Range, at late hrs at my office and stated that the office of record branch has closed. Therefore the instant orders may send to the office concerned for further process. However the same were subsequently found fake/bogus and later-on I also informed.

In this regard an enquiry has been conducted through SSP FRP Peshawar Range. In the findings of enquiry committee, the allegations of fake transfer order has imposed upon me without any cogent proof or evident. In the said enquiry the allegations were not established against me, while the Enquiry committee recommend me for departmental action, which is against the law/rule and norms of justice. Now the SSP FRP Peshawar Range has issued me Charge Sheet/statement of allegations for further departmental action to be taken against me and a committee comprising of DSP Admn./SI Legal has been constituted.

In this connection it is, stated that I have no information regarding that the instant orders are fake, but the said constable namely Asad contacted me and narrated that the orders are found fake, constables are suspended/closed to FRP HQrs: Peshawar, therefore I should take u-turn. When the orders found fake, then his mobile was coming off. I tried time and again to contact him, but his cell Number 0344-9806550 was continuously coming off. I contacted SI Ishtiaq Badshah of FRP Kohat Range and told him that I am coming to Kohat, the mobile number of FC Asad is coming off, therefore you inform him through your own sources about my visit to Kohat. I, alongwith Constable computer operator Shafi proceeds to Kohat and on reaching there, FC Asad also arrived. After taking lunch with SI Ishtiaq Badshah, we set in a lawn of Govt: office, where I told the said constable that:-

1. Why you conceal it from me that the orders are fake.
2. He replied me that he is also unaware.
3. I ask him that who did it.
4. He don't explain me.

Thereafter, I told him straightaway, that I have already been brought the issue in the notice of my officers that these orders were given by my friend FC Asad and further told him that an enquiry has already been initiated, therefore, as soon as possible come to Peshawar for statement, which he Agree and promised that he must be coming. Subsequently, on 23.07.2020, I was given my statement to enquiry committee, wherein, I have disclosed that these orders were given by FC Asad and in the meanwhile he also arrived at Peshawar. I told him that I, was given my statement, wherein I have disclosed that the instant orders given by FC Asad. On this he become worried and told me that you should must to wait for him and further narrated to change the statement, but I have refused.

(11)


Now the SSP FRP Peshawar Range has issued me Charge Sheet/statement of allegations for further departmental action to be taken against me and a committee comprising of DSP Admn:/SI Legal has been constituted.

**Prayers.**

Keeping in view the above facts, it is humbly requested that necessary order may kindly be issued for re-enquiry through other Officers/ Committee for conducting impartial enquiry and to dig out the real facts. The Charge Sheet/statement of allegations issued may also kindly be held in abeyance please.

It is also, humbly, requested that I am very kindly be allowed to appear before your kind good self to prove myself as innocence in the subject enquiry please. I will be pray for your long life and property.

Your,s obediently

  
Fawad Khan 30/07/2024  
PA to Deputy Commandant  
FRP Khyber Pakhtunkhwa Peshawar

انکوائری رپورٹ

جناب عالی!

جوابہ مشمولہ انکوائری کاغذات برخلاف سینئر شیو گرافر فواد PA اور LHC اسد اللہ نمبر 5975 ایف آر پی کوہاٹ ریجن معروضی خدمت ہوں کہ ہر دو ملازمین کے خلاف الزام پیکہ کنسٹیبل رحمت ضمیر نمبر 5138 اور کنسٹیبل عامر وسیم نمبر 6090 کے ٹرانسفر ایوینٹس آرڈر نمبر IV-23/17-9622، IV-17/9616 مورخہ 11.06.2020 جعلی طور پر تیار کرائے ہیں۔ اس سلسلہ میں ابتدائی انکوائری جناب SP ایف آر پی پشاور ریجن کو مارک ہوئی۔ جناب SP ایف آر پی پشاور ریجن نے ابتدائی انکوائری بذریعہ DSP ہیڈ کوارٹر اور RI ایف آر پی پشاور ریجن عمل میں لائی گئی۔ بعد میں جناب SP صاحب ایف آر پی پشاور ریجن نے سینئر شیو گرافر فواد FRP اور LHC اسد اللہ نمبر 5975 ایف آر پی کوہاٹ ریجن کے خلاف علیحدہ علیحدہ چارج شیٹ دوسری آف ایگیشن جاری کر کے حکیمانہ انکوائری بذرا عمل میں لانے کے لئے ریرہ منتقلی یعنی DSP ایڈمن ایف آر پی ہیڈ کوارٹر پشاور اور SI لیگل مشن خان ایف آر پی ہیڈ کوارٹر پشاور پر مشتمل کمیٹی تشکیل دی۔ حسب احکام افسران بالا صاحبان خفیہ اور اعلانیہ انکوائری عمل میں لائی گئی جس کی تفصیل ذیل ہیں۔

دوران انکوائری ہر دو ملازمین پر چارج شیٹ دوسری آف ایگیشن باضابطہ طور پر تقسیم کیے گئے۔ مذکورہ میں نے بعد میں چارج شیٹ کے جوابات دفتر ہذا میں جمع کئے ہیں۔ اس کے علاوہ کنسٹیبل رحمت ضمیر نمبر 5138 اور کنسٹیبل عامر وسیم نمبر 6090 اور دیگر متعلقہ ملازمین کے بیانات قلم بند کئے گئے جو کہ مہر اہل اور خلاصہ ذیل ہیں۔

خلاصہ سینئر شیو گرافر فواد ایف آر پی پشاور :- مذکورہ نے اپنے بیان میں لکھا ہے کہ کنسٹیبل رحمت ضمیر نمبر 5138 اور کنسٹیبل عامر وسیم نمبر 6090 کے ٹرانسفر ایوینٹس آرڈر نمبر IV-23/9622، IV-17/9616 مورخہ 11.06.2020 کو اس کے دوست LHC اسد اللہ نمبر 5975 ایف آر پی کوہاٹ ریجن دفتر کی اوقات کار کے بعد BY Hand دے تھے چونکہ اس وقت دفتر بیکار ڈیوٹی پر بند تھا اس لئے متذکرہ آڈر ڈیوٹی OS میں جمع کئے جو کہ بعد میں پتہ چلا کہ متذکرہ ٹرانسفر آرڈر جعلی ہیں اس سلسلہ میں کنسٹیبل رحمت ضمیر نمبر 5138 اور کنسٹیبل عامر وسیم نمبر 6090 کی باقاعدہ طور پر حکیمانہ انکوائری شروع کی گئی اور اس بابت LHC اسد اللہ نے اس کو آگاہ کیا متذکرہ آڈر ڈیوٹی جعلی تھے جس میں کنسٹیبل رحمت ضمیر نمبر 5138 اور کنسٹیبل عامر وسیم نمبر 6090 کو ایف آر پی ہیڈ کوارٹر پشاور کلوز ہو چکے ہیں اور حکیمانہ انکوائری شروع کی گئی ہے۔ اس کے بعد مذکورہ LHC اسد اللہ نے سوتیلے ہاتھوں سے متذکرہ کے ساتھ ملاقات ہوئی اور مذکورہ LHC کو بتلایا کہ آپ نے کیوں مجھ سے بات چھپائی تھی کہ متذکرہ آڈر ڈیوٹی جعلی ہیں مذکورہ LHC نے جواباً بتلایا کہ اس کو مجھ میں ہمت نہیں تھا۔ مذکورہ کے ساتھ ملاقات کے دوران مذکورہ سے پوچھا کہ آپ کو کس نے متذکرہ آڈر ڈیوٹی میں اس بارے میں LHC اسد اللہ سے کوئی جواب نہیں دی۔ فواد PA نے اپنے بیان میں کہا ہے کہ متذکرہ آڈر ڈیوٹی میں کنسٹیبل رحمت ضمیر نمبر 5138 اور کنسٹیبل عامر وسیم نمبر 6090 کے خلاف حکیمانہ انکوائری شروع ہوئی تو LHC اسد اللہ نے ابتدائی موبائل نمبر 0344-9806550 اور دوسرا موبائل نمبر 03329715889 پر دستور بند کئے تھے اور دوسرے موبائل نمبرات 0335-9931003 اور 0344-0921808 سے اس کے ساتھ رابطہ رکھتا۔ PA فواد نے اپنے بیان میں مزید بیان کیا ہے کہ متذکرہ کنسٹیبلان کو نہ جانتے ہیں اور نہ ہی کوئی رابطہ ہے۔ بیان مہر اہل ہے۔

خلاصہ بیان LHC اسد اللہ نمبر 5975 ایف آر پی کوہاٹ ریجن :- مذکورہ نے اپنے بیان میں لکھا کہ وہ سال 2008 ایف آر پی کوہاٹ ریجن کا مہتری مشورہ ہے اور سال 2007 سے PA فواد کے ساتھ تعلقات ہیں۔ اور مذکورہ کا PA فواد کے ساتھ سول دو سستی اور ایک دوسرے کی طرف آنا جانا اور سہمان نوازی ہوتی رہی۔ مذکورہ نے اپنے بیان میں لکھا ہے کہ اس نے 2007 سے لیکر 24.07.2020 تک کسی قسم کا سرکاری ڈاک، کاغذات وغیرہ نہیں لایا ہے اور نہ ہی کبھی اپنے یا کسی دوسرے کی ٹرانسفر کے لئے بات کی ہے۔ علاوہ ازیں مورخہ 24.06.2020 بروز بدھ PA فواد کوہاٹ آیا تھا اور بتلایا کہ مجھ پر ایک مشیت آئی ہے تو پوچھنے پر بتلایا کہ اس نے 2/2 کنسٹیبلان کا تبادلہ جات آرڈر آفس سپرنٹنڈنٹ ایف آر پی ہیڈ کوارٹر پشاور کو دئے ہیں اور وہ ٹھیک نہیں ہے۔ جواباً میں نے بتلایا کہ کیا کر سکتا ہوں تو PA فواد نے بتلایا کہ آپ کہو کہ یہ میں نے PA فواد کو دئے ہیں۔ خدا نخواستہ اگر آپ کو کوئی نقصان پہنچا تو کرمی سے جاننا پڑے تو پھر میں سارا خرچہ اور سہمانی کے لئے ہر ممکن فراہم کروں گا۔ مذکورہ نے لکھا ہے کہ اس نے اس بارے میں ہر سے انکار کیا اور نہ کرمی کے علاوہ ہر ممکن ہر کام اس کے پاس ہو۔ کافی مدت تک اس کے وہاں چلا گیا اب معلوم ہوا ہے کہ اس نے اپنے آپ کو بچانے کے لئے اسے بے گناہ جرم میں ڈالا ہے۔ تفصیلی بیان مہر اہل ہے۔ مذکورہ نے دوران انکوائری کرائی سوالات بھی کئے گئے جس کے مذکورہ نے جوابات تحریر کر کے نشان انگشت ثبت کئے ہیں۔ لیکن مذکورہ نے اپنے بیان کے سپورٹ میں کوئی ٹھوس ثبوت

کنسٹیبلان عامر وسیم نمبر 6019 اور رحمت ضمیر نمبر 5138 ایف آر پی کوہاٹ ریجن کو دفتر ہذا طلب کر کے زبانی پوچھ گچھ اور تحریری نکت قلمبند کئے گئے۔ جن کا خلاصہ ذیل ہیں۔

خلاصہ بیان کنسٹیبل عامر وسیم نمبر 6019 ایف آر پی کوہاٹ ریجن :-

مذکورہ نے اپنے بیان میں لکھا ہے کہ وہ ایف آر پی کوہاٹ ریجن میں ڈیوٹی پر تعینات ہے اس نے خود سٹرک ضلع کرک کے تبادلے کے لئے دفتر OHC ایف آر پی کوہاٹ ریجن میں تحریری درخواست جمع کی اور اس کے علاقہ کے سیاسی شخصیات کے ذریعے افسران بالا صاحبان کو تبادلہ کے بابت سفارش کی۔ مورخہ 26.06.2020 کو پلانٹون منشی صادق اللہ نمبر اطلاع دی کہ بروز پیر مورخہ 29.06.2020 افسران بالا صاحبان کو پیشی مطلوب ہے۔ دوران پیشی اس کو علم ہوا کہ اس کا تبادلہ آرڈر نمبر 9616-17/IV مورخہ 11.06.2020 پر ہوم ڈسٹرکٹ کرک ہو چکا ہے جو کہ جعلی آرڈر ہے۔ بیان ہمراہ لف ہے۔

خلاصہ بیان FC رحمت ضمیر نمبر 5138 ایف آر پی کوہاٹ ریجن کوہاٹ :-

مذکورہ نے اپنے بیان میں لکھا ہے کہ وہ ایف آر پی کوہاٹ ریجن میں ڈیوٹی پر تعینات ہے اس نے خود سٹرک ضلع کرک کے تبادلے کے لئے مورخہ 02.03.2020 کو دفتر OHC ایف آر پی کوہاٹ ریجن میں تحریری درخواست جمع کی اور اسکے خالقہ کے قومی اسمبلی ممبر کو سفارش کے لئے بتلایا۔ مورخہ 26.06.2020 کو پلانٹون منشی محمد علی نمبر اطلاع دی کہ بروز پیر مورخہ 29.06.2020 افسران بالا صاحبان کو پیشی مطلوب ہے۔ دوران پیشی اس کو علم ہوا کہ اس کا تبادلہ آرڈر نمبر 9622-23/IV مورخہ 11.06.2020 پر ہوم ڈسٹرکٹ کرک ہو چکا ہے جو کہ جعلی آرڈر ہے۔ بیان ہمراہ لف ہے۔

اس سلسلے LHC اسد اللہ کے نام پر رجسٹرڈ موبائل نمبر 0344-9806550، دوسرا موبائل نمبر 03329715889 اور PA نواد کے نام پر رجسٹرڈ موبائل نمبر 0300-9396836 کا کال ڈیٹا ریکارڈ (CDR) حاصل کرنے کے لئے لیٹر نمبر 71/DSP مورخہ 06.08.2020 دفتر CKC پشاور بھجویا گیا اسی طرح LHC اسد اللہ نمبر 5975 نے کنسٹیبلان رحمت ضمیر نمبر 5138 اور عامر وسیم نمبر 6019 کے خلاف حکمتانہ انکوٹری شروع ہونے کے دوران دوسرے موبائل نمبرات، 01 نمبر 0335-9931003 اور 0344-0921808 پر PA نواد کے ساتھ رابطہ کیا تھا جن کا CDR حاصل کرنے کے لئے لیٹر نمبر 72/DSP مورخہ 12.08.2020 پر CKC پشاور CCP بھجویا گیا۔ جس کی روشنی میں متذکرہ موبائل نمبرات کا ریکارڈ فراہم کیا۔ CDR ریکارڈ ہمراہ لف ہے

چونکہ کنسٹیبلان عامر وسیم نمبر 6019 رحمت ضمیر نمبر 5138 ایف آر پی کوہاٹ ریجن جو کہ جعلی ٹرانسفر آرڈر ایٹو کرنے کے سلسلہ میں انکوٹری مکمل ہونے پر محکمہ پولیس سے درخواست کئے گئے ہیں۔ جبکہ نواد خان سینئر شیو گرافر اور LHC اسد اللہ نمبر 5975 کے بیانات سے واضح ہوتا ہے کہ ہر دو کے باہم عرصہ دراز سے تعلقات قائم ہیں اور نواد سینئر شیو گرافر کے ساتھ انس میں تعینات کنسٹیبل شفیع اللہ سے تحریری بیان لیا گیا جس نے اپنے بیان میں بتلایا ہے کہ کچھ عرصہ قبل PA نواد کے دفتر کو ایک مہمان آیا PA نواد نے مجھے چائے/قہوہ لانے کے لئے کہہ دیا اس پر اس مہمان نے کہا کہ ٹھنڈا لیکر آئے جس کے لئے میں نے کینٹین سے بوتل لے کر آیا۔ کچھ دن بعد معلوم ہوا کہ کچھ جعلی ٹرانسفر آرڈر ہوتے ہیں۔ جس وجہ سے PA نواد کو ایسا کچھ کوہاٹ جانے کا پروگرام بنا تو وہاں پر جا کر معلوم ہوا کہ یہ وہی LHC اسد اللہ ہے جو کہ بقول PA نواد کے دفتر میں جعلی آرڈر PA نواد کو حوالہ کئے تھے مذکورہ نے مزید خلفاً تحریر کیا ہے کہ متذکرہ آرڈر کے جعلی ثابت ہونے سے کچھ دن پہلے LHC اسد اللہ نواد PA کے دفتر آیا تھا جس کے لئے PA نواد کے کہنے پر اس نے بوتل لایا تھا۔ بیان ہمراہ لف ہے۔

ٹائٹلنگ رپورٹ :-

جناب عالی!

دوران انکوٹری پایا گیا کہ LHC اسد اللہ نے ابتدائی انکوٹری کے دوران اپنے تحریری بیان میں PA نواد کے کوہاٹ آنے کی تاریخ 24.06.2020 تحریر کی اور بعد میں چارج شیٹ وصول کر کے چارج شیٹ کے جواب میں بھی تحریری بیان کے دوران نواد خان کی کوہاٹ میں اس سے ملنے کے لئے آنے کی تاریخ 24.06.2020 تحریر کی لیکن بعد میں جب اسے معلوم ہوا کہ جعلی آرڈر مورخہ 24.06.2020 کو ڈائری ہوا ہے تو اس نے بیان تبدیل کرنے کے لئے تحریری طور پر ایک تیسرے بیان پیش کر کے نواد PA کے کوہاٹ میں آنے کی تاریخ مورخہ 24.06.2020 کو تبدیل کر کے مورخہ 01.07.2020 کرنے کی استدعا کی ہے۔

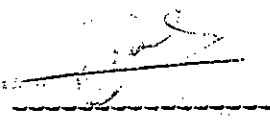
نیز ایک اور اہم نقطہ یہ بھی ہے کہ جعلی آرڈر پر انکوٹری مورخہ 29.06.2020 سے شروع ہوئی ہے اور PA نواد خان کے موبائل نمبر 03329715889 اور LHC اسد اللہ نمبر 5975 کے موبائل نمبر 0344-9806550، دوسرا موبائل نمبر 03329715889 کا

CDR ملاحظہ سے ثابت ہوتا ہے کہ LIIC اسد اللہ نمبر 5975 نے اپنا ذاتی موبائل نمبر 0344-9806550 مورخہ 30.06.2020 تا مورخہ 07.07.2020 تک مکمل آف کیا ہے جس کی تصدیق فواد PA نے اپنے بیان میں بھی کی ہے اور اس دوران مذکورہ نے PA فواد کیساتھ دوسرے موبائل نمبر 0344-9931003 اور 0344-0921808 پر خفیہ طور پر رابطہ رکھا جو کہ مذکورہ نے اپنے کراس سوال کے جواب میں بتلایا ہے کہ موبائل نمبر 0344-0921808 اس کی بیوی کے نام پر رجسٹرڈ ہے اور اس کی استعمال میں جبکہ دوسرا نمبر کرن کے ذاتی استعمال میں ہے جو کہ اس بات کا ثبوت ہے کہ LIIC اسد اللہ جعلی آرڈر نمبری IV-23/1-9622 اور IV-17/E-9616 مورخہ 11.06.2020 میں کنسٹیبلان عامر وسیم نمبر 6019 اور رحمت ضمیر نمبر 5138 کے خلاف انکوائری شروع ہوتے ہی گھبراہٹ کا شکار ہو کر منصوبہ بندی کے تحت اپنا ذاتی موبائل نمبر 0344-9806550 بند کر دیا تھا تاکہ اس کے ساتھ کنسٹیبلان عامر وسیم نمبر 6019 اور رحمت ضمیر نمبر 5138 اور PA فواد رابطہ نہ کر سکیں اور ان کی وجہ سے مذکورہ پکڑ نہ جائیں۔

دوران انکوائری درج بالا حالات ، CDR ریکارڈ، سینئر شیو گرافر فواد PA اور LIIC اسد اللہ نمبر 5975 ایف آر پی کوہاٹ ریجن کا ایک دوسرے کے ساتھ ضلع کوہاٹ میں ملنے سے معلوم ہوتا ہے کہ LIIC اسد اللہ نمبر 5975 ایف آر پی کوہاٹ ریجن اور سینئر شیو گرافر فواد خان کے متذکرہ جعلی آرڈرز تیار کرنے میں مبینہ کردار ہے۔ PA فواد اور LIIC اسد اللہ نے کنسٹیبلان عامر وسیم نمبر 6019 اور رحمت ضمیر نمبر 5138 کے جعلی ٹرانسفر آرڈرز تیار کر کے پراسس کرنے کے لئے PA فواد نے بغیر کسی تصدیق و انصران بالا صاحبان کے نوٹس میں لائے بغیر متذکرہ آرڈرز کا پتیاں ریکارڈ برانچ میں جمع کرنے کے لئے آفس پرنٹنگ ایف آر پی پشاور میں کنسٹیبل شہزاد کو حوالہ دئے۔

لہذا ہر دونوں ملازمین کے خلاف Major Punishment دینے کی سفارش کی جاتی ہیں۔

رپورٹ گزارش ہے۔



DSP ایڈمن ایف آر پی ہیڈ کوئٹہ پشاور



SI لیگل مشتاق خان ایف آر پی ہیڈ کوئٹہ پشاور

28/08/2020 مورخہ 79



E (15)

**OFFICE OF THE COMMANDANT,  
FRONTIER RESERVE POLICE,  
KHYBER PAKHTUNKHWA, PESHAWAR.**  
Ph: 091-9212602 Fax: 091-9214114  
No. 431-39 /PA, dated 28/08/2020.

### ORDER

This order will dispose of the enquiry conducted against Senior Scale Stenographer Fawad Khan of FRP/HQrs: Peshawar drawing his pay from District Police Chitral and LHC Asad Ullah No. 5975 of FRP Kohat Range about their involvement in fake transfer / posting orders of Constable Rahmat Zamir No. 5138 and Constable Amir Waseem No. 6090 from Kohat to District Police Karak vide CPO Endst: No. 9616-17/E-IV, and No. 9622-23/E-IV, dated 11.06.2020.

The misconduct of Senior Scale Stenographer Fawad Khan and LHC Asad Ullah No. 5975 of FRP Kohat Range is extremely grave and dangerous. An enquiry was conducted through SP/FRP Peshawar Range against both the accused officials. He submitted his findings / recommendations. As regards the preparation of forged transfer orders had been proved beyond doubts. Being an old and experienced hand, Senior Scale Stenographer Fawad Khan should have realized the consequence of his impending action of forgery. If left unchecked both these officials would embark upon more perilous course of action by further engaging into more forged and fictitious orders.

This situation warrants an action which could prove to be a deterrent to others. In view of this being competent authority, I impose upon the accused officer Senior Scale Stenographer Fawad Khan the punishment of discharge from service under Efficiency and Discipline Rules 1973 with immediate effect.

**Order announced.**

(Sajid Ali Khan) P  
Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.

**Endst: No. & date even:-.**

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

1. Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa Peshawar.
2. Dy: Commandant, FRP Khyber Pakhtunkhwa, Peshawar.
3. District Police Officer Chitral.
4. Office Supdt: / Acctt: FRP HQrs: Peshawar.
5. Officer concerned.

To: The Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar.

9/16

SUBJECT:- APPEAL FOR RE-INSTATEMENT IN SERVICE.

Honorable Sir,

FACTS:-

1. Most humbly requested that I was appointed in the year 1996 and served more than 24 years with great zeal & zest, in the entire satisfaction of my seniors and having unblemished record due to which I was promoted as Stenographer BPS-16 during the year 2016 by the CPO Peshawar.
2. I was performing my duty as PA to numerous Deputy Commandant FRP KP, since 2015, who were fully satisfied from my devotion towards duty and always given me A-I ACR.
3. During my entire service, I have not received any degradation both morally and characterly which is nothing more but the derivatives of my enthusiasm and devotion toward Police department. Furthermore, I did each and everything within my possible means for uplifting of FRP specifically and Police department generally.
4. That in the month of June 2020, the transfer orders of constables Amir Waseem No. 6090 and Rahmat Zameer No. 5138 of FRP Kohat Range issued by CPO Peshawar had been handed over to me by LHC Asad at late hours at my office and stated that the office of record branch has been closed, therefore, the instant orders may be sent to concerned office for further process. However the same were subsequently found fake/bogus and later-on I also informed. In this regard an enquiry conducted against me by SP FRP Peshawar Range Peshawar, who after enquiry submitted his findings, wherein the enquiry officer/committee, the allegations of fake transfer order has imposed upon me without any observing any cogent proof or evident.
5. That in the said enquiry committee, the allegations were not established against me and recommended for departmental action which is against the norms of justice, even an opportunity of personal hearing was not provided to me.
6. During the course of enquiry, I was submitted an application before the Commandant FRP KP, Peshawar, for seeking of justice and with the request that in the preliminary enquiry, neither proper CDRs were obtained, proceeding of cross/examination/ question nor Footage of CCTV camera of CPO as well as Police Lines Peshawar obtained (copy attached), but now response.
7. That in light of preliminary enquiry, the SP FRP Peshawar Range issued me Charge Sheet/statement of allegations and a committee comprising of DSP Admn: FRP and SI/Legal was constituted. But it is

astonishing to note that the same enquiry also conducted in slip  
slipshod manners and declared me guilty of the charges. (17)

8. Thereafter, the Commandant FRP KP, Peshawar, neither issued me Show Cause Notice nor given me an opportunity of personal hearing, in the light of natural justice was not provided to me and punished harshly me by issuing the impugned order, wherein I was discharged from service vide order No. 434-39/PA dated 28.08.2020,

**GROUND:-**

- a. The impugned order passed by the Commandant FRP, KP Peshawar is injustice, harsh, arbitrarily and against the law rules.
- b. A one sided enquiry has been conducted against me on malified, as no chance for defence offered by the enquiry officer/committee or by the competent authority, during the course of enquiry.
- c. It is pertinent to mentioned here that on promotion I was transferred to Traffic Peshawar and subsequently my pay was attached with the office of the District Police Officer Chitral and I was retained in FRP.
- d. According to ESTA-CODE-2011 Section-7A (REVISION):-  
(2) If, in the light of the findings in the proceedings taken against the Government servant in terms of rule 8(A), the borrowing authority is of the opinion that any penalty should be imposed on him, it shall transmit to the lending authority the record of the proceedings and thereupon the lending authority shall take action prescribed in these rules.
- e. According to E & D Rules-2011 Section-16 Sub-Section (2):-  
(2) If, in the light of findings of the proceedings taken against the accused in terms of sub rules (1), the borrowing organization is of the opinion that a penalty may have to be imposed on him, it shall transmit the record of the proceedings to the lending organization, and the competent authority in the lending organization shall thereupon take action against the accused under rules 14.

That I innocent and belongs to a poor family and as being the only bread earner for my kids and ailing/aged parents as well.

**Prayers:-**

Keeping in view aforementioned facts and submission it is, therefore, requested that the instant appeal may kindly be accepted and I may kindly be reinstated in service with all back benefits please. I shall be prayed for your long life and prosperity.

Your's Obediently

(Fawad Khan)

Ex-Stenographer FRP HQrs:  
Peshawar

4/09



Subject: **DENOVO ENQUIRY AGAINST SENIOR SCLAE STENOGRAPHER  
FAWAD KHAN OF FRP, KHYBER PAKHTUNKHWA**

**Background**

It is submitted that Senior Scale Stenographer Fawad Khan was posted as PA Deputy Commandant FRP, Khyber Pakhtunkhwa. He alongwith LHC Asad Ullah No. 5975 of FRP Kohat Range were involved in fake transfer/posting orders of Constable Rahmat Zamir No.5138 and Constable Amir Waseem No.6090 from FRP Kohat to District Police Karak issued vide CPO Endst: No.9616-17/E-IV and No.9622-23/E-IV dated 11.06.2020. In this connection, an initial enquiry was conducted through SP/FRP Peshawar Range against Fawad Khan, Senior Scale Stenographer and LHC Asad Ullah, wherein allegations of fake transfer orders had been imposed upon them.

On the basis of preliminary enquiry, both the officials were charged sheeted and enquiry committee comprising of DSP/Admin, and SI Legal FRP/HQrs: Peshawar was constituted to conduct departmental enquiry against them. The enquiry committee conducted enquiry against both the above named officials concerned and after completion of enquiry, the enquiry committee submitted their findings wherein both the accused officials were recommended for major punishment.

In the light of the findings of departmental enquiry, Senior Scale Stenographer Fawad Khan was discharged from service by Commandant FRP, Khyber Pakhtunkhwa vide order Endst: No.434-39/PA dated 28.08.2020.

Mr. Fawad Khan, Senior Scale Stenographer preferred departmental appeal before the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar against the order of Commandant FRP, Khyber Pakhtunkhwa issued vide order quoted above. He was called in Orderly Room and heard in person by the Competent Authority and was re-instated in service and constitute an enquiry committee consisting of the following officers to conduct denovo enquiry against him.

1. Malik Muhammad Tariq, PSP.  
Deputy Commandant FRP.
2. Mohammad Ashfaq,  
AIG/Complaint & Enquiry CPO.

## Proceedings

(17)

To unearth the real facts, the following concerned were summoned. They were heard in person and their statements were recorded. They were also cross examined.

1. Mr. Fawad Khan, Senior Scale Stenographer.
2. Ex-LHC Asad Ullah No. 5975 FRP Kohat.
3. Ex-Constable Rahmat Zamir No.5138 FRP Kohat.
4. Ex-FG Amir Waseem No.6090 FRP Kohat.
5. Computer Operator Shafi Ullah of FRP/HQrs: Peshawar.

### Statement of Mr. Fawad Khan, Senior Scale Stenographer

He stated that the transfer orders of constable Amir Waseem No. 6090 and Rahmat Zameer No. 5138 from FRP to regular Police district Karak issued by CPO Peshawar has been handed over to him by LHC Asad Ullah of FRP Kohat Range at late hours at his office and stated that the office of record branch has been closed, therefore, the instant orders may be sent to office concerned for further process. Later-on, the same orders were found fake/bogus and thereafter, he was also known regarding its fake. An enquiry has been conducted by SP FRP Peshawar Range, through enquiry committee. In the findings of enquiry committee the allegations of fake transfer order has imposed upon him, without any cogent proof or evident. In the said enquiry the allegations were not established against him and thus the enquiry committee recommends him for departmental action, which was against the law/rules and norms of natural justice. The SP FRP Peshawar Range issued him Charge Sheet/Statement of Allegations for further departmental action and a committee comprising of DSP/Admin: and SI Legal FRP/HQrs: was constituted. It is pertinent to mention here that he was not known about the fake orders but the said LHC namely Asad Ullah contacted him and narrated that the orders are found fake, the concerned constables have been suspended and closed to FRP Police Lines, Peshawar and stressed for taking u-turn. Thereafter, he was trying to contact with LHC Asad Ullah but after the occurrence his mobile number 0344-9806550 was coming switched off. Therefore, he contacted SI Ishtiaq Badshah of FRP Kohat Range that he is coming to Kohat and informs LHC Asad Ullah about his visit to Kohat. He alongwith Constable Computer Operator Shafi Ullah proceeds to Kohat. On reaching to Kohat he met with LHC Asad Ullah and accosted that:-

- a. Why he concealed it that the transfer orders given by him are fake?

b. He replied that he is also unaware that the said orders are fake.

c. Whose did it?

d. He replied that he did not want to explain it.

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Thereafter, he disclosed to LHC Asad Ullah straightway that he was already informed his officers that these orders were given by his friend LHC Asad Ullah and stated him to come Peshawar for recording statement. On 23.07.2020 he submitted his statement to enquiry committee, wherein he disclosed that these orders were given by LHC Asad Ullah and meanwhile he also arrived at Peshawar, requested to change the statement and further stressed that he should must wait for him but he has refused his request regarding for changing the statement. He further added that after the occurrence the cell number of LHC Asad Ullah was coming switched off and he contacted him on the following Mobile numbers. He was reluctant to show himself as LHC Asad Ullah and text him that he "Karak Wala", which is astonishing to note (copy annexed at "F/A").

i. 0335-9931003.

ii. 0344-0921808 (it was 30<sup>th</sup> June 2020 when he text him). Copy annexed at "F/B"

iii. Again text him on 04<sup>th</sup> July 2020 (copy annexed at "F/C")

Now it has been known that mobile number 0335-9931003 is in the use of the wife of LHC Asad Ullah, so a question is raised that why he contact him on his wife mobile number which is astonishing to note.

#### Statement of Ex-LHC Asad Ullah FRP Kohat Range

He stated that he was appointed as Constable during the year 2008 and has friendship with Mr. Fawad Khan, Senior Scale Stenographer since 2007. Since 2007 till date he was never given any Govt: Dak to the said Senior Scale Stenographer (PA). Mr. Fawad Khan being his friend takes a disadvantage of friendship and involved him in baseless allegations for his ulterior motives as he alleged that the fake transfer orders in question had been brought by him and handed over to PA Fawad. He further stated that on 01.07.2020 the Admin: officer, Ishtiaq Badshah of FRP Kohat Range called him and inform regarding the visit of Fawad PA to Kohat. He directed him to come to Kohat. Later-on, he was meet with him alongwith Constable Shafi Ullah. The said PA told him that he was submitted some transfer orders of constables to the office supdt: FRP/HQrs:, Peshawar, which was found fake/bogus and in this regard an enquiry has been initiated against him and requested for help. He asked PA Fawad that what kind of help he needed, in

reply he requested to admit that the said fake orders bring by him and handed over to Fawad PA in his office. Thus he told him that he could not tell a lie, refused and narrated that if some legal help he needed shall be provided. Fawad PA told him time and again for necessary help etc. He further stated that the said orders were submitted by PA Fawad Khan to the office of office supdt: FRP/HQrs: Peshawar. (21)

**Statements of Ex-Constable Rahmat Zamir No. 5138 and Amir Waseem No.6090 FRP Kohat**

They stated that they were tried for transfer from FRP Kohat Range to regular Police District Karak and in this regard they were approached to their local MPAs/MNAs. In the meanwhile they were placed under suspension and closed to FRP/HQrs: Peshawar. Later-on, they were informed that their transfer orders from FRP to regular issued CPO Peshawar were found fake. They have further narrated that they neither known anyone in Peshawar nor approached for this purpose at Peshawar.

**Statement of Constable Computer Operator Shafi Ullah**

He stated that he is working as Computer Operator in the office of PA to Deputy Commandant FRP, Khyber Pakhtunkhwa. One day a guest came to our office at later hours and the PA directed him to take tea for guest but the said guest was desired for cool drinks. Later-on, on the directions of PA Fawad Khan, he was proceeded to Kohat with him, where, it was known that LHC Asad Ullah who was meet with the said PA in his office. He further stated that he also known that the above guest namely LHC Asad Ullah brought some transfer orders of constables and handed over to PA Fawad were found fake.

**Findings**

After going through the relevant record and cross examination of all the concerned, it revealed that:-

- i. LHC Asad Ullah narrated in his written statement that he come to Peshawar and visited to Police Lines Canteen as well as CPO but he did not meet with Fawad PA to Deputy Commandant FRP but on perusal of statement of Computer Operator Shafi Ullah it is crystal clear that LHC Asad Ullah has already been meet with Fawad Khan in his office and given the said orders.
- ii. During the course of enquiry, the committee ascertained from LHC Asad Ullah that why he contacted Mr. Fawad Khan on his wife mobile

- number, on this he failed to produce any plausible reply or proof in his support before the enquiry committee. 99  
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- iii. From perusal of enquiry file and other connected papers it has been found that neither Final Show Cause Notice was issued to the said Senior Scale Stenographer Fawad Khan nor given the opportunity of personal hearing and thus awarded major punishment of discharged from service.
  - iv. LHC Asad Ullah admitted that the said order was submitted by PA Fawad to the office of Office Supdt: FRP/HQrs: and finally narrated that he is unaware from the said orders.
  - v. During cross examination both the constables disclosed that they does not knowing Mr. Fawad Khan nor seen him. Besides, they have no any telephonic contact with Fawad Khan.
  - vi. From perusal of service record of Senior Scale Stenographer Fawad Khan, it has been found that he has approximately 24 years service on his credit having unblemished record.
  - vii. The CDR report has also procured for digging out the factual position regarding the contact amongst Fawad Khan, Senior Scale Stenographer and LHC Fawad and other officials. The CDR reveals that the cell number of LHC Asad Ullah was coming switched off, which supported the statement of Mr. Fawad Khan, Senior Scale Stenographer. Besides, there are no contact found in CDR amongst the under transferred officials with Fawad.

### Conclusion

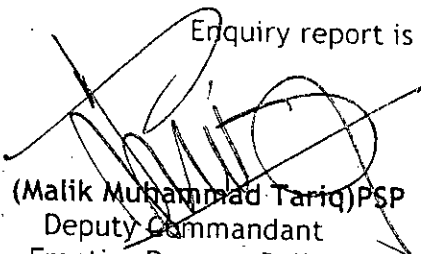
Keeping in view of the above facts, circumstances and cross examination of all concerned, perusal of available record, the enquiry committee have come to the conclusion that the fake orders in question have been brought by LHC Asad Ullah and handed over to Senior Scale Stenographer Fawad Khan (PA to Deputy Commandant FRP) in his office at late hours (after office time). During the course of enquiry it has also been found that LHC Asad Ullah and Senior Scale Stenographer Fawad Khan have a friendship since long, which disclosed both the officials in their written statements. During cross examination Senior Scale Stenographer Fawad Khan contended that the said orders received by him from LHC Asad Ullah on the basis of friendship but at that time he did not known about their factual position, as to whether the same orders are fake.


## Recommendations

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The management or any kind of consultation in issuance of above fake orders has not been proved on the part of Senior Scale Stenographer Fawad Khan, however, he is slightly found guilty, for receiving the said orders from his friend (LHC Asad Ullah) without any clarification, therefore, he is recommended for awarding of minor punishment of "Censure" and may also be given stern warning to be careful in future. His intervening period may be treated as leave of the kind due, please.

Enquiry report is submitted for kind perusal, please.

  
(Malik Muhammad Tariq) PSP  
Deputy Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar

  
(Mohammad Ashfaq)  
Assistant Inspector General of Police  
Complaint & Enquiry  
Khyber Pakhtunkhwa, Peshawar



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
CENTRAL POLICE OFFICE,  
KHYBER PAKHTUNKHWA PESHAWAR

No. 4762-67/E-V, dated Peshawar the 17/12/2020

**ORDER**

Stenographer Fawad Khan of FRP HQrs: Khyber Pakhtunkhwa was re-instated service for the purpose of de-novo enquiry vide order No. 4106-12/E-V dated 04.11.2020 and inquiry committee consisting of the following officers was constituted for conducting de-novo inquiry:-

- i. Mr. Malik Muhammad Tariq Deputy Commandant FRP, Khyber Pakhtunkhwa.
- ii. Muhammad Ashfaq AIG (Complaint & Enquiry), Peshawar.

The said official has been awarded major punishment of "discharge from service" Commandant FRP, Khyber Pakhtunkhwa vide Order No. 434-39/PA dated 28.08.2020, on the following grounds:-

- "i) Constables Amir Waseem No. 6090/6019 and Rehmat Zameer No. 5138 have managed their transfer/posting orders under the fake signature of AIG/Establishment CPO Peshawar. In this regard preliminary enquiry was conducted through Inquiry Committee comprising of DSP/FRP/HQrs: & RI/FRP/PR wherein he was found guilty and involved in submission of the same orders in the office of Superintendent FRP/KP.
- ii) All this speaks highly adverse on his part warranting stern disciplinary action against him."

The inquiry committee conducted de-novo inquiry and submitted its findings/recommendations. As per enquiry committee findings, his misconduct was not willful but due to his gross negligence. The delinquent official was called in OR on 10.12.2020 and questioned him regarding his negligence.

I have gone through the de-novo inquiry report, it transpires that the negligence of the delinquent official is proved beyond any shadow of doubt. His major punishment of "discharge from Service" is hereby converted into minor punishment of **withholding of increments for two years with cumulative effect**. His period of remaining out of service is treated as leave without pay.

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

**Endst: No. & date even.**

**Copy forwarded to the:-**

○ Commandant FRP, Khyber Pakhtunkhwa, Peshawar.

○ Deputy Commandant FRP

○ Registrar CPO

○ O.S. Secret

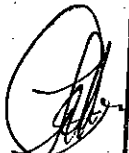
○ Head Concerned

حوادخال 2 پنجاب  
حوادخال بنام محمد سوس

مورخہ  
مقدمہ  
دعوی  
جرم

باعث تحریر آنکہ

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

Accepted  
&  
Attest all  


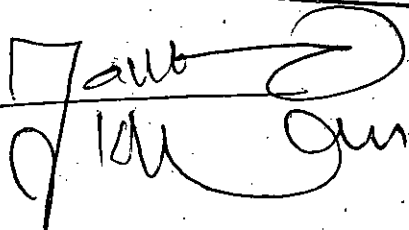
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کے لئے منظور ہے۔



مقام



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1415/2021.

Fawad Khan, Senior Scale Stenographer, FRP HQrs; Peshawar.....Appellant.

**VERSUS**

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others.....Respondents

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGES
1.	Para-wise Comments		03
2.	Affidavit	A	01
3.	Index	B	01
<b>Total</b>			05

  
RESPONDENTS

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

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**PARAWISE REPLY BY RESPONDENTS.**

RESPECTFULLY SHEWETH.

**PRELIMINARY OBJECTIONS**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has no cause of action to file the instant appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant is trying to conceal the material facts from this Honorable Tribunal.

**FACTS:-**

1. Para No. 1 is pertaining to the appellant service record.
2. Correct to the extent that constable Amir Waseem alongwith constable Rahmat Zameer has managed their fake transfer / posting order with the consultation of the appellant alongwith LHC Asad Ullah. The matter was dealt with proper enquiry and the appellant alongwith LHC Asad Ullah were found guilty in managing of the above fake transfer order. Therefore, the enquiry committee recommended for proper enquiry to be conducted against the appellant and LHC Asad Ullah.
3. Correct to the extent that in the light of recommendation of enquiry committee the appellant was issued Charge Sheet with Summary of Allegations and an enquiry committee was constituted to conduct proper enquiry against the appellant. The appellant submitted his reply to the Charge Sheet, but his reply was found unsatisfactory by the enquiry committee.
4. Incorrect. A proper and impartial enquiry was conducted against the appellant by enquiry committee as per law/rules and the statements of all concerned were recorded. During the course of enquiry the appellant was found guilty of the charges leveled against him and recommended for major punishment by the enquiry committee. On the recommendation of enquiry committee and other materials available on record, the appellant was awarded major punishment of discharge from service.
5. Correct to the extent, that departmental appeal submitted by the appellant was thoroughly examined and partially accepted by the competent authority subject to denovo enquiry. Denovo enquiry has conducted against the appellant through



enquiry committee, wherein the negligence of the appellant in the managing of fake transfer order in question was fully established against him. Which he received the fake transfer posting order from his friend LHC Asad Ullah and processed further, without any clarification. Therefore, the enquiry committee recommended him for minor punishment of censure. But however, the competent authority was not agreed with the recommendation of enquiry committee and awarded him minor punishment with holding of two annual increments for two years with cumulative effect, which commensurate with the gravity of misconduct of the appellant.

6. Incorrect. The findings report of the enquiry committee was examined by the competent authority, wherein the negligence of the appellant regarding to management of fake transfer order was clearly found. Therefore the appellant was awarded minor punishment of stoppage of two annual increments with cumulative effect.
7. The appellant has not come to this Honorable Court with clean hands.

**GROUND:-**

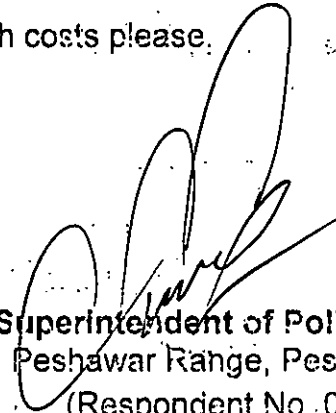
- A. Incorrect. The order dated 17.12.2020 issued by the competent authority is legally justified and in accordance with law/rules.
- B. Incorrect. During the proceeding of denovo enquiry, it has been found that the fake transfer order of constables Amir Waseem and Rahmat Zameer were unofficially received by the appellant due to his negligent and process without any justification which is a gross misconduct on his part. Therefore, the competent authority was not agreed with the recommendation of enquiry committee and awarded minor punishment of stoppage of two annual increments with cumulative effect, which commensurate to the gravity of misconduct of the appellant.
- C. Incorrect. After completion of enquiry, the enquiry committee submitted its finding report for further necessary action before the competent authority. From the perusal of enquiry report, it has been found that the negligence of the appellant is clearly approved against him without any shadow of doubt. Therefore, the competent authority was not agreed with the recommendation of enquiry committee and the appellant was awarded minor punishment. However, the respondents have not committed any violation of the directions of Honorable Supreme Court's judgment.
- D. Incorrect. The competent authority, got power to disagree or agree with the recommendation of enquiry officer/enquiry committee. Thus, the appellant was awarded minor punishment and the intervening period was correctly treated as leave without pay as the appellant was legally not entitled for the benefits of intervening period.
- E. Incorrect. The allegation of negligence and consultation as regards the preparation of forged transfer/posting order of the above named constables, against the appellant was fully established during the course of enquiry.

Therefore, he was awarded minor punishment of with holding of increments for two with cumulative effect and his intervening period is treated as leave without pay.

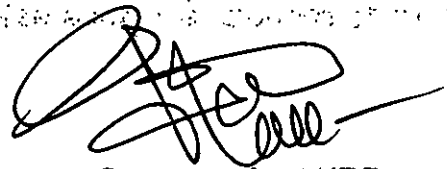
F. The respondents may also be permitted to raise additional grounds at the time of arguments.

**PRAYERS:-**

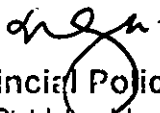
Keeping in view the above facts and circumstances, it is most humbly prayed that the instant service appeal being not maintainable may kindly be dismissed with costs please.



**Superintendent of Police, FRP  
Peshawar Range, Peshawar  
(Respondent No. 03)**



**Commandant FRP,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 02)**



**Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 01)**

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Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others.....Respondents

**VERSUS**

Provincial Police officer; Khyber Pakhtunkhwa, Peshawar & others.....Respondents.

**AFFIDAVIT**

I, Ghassan Ullah ASI FRP HQ: do hereby solemnly affirm and declare on oath that the contents of the accompanying Para-wise Comments on behalf of Respondents No. 1 to 3 is correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.

*Ghassan Ullah*  
Deponent

Ghassan Ullah

17101-9891560-3

**ATTESTED**

