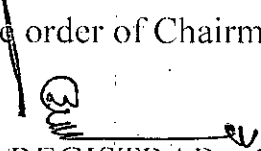


FORM OF ORDER SHEET

Court of _____

Case No. - 536/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/03/2023	<p>The appeal of Mr. Zarshah Khan presented today by Mr. Khaled Rehman Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ . Parcha Peshi is given to appellant/counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 536 /2023

Zarshad Khan..... Appellant

Versus

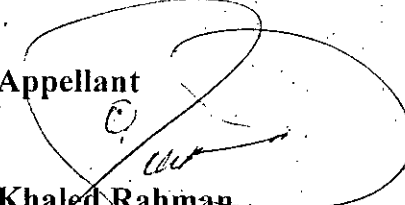
The PPO and others..... Respondents

INDEX

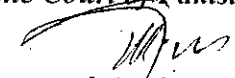
S.No.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal			1-8
2.	F.I.R No.583	26.06.2022	A	9
3.	Suspension order	29.07.2022	B	10
4.	Charge Sheet and Statement of Allegations	02.08.2022	C	11-12
5.	Reply to Charge Sheet		D	13
6.	Inquiry Report	28.10.2022	E	14-16
7.	Final Show Cause Notice	02.11.2022	F	17
8.	Reply to Show Cause Notice	07.11.2022	G	18
9.	Impugned original order	16.11.2022	H	19
10.	Departmental Appeal	18.11.2022	I	20
11.	Impugned appellate order	27.02.2023	J	21
12.	Wakalat Nama			22

Through

Appellant


Khaled Rahman
Advocate,
Supreme Court of Pakistan

&


Muhammad Amin Ayub
Advocate, High Court

&


Muhammad Ghazanfar Ali
Advocate, High Court

4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0345-9337312

Dated: ___/03/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 536 /2023Mr. Zarshad KhanEx-Sub-Inspector, Police Lines Peshawar..... Appellant

VERSUS

1. The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
2. The Capital City Police Officer Peshawar.
3. The Senior Superintendent of Police (Operations),
Peshawar..... Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORIGINAL IMPUGNED ORDER DATED 16.11.2022 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AGAINST WHICH HE PREFERRED DEPARTMENTAL APPEAL TO RESPONDENT NO.2 ON 21.11.2022 BUT THE SAME WAS UNLAWFULLY REJECTED/FILED VIDE IMPUGNED APPELLATE ORDER DATED 27.02.2023.

PRAYER:

On acceptance of the instant appeal, the impugned original order dated 16.11.2022 passed by Respondent No.3 and the Impugned Appellate order dated 27.02.2023 passed by Respondent No.2 may graciously be brushed aside and appellant be re-instated into service with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. **That** appellant was a senior most officer of the Respondents Force and was performing his duties against the rank of Sub-Inspector. It is pertinent to aver here that the appellant has never been proceeded against departmentally and rendered more than 28 unblemished service.
2. **That** an F.I.R No.583 (*Annex:-A*) dated 26.06.2022 U/S 364/302/ & 7ATA, Police Station Shah Pur was chalked out by the Complainant namely Muhammad Tariq S/o Salamat against culprits namely Ramzam Ali, Jan Sher, Lal Sher Ss/o Shamshir (brothers) and Abbas Alias Mohmanday, the motive was shown to be

blood feud enmity. The accused were arrested and behind the bars.

3. **That** appellant while performing his duties against the post of Sub-Inspector was subjected to office order dated 29.07.2022 (*Annex:-B*) whereby he alongwith 21 Police officials were suspended from service and closed to Police Lines Peshawar, on the basis of so called link with accused ibid. Later on, appellant was issued Charge Sheet and Statement of Allegations (*Annex:-C*) based on ill-founded allegations. Since the charges were baseless and ill-founded, appellant submitted a detailed Reply (*Annex:-D*) wherein he explained his position and each and every aspect of the matter but the same was not taken into consideration.
4. **That** under the law, Authorities were supposed to comply with the requirements as embodied in Rule-6 of the Khyber Pakhtunkhwa Police Rules-1975 by conducting a regular inquiry but at the back of the appellant a Fact Finding Inquiry was conducted on 28.10.2022 (*Annex:-E*). The Committee jumped to the wrong conclusion and appellant was illegally found to be guilty of the charges. It is further elucidated that the Fact Finding Inquiry Report was not provided to appellant rather appellant moved an application but to no avail, however, the appellant obtained the report through his own efforts.
5. **That** Respondent Department without conducting a detail regular inquiry as envisaged in the Khyber Pakhtunkhwa Police Rules, 1975, issued a Final Show Cause Notice dated 02.11.2022 (*Annex:-F*) which too was instantly replied (*Annex:-G*) but the very averments as incorporated in the same were not taken into consideration and appellant was handed down the original impugned office order dated 16.11.2022 (*Annex:-H*) whereby he was inflicted upon the major penalty of dismissal from service.
6. **That** appellant being aggrieved of the impugned original order dated 16.11.2022, preferred Departmental Appeal under Rule-3 of the Khyber Pakhtunkhwa Appeal Rules, 1986 on 21.11.2022 (*Annex:-I*) but same was unlawfully rejected/filed vide impugned appellate order dated 27.02.2023 (*Annex:-J*).
7. **That** appellant, being aggrieved of the impugned original order dated 16.11.2022 and impugned appellate order dated 27.02.2023, files this appeal, inter-alia, on the following grounds:-

Grounds:

- A. **That** Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 & 10A of the Constitution of

Islamic Republic of Pakistan, 1973 and the Authorities unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.

B. **That** as a matter of fact appellant and accused namely Ramzan Ali, Jan Sher, Lal Sher s/o Shamsheer (accused party) and Muhammad Ali and Muhammad Tariq etc. (complainant party) are co-villagers and since long participate in each other's woe and joy due to village traditions. The brother of the appellant is Chairman of the locality. As per customs of the locality, the disputes amongst the co-villagers are settled down by the elders and Chairman of the locality. Since there was blood feud enmity between the accused party and the complainant party, therefore, so many Jirgas were held in the Hujra of the Chairman/brother of the appellant wherein appellant was called upon many times to participate in the Jirga meetings to restore peace in the locality. Due to aforesaid situation appellant had had contacts with the accused party for the purpose of reconciliation. Moreover, Police during the course of his duties is in search of information from the local Informers about the commission of offence and therefore, keep contacts with all folks of the society. It is pertinent to add here that appellant arrested so many criminal upon information of the accused party and that too much before the commencement of Case FIR No.583 dated 26.06.2022.

C. **That** had the appellant any link or connivance with accused Ramzan Ali, then the complainant party must have made complaint against the appellant in the criminal proceedings but no such complaint has so far been made against the appellant by the complainant party. Similarly, no such statement has been recorded or acquired from accused in connection with the involvement of the appellant in the criminal case. Appellant has been awarded major punishment on the basis of surmises and conjunctures. Reference is made to 2019 PLC (CS) 224 and 2022 PLC (CS) 474:-

2019 PLC (CS) 224

"Major penalty, imposition of--- Requirements---Any disciplinary proceedings relating to misconduct of an employee/officer of any department which entails major penalty of removal/dismissal from service must be inquired through regular inquiry which cannot be dispensed with in matter where controversial facts and ticklish questions are involved."

2022 SCMR 745

"---Departmental inquiry---Purpose---Foremost aspiration of conducting departmental inquiry was to find out whether a prima facie case of misconduct was made out against the delinquent officer for proceeding further---Guilt or innocence could only be thrashed out from the outcome of inquiry and at the same time it was also required to be seen by the Service Tribunal as to whether due process of law or right to fair trial was followed or ignored which was a fundamental right."

*---"Regular inquiry" and "preliminary/fact finding inquiry"---
Distinction---Regular inquiry was triggered after issuing show cause notice with statement of allegations and if the reply was not found suitable then inquiry officer was appointed and regular inquiry was commenced (unless dispensed with for some reasons in writing) in which it was obligatory for the inquiry officer to allow evenhanded and fair opportunity to the accused to place his defence and if any witness was examined against him then a fair opportunity should also be afforded to cross-examine the witnesses--- Whereas a discrete or fact finding inquiry was conducted at initial stage but internally to find out whether in the facts and circumstances reported, a proper case of misconduct was made out to initiate disciplinary proceedings.*

Likewise, it has been held in series of verdicts that preliminary inquiry is conducted just to collect material against the delinquent civil servant and if the charges are found to be proved then only regular inquiry is conducted where ticklish and delicate facts and questions are involved. Reliance is placed on **2007 SCMR 1673, PLJ 2016 Trc Service 321, PLJ 2011 Trc Service 12 and PLJ 2016 Trc Service 1353.**

- D. That** Article-25 of the Constitution of Islamic Republic of Pakistan, 1973 envisages that every citizen of the country has to be treated equally. As has been alleged herein above that by means of office order dated 29.07.2022 as many as 22 offices were suspended and closed to Police Line Peshawar on the same set of allegation. Later on they were exonerated and appellant held to be committed misconduct. Therefore, the acts and omissions of the Respondents and impugned orders are not only against the principle of natural justice but also mala fide. Wisdom can be drawn from **1984 PLC (CS) 560, 1991 SCMR 1040 and 2003 PLC Peshawar 27** wherein it was held that:-

"Disciplinary action---Action not bona fide in character cannot be said to be in public interest and would not qualify for being upheld-Allegation against accused precedented-No-action taken against others having committed same irregularities-Accused singled out-Action in circumstances, held, not bona fide."

1991 SCMR 1040

--Art. 25(1)---All citizens are equal before law and entitled to equal protection of law---State, however, is not prohibited to treat its citizens on the basis of a reasonable classification ---Reasonable classification---Basis or criterion for classification as to avert violation of Art. 25(1).

2003 PLD Peshawar 27

----"Discrimination" ---Connotation---Discrimination occurs only when two or more persons, who are similarly placed, in similar situation and in similar ambient circumstances, are treated differently.

- E. That** the Inquiry Officer has conducted inquiry through Questionnaire which has been deprecated by the Hon'ble Supreme Court of Pakistan. The mode of Questionnaire is neither provided in the Rules nor a valid mode of conducting inquiry. Thus the impugned order based upon such defective inquiry is illegal,

without lawful authority and thus not sustainable.

- F. **That** it is steadfast scheme of service law that whenever an accused is subjected to departmental proceedings, a charge is framed in the shape of Charge Sheet and Statement of Allegations. The basic aim of the same is to inform the delinquent civil servant of the charges without any ambiguity and he has to be informed that what kind of misconduct has been committed by him. The charges as inflicted upon the appellant are very serious in nature, therefore, the Authorities were supposed to clearly mention the charges without any doubt because mentioning mere *you have been indulged in illegal activities and misconduct as you have maintained links with notorious criminals* does not exempt the authority from his legal duties. Thus the charges are not covered under Rule-3 of the Khyber Pakhtunkhwa Police Rules-1975 and thereon the impugned orders are liable to be set aside.
- G. **That** neither regular inquiry was conducted into the case in hand nor any documentary or oral evidence was recorded in presence of the appellant nor was he provided opportunity of cross-examination. The entire action was taken at the back of the appellant and thus he was condemned unheard. It is a settled law that where a major penalty is to be imposed then regular inquiry is necessary which has not been done in the case in hand. Even the copy of the second Enquiry Report was not provided to appellant, which was mandatory in law.
- H. **That** Article-10A of the Constitution of the Islamic Republic of Pakistan, 1973 read with Section-16 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 provide for the right of fair trial as per prescribed law and Rules. Even the Enquiry Report was not provided to the appellant which was the mandatory requirement of law and also appellant was condemned unheard, thus the impugned orders are void, ab-initio as well as against the principle of natural justice.
- I. **That** no opportunity of personal hearing was afforded to the appellant neither by the competent authority, nor by the Enquiry Officer nor even by the appellate authority which are the mandatory requirements of law. Reliance is placed on **2003 SCMR 1126** which states that:-

“where the civil servant was not afforded a chance of personal hearing before passing of termination order, such order would be void ab-initio.”

Further reliance is placed on **PLD 2008 SC 412** which states as under:-

“Natural Justice, principles of — Opportunity of hearing — Scope — order adverse to interest of a person cannot be passed without providing him an

opportunity of hearing --- Departure from such rule may render such order illegal.

2022 PLD SC 119

“---Fair hearing, right of---Essential constituents of a fair hearing---To ensure the principle of fairness embedded in the right of hearing, the person sought to be affected must at least be made aware of the allegations made against him, upon which basis the decision is to follow, (i.e., notice of the case to be met) and, second, be given a fair opportunity to make any relevant statement putting forward his own case, and to correct or controvert any relevant statement brought forward to his prejudice (i.e., opportunity to explain)---In order to act justly and to reach at just ends by just means, a deciding authority is to comply with and implement, in all circumstances, these elementary and essential requirements of principle of fairness and right of hearing.

2019 PLD SC 745

“---Art. 10 A---Fair trial and due process of law---Right of hearing---Scope---Right of hearing of a party to a lis is one of the fundamental principles of jurisprudence which is guaranteed by Art.10-A of the Constitution in its assurance of a "fair trial and due process of law" to a litigant.”

Thus appellant was condemned unheard as the action has been taken at the back of the appellant which is against the principle of natural justice.

- J. **That** the impugned appellate order dated 27.02.2022 does not qualify the condition of Section-24A of the General Clauses Act, 1897 read with Rule-5 of the Khyber Pakhtunkhwa (Appeal) Rules, 1986 as the same has not been decided by the appellate authority by applying his judicial mind. Reliance is placed on **2010 SCMR 511, 2010 SCMR 1475, 2010 SCMR 1778, 2015 SCMR 630:-**

“---S. 24-A---Speaking order---Scope---Public functionaries are obliged to redress grievances of citizens/their subordinates with reasons.”

---S. 24-A---Speaking order---Scope---Under S.24-A, General Clauses Act, 1897, even public functionaries are duty bound to decide the case after application of mind.

“---S. 24A---Executive authority---Discretion, exercise of---Scope---When legislature conferred a wide ranging power, it must be deemed to have assumed that the power would be, firstly, exercised in good faith, secondly, for the advancement of the objects of the legislation, and, thirdly in a reasonable manner---Where the authorities failed to regulate their discretion by the framing of rules, or policy statements or precedents, it became mandatory for the courts to intervene in order to maintain the requisite balance for the exercise of statutory power.”

- K. **That** appellate authority was required to keep in consideration the reply of the appellant wherein he outright denied the charges as leveled but the competent authority completely failed to apply its judicial mind and relied upon the recommendation of the Inquiry Officer which is against the norms of justice. Reliance is placed on **2020 PLC CS 1291** (Supreme Court), the relevant citation is reproduced herein below for ease to reference:-

“Reinstatement in service--- No specific allegation proved through evidence---Orders of the competent authority as well as departmental appeal were on the basis of that they agreed with the recommendation of the inquiry officer, they had not scrutinized the evidence available on the file themselves, but awarded major penalty of dismissal from service by relying upon the

recommendation of the inquiry officer and ignored the fact that no specific allegation through evidence was proved against the respondent--civil servant--prosecution was duty bound to prove the allegation for which the respondent was charge sheeted--Service Tribunal und rightly reinstated the respondent in service--appeal was dismissed".

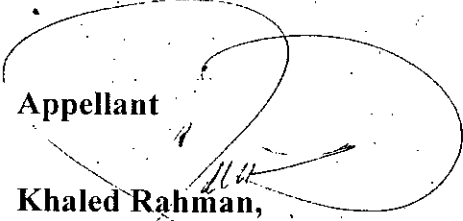
L. That appellant would like to offer some other grounds during the course of arguments.

It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.


Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Through


Appellant


Khaled Rahman,
Advocate,
Supreme Court of Pakistan

&


Muhammad Amin Ayub
Advocate, High Court

&


Muhammad Ghazanfar Ali
Advocate, High Court

Dated: 03/03/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. _____/2023

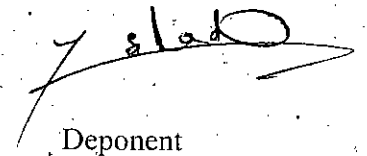
Zarshad Khan.....Appellant

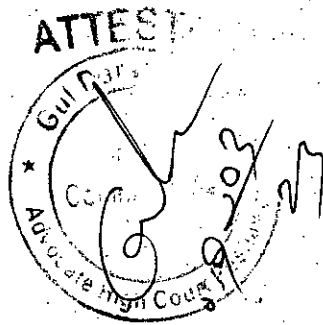
Versus

The PPO and others.....Respondents

AFFIDAVIT

I, Mr. Zarshad Khan, Ex-Sub-Inspector, Police Lines Peshawar, do hereby solemnly affirm and declare on oath that the contents of this writ petition are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Court.


Deponent



17301-3761934-9
0313-09404555
0342-2476089

31-9440-00-022
میرزا محمد علی شاہ
10848
9862

VC-2
P 20
S-274

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع سبب جرم قابل دست اندازگی پاپولس رپورٹ شدہ زبردستی 152 مجموعہ ضابطہ چھداری

پشاور

شاہ پورہ

583

??

تاریخ وقت نامعلوم

تاریخ وقت رپورٹ	26/06/2022 وقت 02:00 بجے	حاکم گی بی بی 15:40 وقت
نام و سکونت اطلاع دہندہ و مستفیث اور اس کا کیس نمونہ نمبر	محمد طارق ولد سلامت نوم خلیل	26 سال سکونت محل
مختصر کیفیت جرم (موردہ) حال اگر کچھ لیا گیا ہے۔	355, 327, 201, 201	TATA 364, 302, 109
جائے وقوعہ یا سلسلہ قاعدے سے درست	1119-144-119-1705	خانہ اذان انیسویں واقع شیواری ٹاؤن
نام و سکونت ملزم	داہرہ عثمان علیا (دختر) خان شیر علی	شیخ پسران شیخ 4 عباس عرف احمد علیہ جعفر
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو	محل وقوعہ والہ ٹی بی 127R	محل وقوعہ
قاعدے سے رواگتی کی تاریخ و وقت	02-07-2022	محل وقوعہ

ابتدائی اطلاع نیچے درج کرو۔
 265/2022 جرم 302-109-34
 26/06/2022 خانہ آبر پورہ پنجاب شہیدہ جو ساطت انیسویں ٹاؤن
 1363/115-3-17301-1363 وقت 15:03 اور 26/06/2022 کو روکنے شیواری ٹاؤن اور تا 7 کالوں پر
 پشاور آیا ہے۔ 3:30 بجے اس کو کتیا پر پوچھا ہے کیا مقدمہ عطا ہوا ہے یا نہیں۔
 مقدمہ بند 7 کی رو سے قاعدہ آبر پورہ سے 7 بجے کر جبکہ ریکارڈ مقدمہ فرداً کارروائی و
 قاعدہ سے ہوا ہو کر جسے رو سے مقدمہ ہذا جرم بالا پر خلاف ملزمان مندرجہ خانہ بند
 مدعیہ مندرجہ خانہ بند 2 کے در 7 رہتے رہتے ہوئے شدہ مثل مقدمہ کو مقدمہ ہذا کا
 کرنے بشمول قبول پید چہ جات کے بغرض تفتیش عقب انسپکٹر میا عبداللہ خانہ بند
 کیشیل تجید 2756 جوائے جاتے ہے پیرچہ گزارش ہے۔
 26/06/2022 جرم 34 خانہ آبر پورہ ذیل ہے۔
 1959 میں سول پوکر یہ بتایا گیا ہے کہ اس وقت افید انجارج قاعدہ آبر پورہ سے
 طارق ولد سلامت خان نوم خلیل بھری 26 سال سکونت محل دلہ زاک روڈ پشاور
 سول ہسپتال پہنچا کہ اس نے قبول احسان اللہ جلد اسلام خان بھری 55 سال سکونت
 کی نسبت یوں رپورٹ کیا ہے کہ 11/11/2022 کو کو وقت 15:00 بجے وہیلہ قعد
 کے نیچے کی گاڑی کو ٹکر مارا کہ اس میں اقوامین ڈیڑھ گھنٹہ کے بعد گیا کہ وہیلہ قعد
 روانہ ہوا تھا بوقت تقریباً 15:00 بجے ہمارے بر خلاف کھانہ شیواری میں اپنی ذاتی
 میا بزرگیہ لافڈ اسپیکر اعلان کیا کہ ہم نے احسان اللہ جلد اسلام خان سے
 حویل میں ہے۔ اور بخش کے لئے علاقہ ڈھکھیہ میں سے کھلا اسباب کے کرنا

2066899-315 ہیرا پور میں 1975-9-319 سے رمضان علی نے کال کر کے
 مہینے ساتھ انعام اللہ ولد اقبال چاچا دادا ام نے بات کرتے رہے اور ڈسٹرکٹ سپیکر والا اعلان
 دے دیا اور مزید کہا کہ جس سے کا بھی استغفار کرو اسکے بعد عشاء و قبلہ میں اطلاع
 ملی کہ چچا ام کی کشتی کو پھیلا پھا لایا گیا ہے اطلاع پر پھیلا پھا آ کر واقعی چچا
 ام احسان اللہ کی قتل شدہ سریدیدہ اور دعوتوں کا قہ کلانی سے کاٹے ہوئے شہادت
 کر کے ایہ میں چوری کشتی دلیقین پر کھایا ہے کہ چچا ام احسان اللہ کے ملزمان رمضان
 علی، جان شہولہ، ان مشیر، عباس عرف ہنہ سے ولد جو ہر نے بہ ایما و ملت لعل
 شہید ولد مشیر سائمان محمد زئی نے بدلیہ تیز دار آلہ اور اسلحہ آتش قتل کیا
 ہے جو عماد ملزمان کے ساتھ سابقہ قتل معاذ کے دشمنی ہے۔ واقعہ خود اسٹاڈیسی
 نے دیکھا جو سریدست چچا ام کے قتل کا برخلاف ہر چار ملزمان تیز کرہ بالا دعویہ دہریوں
 اور ذیل انعام اللہ ولد اقبال بھر 4 سال سکنہ محمد زئی کے بعد نے رورٹ مالا لاتی یا اللہ کی
 اور زید پتلا آیا کہ ملزمان نے بعد اعلان سجد چچا ام کے قتل کا خوشی میں سوانی عام ندگی کی
 ہے۔ ال انعام کاروائی دلیس میں گفتہ سائیل رورٹ 20/11/2007 میں لکھا گیا ہے کہ سنا اور سنا
 گیا درست ہے کہ زید رورٹ و ددر سنگی کے دستہ میں کی تاہم کتہہ نے تاہم دستہ
 شہت کی معقول احسان اللہ کے کا مذات جگہ تیار کرتے ہیں جو سٹ مارٹم زیر حضانہ
 کنیشنل جیل 22 والہ پلاکٹ صاحب سولہ بیان کردہ حالات طاعت سے ہودت جرم یا
 کاروائی جا کر مران بطور سیشن رورٹ بدست کنیشنل شاہ سن 1962 ارسال ہوا ہے
 مذکورہ جزا رجسٹر کر کے قسٹن کی وٹے دستخط انگریزی میں آئیہ 25/11/2007 اور 26/11/2007
 کاروائی خانہ امده کی طرف سے مران طرف رورٹ 20/11/2007 میں جو کہ مذکورہ جرائم 26/11/2007
 کرتے فول FIR میں مران بفرض قسٹن والہ میرخان کے ساتھ ہے افغان
 والا صاحبان کو بطور سیشن رورٹ الہدیم معافی ہے بدیم بطور سیشن رورٹ
 کاروائی ہے دستخط انگریزی و حیرخان 25/11/2007 اور 26/11/2007

حاج علی
 نسل لطیف اہل حق
 PS Shahpur
 02-07-022

اطلاع کے لیے اطلاع دہندہ کا دستخط ہو گا یا اس کی ہر نشان لگایا جائے گا اور اگر تحریر کنندہ ابتدائی اطلاع کا دستخط بطور تصدیق ہو گا۔ حروف الف با ب سرخ و نشان
 ایک لازم اشتہار علی الترتیب واسطے باشندگان علاقہ غیر واسطہ ایشیا یا افغانستان جہاں نوزوں ہوں لکھنا چاہئے۔



10
Annex B

OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE
(OPERATIONS)
PESHAWAR

ORDER

It has allegedly been reported that the following police officials have been indulged in illegal activities and misconduct as they have linked with notorious criminals as well as Proclaimed Offender (PO) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur.

Therefore, the following police officials are placed under suspension and closed to Police Lines Peshawar with immediate effect. Subsequently, proper charge sheet and summary of allegations being issued separately.

S.No	Name	Posting
1	Missal Khan P/54	Inspector/OH E.Cantt
2	Rashid, Ali Belt No. 1070	GD PS Daud Zai
3	Wisal Khan Belt No.4655	PS Mathra
4	Muhammad Riaz No.22/P	Gulbahar
5	Shoukat Khan Belt No. 1190	Gunner MPA Arbab Jandad
6	Qazi Muhammad Hassan Belt No 1058	IO PS Shahpur
7	Mohsin Khan 2853	PS Shahqabool
8	Syed Sajawal Shah 4/40	ASI PS Shahpur
9	Izhar Hussain Belt No.1959	Ordaly SP Tariq Habib
10	Muhammad Irshad No. 191	I/C PP Jala Bela
11	Syed Waqar Ali Shah Belt No. 1873	GD PS Hayat Abad
12	Irfan Khan Belt No. 2988	Muharrir Inv PS East Cantt
13	(Inspector) Yousaf Jan No: P/324	SHO PS Urmer
14	Asfandyar Belt No. 4607	Nakbandi Dalazak road Shahpur
15	Bashir Khan Belt No.5221	PS Shahpur
16	Anjad Khan Belt No.5564	PS Chamkani
17	HC, Tahir Ali 911	ATS Sqard
18	HC Mohsin Khan, Belt No.2853	PS Shahqabool
19	FC Fakhre Alam 4/19	DFC PS Chamkani
20	Arif Ullah Belt No. 2864	DFC PS Phandu
21	Zarshad Khan Belt No. 362P	OHI PS RMT
22	Mukhtiar Ullah Belt No 1201	Muharrir Inv PS Chamkani

(Lt Cdr © KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
Operations) Peshawar

N: 2362-65/PA

dated Peshawar the 29/07/2022

Copy for information and necessary action:-

1. The Capital City Police Officer, Peshawar.
2. SSP Investigation CCP Peshawar
3. OASI, EC-II, AS, CRC, FMC

CL-04

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CHARGE SHEET -11

Ahmad C

1. Whereas I, Lt Cdr @ Kashif Aftab Ahmad Abbasi, PSP, SSP/Operations Peshawar, am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against **SI Zarshad Khan No. 362/P while posted as incharge Investigation PS RMT Peshawar.**

2. And whereas I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, Lt Cdr @ Kashif Aftab Ahmad Abbasi, PSP, SSP Operations, Peshawar hereby charge **SI Zarshad Khan No. 362/P while posted as incharge Investigation PS RMT Peshawar** under Rule 5 (4) of the Police Rules 1975.

- i) It has allegedly been reported that you have been indulged in illegal activities and misconduct as you have maintained links with notorious criminals as well as Proclaimed Offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur.
- ii) It is further alleged that you have leaked secret information in arrest of P.Os in above mentioned FIR and allied with criminals.
- iii) He has tarnished the image of police department in the eyes of general public.
- iv) All this amounts to gross misconduct on your part and rendered you liable for punishment under Police (F&D) Rules, 1975.

4. I hereby direct you further under Rule 6 (1) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why action should not be taken against you and also stating at the same time whether you desire to be heard in person.

5. In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.

Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

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12

STATEMENT OF ALLEGATIONS

1. I, Lt Cdr @ Kashif Aftab Ahmad Abbasi, PSP, SSP/Operations Peshawar as competent authority, am of the opinion that **SI Zarshad Khan No. 362/P while posted as incharge Investigiation PS RMT Peshawar** has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission within the meaning of section 03 of the Khyber Pakhtunkhwa Police Rules, 1975.

- i) It has allegedly been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as Proclaimed Offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur.
- ii) It is further alleged that he has leaked secret information in arrest of P.Os in above mentioned FIR and allied with criminals.
- iii) He has tarnished the image of police department in the eyes of general public.
- ii) All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

2. For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations **SP Rural** is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

3. The Enquiry Officer shall in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.

Lt Cdr @ KASHIF AFTAB AHMAD ABBASI PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 170 E/PA, dated Peshawar the

Copy to:-

1. The Inquiry Officer.
2. The Delinquent official through PA to the EO officer

301 07/2022

Zarshad
02-08-2022

P

13 "Aman D"

جناب عالی!

بحوالہ چارج شیٹ مجاریہ جناب SSP صاحب اپریشنز معروض خدمت ہوں

1- میں علاقہ کے ایک معزز گھرانے سے تعلق رکھتا ہوں۔ مقدمہ علت 583 مورخہ 03.06.2022

365/302/109/7ATA تھانہ شاہ پور کے مدعیان اور ملزمان دونوں فریقین میرے علاقے کے

اور دونوں کے ساتھ ہمارا اٹھنا بیٹھنا ہوتا ہے۔ وہ ہمارے غم و خوشی میں شریک ہوتے ہیں۔ اور ہم ان کے

2- گو کہ CDR کے مطابق میرا نمبر ٹریس ہو گا۔ کیونکہ ان مقدمات کے اندراج سے قبل میرے بھائی

کہ علاقہ کا ناظم ہے نے مختلف فریقین کے مابین قتل مقاتلے کے معاملے میں راضی نامہ کر چکا ہے۔

3- سائل نے محکمہ پولیس کو کسی قسم کی ٹھیس نہیں پہنچائی اور آپ کے نوٹس میں لانا چلوں کہ 28

سروس میں یہ میری پہلی Suspension ہے۔ سائل نے کسی قسم کی غیر قانونی کام نہیں کیا۔ جو کہ میرے

خلاف ثابت ہو چکا ہو۔

اب بھی کوئی غم یا خوشی کا موقع ہو تو ہم دونوں فریقین کے ہاں جاتے ہیں۔ اور وہ ہمارے ہاں آتے ہیں۔

مگر آج تک میں نے نہ کسی فریق کے ساتھ کسی بھی غیر قانونی عمل میں ساتھ دیا ہے نہ کبھی ساتھ دوں گا۔

استدعا ہے کہ سائل کی چارج شیٹ داخل دفتر کی جائے

العبد

SI زرشاد خان

0333595200

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Page 1 of 3
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Raza F

OFFICE OF THE
SUPERINTENDENT OF POLICE,
RURAL, PESHAWAR.

No. 4094/PA: dated Peshawar the 28/10/2022.

To The Senior Superintendent of Police,
Operations, Peshawar.

Subject: DEPARTMENTAL ENQUIRY

Please refer to your office Endt: No. 170/E/PA, dated 30.07.2022; pertaining to departmental enquiry against SI Zarshad Khan No. 362/P.

STATEMENT OF ALLEGATION:

i. It has been reported that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365, 302, 109, 7-ATA PS Shahpur.

ii. It is further alleged that he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

iii. He has tarnished the image of police department in the eyes of general public.

iv. All this amounts to gross misconduct on his part and rendered him liable for punishment under Police (E&D) Rules, 1975.

PROCEEDING:

- Personal hearing.
- Recording of statement.
- Collection of CDR and posting record.
- Criminal record of Lal Sher group vides this office memo No. 2112/PA dated 02.08.2022.

Enquiry officer provided reasonable opportunity to SI Zarshad Khan. Statement of allegation was served upon him and his written reply was recorded and he was cross questioned too. His CDR was obtained from CFU vide this office letter No. 2113/PA dated 02.08.2022. His posting record was also sought from concerned office vides this office letter No. 2113/PA dated 02.08.2022.

SCOPE OF ENQUIRY:

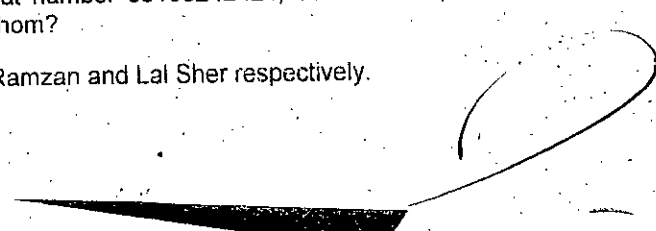
The scope of the enquiry includes supporting these criminals (Lal Sher, Jan Sher, Ramzan and rest of the family) in criminal cases in particular and in normal circumstances in general. Giving information regarding the operations of the police. It also includes being in contact with them for last one year or more without justified reasons. Being in contact with the above mentioned group after the killing of Haji Ihsan Ullah.

STATEMENT OF SI ZARSHAD KHAN:

SI Zarshad Khan was called to the office and his statement was recorded which is attached.

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CROSS QUESTIONS:-

- Q: - Do you know Jan Sher, Ramzan and Lal Sher etc? 15
- Ans: - Yes, since 20,25 years.
- Q: - What are their activities and reputation in the area?
- Ans: - Suspicious/ involved in illegal activities, killing of innocent people, land grabbing and extortion.
- Q: - Why Muhammad Hussain SI (police official) was killed by Lal Sher group?
- Ans: - He was killed by them without any reason.
- Q: - Did you know about the illegal activities of Jan Sher etc and have information regarding killing of innocent people?
- Ans: - Yes.
- Q: - Do you know about the killing of innocent women as well as innocent people by Jan Sher etc?
- Ans: - Yes.
- Q: - Do you know the said group is land mafia?
- Ans: - Yes.
- Q: - Were you in contact with Jan Sher, Ramzan etc and since when?
- Ans: - Yes, since long.
- Q: - Being a police officer why you helped them?
- Ans: - They are my relatives.
- Q: - Are they your blood relatives?
- Ans: - No.
- Q: - As a police officer, knowing fully well that they are known criminals of the area and you are not even their blood relative, can you justify your relationship with them?
- Ans: - Silence (No answer).
- Q: - Do you think such kind of conduct that is keeping close relations with criminals can be justified while being in police department?
- Ans: - No.
- Q: - Do you know that Jan Sher and group are POs and are wanted to different police stations?
- Ans: - Yes
- Q: - Do you know that number 03160242424, 03199077591 and 03160901144 a being used by whom?
- Ans: - Yes, Jan Sher, Ramzan and Lal Sher respectively.
- 

FINDINGS:

1. That Lal Sher, Jan Sher, Ramzan etc. are involved in land grabbing, extortion, killing innocent people as well as killing of innocent women.
2. That they are also involved in the killing of police officers.
3. That they are involved in illegal activities since 20,25 years.
4. That entire family involved in criminal activities, (criminal record is attached).
5. That there are many police officers who are their friends and supporters.
6. That they also harass police officers by using many techniques i.e submitting false applications in courts and to superior officers just to stop them from performing their lawful duties.
7. That it is because of these police officers that they have been able to reach that much level of the criminality.
8. That the testimony to the fact above is that there is not a single FIR of Extortion and land grabbing against them in Peshawar contrary to the ground facts and realities.
9. That he confessed that the above mentioned group is involved in land mafia, killing of innocent people as well as killing of police officials.
10. That being a police officer it is necessary to avoid contacts with criminals and other people having illegal activities, but, SI Zarshad Khan failed to do this.
11. That if Lal Sher group was gone very high up the ladder of criminality, police officers like SI Zarshad Khan have contributed to this. As, it is a universal and recognized fact that a criminal/ a criminal gang/ a mafia/ a cuts cannot move up the ladder of criminality without the assistance of police officer.
12. That he confessed during the cross questioning that **he is a mediator for Lal Sher group for his all Jirgas and conducts Jirgas** for them.
13. That he had been hands and gloves with Lal Sher group etc. throughout their criminal history.
14. That this officer has 27 contacts and SMS with the group.
15. That he is **staunch supporter of the group.**

CONCLUSION:

In view of above, analyzing of the statement of SI Zarhsad Khan No. 362/P, cross questioning, intelligence sources and other available material the "**all allegations against him are proved and he is found guilty**".

Capt (R) Saleem Abbas Kulachi (PSP)
Enquiry Officer,
Superintendent of Police,
Rural Division,
Peshawar.



OFFICE OF THE
SENIOR: SUPERINTENDENT OF POLICE,
(OPERATIONS),
PESHAWAR
Phone. 091-9213054

No. 2690 /PA

Dated Peshawar the 02 /11, 2022

17

Amir F

FINAL SHOW CAUSE NOTICE
(Under Police Disciplinary Rules, 1975)

1. I, Senior Superintendent of Police, Operations, Peshawar as competent authority, under the Police disciplinary Rules, 1975, do hereby serve you **SI Zarshad Khan No. 362/P** as follows:-
2. (i) That consequent upon the completion of enquiry committee conducted against you by SP Rural Peshawar, who found you guilty of the charges for which you were given the opportunity of personal hearing.
(ii) Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said officers; I am satisfied that you have committed the follow misconducts:
You have been **found guilty** of the charges already communicated to you vide this office bearing No. 170/PA dated 30.07.2022.
3. As a result thereof I, as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules.
4. You are, therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.
5. If no reply to this notice is received within 7-days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
6. You are at liberty to be heard in person, if so wished.

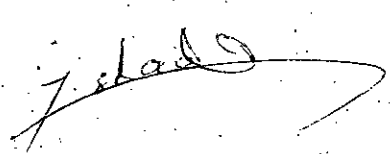
(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI)PSP
Senior Superintendent of Police
(Operations) Peshawar

Zarshad
3/11/22

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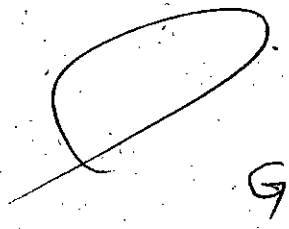
جناب عالی!

بحوالہ فائنل شوکار مجاریہ نمبری 2890 مورخہ 02.11.2022 جناب SSP صاحب اپریشنز معروض خدمت ہوں کہ سائل نے چارج شیٹ کے ساتھ جو جواب لکھا تھا وہی میرا بیان ہے۔


SI Zarshad Khan

07.11.2022

Dismissed


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OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508
H

ORDER

This office order will dispose-off the departmental proceedings against SI Zarshad Khan No. 362/P while posted at CCP Peshawar was placed under suspension and proceeded against departmentally on the allegations/charges that he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583 dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur and he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegations was issued against him and SP Rural was appointed as Enquiry Officer who submitted his findings wherein he concluded that statement of SI Zarshad Khan No. 362/P, cross questioning, intelligence sources and other available materials the **"all allegations against him are proved and he is found guilty"**.

3. On receipt of the findings, Final Show Cause Notice was issued to him vide No. 2890/PA dated 02.11.2022 to which he replied while providing him ample opportunity of self-defence in orderly room on 15.11.2022. He however, failed to advance any plausible explanation in rebuttal of the charges. Thus, the allegations against him stand proved. The undersigned being competent under (Efficiency & Disciplinary) Rules, 1975, have decided to impose **major penalty** of dismissal from service on the accused official. He is, therefore, **dismissed from service with immediate effect.**

Order announced.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBAS)PSP
Senior Superintendent of Police
(Operations) Peshawar

No. 3014-17 PA dated Peshawar, the 16/11/2022.
Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
 2. EC-I, EC-II, AS, PO.
 3. FMC along with complete enquiry file for record (16).
- H

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8/11/22
D

خدمت جہا کیشنل پولیس انٹرنیٹ

Annex I

مضمون حکیمانہ ریسپونڈ پر خلاف آرڈر نمبری PA/17-3014/11 مورخہ 11/11/2022
جسکی بناء پر سائل کو جہا - SSP/OPD صاحب نے ملازمت سے

FMC
For K...
(S)

جہا

ن

سائل حسب ذیل شرائط پر جہا سے
جہا عالی

1) ایک سائل نے فحش پولیس میں رپورٹ کیشنل نمبری 28 مارچ 2022
میں درج کرتے کرتے بتا دیا کہ اس کا ایک لاکھ ترقی پورے

2) ایک ایس 28 سالہ ملازمت میں سائل کے بھی مدعا میں ہے

جس کے دوران ملازمت میں قسم سنگین حالات کا مقابلہ کیا ہے

3) جس الزامات کی بناء پر سائل کی انوائٹری ہو کر اس وقت سائل نے

کافی اہم دلائل پیش کیے ہیں جو اس کے سائل کو سنگین سزا

4) ایک سائل ملحقہ دلدار سے ایک عزیز خاندان سے تعلق رکھتا ہے سائل کا

کافی گاؤں کا ناظم ہے۔ جس کے ملزمان لعل شہزاد برادران آشن و

5) ایک سائل نے جوہر میں ملزمان کو فریئر کے مکانی جگہ میں ان کے ملازم کی وساء

یوں کہ اس وقت ان سے کا زمانہ قدم سے روادار کے تھے

6) ایک روادار میں کسی قسم کی پولیس راز یا عدالت کے خلاف کوئی ذکر نہیں

7) سائل یا اس کے گنہگار اور سائل کے ساتھ سازگار ہو گیا ہے

اس لئے درخواست ہے کہ سائل کو 3 سالہ عفو کی روٹی میں

سائل کو ملازمت پر دوبارہ بحال قرار دیا جائے تاکہ وہ اپنی

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DSP/L
for comments
please.
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18/11



- 21 "J"

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

ORDER.

This order will dispose of the departmental appeal preferred by **Ex-SI Zarshad Khan No. 362/P**, who was awarded the major punishment of "**Dismissal from service**" under KP PR-1975 by SSP Operations Peshawar vide order No. 3014-17/PA, dated 16.11.2022.

2- Short facts leading to the instant appeal are that the delinquent Sub-Inspector was proceeded against departmentally on the following charges:-

- i. That he has been indulged in illegal activities and misconduct as he has maintained links with notorious criminals as well as proclaimed offenders (POs) of case vide FIR No. 583, dated 03.06.2022 u/s 365/302/109/7-ATA PS Shahpur.
- ii. That he has leaked secret information in arrest of POs in above mentioned FIR and allied with criminals.
- iii. He has tarnished the image of police department in the eyes of general public.

3- He was issued proper Charge Sheet and Summary of Allegations by SSP/Operations Peshawar. The SP/Rural Peshawar was appointed as inquiry officer to scrutinize the conduct of the accused official. The inquiry officer after conducting proper inquiry submitted his findings in which he was found guilty. The competent authority in light of the findings of the enquiry officer issued him Final Show Cause Notice to which he replied, but the same was found unsatisfactory, hence awarded the above major punishment.

4- 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 explanation in his defence. He was given ample opportunity to prove his innocence but he could not defend himself. Therefore, his appeal for setting aside the punishment awarded to him by SSP/Operations Peshawar is hereby **rejected/filed**.

(MUIHAMMAD ILAZ KHAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. **871-97**/PA dated Peshawar the **27** / **02** / 2023

Copies for information and necessary action to the:-

1. SSP/Operations Peshawar.
 2. SP/Rural Peshawar.
 3. AD/IT CCP Peshawar.
 4. EC-II & Pay Officer
 5. FMC along with Fouji Missal.
 6. Official Concerned.
- "J"

WAKALAT NAMA

IN THE COURT OF KPK Service Tribunal Peshawar

Zameer Akbar

Appellant(s)/Petitioner(s)

VERSUS

Mr. PPO and others

Respondent(s)

I/We Appellant do hereby appoint **Mr. Khaled Rehman**, Advocate, Supreme Court, **Mr. Muhammad Amin Ayub & Muhammad Ghazanfar Ali**, Advocates in the above mentioned case, to do all or any of the following acts, deeds and things.

1. To appear, act and plead for me/us in the above mentioned case in this Court/Tribunal in which the same may be tried or heard and any other proceedings arising out of or connected therewith.
2. To sign, verify and file or withdraw all proceedings, petitions, appeals, affidavits and applications for compromise or withdrawal or for submission to arbitration of the said case, or any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defence of the said case at all its stages.
3. To receive payment of, and issue receipts for, all moneys that may be or become due and payable to us during the course of proceedings.

AND hereby agree:-

- a. That the Advocate(s) shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remains unpaid.

In witness whereof I/We have signed this Wakalat Nama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this _____

Attested & Accepted by

Signature of Executants

Khaled Rahman,
Advocate,
Supreme Court of Pakistan

Muhammad Amin Ayub
Advocate, High Court.

Muhammad Ghazanfar Ali
Advocate, High Court.

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