

SA No. 13587/2020

02.02.2023 Appellant in person present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Sher Mohsin, Inspector (Legal) for the respondents present.

Appellant requested for adjournment on the ground that his learned counsel is not available today due to strike of lawyers. Adjourned. To come up for arguments on 10.05.2023 before the D.B.

(FAREEHA PAUL)
Member(E)

(SALAH-UD-DIN)
Member (J)

SCANNED
POSTAL
POSTAL

25th July 2022 Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to properly assist the Court. To come up for arguments on 20.10.2022 before the D.B.



(Salah-Ud-Din)
Member (J)



(Kalim Arshad Khan)
Chairman

20th Oct, 2022 Learned counsel for the appellant present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Learned counsel for the appellant seeks adjournment on the ground that he has not prepared the case. To come up for arguments on 20/12/2022 before D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

20th Dec. 2022 Appellant alongwith counsel present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Learned counsel for the appellant sought adjournment in order to further prepare the brief. Granted. To come up for arguments on arguments on 2.2.2023 before the D.B.



(FAREEHA PAUL)
Member(E)



(ROZINA REHMAN)
Member (J)

SCANNED
KPST
Peshawar

S.A No. 13587/2020

26.10.2021

Mr. Arbab Saif-ul-Kamal, Advocate, for the appellant present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the 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 25.02.2022 before the D.B.


(MIAN MUHAMMAD)
MEMBER (E)


(SALAH-UD-DIN)
MEMBER (J)

25.02.2022


Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 25.05.2022 for the same as before.



Reader

25th May, 2022

Counsel for the appellant present. Mr. Asif Masood, Deputy District Attorney for the respondents present.

Counsel for the appellant requested for adjournment on the ground that he has not prepared the brief. Adjourned. To come up for arguments on 25.07.2022 before D.B.


(Fareeha Paul)
Member(E)


(Kalim Arshad Khan)
Chairman

15.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 24.05.2021 before S.B.



Reader

24.05.2021

Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 03.08.2021 for the same as before.



Reader

03.08.2021

Junior to counsel for the appellant and Mr. Kabirullah Khattak, Addl. AG alongwith Waseem Abbas, LHC for the respondents present.

Written reply/comments have been furnished and the same are placed on file. The appeal is entrusted to D.B. for arguments on 26.10.2021.



Chairman

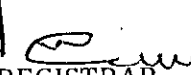

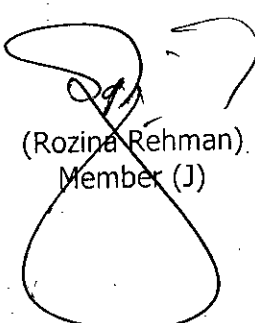
2021.08.03 10:10:10 AM
PESHAWAR


Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 13587 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	04/11/2020	<p>The appeal of Mr. Farooq Ali Shah resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>21/12/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>21.12.2020</p> <p>Appellant present through counsel. Preliminary arguments heard. File perused.</p> <p>Points raised need consideration. Admitted to regular hearing subject to all legal objections. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to respondents for written reply/comments. To come up for written reply/comments on 15.03.2021 before S.B.</p> <p style="text-align: right;"> (Rozina Rehman) Member (J)</p>
2-		


Appellant Deposited
Security & Process Fee


Fansay

The appeal of Mr. Furqan Ali Shah Ex-LHC No. 472 Police Station Chital received today i.e. on 20.10.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

Copy of departmental appeal (Annexure-D) is not attached with the appeal which may be placed on it.

No. 3005 /S.T,

Dt. 20/10 /2020.

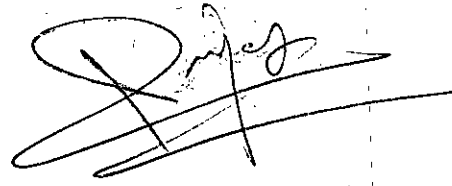

REGISTRAR - 20/10/2020

SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv.

Sir

Re-submitted after a letter



Khyber Pakhtunkhwa
Service Tribunal

Diary No. 14164

Dated 04/11/2020

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 13587/2020

Farooq Ali Shah

versus

D.P.O & others

INDEX

S. No.	Documents	Annex	P. No.
1.	Memo of Appeal		1-3
2.	Charge Sheet dated 08-02-2019	"A"	4-5
3.	Reply to Charge Sheet , 08-02-2019	"B"	6
4.	Dismissal order dated 09-04-2019	"C"	7
5.	Representation dated 26-04-2019	"D"	8
6.	Rejection order dated 08-11-2019	"E"	9
7.	Mercy Petition dated 13-07-2020	"F"	10
8.	Rejection Order dated 04-08-2020	"G"	11
9.	Application for copies dated 09-10-2020	"H"	12

Appellant

Through



Saadullah Khan Marwat
Advocate
21-A, Nasir Mansion,
Shoba Bazaar, Peshawar
Ph: 0300-5872676
0311-9266609

Dated 19-10-2020

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. _____/2020

Farooq Ali Shah S/O Kamel Shah,
R/O, Utrish, Chitral,
Ex - LHC No. 472,
Police Station, Chitral Appellant

VERSUS

1. District Police Officer, Chitral.
2. Regional Police Officer,
Malakand Region at Swat.
3. Provincial Police Officer,
KP, Peshawar Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 2528-34/E-II, DATED
09-04-2019 OF R. NO. 1, WHEREBY APPELLANT WAS
DISMISSED FROM SERVICE OR OFFICE ORDER NO.
12063/E DATED 08-11-2019 OF R. NO. 2, WHEREBY
DEPARTMENTAL APPEAL OF APPELLANT WAS FILED
OR OFFICE ORDER NO. 3173/20, DATED 04-08-2020
OF R. NO. 03, WHEREBY REVISION PETITION OF
APPELLANT WAS REJECTED.**

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth;

1. That appellant was enlisted in the year 2004 as Constable and qualified the recruit course in the year 2005.
2. That on 08-02-2019, appellant was served with Charge Sheet and Statement of Allegations that he extended close contacts with drug dealers and reportedly getting money, chars and other favor from them. He was involved in the Racket of supporting and Spy drug dealers and providing legal assistance in releasing them on bail. (Copy as annex "A")

3. That on 08-02-2019, appellant replied the said Charge Sheet by frequently denying the allegations. (Copy as annex "B")
4. That perhaps enquiry into the matter was initiated and the same was not conducted as per the mandate of law. No statement of any concerned was recorded in presence of appellant nor he was afforded opportunity of cross examination what to speak of providing him chance of self-defense.
5. That it was mandatory for the authority to serve appellant with Final Show Cause Notice but failed to do so.
6. That on 09-04-2019, appellant was dismissed from service by R. No. 01 with immediate effect. (Copy as annex "C")
7. That on 26-04-2019, appellant submitted departmental appeal before R. No. 2 for re-instatement into service which was filed on 08-11-2019. (Copies as annex "D" & "E")
8. That on 13-07-2020, appellant submitted Revision / Mercy Petition before R. No. 3 for reinstatement in service which was rejected on 04-08-2020. The same was received from the office on 09-10-2020 as per application for the purpose on 09-10-2020. (Copies as annex "F", "G" & "H")

Hence this appeals, inter alia, on the following grounds:

GROUND S:

- a. That appellant was Detective Foot Constable (DFC) and his duty was to serve concerned with summons for proceedings.
- b. That appellant has no concern with the allegations tented in the Charge Sheet / Statement of Allegation.
- c. That no enquiry into the matter was initiated by the Inquiry Officer as per the mandate of Law. No statement of any concerned was recorded in presence of appellant nor he was afforded opportunity of cross examination being mandatory.

- d. That appellant was never served with any Final Show Cause Notice what to speak about the supply of enquiry proceedings.
- e. That SHO namely Muftah-ud-Din of Police Station Chitral was involved in such like activities but he was let free and appellant was made escape-goat, being subordinate and low paid employee.
- f. That appellant rendered 15 years service to the department but no benefit of the same was ever extended to him in shape of pensionary benefits for the family.
- g. That the impugned orders are not per the mandate of law and are based on malafide.

It is, therefore, most humbly prayed that on acceptance of the appeal, orders dated 09-04-2019, 08-11-2019 and 04-08-2020 of the respondents be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.



Appellant

Through



Saadullah Khan Marwat



Arbab Saiful Kamal



Anjad Nawaz

Advocates

Dated 19-10-2020

NO 27 SA PS CU
08-02-2019 A

4
Enquiry No. 098-2-19
Dated Chitral the 8/2 /E-II
/2019

CHARGE SHEET

I, **Muhammad Furqan Bilal (PSP)** District Police Officer, Chitral as competent authority, hereby charge you LHC Farooq Ali Shah belt No.472 posted PS Chitral as DFC as follows.

As per complaint lodged by SHO PS Chitral vide DD No.15 dated 04.02.2019, you LHC Farooq Ali Shah belt No.472 DFC PS Chitral has close contacts with narcotics drug dealers and reportedly you are taking money, chars and other favour from them and further you are involved in the racket of supporting and spy drug dealers and providing them legal assistance in getting bail. Your this act is a gross violation of Police rules/law and a serious misconduct actionable under Police disciplinary law.

Based on the above reasons, you appear to be guilty of misconduct/inefficient, not fit for service and have rendered yourself liable to all or any of the penalties specified in Rule -4 of the disciplinary Rules.1975 amended 2014.

2) You are therefore, require to submit your written reply within Seven (07) days of receiving of this Charge Sheet to the Enquiry Officer Mr. Noor Jamal Khan Addl: SP Chitral.

3) Your written reply, if any should reach to the Enquiry Officer, 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.

4) Intimate as to whether you desire to be heard in person or not?

5) A statement of Allegation is enclosed.

(Muhammad Furqan Bilal) PSP
District Police Officer,
Chitral.

No 1565-66/E-II, Dated Chitral the 08-02/2019.

Copies to:-

1. Mr. Noor Jamal Addl: SP Chitral for initiating proceeding against the above defaulter official under Police Rule 1975 amended 2014.
2. LHC Farooq Ali Shah belt No.472 posted Police Lines Chitral C/O Line Officer Police Lines Chitral.

5

8-2-19

Enquiry No. 09 E-II,
Dated Chitral the 2/12 /2019.

DISCIPLINARY ACTION

I, **Muhammad Furqan Bilal (PSP)**, District Police Officer, Chitral as a competent authority am of the opinion that LHC Farooq Ali Shah No.472 has rendered himself liable to be proceeded against departmentally as he has committed/omitted the following acts/omissions as defined in Rule -2(iii) of Police Rule 1975 amended 2014.

STATEMENT OF ALLEGATION

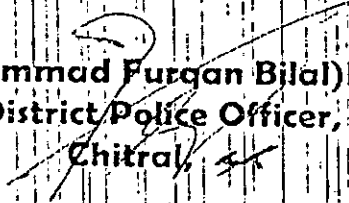
That he has extended close contacts with drug dealers and reportedly getting money, Chars and other favour from them. He is involved in the racket of supporting and spy drug dealers and providing legal assistance in releasing them on bail.

That due to above reasons he has rendered himself liable to proceeding under Police Rules 1975 amended 2014.

For the purpose of scrutinizing the conduct of the said accused with reference to the above allegation Mr. Noor Jamal Khan Addl. SP Chitral is appointed as Enquiry Officer.

The Enquiry Officer shall conduct proceeding in accordance with provision of Police Rule-1975 amended 2014 and shall provide reasonable opportunity of defense and hearing to the accused official, record his findings and submit report within Seven (07) days of the receipt of this order.

The accused official is bound to ensure his presence during the enquiry proceedings when and where called by the Enquiry Officer.


(Muhammad Furqan Bilal)PSP
District Police Officer,
Chitral.

No. 1585-66 E-II, Dated Chitral the 08-02/2019.

Copies to:-

1. Mr. Noor Jamal Khan Addl. SP Chitral for initiating proceeding against the above defaulter official under Police Rule 1975 amended 2014.
2. LHC Farooq Ali Shah belt No.472 posted DFC Police station Chitral C/O SHO PS Chitral.

بیان ازان کنٹین فاروق علی شاہ عمر 472
LHC

انٹرنری ڈیٹی عمری - 8-2-019 date E II - 66 - 1565

میں سال 2004ء کا صرف شدہ ہیں میں گذشتہ (کا) کمپن سے
 تھانہ شمال میں DFC ڈیوٹس پر انجام دے رہا تھا میں لکھو DFC
 تعینات کے دوران مختلف SHOs کیا رہا۔ اجرائی میں بھی شامل
 خوش اسلوبی سے انجام دی ہیں۔ نہ ہی منشیات خوش سے رابطہ کیا
 ہیں آمد نہ کسی سے دیکھنے کا کسین دین کیا ہیں اللہ سین آمد وارڈ
 کے تعین کے سلسلے میں بار بار آئے دیکھے کیا ہیں آمد ان سے ملاقات بھی
 ہیں اس کے علاوہ بھی سطح پر ان سے میرا خوش قطعی کوئی
 رابطہ نہیں ہے لہذا یہ میرا بیان ہے جو کہ حقیقت میں ہے
 سردست جوہر جوالیم سکری اف ایگن آمد خارج سٹیٹ میں لکھا
 گیا ہے وہ بالکل غلط اور خلاف حقائق ہیں۔

Farooq Ali

فاروق علی شاہ عمر 472
LHC
لاہور شمال

Date 8-2-019

ORDER

C

I

9-4-19

My this office order will dispose off the departmental enquiry against Constable Farooq Ali Shah No.472 Police Lines Chitral.

Brief facts pertaining to the initiation of the enquiry are that as per complaint of SHO PS Chitral, the accused Constable during his posting as DFC in Police station Chitral, had extended close contacts with Narcotic/drug dealers in the jurisdiction of PS Chitral and had involved in taking money, Chars and other favour from them, in exchange of supporting and spying drug dealers by giving prior information to them before their house search and raids for arrestment.

His this act/omission being a serious crime on the part of a member of Law Enforcing Agency and deforming the reputation and credibility of local Police in the eyes of public was penal able under disciplinary law/rules hence a departmental action under Police Rules 1975 amended 2014 was initiated against him.

Accordingly he was issued Charge Sheet along with Summary of Allegations and Mr. Noor Jamal Addl: SP Chitral was appointed as Enquiry Officer under the referred rule.

Record reveals that during the course of enquiry, the delinquent Constable Farooq Ali Shah No.472 has been given ample opportunity of hearing & defense. After proper and impartial enquiry, the Enquiry Officer found him guilty and in his finding recommended him for Major punishment.

The undersigned perused the enquiry file, all relevant documents, found no material illegality or irregularity in the finding of enquiry officer or enquiry proceeding and the charge against the accused have proved beyond reasonable doubts.

He was issued Final Show Cause Notice vide this office order No.1317/E-II dated 20.02.2019, but his reply was not satisfactory.

The accused is 15 times previous convict and has been given major/minor punishment, which shows that the accused is a habitual convict and not amendable. During the enquiry he has failed to cross examine the witness and to impeach their credibility.

Above all he himself has admitted his guilt in reply to Charge Sheet and during the enquiry proceeding before the Enquiry Officer.

Since the Charge against the accused have proved beyond any shadow of doubt and keeping such a criminal minded person in the force is detrimental both for the Force and the public, therefore upholding the report/recommendation of the Enquiry Officer the accused LHC Farooq Ali Shah No.472 is hereby dismissed from Service with immediate effect in the best interest of the public and Govt: duties.

Order Announced

No. 2528-34 /E-II, Dated Chitral the
Copy to the:-

1. DSP/HQ Chitral.
2. SDPO Chitral & SHO PS Chitral
3. RI/LO
4. Pay Officer.
5. EC
6. OHC for OB.
7. Aslam C.O. Security Clarence Form.

District Police Officer,
Chitral

09/04/2019

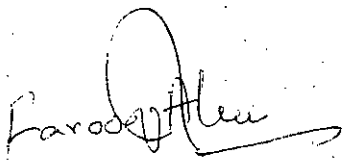
بخدمت جناب RPO صاحب ملاکنڈ رینج سیدو شریف سوات

مضمون: اپیل دوبارہ بحالی ملازمت

جناب عالی!

- مودبانہ گزارش ہے کہ سائل 2004ء کا بھرتی شدہ ہوں مورخہ 08/02/2019 کو میرے خلاف ایک جھوٹا الزام رپورٹ کرنے پر سرسری انکوائری کر کے سائل کو 09/04/2019 کو ملازمت سے برخاست کیا گیا ہے۔
- 1- یہ کہ سائل تھانہ چترال میں بحیثیت DFC ڈیوٹی انجام دے رہا تھا بدوران ڈیوٹی سائل اپنی ذمہ داری نہایت خوش اسلوبی سے انجام دی ہے۔
 - 2- سائل کے خلاف الزام ہے کہ آپ منشیات فروشوں سے پیسے لیتے ہیں اور انکو مفروضہ ہونے میں مدد فراہم کرتے ہیں اور عدالت میں انکی ضمانت کرنے میں انکی مدد کرتے ہیں۔
 - 3- سائل کے خلاف بدنام زمانہ منشیات فروشوں کو ڈرا دھمکا کر ان کا بیان ریکارڈ کرایا گیا ہے حالانکہ سائل کئی بار چھاپے میں SHO کیساتھ انکو منشیات کے ساتھ گرفتار کرنے میں پیش پیش تھے جن کی ریکارڈ بھی موجود ہے۔
 - 4- یہ کہ سائل اپنے گھر کا واحد کفیل ہے بوڑھے والدین کی ذمہ داری سائل کے کندھوں پر ہے۔
 - 5- سائل کے خلاف یکطرفہ قانونی کارروائی کی گئی ہے سائل کو اپنی صفائی بیان کرنے کا پورا موقع فراہم نہیں کیا گیا از سر نو انکوائری کا حکم صادر فرمایا جائے۔
- اسلئے جناب والا کی خدمت میں درخواست کی جاتی ہے کہ سائل کو ملازمت پر بحال کرنے کا حکم صادر فرمایا جائے۔
- سائل تاحیات دُعا گور ہے گا۔

العارض



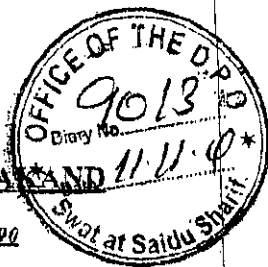
فاروق علی شاہ Ex-LHC نمبر 472

پولیس لائن ڈسٹرکٹ چترال

مورخہ: 26/04/2019



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
SAIDU SHARIF SWAT.
Ph: 0946-9240381-88 & Fax No. 0946-9240390
Email: digmalakand@yahoo.com



ORDER:

This order will dispose off appeal of Ex-LHC Farooq All Shah No. 472 of Chitral District for reinstatement in service.

Brief facts of the case are that LHC Farooq All Shah No. 472 while posted as DFC PS Chitral has close contacts with narcotics drug dealer and reportedly taking money, chams and other favour from them, in exchange of supporting and spying drug dealers by giving prior information to them before their house search and raids for arrestment. During his total service he had been awarded 15 minor and major punishments on different charges. In the appeal in hand he had been proceeded departmentally on charges that he had been found involved in the racket of drug dealing and supporting the drug dealers by giving prior information etc. After providing all chance of defense and opportunity of being heard, the enquiry officer Mr. Noor Jamal Khan Addl: SP Chitral had found the charge against the applicant as proved and recommended for major punishment. The DPO, Chitral after carefully perusing the whole record found no illegality on the charge of any material off irregularity in the report of the enquiry officer, hence the same was upheld and as the charge against the accused was of serious nature and there was no chance of leniency in the case, hence he was dismissed from Service by DPO, Chitral vide his office OB No. 2528-34/E-II, dated 09/04/2019.

He was called in Orderly Room on 23/10/2019 and heard him in person. His service record shows that prior to this he was removed from service by District Police Officer, Chitral due to his long absence with effect from 09/01/2012 to 01/03/2012 and there are also 40 bad entries available in his service record. The appellent also failed to produce any cogent reason in his self-defence. Therefore his appeal for reinstatement in service is hereby filed.

Order announced.

No. 12063 /E,

Dated 08 / 11 / 2019.

Regional Police Officer,
Malakand Region, Saidu Sharif Swat

Copy of above for information and necessary action to District Police Officer, Swat with reference *to his office Memo: No. 3553/E-II, dated 15/5/2019 and No. 8272/EB, dated 23-10-2019 his Service record alongwith complete enquiry file are return herewith for record in your office.

EC / DPO / Chitral
For information & action

District Police Officer
SWAT

عنوان:- رحم اپیل

بخدمت جناب انسپکٹر جنرل آف پولیس خیبر پختونخواہ۔

جناب عالی!

(1) مودبانہ گزارش ہے کہ سائل محکمہ پولیس ڈسٹرکٹ چترال میں بحیثیت LHC نمبر 472 اور متعینہ ڈیوٹی DFC سرانجام دے رہا تھا۔

(2) سائل کو منشیات فروش کے ساتھ تعلق رکھنے کے الزام میں اور پیسے لنتے کے الزامات میں سرکاری نوکری سے برطرف کیا گیا۔

(3) اس کے علاوہ سائل پر الزام عائد کیا گیا ہے کہ سائل مجربان کو وقت سے پہلے ہی ان کے گھر کے پتہ پر اطلاع دے کر مفرور ہونے میں مدد دیتا تھا۔

(4) مندرجہ بالا الزامات کے ضمن میں سائل گزارش کرتا ہے کہ چونکہ سائل کو DFC کی ڈیوٹی حوالہ کی گئی تھی جس میں میری ڈیوٹی صرف

سمن اور وارنٹ کی تعمیل متعلقہ شخص تک کرنی ہوتی تھی۔ سرکاری ڈیوٹی کے علاوہ سائل کے کسی بھی منشیات فروش کے ساتھ کوئی بھی تعلقات

نہیں ہیں اور نہ ہی سائل نے کسی سے پیسے لیے ہیں۔

(5) سائل کے خلاف ایک طرفہ قانونی کارروائی کی گئی ہے اور سائل کو اپنی صفائی بیان کرنے کا پورا موقع فراہم نہیں کیا گیا ہے۔

(6) سائل نے محکمہ پولیس میں تقریباً (15) سال نوکری سرانجام دی ہے۔ اور اپنی ڈیوٹی نہایت ایمانداری اور خوش اسلوبی سے سرانجام دی

ہے۔

(7) سائل نہایت غریب ہے اور والدین، گھر کی سرپرستی اور دیکھ بھال سائل کے کندھوں پر ہے۔

اس لئے سائل آپ کی خدمت میں گزارش کرتا ہے کہ سائل کی رحم اپیل کو منظور فرما کر سائل کو اپنی نوکری پر بحال کرنے کا حکم صادر فرما کر

مشکور فرمائیں۔

سائل تاحیات دعا گور ہے گا۔

العارض

آپ کا تابعدار فاروق علی شاہ EX-LHC نمبر 472 ڈسٹرکٹ چترال

پتہ: محلہ اترش p/o برنس ڈسٹرکٹ اینڈ تحصیل چترال

موبائل نمبر: 0349-4972755



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

No. S/ 3173 /20, dated Peshawar the 04/08 /2020.

To : The DSP/PAS,
CPO Peshawar.

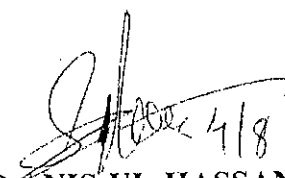
Subject: REQUEST FOR RE-INSTATEMENT IN SERVICE.

Memo:

Please refer to your office Memo: No. 1825-26/CPO/IAB/PAS, dated 17.07.2020.

The Competent Authority has examined and filed the revision petition submitted by Ex-LHC Farooq Ali Shah No. 472 of Chitral district Police against the punishment of dismissal from service awarded by District Police Officer, Chitral vide order No. 2528-34/E-II, dated 09.04.2019, being badly time barred.

The applicant may please be informed accordingly.


(SYED ANIS-UL-HASSAN)

Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

9-10-20

بخدمت جناب انسپکٹر جنرل آف پولیس خیبر پختونخواہ پشاور

جناب عالی!

Put up

مودبانہ گزارش ہے کہ سائل نے مورخہ 13/07/2020 کو ڈائری نمبری (2405CPO)

(Re-Instatement in Service) کی اپیل دائر کی تھی جسکو عرصہ تین ماہ گزر گئے تا حال

CPO سے کسی قسم کی کوئی رپورٹ موصول نہیں ہوئی۔ سائل رپورٹ کے پیچھے بار بار دفتر ہذا کا

چکریں کاٹتا رہا۔ اب سائل کو ٹریبونل سروس کورٹ میں اپیل دائر کرنے کیلئے درخواست ارپورٹ

کی اشد ضرورت ہے۔

اسلئے جناب والا کی خدمت اقدس میں استدعا کی جاتی ہے کہ برائے مہربانی درخواست ارپورٹ

کی نقل کاپی ایشو کرنے کا حکم صادر فرمایا جائے۔

آپ کی عین نوازش ہوگی۔

العارض



فاروق علی شاہ Ex-LHC نمبر 472

پولیس لائن ڈسٹرکٹ چترال

مورخہ: 09/10/2020

3965

09/10/2020

Received
Farooq Ali Shah
20/10/2020

بیت جہاں سروس ٹریڈنگ کمپنی پرائیویٹ لمیٹڈ لاہور

متجانب اسٹاک

فاروق علی شاہ بنام محمد حنیف کوکسٹ

دعویٰ اپیل

پاک سروس ٹریڈنگ کمپنی

© ————— ©

مختصر مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و نکل کاروائی متعلقہ ان مقام اپنا اور
 کیلئے استعفیٰ اٹلس خاں صورت سے ایڈووکیٹ، ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب
 توفیق کو مقدمہ کی نکل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے دہنی نامہ و تقریر ثالث و فیصلہ برتلاف
 دینے جواب دہی اور قبیل دعویٰ اور لکھنؤ ڈگری کرنے اجراء اور وصولی چیک و رقمہ اور مرضی دعویٰ اور درخواست
 ہر قسم کی تقدیر اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی
 اور ترمیمی نیز دائر کرنے اپیل نگران و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ بنا کر
 کے نکل یا جزوی کاروائی سے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقریر کا اختیار ہوگا
 اور اس پر مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پروا ختم منقولہ
 قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب
 توفیق ہوں گے نیز بقایا و فرجہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام روزہ
 پر ہو یا مد سے باہر ہو تو وکیل صاحب یا بند نہ ہوں گے کہ پیروی مذکور کریں۔
 لہذا رکالت نامہ رکھ دیا کہ سند ہے۔

الرقوم 19-10-20

التعبید التعبید التعبید

ارباب سید اتمال
ایڈووکیٹ

سید اتمال
سید اتمال خان مرشد
ایڈووکیٹ

Farooq Ali Shah

محمد کواز
ایڈووکیٹ

BEFORE THE KHYBER PUKHITUN KHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.13587 of 2020

Farooq Ali Shah S/O Kamel Shah,

R/O, Utrish, Chitral,

Ex-LHC No.472,


Police Station, Chitral.....Appellant

Versus

1. District Police Officer, Chitral.
2. Regional Police Officer Malakand Division at Swat..
3. Provincial Police Officer, KP, Peshawar. Respondents

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District Police Officer,
Chitral

BEFORE THE KHYBER PUKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR.

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1. District Police Officer, Chitral.
2. Regional Police Officer Malakand Division at Swat..
3. Provincial Police Officer KP, Peshawar. Respondents

Parawise Comments on behalf of Respondents.

Preliminary objections:-

- (1) That the appellant has got no locus standi to institute the present appeal.
- (2) That the appellant has not come to the Tribunal with clean hand
- (3) That the appeal in hand is badly time barred.

On facts:-

1. That para No.1 relates to record.
2. That para No.2 relates to record.
3. That para No.3 relates to record.
4. That para 4 is denied. During the course of enquiry the appellant has been given opportunity of being heard cross examination and defence..... (Relevant copies attached as annexure "A 1 to A 4").
5. That para No.5 is incorrect. The appellant has been given final Show Cause notice visa vise heard in Orderly room..... (Copy of final Show Cause Notice and reply attached as annexure "B 1 & B2").
6. That para No.6 is correct as after complying all legal codal formalities and keeping in view seriousness of the allegation the appellant was dismissed..... (Copy of dismissal Order is attached as annexure ... "C").
7. That Para No.7 is correct and departmental appeal was rejected by appellate authorities..... (Copy attached as annexure "D").
8. That Para No.8 is correct to the extent that the appellant had preferred a revision/mercy petition to Respondent No.3, but the same was rejected being badly time barred (Copy attached as annexure... "E").

Grounds:-

- A. Incorrect. A police officer beside on a specific place of duty is also bound to do multifarious duties according to need and circumstances when required.
- B. Incorrect. During the proceeding the charge against the appellant have proved and being a DFC his involvement in such like activity was more probable and was proved beyond reasonable doubt.

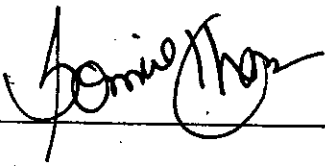
(2)

- C. Incorrect. Proper departmental enquiry has been conducted in course of which all codal formalities have been complied and the appellant has been given full opportunity of defence and hearing.
- D. Incorrect. Final Show Cause issued to the appellant. (Copy already attached as annexure B-1 above).
- E. Incorrect. This shows the exculpatory confession on the part of appellant. The appellant had ample chance to produce any evidence against SHO if he had any involvement in such racket and even could complain to his high ups but he failed. The SHO was proceeded against departmentally with logical end (Copies attached as annexure... "F 1 & F2").
- F. Incorrect. The charge against the appellant being serious deserve no leniency and any favour or to give any benefit to the appellant.
- G. That the order of respondents is in accordance with law justice and in the best interest of the Govt: Police department and the public as well. Beside the present enquiry and conviction, the accused was previously dismissed and convicted 15 times. Time in again he was given to be careful and amend himself and be a good gentleman, but all proved futile. His Service Book is full of red entries. (Copies of previous dismissal and conviction record attached as annexure "G 1 to G 5"). That keeping of such elements in the force is detrimental to the force and society and there is nothing mala fide on the part of respondents.

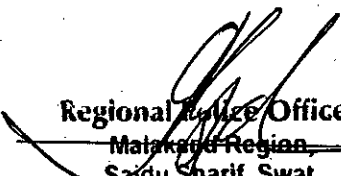
Prayer:

In light of these facts it is humbly prayed that the appeal may be dismissed with cost.

1. District Police Officer, Chitral.

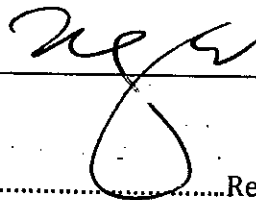


2. Regional Police Officer,
Malakand Division at Swat.



Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.

3. Provincial Police Officer, KP, Peshawar.



.....Respondents

(3)

BEFORE THE KHYBER PUKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.13587 of 2020

Farooq Ali Shah S/O Kamel Shah,

R/O, Utrish, Chitral,

Ex-LHC No.472,

Police Station, Chitral.....

Appellant

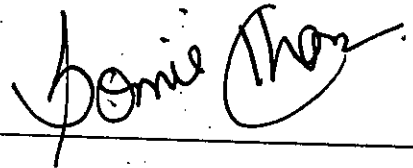
Versus

1. District Police Officer, Chitral.
2. Regional Police Officer Malakand Division at Swat..
3. Provincial Police Officer, KP Peshawar. Respondents

Authority Letter.

Mr. Sher Mohsin ul Mulk, Inspector Legal, of District Police Chitral is hereby authorized/deputed to proceed to the honorable , Service Tribunal, KPK, Peshawar in connection with the submission of Service Appeal No.13587 of 2020 Farooq Ali Shah S/O Kamel Shah, R/O, Utrish, Chitral, Ex-LHC No.472, Police Station, Chitral.

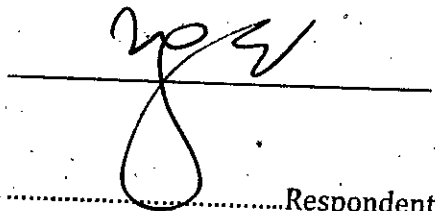
1. District Police Officer, Chitral.



2. Regional Police Officer,
Malakand Division at Swat.

Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.

3. Provincial Police Officer, KP, Peshawar.



..... Respondents

(4)

BEFORE THE KHYBER PUKH TUN KHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.13587 of 2020

Farooq Ali Shah S/O Kamel Shah,

R/O, Utrish, Chitral,

Ex-LHC No.472,

Police Station, Chitral.....Appellant

Versus

1. District Police Officer, Chitral.
4. Regional Police Officer Malakand Division at Swat.
5. Provincial Police Officer, KP, Peshawar:Respondents

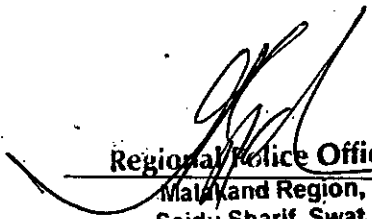
Affidavit

We the following respondents do hereby solemnly affirm that the contents of Parawise comments are true to the best of our knowledge and belief and nothing has been concealed from the Honorable Tribunal.

1. District Police Officer, Chitral.

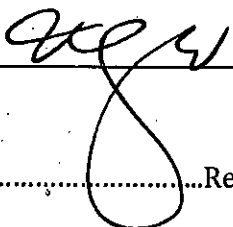


2. Regional Police Officer,
Malakand Division at Swat.



Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.

3. Provincial Police Officer, KP, Peshawar.



.....Respondents

(5)

BEFORE THE KHYBER PUKHTUN KHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No.13587 of 2020

Farooq Ali Shah S/O Kamel Shah,

R/O, Utrish, Chitral,

Ex-LHC No.472,

Police Station, Chitral.....

Appellant

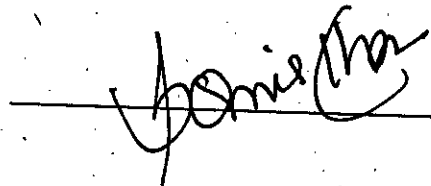
Versus

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3. Provincial Police Officer, KP, Peshawar. Respondents

Counter Affidavit.

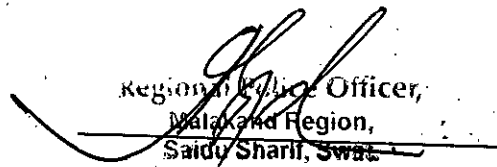
Verified that the contents of Parawise comments/ reply are true and correct and noting have been concealed from the tribunal.

1. District Police Officer, Chitral:

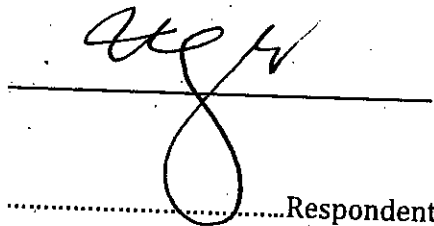


2. Regional Police Officer,
Malakand Division at Swat.

Regional Police Officer,
Malakand Region,
Saidu Sharif, Swat.



3. Provincial Police Officer, KP, Peshawar.



..... Respondents

P-b-

بیان کنسٹبل ماروق علی شاہ عمر 1972ء میں کیا گیا ہے کہ میں سال 1972ء کا کٹہری بندہ ہوں۔ میں کثیف DFL گندہ شدہ 15 سینوں میں کھانا خیراں میں ڈھونڈتا ہوں۔ کام لے رہا تھا اس دوران میں کھانا خیراں میں مختلف SHOs کے ساتھ رہا۔ SHO احتیاج الدین کے علاوہ کسی اور SHO نے مجھے کسی شہادت پر نہیں بلکہ پیسہ لینے کو کہا اور نہ ہی میرا کسی شہادت پر کوئی رابطہ تھا۔ SHO احتیاج الدین کے آنے کے بعد اس نے مجھے اپنے دفتر بلوایا اور شہادت عرض کرنے سے ڈیل کرنے کو کہا اور مجھے شہادت پر نہیں بلکہ پیسے لینے کا کہا۔ اس دوران میں مختلف شہادت پر دستوں سے ملتا ہوا وہ ان سے رقم لے کر SHO احتیاج الدین کو حوالہ کیا اور شہادت عرض کرنا سے کھلم کھدا۔ اس پر دست کرنے کو کہا کیونکہ وہ SHO احتیاج الدین نے مجھے ایسا کرنے کو کہا تھا۔ جہاں تک میرے ہدف ٹھکانے سے الزامات کا تعلق ہے اس میں میری کوئی غلطی نہیں اور میں نے جتنے بھی شہادت عرض کرنا کے ساتھ رابطہ کیا ہے وہ صرف میرا اصرار ہے۔ SHO احتیاج الدین کے کہنے پر کیا ہے۔ کثیف دہریہ DFL احتیاج الدین کے حرم اٹھانے کی حثیت میں کر سکتا ہے۔

Attested
Inspector
Legal Chitral

لنڈا یہ میرا بیان ہے جو کہ درست ہے۔
* 1972ء کے احتیاج الدین نے آدھ کو کسی شہادت پر نہیں بلکہ پیسہ لینے کو کہا ہے۔ اس کے بعد میرا اصرار ہے۔
19-02-019

1972ء میں شہادت کے بلدیے میں 031:5-09524638
شہادت پر نہیں بلکہ پیسہ لینے کو کہا ہے۔ اس کے بعد میرا اصرار ہے۔
1972-0

یہ (2) نامہ مستجابہ ہے جس کا فرامہ شدہ اجراء ال سے ملتا ہے
اجراء ال کے 5450 مفتاح الدین کو حوالا کیا
آب پر الزام ہے کہ آدہ منشیات فروشوں کے پیسے لیتے آئے ہیں
درست ہے

جواب 1- 514 جی میں سے پہلے کبھی بھی کسی منشیات فروش کو آدہ
رقم نہیں لیا ہے۔ یہ ایک مفتاح الدین 5450 منشا کو
اُس نے جے حکم دیا۔ کہ آدہ منشیات فروشوں سے وہ
وہول کر کے آئیں تو اس نے 5450 کی جے کی تین کرتے ہوئے
(1) مجیب عرف (مندی) سے 10500 روپا نقد ہی نامہ
مجاہدہ ج-ال سے 5000 روپا اندر ہی مٹا کر اہل سکتا کر
5000/ سے 5000/ ہزار نقد بے 5450 مفتاح الدین کو حوالا کیا
آب کا منشیات فروشوں سے تعلق کہ یہ ہے

جواب 2- 514 جی میرا پہلے کبھی بھی منشیات فروشوں سے تعلق نہیں
رہا ہے۔ جب ایک مفتاح الدین 5450 منشا تو اُس کے حکم سے
کے منشیات فروشوں سے تعلق نہیں
منشیات فروش نامہ کو بگڑا کر آدہ آدہ کو عمر کے دن اُس
کے گھر کے قریب مسجد میں ڈھونڈا گیا تھا۔ آدہ نامہ
میں ڈھونڈا گیا دوران نامہ منشیات فروش کی بگڑا گیا
جواب 3- 514 جی میں نے 5450 مفتاح الدین کے حکم سے مسجد میں ڈھونڈا
کے جانے نامہ کا گھونٹا۔ اور اُنکو بہکریا کے پاس لے کر
ایک بگڑے گئے مختلف علاقوں میں ڈھونڈیا گیا (2) میں
ہیں۔ لہذا آدہ ہر مستجابہ ہے۔

کراس میں جوئے کے مسائل کے جوابات میں عن میں ملے گئے ہیں

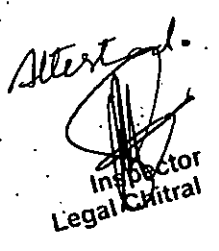
Farooq Ahmed
0345-0954638

Attested
Inspector
Legal Chitral

بیاں ازان جیب الرض وکند کو زوال کا نشان اور غور سے بتائی گئی۔
 5903489-15201 عدالت میں 12 سالوں سے منشیات کا کاروبار کرتا ہوں۔ منشیات کے
 کپڑے میں کئی بار گرفتار ہو چکا ہے۔ جیل میں بھی منشیات کے کپڑے
 پائی کورٹ میں ضمانت ہو گیا۔ اس کے بعد میں ریٹائر ہو گیا۔
 عدالت میں 18¹/₁₉ کو میں عدالت سے خارج ہو کر گھر آیا۔ پتہ DF2 خاروق عدلیہ
 آیا۔ گھر کے کمرے میں بیٹا۔ خاروق عدلیہ کے گھر کے آگے ایسی جگہ ہے
 جس پر فروخت کرتا۔ میں ایک سالہ ہوں۔ ابھی تو 10 ہزار روپے
 SHD کو دے دوں گا۔ اس گھرانے میں میرے پاس 5160 کے عدویہ کوئی نہیں ہے
 اس بات پر میں نے پہلے 10000 روپے نکال کر دے دیا۔ دو سالہ
 SHD کے ساتھ 2 اپریل کے نام میں آیا اور کہا کہ میں نے آپ کے لیے
 بھی تھا وہ اصل میں اس کے نام میں۔ میں نے صرف 10000 روپے
 سے نکال کر SHD کو دے دیا۔ پھر خارج ہو کر گھر آیا۔

الرجاء
 5903489-15201

کراس



- 1- آپ نے SHD کے ساتھ 2 اپریل کو رقم واپس کرنا وقت کی کیا
- 2- بیاں SHD کے ساتھ 2 اپریل کے گھر کے آگے سینٹر (رضی) سے
 جس پر فروخت کرتا
- 3- کیا SHD کے ساتھ 2 اپریل کے گھر کے آگے سے ملے
- 4- کیا SHD کے ساتھ 2 اپریل کے گھر کے آگے سے ملے
- 5- کیا میں اس SHD آپ کو کبھی گرفتار کیا ہے
- 6- SHD کے ساتھ 2 اپریل کے 14000 روپے میں سے فروخت کرتا ہے
 پائی کورٹ میں میرا ضمانت ہو گیا
- 7- ابھی جس پر فروخت کرتا ہے
- 8- میں نے اس میں سے کبھی کبھار لیا ہے

9

1 - اسٹوڈنٹ آپ کو محبت اور رقم داسے نہیں کیا۔

2 - مجھے جلد سے نہیں کیا۔ جب سے اسے


3 - کیا فاروق علی شاہ اس سے پہلے ہی آپ نے فرمایا تھا۔

4 - جہاں آیا تھا۔ آپ کو

5 - اس وقت ہی رقم دے دیا۔

6 - نہیں دے دیا۔

Attest


Inspector
Legal Chitral

(10)

Anneaux (B 1 & B2)

FINAL SHOW CAUSE NOTICE

Whereas, as per complaint lodged by SHO PS Chitral vide D.D No.15 dated 08.02.2019, you LHC Farooq Ali Shah No. 472 who is posted in Police station Chitral as DFC have close contacts with narcotics drug dealers and reportedly you are taking money, Chars and other favours from them and further you are involved in the racket of supporting and spying drug dealers and providing them legal assistance in getting bail. You this act shows gross misconduct on your part as defined in Police Disciplinary Rules, 1975 amended 2014.

You were issued Charge Sheet along with Summary of allegation, vide this office No.1565-66/E- II dated 08.02.2019 and Mr. Noor Jamal Khan Addl: SP Chitral was appointed as Enquiry Officer.

The Enquiry Officer after proper & impartial enquiry has found you guilty of misconduct and in his finding has recommended you for Major Punishment.

In light of the above reasons you are issued this Final Show Cause Notice to explain as to why you should not be awarded punishment.

Your written reply if any should reach to the undersigned within (3) days of the receipt of this notice, otherwise it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you. (Copy of Finding Report is also attached).

District Police Officer,
Chitral

No. 1317

IE-I, dt 20-02-2019

Copy to the LHC Farooq Ali Shah No.472 posted Police Lines Chitral C/O Line Officer Police Lines Chitral.

Attest
Inspector
Legal Chitral

(16)

Annexure (B1 & B2)

1565-66/E-II date 8-2-019

میں نے اپنے 2008 کے ایک فری سٹریٹ میں کیتا DFC
 گڈ سٹریٹ (15) میں سے میرا ان تھامے میں دیکھی ہے اس کا نام ہے
 میرا لنگور DFC بوریسی کے دوران، جو حال میں ہے۔
 کیا ہے رہا۔ SHO صحتاح میں کے علاوہ کسی اور SHO
 سے جو کسی شہادت پر وہی سے رقم لینے کو کہا۔ اور نہ میرا کسی
 شہادت پر وہی سے زابطہ کیا SHO صحتاح میں ہے کہ اس کا
 اس سے جو اپنے دست پر ملانا۔ اور شہادت پر وہی سے رقم لینے
 کو کہا اور جو شہادت پر وہی سے رقم لینے کو کہا۔ اس کے بعد
 میں مختلف شہادت پر وہی سے رقم لینے کو کہا۔ اس کے بعد
 کے SHO صحتاح میں جو حال میں ہے کہ اس سے رقم لینے
 میں نے کہا کہ اس کے لئے رقم لینے کو کہا۔ اور نہ میرا
 میں نے کہا کہ اس کے لئے رقم لینے کو کہا۔ اور نہ میرا
 میں نے کہا کہ اس کے لئے رقم لینے کو کہا۔ اور نہ میرا
 میں نے کہا کہ اس کے لئے رقم لینے کو کہا۔ اور نہ میرا

Lawrence H...
 of 22-02-019

Dismissed from
 Service

Attested
 Inspector
 Legal Central

[Signature]

Inspector
 Legal Central

ORDER

(12)

Anneaura (C)

My this office order will dispose off the departmental enquiry against Constable Farooq Ali Shah No.472 Police Lines Chitral.

Brief facts pertaining to the initiation of the enquiry are that as per complaint of SHO PS Chitral, the accused Constable during his posting as DFC in Police station Chitral, had extended close contacts with Narcotic/drug dealers in the jurisdiction of PS Chitral and had involved in taking money, Chars and other favour from them, in exchange of supporting and spying drug dealers by giving prior information to them before their house search and raids for arrestment.

His this act/omission being a serious crime on the part of a member of Law Enforcing Agency and deforming the reputation and credibility of local Police in the eyes of public was penal able under disciplinary law/rules hence a departmental action under Police Rules 1975 amended 2014 was initiated against him.

Accordingly he was issued Charge Sheet along with Summary of Allegations and Mr. Noor Jamal Addl: SP Chitral was appointed as Enquiry Officer under the referred rule.

Record reveals that during the course of enquiry, the delinquent Constable Farooq Ali Shah No.472 has been given ample opportunity of hearing & defense. After proper and impartial enquiry, the Enquiry Officer found him guilty and in his finding recommended him for Major punishment.

The undersigned perused the enquiry file, all relevant documents, found no material illegality or irregularity in the finding of enquiry officer or enquiry proceeding and the charge against the accused have proved beyond reasonable doubts.

He was issued Final Show Cause Notice vide this office order No.1317/E-II dated 20.02.2019, but his reply was not satisfactory.

The accused is 15 times previous convict and has been given major/minor punishment, which shows that the accused is a habitus convict and not amendable. During the enquiry he has failed to cross examine the witness and to impeach their credibility.

Above all he himself has admitted his guilt in reply to Charge Sheet and during the enquiry proceeding before the Enquiry Officer.

Since the Charge against the accused have proved beyond any shadow of doubt and keeping such a criminal minded person in the force is detrimental both for the Force and the public, therefore upholding the report/recommendation of the Enquiry Officer the accused LHC Farooq Ali Shah No.472 is hereby dismissed from Service with immediate effect in the best interest of the public and Govt: duties.

Order Announced

No. 2528-34/E-II, Dated Chitral the
Copy to the:-

1. DSP/HQ Chitral.
2. SDPO Chitral & SHO PS Chitral
3. RI/LO
4. Pay Officer.
5. EC
6. OHC for OB.
7. Aslam C.O Security Clearance Form.

District Police Officer,
Chitral

09/04/2019.

Inspector
Legal Chitral

E-13, Annexure D

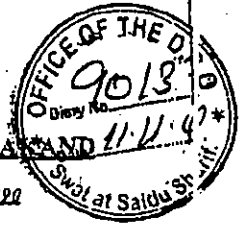
DPO SWAT

FAX NO. : 09465240402

12 Nov. 2019 11:46AM P



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND
SAIDU SHARIF SWAT.
Ph: 0946-9240381-83 & Fax No. 0946-9240390
Email: dlemplakand@swatpc.com



ORDER:

This order will dispose off appeal of Ex-LHC Farooq Ali Shah No. 472 of Chitral District for reinstatement in service.

The facts of the case are that LHC Farooq Ali Shah No. 472 while posted as DFC PS Chitral has close contacts with narcotics drug dealer and reportedly taking money, chairs and other favour from them. In exchange of supporting and spying drug dealers by giving prior information to them before their house search and raids for arrestment. During his total service he had been awarded 15 minor and major punishments on different charges. In the appeal in hand he had been proceeded departmentally on charges that he had been found involved in the racket of drug dealing and supporting the drug dealers by giving prior information etc. After providing all chance of defense and opportunity of being heard, the enquiry officer Mr. Noor Jamal Khan Addl: SP Chitral had found the charge against the applicant as proved and recommended for major punishment. The DPO, Chitral after carefully perusing the whole record found no illegality on the charge of any material of irregularity in the report of the enquiry officer, hence the same was upheld and as the charge against the accused was of serious nature and there was no chance of leniency in the case, hence he was dismissed from Service by DPO, Chitral vide his office OB No. 2528-34/E-II, dated 09/04/2019.

He was called in Orderly Room on 23/10/2019 and heard him in person. His service record shows that prior to this he was removed from service by District Police Officer, Chitral due to his long absence with effect from 09/01/2012 to 01/03/2012 and there are also 40 bad entries available in his service record. The appellant also failed to produce any cogent reason in his self-defence. Therefore his appeal for reinstatement in service is hereby filed.

Order announced.

Regional Police Officer,
Malakand Region, Saidu Sharif Swat
[Signature]

No. 12063 /E,

Dated 08/11 /2019.

Copy of above for information and necessary action to District Police Officer, Swat with reference to his office Memo: No. 3553/E-II, dated 15/5/2019 and No. 8272/EB, dated 23-10-2019 his Service record alongwith complete enquiry file are return herewith for record in your office.

Attested
[Signature]
In-charge
Legal Officer
Chitral

EC / DPO Chitral
For information
M.A. Khan



G (14)

Annexure E 4-8-20

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

No. S/ 3173 /20, dated Peshawar the 04/08/2020.

To : The DSP/PAS,
CPO Peshawar.

Subject: REQUEST FOR RE-INSTATEMENT IN SERVICE.

2381
11/8/2020

Memo:

Please refer to your office Memo: No. 1825-26/CPO/IAB/PAS, dated 17.07.2020.

The Competent Authority has examined and filed the revision petition submitted by Ex-LHC Farooq Ali Shah No. 472 of Chitral district Police against the punishment of dismissal from service awarded by District Police Officer, Chitral vide order No. 2528-34/E-II, dated 09/04/2019, being badly time barred.

The applicant may please be informed accordingly.

(SYED ANIS-UL-HASSAN)

Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Attested
Inspector
Legal Chitral

CHARGE SHEET

I, **MUHAMMAD FURQAN BILAL (PSP)**, District Police Officer, Chitral as competent authority, hereby charge you SI Miftah Ud Din No. 646/M while posted as SHO-PS Chitral as follows:

a. That it is evident from the perusal of the enquiry against LHC Farooq Ali Shah No.472 posted with you as DFC in PS Chitral, that he was collecting money from narcotic dealers for you and in return you had given the drug dealers free hand to do their business, which has been corroborated from the statement of a drug dealer namely Mujeeb ur Rehman and thus you have been found indulged in the racket of supporting drug dealers and have misused your powers and ignored your duties and responsibility to curb the drugs from the society and particularly to save the young generation from the evil of addiction.

1. By reason of above, you appear to be guilty of misconduct and have rendered yourself liable to all or any of the penalties specified in Rule 4 of the disciplinary Rules, 1975, amended 2014.

2. You are therefore, require to submit your written reply within Seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer.

3. Your written reply, if any should reach the Enquiry Officer Mr. Pervaiz Khan SDPO Mastuj 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.

4. Intimate as to whether you desire to be heard in person or not?

5. A statement of Allegation is enclosed.

Inspector
Legal Chitral

MUHAMMAD FURQAN BILAL PSP
District Police Officer
Chitral

13/6/2019
10/6/2019

(16)

Annexure (R15F)

ORDER

This office order will dispose off the departmental enquiry proceedings against SI Miftah ud Din No.646/M posted as SHO in Police Station Chitral.

Brief facts regarding the initiation of the Enquiry are as under:-

That it is evident from the perusal of the enquiry against LHC Farooq Ali Shah No.472 posted as DFC PS Chitral, that he was collecting money from narcotic dealers for him (SHO PS Chitral) and in return he had given the dealers free hand to do their business, which has been corroborated from the statement of a drug dealer namely Mujeeb ur Rehman and thus he have been found indulged in the act of supporting drug dealers and have misused his powers and ignored his duties and responsibility to curb the drugs from the society and particularly to save the young generation from the evil of addiction.

He was issued Charge Sheet along with Summary of Allegations, Mr. Pervaiz Khan Acting SDPO Mastuj was appointed as Enquiry Officer to proceed departmentally against him under Police Rule 1975, amended 2014.

During the course of enquiry, the delinquent SI Miftah ud Din No 646/M was given ample opportunity of hearing & defense. After proper and impartial enquiry, the Enquiry Officer in his finding recommended him for minor punishment.

The undersigned perused the enquiry file and all relevant documents/previous record taking lenient view awarded him minor punishment of forfeiture of one year increment for a period of two years and reinstated him in service from the date of suspension i.e 06.02.2019.

Order Announced

District Police Officer
Chitral

No. 2419-24

Dated Chitral the 09/09/2019

Copy of above is submitted to:-

- 1. The Regional Police Officer Malakand at Saidu Sharif Swat
- 2. DSP/HQ Chitral
- 3. SDPO Mastuj
- 4. RILO
- 5. Phy Officer
- 6. OHC for OB
- 7. Incharge Security Clearance Forms

District Police Officer
Chitral

17

Annexure (G. # 35)

ORDER

This office order will dispose off a departmental enquiry under Police Rules 1975 against Farooq Ali Shah No. 514 MM Police Post Police Station Mulkoh.

Brief facts regarding the initiation of the enquiry are that the delinquent constable during his posting as MM Police Post Terich PS Mulkoh remained absent from duty from 09.01.2012 to 01.03.2012 total (50) days with out prior permission.

He was issued Charge Sheet along with Summary of Allegations and Inspector Mohammad Rasool SHO Mulkoh was appointed as enquiry officer. During the course of enquiry, the enquiry officer recorded the statements of PWS and gave full chance of hearing and defence to the delinquent constable.

After proper and impartial enquiry complying all legal formalities the enquiry officer in his finding recommended for Major Punishment. The enquiry file and the findings of the enquiry officer was perused and in light of which Final Show Cause Notice was issued and the accused was heard in person also.

The facts, the verbal and documentary evidence brought on record shows that the allegations of will full absence from duty for a period of 50 days has proved beyond any reasonable doubt and the accused official has failed to produce any defence in his favor and negate the charge.

Absence of 50 days without any reasonable justification and non intimation to his higher and immediate officers having all facilities of information is sufficient to held that the accused official has committed gross negligence and misconduct and not fit for Police service.

I have found no material illegality and irregularity in the enquiry proceeding and the enquiry officer has rightly recommended for major Punishment which is up held and the accused official is removed from service. He will also refund the pay paid to him during the absence period and be deposited in treasury.

Anashid
District Police Officer,
Chitral

No. 17192-96/E-II, Dated Chitral the 7/11 /2012
Copy for information and necessary action:-

- 1. SDPO Mastuj
- 2. Pay Officer
- 3. SHO PS Mulkoh
- 4. JC Police Post Terich
- 5. Reader for OB

Attest
[Signature]
Inspector
Legal Chitral

Serial No.

✓ Awarded Punishment of future
Increment with cumulative effect, 10 days
Quarterly Guard and ~~is~~
Warning, vide order No. 1955-25/E
dt. 13-10-2011

Dist. Officer
Central

✓ period of absence of one month & 15 days
days W.F.F 23-11-11, 27-12-11, & treated as L
without pay ~~is~~
No. 202 dt. 24-3-12

Dist. Officer
Central

Office of the Accountant General
Chybra Pakhoun Khwa Peshawar.

Pay Fixed in the Revised Basic Pay Scales

R.B.P.S. 2780-135-6830 B-5

Pay Fixed @ Rs. 3050/- dt. 01-07-2007

8. Adj. B.S. 3340-160-8140 B-5

Pay Fixed @ Rs. 3820/- dt. 01-07-2007

R.B.P.S. 5400-260-13200 B-5

Pay Fixed @ Rs. 6960/- dt. 01-07-2007

Date of next increment is on 01-10-2011

Account's Officer
Pay Fixation
Peshawar

R.B.P.S. 2780-135-6830 B-5

Pay Fixed @ Rs. 3050/-

Adj. B.S. 3340-160-8140 B-5

Pay Fixed @ Rs. 3820/-

R.B.P.S. 5400-260-13200 B-5

Inspection
Legal Central

3350
3820
6960

Subscribed

11-2011

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Supdt of Police F.P.P.
Mkd: Range Swat

Supdt of Police F.P.P.
Mkd: Range Swat

Supdt of Police F.P.P.
Mkd: Range Swat

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Supdt of Police F.P.P.
Mkd: Range Swat

Handwritten notes in Urdu script, including the number 12 and a signature. The text is partially obscured by ink smudges.

Supdt of Police F.P.P.
Mkd: Range Swat

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Supdt of Police F.P.P.
Mkd: Range Swat

Handwritten notes in Urdu script, including the number 14 and a signature. The text is partially obscured by ink smudges.

Supdt of Police F.P.P.
Mkd: Range Swat

INSPECTOR
GENERAL
CHITRAL

19

Amir

20

Annexure (41543)

ROLL OF

CENSURES AND PUNISHMENTS

Charge: Absence from duty
Punish: Two days L.W. pay
OB: 156 dt 8.9.08

Charge: Absence from duty
Punish: 18 (days) they awarded
E/Drill OB: 175 dt 10.10.08

Charge: Absence from duty
Punish: five days L.W. pay
OB: 186 dt 1.11.08

Supdt. of Police ERP
Mkd. Range Swat
dt. 6.2.08

Inspector
Legs Chitral

④

⑤

⑥

⑦

Supdt. of Police ERP
Mkd. Range Swat

Supdt. of Police ERP
Mkd. Range Swat

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Mkd. Range Swat

Supdt. of Police ERP
Mkd. Range Swat

Supdt. of Police ERP

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472

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Supdt. of Police FRP
Mkd: Range Swat

Supdt. of Police FRP
Mkd: Range Swat

Supdt. of Police FRP
Mkd: Range Swat

Supdt. of Police FRP
Mkd: Range Swat

Supdt. of Police FRP
Mkd: Range Swat

The absence period from 13-7-2007 to 23-7-2007
counted L.W. pay.

one year will be a complete year of 12

Issue last warning and this order
dt: 5-10-07 and this office B.No. 303 dt: 6-10-07

Inspector
Legal Chitral

Supdt. of Police FRP
Mkd: Range Swat

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 13587/2020

Farooq Ali Shah

versus

DPO & Others

REJOINDER**Respectfully Sheweth,****PRELIMINARY OBJECTION**

All the 03 Preliminary Objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no locus standi to institute the present appeal, appellant has not come to the hon'ble Tribunal with clean hands and the appeal is badly time barred.

ON FACTS

- 1-3. Not commented upon by the replying respondents.
4. Not correct. The para of the appeal is correct regarding enquiry as per the mandate of law. As for as opportunity of cross examination is concerned, the same was not made by appellant but by the enquiry officer, etc.
5. Not correct. No Final Show Cause Notice was served upon appellant to submit reply to the same as is evident from the same.
6. Correct to the extent of dismissal from service and as for as complying of legal formalities, the same were never observed.
7. Needs no reply. Regarding submission of appeal for reinstatement in service and its rejection.
8. As above.

G R O U N D S:

All the grounds of the appeal are legal and correct, while that of the reply are illegal and incorrect. The same are re-affirmed once again.

The duty of DFC is to serve notices etc upon the required quarters and not to meet with one and other. When allegations were leveled against the SHO Meftah-ud-Din, it was incumbent upon the authority / Inquiry Officer to deal him with the allegation to bring true facts on record but safe way was given to him for ulterior motive, despite the fact that the said SHO was recommended by the Inquiry Officer for major punishment but minor penalty of withholding annual increment for one year which is clear cut discrimination with appellant.

Appellant is highly qualified having MA Degree in Political Science. He can write Urdu and English but the said statements were not in his hand writing but of the Inquiry Officer and appellant was compelled to sign the same.

All such acts were done at the instance of the said SHO and being subordinate with durance and compulsion.

It is, therefore, most humbly requested that the appeal be accepted as prayed for.

Farooq Ali Shah

Appellant

Through

Saadullah Khan Marwat
Saadullah Khan Marwat
Advocate,

Dated: 21-02-22.

AFFIDAVIT

I, Farooq Ali Shah appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

Farooq Ali Shah
DEPONENT