



OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE,
LEGAL, CTD/ HQrs, PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5388.

Date 17/5/2023

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA.

Service Appeal No. 16417/2020.

Syed Suleman Shah.....(Appellant)

VERSUS

DIG CTD KP & SP HQrs CTD KP.....(Respondents)

APPLICATION FOR SUBMISSION OF ENQUIRY FILE

The para-wise comments in Service Appeal No. 16417/2020 Titled Syed Suleman Shah Vs DIG CTD KP & Others, have already been submitted in the Hon'ble Service Tribunal KP, Peshawar. Now the undersigned seek permission of this Hon'ble Service Tribunal to submit "Enquiry File" of the above mentioned case, please.

DSP Legal CTD,
HQrs, Peshawar.



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OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE,
CTD/HQrs, LEGAL,
PESHAWAR.

AUTHORITY LETTER

I, the undersigned, do hereby authorize SI Gulzad Khan having CNIC# 17301-5214940-9; of CTD/HQrs Peshawar to submit enquiry file in Service Appeal No. 16417/2020 Titled "Syed Suleman Shah Vs DIG CTD KP & Other" and to pursue the matter on behalf of all the undersigned.

DEPUTY SUPERINTENDENT OF POLICE,
CTD/HQrs, LEGAL,
PESHAWAR.

FINDINGS OF INQUIRY AGAINST CONSTABLE SYED SULEMAN SHAH
NO.1551, CTD HQrs, PESHAWAR.

Respected Sir,

The undersigned is entrusted with an enquiry against Constable Syed Suleman Shah No.1551, CTD Headquarter with the following charges/allegations leveled against him:-

- I. You have been reported to be involved in Criminal Case vide FIR No. 447 dated 02-04-2020 u/s 302-324-458-148-149 PPC PS Mathra Peshawar.
- II. You have intentionally and deliberately absented yourself from lawful duties vide DD No. 04 dated 02-04-2020.
- III. All this speaks highly adverse on your part and it's against Police Rules 1975 with Amendment 2014.

FINDINGS:

During course of Enquiry, Charge sheet was sent to Superintendent Jail KPK, Peshawar along with letter No. 8490/E.C/ CTD dated 30-07-2020. Accordingly delinquent Constable Syed Suleman Shah No. 1551 received the charge sheet in Jail. Investigation officer of the case namely SI Hidayat Khan of PS Mathra was directed to appear before the Enquiry Officer to record his statement. He accordingly appeared on dated 18-09-2020 and stated that Challan u/s 512 CrPC has been submitted in concern court against all the accused including delinquent Constable Syed Suleman Shah. Latter on he move application for BBA which was turned down by court and sent him to Jail.

CONCLUSION:

Keeping in view of the above mentioned facts, I being enquiry officer came to the conclusion that the delinquent Constable Syed Suleman Shah No.1551 CTD HQr: Peshawar willfully absented himself from lawful duties vide DD No. 04 dated 02-04-2020 till date. His involvement in criminal case is also gross misconduct on his part.

Therefore, it is recommended that Major Punishment of Dismissal from service may please be awarded to him.

Submitted please.



DSP HQrs

CTD, Khyber Pakhtunkhwa,
Peshawar.

Attested

 DSP/INV
 CTD KP

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FC Syed Suliman Shah No. 1551
CTD Hqrs Peshawar.


No. 3887 /CTD
Dated 23/04/2020.

SHOW CAUSE NOTICE

Whereas, You FC Syed Suliman Shah No. 1551 of this Unit have committed the following commissions/omissions on your part that:-

1. You have been reported to be Involved in Criminal Case Vide FIR No. 447 dated 02-04-2020 u/s 302/324/458/148/149 PPC PS Mathra Peshawar.
2. You have intentionally and deliberately absented himself from your lawful duties vide DD no.
3. All this speaks highly adverse on your part and it's against Police Rules, 1975 read with Amendments 2014.

Now, I Superintendent of Police, CTD Hqrs, Peshawar call upon you to show cause within 07 days of the receipt of this Notice as to why departmental action should not be taken against you under Police Rules, 1975 read with Amendments 2014.


Superintendent of Police, Hqrs,
CTD, Khyber Pakhtunkhwa,
Peshawar.

Attested

DSP
CTD KP

Recd
Shw
23-06-2020

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CHARGE SHEET.


1) I, SUPERINTENDENT OF POLICE, HQrs: CTD, KHYBER PAKHTUNKHWA, PESHAWAR, hereby charge you Constable Syed Suleman Shah No. 1551 of this Unit as follows:-

- i. You have been reported to be involved in Criminal Case vide FIR No. 447 dated 02-04-2020 U/S 302/324/458/148/149 PPC PS Mathra Peshawar.
- ii. You have intentionally and deliberately absented himself from your lawful duties vide DD No. 447 dated 02-04-2020.
- iii. All this speaks highly adverse on your part and it's against Police Rules 1975 with Amendments 2014.

By reason of the above, you appear to be guilty of misconduct under Police Disciplinary Rules, 1975 read with Amendments 2014 and have rendered yourself liable to all or any of the penalties specified in the Rules:-

- 2). You are, therefore required to submit your written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer as the case may be.
- 3). Your written defence, if any, should reach to the Enquiry Officer within the specified period failing which it shall be presumed that you have no defence to put in and in that case, exparte action will be taken against you .
- 4). You are also at liberty, if you wish to be heard in person.
- 5). Statement of allegation is enclosed.


Superintendent of Police HQrs:
CTD, Khyber Pakhtunkhwa,
Peshawar. 01

Attested


DS/11/11
CTD ICP

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SUMMARY OF ALLEGATIONS

1). I, SUPERINTENDENT OF POLICE, HQrs: CTD KHYBER PAKHTUNKHWA, am of the opinion that Constable Syed Suleman No. 1551 of this Unit has rendered yourself liable to be proceeded against as he committed the following acts/omissions within the meaning of Police Disciplinary Rules, 1975 read with Amendments 2014.

STATEMENT OF ALLEGATIONS.

- i. You have been reported to be involved in Criminal Case vide FIR No. 447 dated 02-04-2020 U/S 302/324/458/148/149 PPC PS Mathra Peshawar.
- ii. You have intentionally and deliberately absented himself from your lawful duties vide DD No. 447 dated 02-04-2020.
- iii. All this speaks highly adverse on your part and it's against Police Rules 1975 with Amendments 2014.

2). For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, DSP/HQrs: Rizq Khan is appointed as Enquiry Officer, to conduct enquiry under the Rules

3). The Enquiry Officer, shall, in accordance with the provision of the Police Disciplinary Rules, 1975 read with Amendments 2014 provide reasonable opportunity of hearing to the above named defaulter Constable, record its findings and make within 15 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused official.

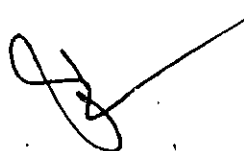
No 6555-⁵⁶IEC/CTD

Dated Peshawar the 02/07/2020.

Copy of above is forwarded to the:-

- 1). Enquiry Officers of this Unit are directed to initiate departmental proceedings against the defaulter official under the Police Disciplinary Rules, 1975 read with Amendments 2014.
- 2). Constable Syed Suleman Shah No. 1551 to appear before the Enquiry Officer on the date time and place fixed by the Enquiry Officer for the purpose of enquiry proceedings.

Attested



Superintendent of Police HQrs:
CTD, Khyber Pakhtunkhwa,
Peshawar

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بھولے ہوئے شہر کارٹون میں 1887 عرصہ 23/4/20 جاری جواب تھا
میں نے صاحب CTD شہر کارٹون لکھا اور ضروری فرقت میں تم صاحب
بھولے ہوئے شہر کارٹون میں عرصہ 23/06/2020 CTD شہر کارٹون لکھا اور ضروری
موضوعی جواب لکھا اور جواب لکھا

صاحب عالی
عرصہ 22/4/2020 کو برسرِ قیامت سائنس CTD شہر کارٹون میں
میں اپنی ڈیوٹی سرانجام دینے والی تھی اور ڈیوٹی ختم ہونے کے بعد سائنس
گورنمنٹ چلا گیا، تقریباً بوقت 1900 بجے تک اسے گواہی حاصل شدہ
دیکھی گئی، اسی روز قومی عدالت میں ہوا، مقدمہ عدالت 447 عرصہ
22/04/2020 تھا، مقدمہ لکھا اور عدالت میں 1900 بجے تک اسے گواہی حاصل شدہ
ایک نام سارا دن ڈیوٹی سرانجام دینے کے بعد بوقت تقریباً 1900 بجے
بہانہ لکھا، اگلے دن جمع عرصہ 23/04/2020 کو سائنس کو عدالت میں لکھا
مذکورہ مقدمہ میں جہوں میں گرفت FIR درج رہی ہے جسکی ہے
میں اس وقت کے بارے میں کچھ علم نہیں اور میں اس وقت عدالت
میں شہر کارٹون میں، بوقت ضرورت سائنس میں بے گناہی ثابت کرنے
کے لئے گواہی لکھ رہی ہوں، یہاں یہ بات قابل ذکر ہے
کہ چونکہ سائنس قلم نویس میں ڈیوٹی سرانجام دینے والی تھی، میرا عدالت
بارگاہ نے مجھے گناہ کو مجھ اس جہوں میں گرفت مقدمہ میں گناہ
میں میں سائنس کا کوئی کردار نہیں ہے، مقدمہ میں حقائق کو عدالت میں لکھا
میں نے آپ صاحبان سے عاجزانہ گزارش ہے کہ سائنس کا سائنس
رکھارڈ دیگر کو عدالت میں لکھا ہے، شہر کارٹون کو لکھا ہے اور
کے دراصل دفتر میں لکھا ہے، صادر فرما کر شہر کارٹون میں لکھا ہے
حاضر دعا ہو رہی ہے

Attested
Amir

شہر کارٹون میں
C/D S/Amir
(CFU) شہر کارٹون
26/6/2020

Not set
Charge



8
**OFFICE OF THE,
DEPUTY INSPECTOR GENERAL OF POLICE,
COUNTER TERRORISM DEPARTMENT,
KHYBER PAKHTUNKHWA, PESHAWAR.**

ORDER

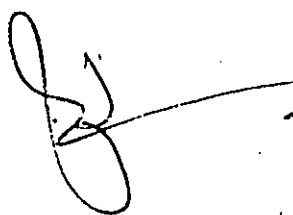
My this order of today on 21-09-2020 will dispose off departmental proceedings initiated against Constable Syed Suleman Shah No. 1551 of this Unit on the score of allegations that while he was posted in this Unit and was involved in criminal case vide FIR No. 447 dated 02-04-2020 U/S 302-324-458-148-149 PPC PS Mathra Peshawar.

He was charge sheeted and Mr. Riaz Khan DSP/HQrs: CTD was nominated as inquiry officer to proceed him departmentally.

The enquiry officer completed the enquiry and recommended that the Constable Syed Suleman Shah No. 1551 CTD HQrs: Peshawar may be awarded with major punishment i.e. Dismissal from Service. He was called to appear in person for personal hearing but he never appeared before the undersigned.

Now, I Shah Mumtaz Khan Superintendent of Police HQrs: CTD Khyber Pakhtunkhwa, Peshawar in exercise of the powers vested in me and Police Rules, 1975 read with amendment 2014 agreed with the recommendation of enquiry officer awarded him "MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE".

OB No 220 /CTD
Dated 21/09/2020.


Shah Mumtaz Khan
Superintendent of Police HQrs:
CTD, Khyber Pakhtunkhwa,
Peshawar.

No 11343-47 /EC/CTD

Dated Peshawar the 21/09/2020

Copy of above is forwarded for information and necessary action to all concerned
CTD, Khyber Pakhtunkhwa, Peshawar.

Attested

DSP/INM
CTD HQRS



8

OFFICE OF THE,
DEPUTY INSPECTOR GENERAL OF POLICE,
COUNTER TERRORISM DEPARTMENT,
KHYBER PAKHTUNKHWA, PESHAWAR.

ORDER

Due to involvement in Case FIR No 447 dated 02.04.2020
302/324/458/460/148//149 PPC PS Mathra Peshawar, Constable Suleman Shah No 1551 of this
hereby placed under suspension with immediate effect and till further orders.

OB No 111 /CTD
Date 06/04/2020


SP/HQrs:

For Deputy Inspector General of Police
CTD, Khyber Pakhtunkhwa,
Peshawar.

No 3601-⁰⁹ /EC/CTD

Dated Peshawar the 06/04/2020

Copy of above is forwarded for information and necessary action
concerned in CTD Khyber Pakhtunkhwa.

Attested


CTD KP

بیان ادا کنندہ سید شاہزاد علی 10

بوالہجاء شیٹ نمبر 8490 فرم 2020/07/30 30 مارچ کو اپنی
CFU پیکو انٹرنیشنل پرائیویٹ لمیٹڈ کے ذریعہ کہ مندرجہ بالا ہجاء
شیٹ کے تحت فرم 2020/07/30 کو منبر انجیل سٹیٹرز سے وصول ہوا جس کا مقصد
جواب نہیں ہے۔

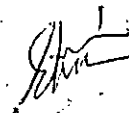
صلی علیہ

فرم 2020/07/03 کو پیکو انٹرنیشنل سٹیٹرز CFU میں
اپنی ڈیوٹی سربراہی کے تحت رقم نقد اور ڈیوٹی قسم بیوٹیک کے بعد سائن گھنٹہ
کیا، تقریباً بوقت 19:00 بجے سائن گھنٹہ شروع ہوا۔
اسی روز وہی رقم نقد روٹی ہوئی۔ قدر عدت نمبر 497 فرم 2020/07/03 تھا
مقرر شدہ عرفہ ریشاں میں۔

جس کا سائن گھنٹہ کیا کہ سارا دن ڈیوٹی سربراہی کے تحت لگبند رہے گھر بوقت
19:00 بجے شروع کیا۔ اس کے اگلے دن جمع فرم 2020/07/03 کو سائن گھنٹہ
ہوا کہ پیکو انٹرنیشنل پرائیویٹ لمیٹڈ کے ذریعہ گھنٹہ شروع ہوا
سائن گھنٹہ اس وقت ختم ہوا کہ سائن گھنٹہ کے اور پیکو انٹرنیشنل
شریک مضمون رقم ہے۔ بوقت ضرورت سائن گھنٹہ کے سائن گھنٹہ
تیلے گھنٹہ کے سائن گھنٹہ کے سائن گھنٹہ کے سائن گھنٹہ کے
تعمیر پیکو انٹرنیشنل پرائیویٹ لمیٹڈ کے ذریعہ گھنٹہ شروع ہوا
بھی اس وقت گھنٹہ کے سائن گھنٹہ کے سائن گھنٹہ کے سائن گھنٹہ کے
کوئی کارروائی ہے۔

مندرجہ بالا حقائق کو مد نظر رکھتے ہوئے اب صاحبان سے عارفانہ
پتہ ہے کہ سائن گھنٹہ کے سائن گھنٹہ کے سائن گھنٹہ کے سائن گھنٹہ کے
ہجاء شیٹ کو پیکو انٹرنیشنل پرائیویٹ لمیٹڈ کے ذریعہ گھنٹہ شروع ہوا
خبر کارروائی کے سائن گھنٹہ کے سائن گھنٹہ کے سائن گھنٹہ کے
ہے جو درج ذیل ہے۔

Attested



سید شاہزاد علی
CFU پیکو انٹرنیشنل پرائیویٹ لمیٹڈ

7/8/2020

To,

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The Deputy Inspector General (DIG) of Police,
Counter Terrorism Department (CTD)
Khyber Pakhtunkhwa
Peshawar.

Subject: DePARTMENTAL APPEAL AGAINST THE ORDER DATED 21/09/2020
VIDE NO. 11343-47 /EC/CTED AND OB NO. 220/CTD PASSED BY
SUPERINTENDENT OF POLICE HEAD QUARTER COUNTER TERRORISM
DEPARTMENT [CTD], KHYBER PESHAWAR, WHEREBY MAJOR
PUNISHMENT OF DISMISSAL FROM SERVICE WAS IMPOSED UPON THE
APPELLANT.

Respected Sir,

My Humble Submission Are As Under.

1. That the appellant namely Syed Suleman Shah No. 1551 was serving as constable in the police department at Counter Terrorism Department [CTD] Khyber Peshawar and has rendered unblemished service recorded.
2. That on 02/04/2020 the appellant was falsely charged in case vide F.I.R No. 447 u/s 302,324,458,148,149 /34 PPC, Police Station Mathra Peshawar, wherein the appellant was dismissed from service on 21/09/2020 by Superintendent of police Head Quarter (CTD) Khyber Pakhtunkhwa Peshawar. [Copy of dismissal order is attached].
3. That after falsely charging in criminal case, the appellant surrendered himself to police and now behind the bar / judicial lockup at central prison Peshawar.
4. That the appellant has not been convicted by court of law in criminal case and court proceedings against the appellant is pending in the court of Additional District and Session Judge Peshawar whereas case of the appellant is prima facie and hopefully will be decided in favour of the appellant.
5. That according to law and rules as well as averments of judgments of the superior courts the department cannot dismiss the appellant from service, while the department can suspend the appellant if the court of law has not been declared the appellant as convict. During the period behind the bar/ judicial lockup on suspension the appellant is entitled to pay monthly salary till conviction from the

Attested
DS/ANV
CTD KP



court of law. In this regard the appellant rely upon judgment of the Superior Court reported as 2019 PLC (CS) 255.

6. That the department committed illegality and irregularity referred to FR 54 and CSR 194-which read as:

"CSR 194-A: A Government Servant who has been charged for a criminal offence or debt and is committed to prison shall be considered as under suspension from the date of his arrest. In case such a Government Servant is not arrested or is released on bail, the competent authority may suspend him, by specific order, if the charge against him is connected with his position as Government Servant or is likely to embarrass him in the discharge of his duties or involve moral turpitude. During suspension period the Government servant shall be entitled to the subsistence grant as admissible under FR 53."

7. That the appellant was served charged sheeted/statement of allegations and as per dismissal order of the appellant dated 21/09/2020 an inquiry was conducted against the appellant, wherein DPS /HQrs Riaz Khan was nominated as inquiry officer.

8. That the inquiry officer proceeded an illegal inquiry against the appellant while the department was in knowledge about the appellant, who was in judicial lockup at central prison Peshawar and the department has not communicated charge sheet / statements of allegation and show cause notice to the appellant at central prison Peshawar, neither the inquiry officer visited central prison to record statement of the appellant behind the judicial lock up nor an opportunity of cross examination was provided to the appellant and one sided / ex- party departmental proceedings initiated against the appellant which is against the law, rules, judgment of the superior courts and also against the norms of natural justice.

9. That no opportunity of personal hearing was afforded to appellant, which is also the mandatory requirement of law and rules. The appellant was condemned unheard and accordingly the dismissal order dated 21/09/2020 is void, ab-initio, arbitrary and hence not sustainable.

10. That no fact finding or regular inquiry has been conducted against the appellant hence the whole proceedings are illegal, unlawful against the law and rules, void-in-itio and the dismissal order dated 21/09/2020 of the appellant is liable to be set aside.

11. That the right of fair trial is granted by Article 10 A of the constitution of Islamic republic of Pakistan 1973 but the same has ^{not} provided to the appellant, furthermore there is no evidence against the appellant.

Attested
Amir

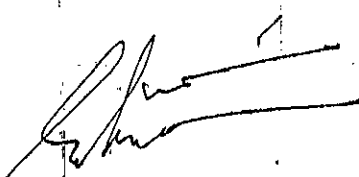
CTD KP

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(21)

12. That codal formalities regarding dismissal of the appellant has not been followed by the department in accordance with Law and Rules, while in case the appellant was in judicial lockup and behind the bar which is against the norms of natural justice.

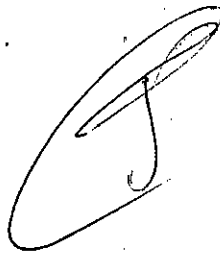
It is, therefore, most humbly requested that the appellant may very kindly be re-instated in his service in the light of various judgments of the superior Courts as well as Honourable Tribunal mentioned above with all back benefits and the appellant departmental appeal may kindly be accepted in accordance with rules and judgments of the Honourable Courts as mentioned above. Any others relief which this deem fit if any may also be granted.


[Syed Suleman Shah No. 1551]
Ex - constable CTD Police
Khyber Pakhtunkhwa Peshawar

SUPERINTENDENT
CENTRAL PRISON PESHAWAR

Attested

DSP/INV
CTD KP



۱۔ بھجوانہ جاتے ہیں جیکر جردھن کے لقمہ مندریاد نہ تبت کرنا لغزنی علیہم صحابہ عوام میں ۱۲
 جاتے ہیں صفوں اور ساتھ سے صورت پر (۱) بالاد کا باجی جاکر واسع لغزنی کا کی مقدم بہ ستہ لکھن لکھن
 ۲۵ اور سال تھانہ افسر ان بالاد صاحبان کو بطور سیشن رپورٹ اطلاع دی جاتی ہے یہ رپورٹ
 رالڈ سٹی لکھن سٹان کو حاضر لکھنیا جا جائے دستخط افسر منی مشیر اد خان آسی صاحب
 قراصلی ۲۵/۴/۲۵ کاروانی خان آفندہ تحریر کی واسع اور جامع فہرہ بالا میر کریم علی خاں
 لا جاتے ہیں اور کٹر نقل میر علی خاں لغزنی لکھنیا عوام میں پراپت خان آسی صاحب جاتے ہیں
 لا صاحبان کو بطور سیشن رپورٹ اطلاع دی جاتی ہے یہ رپورٹ افسر منی مشیر اد خان آسی صاحب جاتے ہیں

عفو علی خان
 Asi Is Mathu
 3-4-020

۱۶۔ اطلاع حضرت علی خان آسی فنت ۱۵۲: ۱ سے دوخ ۳/۴ اس وقت
 رپورٹ سیشن سے آصف خان آسی سے بزرگ فوراً اطلاع دی ہو
 عدوم لکھن ۲۵/۴/۲۵-۴۶۵-۴۵۸-۳۲۴-۳۵۲ P.P.C تیار ہو کر اسی تحریر
 ولہذا سیشن میں ذمہ دار ۲ تھا۔ زخموں کی تاب نہ لائے
 خان بحق ہوئے آفندہ ۱ اطلاع ۲۷/۴ روزنامہ میں کٹر نقل و لکھنیا
 عقب بدایت خان آسی بھجوانی جاتی ہے

Attest
 DSF INV
 CT KP 3-4-020