



17<sup>th</sup> April, 2023 1. Learned counsel for the appellant present. Mr. Fazal Shah, Addl: AG for the respondents present.

2. This matter was lastly fixed for 02.10.2022 but that was not brought on the cause list nor placed before the Tribunal on the said date. Alongwith this matter some more than twenty other matters were also kept by the office for which an explanation has already been called for. It was directed on 14.04.2023 on a note placed before me, regarding non-fixation of some more than twenty cases that all these cases be fixed before me on 17.04.2023 with further direction to inform the parties and learned counsel on telephone. Learned counsel for the appellant seeks adjournment as he has not prepared the case. Last chance is given to the appellant to argue the case on the next date. To come up for arguments on 25.05.2023 before D.B. P.P given to the parties.

RECEIVED  
ST. JAMES  
HOSPITAL  
PESHAWAR

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

\*Adnan Shah, P.A.\*

11-5-22

Proper DB not available the case is adjourned on 26-7-22

of also Reader

26<sup>th</sup> July 2022 Counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Counsel info By Telephone for the Date Shapiullah Rehman 14-4-23

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 12.10.2022 before the D.B.

(Salah-Ud-Din) Member (J)

(Kalim Arshad Khan) Chairman

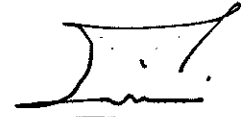
13.07.2021

Clerk of counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

Clerk of counsel for the appellant stated that learned counsel for the appellant is unable to attend the Tribunal today due to strike of Lawyers. Adjourned To come up for arguments before the D.B. on 18.10.2021



(ATIQ-UR-REHMAN WAZIR)  
MEMBER (EXECUTIVE)



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)

18.10.2021

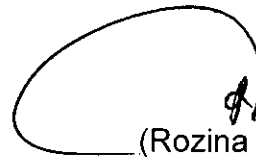
Appellant present through representative.

Javid Ullah, learned Assistant Advocate General for respondents present.

Lawyers are on general strike, therefore, case is adjourned to 14.01.2022 for arguments before D.B.



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

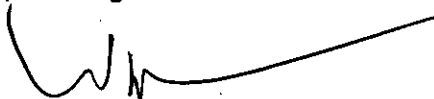


(Rozina Rehman)  
Member (J)

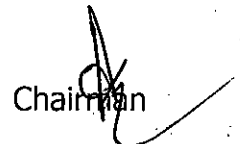
14.01.2022

Junior to counsel for the appellant present. Mr. Muhammad Rasheed, DDA for the respondents present.

Due to Non-availability of learned senior counsel for the appellant arguments could not be heard. To come up for arguments on 11.05.2022 before the D.B.



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

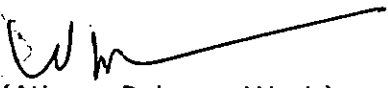


Chairman

26.10.2020

Junior to counsel for the appellant and Addl. AG for the respondents present.

The Bar is observing general strike, therefore, the matter is adjourned to 30.12.2020 for hearing before the D.B.

  
(Atiq-ur-Rehman Wazir)  
Member

  
Chairman

30.12.2020

Due to summer vacation, case is adjourned to 01.04.2021 for the same as before.

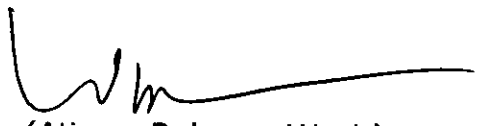
  
Reader

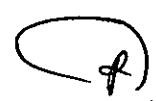
01.04.2021

Appellant present through counsel.

Muhammad Rasheed learned Deputy District Attorney for respondents present.

Former made a request for adjournment; granted. To come up for arguments on 13/07/2021 before D.B.

  
(Atiq ur Rehman Wazir)  
Member (E)

  
(Rozina Rehman)  
Member (J)

04.02.2020

Appellant in person present. Addl: AG alongwith Mr. Muhammad Raziq, Reader for respondents present. Written reply not submitted. Requested for adjournment. To come up for written reply/comments on 19.03.2020 before S.B-1.

  
Member

19.03.2020

None present on behalf of the appellant. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Raziq, Reader for the respondents present. Representative of the respondent submitted written reply on behalf of respondents No. 1 to 3. The same is placed on record. To come up for rejoinder, if any, and arguments on 29.04.2020 before D.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

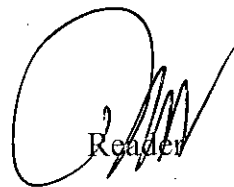
30.04.2020

Due to public holidays on account of Covid-19, the case is adjourned. To come up for the same on 06.08.2020 before D.B.

  
Reader

06.08.2020

Due to summer vacation case to come up for the same on 26.10.2020 before D.B.

  
Reader

Apropos to the order dated 20.09.2019 the matter is adjourned to 18.11.2019 for submission of written reply/comments.

Chairman 

18.11.2019 Counsel for the appellant and Addl. AG, for the respondents present.

Learned AAG seeks time to contact the respondents and furnish the requisite reply/comments. Adjourned to 20.12.2019 on which date the reply/comments shall positively be furnished.

Chairman 

20.12.2019 Junior to counsel for the appellant and Addl. AG alongwith Muhammad Raziq, Reader for the respondents present.

Representative of respondents seeks time to furnish reply/comments. Adjourned to 04.02.2020 on which date the requisite reply/comments shall positively be furnished.

Chairman 

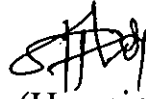
27.06.2019

Learned counsel for the appellant present. Security & process fee not deposited. Learned counsel for the appellant submitted application for extension of time to deposit security fee. Application allowed with direction to deposit the same within 3 days. Thereafter notices be issued to the respondents for written reply/comments. Adjourn. To come up for written reply/comments on 22.08.2019 before S.B

Member

22.08.2019

None present on behalf of the appellant. Security and process fee not deposited. Notice be issued to the appellant and his counsel to deposit the security and process fee within 3 days. Thereafter notice be issued to the respondents for written reply/comments. Adjourned to 20.09.2019 before S.B.


  
(Hussain Shah)  
Member

20.09.2019

Counsel for the appellant present.

An application for extension of time to deposit security and process fee has been submitted by learned counsel. It has been noted in the application that the requisite fee has not been deposited due to lack of knowledge.

Process fee & Security as required on 02.05.2019 has not been deposited but in order to extend opportunity to appellant ~~for decision of his case on merits~~, instant application is allowed. He is required to deposit the requisite fee within three working days from today. Thereafter, notices be issued to the respondents for submission of written reply/comments.

Appellant Deposited  
Security & Process Fee  
  
20/9/19

  
Chairman

02.05.2019

Counsel for the appellant present.

21/5/19

Contends, inter-alia, that the allegations levelled against the appellant were in terms of bad moral reputation, being financially corrupt, having proved links with NCP vehicle smugglers and using extra departmental influence for choice postings. In view of nature of allegations a proper and comprehensive enquiry was required to be conducted on departmental level against an accused. Pro & contra evidence was required to be recorded in such proceedings. The respondents did not adhere to legal requirements in the proceedings, therefore, the punishment awarded to the appellant was not sustainable.

In view of the above, instant appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 27.06.2019 before S.B.

  
Chairman



Form- A  
FORM OF ORDER SHEET

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

Case No. 261/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/2/2019	<p>The appeal of Mr. Behram Khan presented today by Mr. Bilal-ud-Din Khattak 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 <i>20/2/19</i></p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>1-4-19</u>.</p> <p style="text-align: right;">CHAIRMAN</p>
2-	01.04.2019	<p>Counsel for the appellant present and seeks adjournment as he has not prepared the case. Adjourned to 02.05.2019 before S.B.</p> <p style="text-align: right;">(Ahmad Hassan) Member</p>

SCANNED  
PST  
Peshawar

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

Service Appeal No. 261 /2019

Behram Gul Khan.....(Appellant)

**V E R S U S**

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

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Opening Sheet		A
2.	Appeal		1-6
3.	Affidavit		7
4.	Addresses of Parties		8
5.	Copy of promotion	A	9
6.	Copy of order	B	10
7.	Copy of Show Cause Notice	C	11-12
8.	Copy of order	D	13
9.	Copy of appeal	E	14-15
10.	Copies of progress report and certificate	F & G	16-17
11.	Copy of statement of allegations and charge sheet	H	18-21
12.	Wakalat Nama		22

Appellant

Through



Dated: 20/02/2019

**Bilal ud Din Khattak**  
Advocate, High Court,  
Peshawar.  
Cell: 0333-9121558

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

Service Appeal No. 261 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 248

Dated 20/2/2019

Behram Gul Khan, S/o Ziarat Gul R/o Mera Kachori,  
Tehsil and District Peshawar.....(Appellant)

**V E R S U S**

1. Inspector General of Police Khyber Pakhtunkhwa,  
Peshawar.
2. Chief Capital Police Officer (CCPO), CPO, Peshawar.
3. Senior Superintendent of Police (SSP) Police Line,  
Peshawar.....(Respondents)

**SERVICE APPEAL U/S 4 OF KHYBER**

**PAKHTUNKHWA SERVICE TRIBUNAL ACT,**

**1974.**

Filed to-day

Registrar

20/2/2019

**Respectfully Sheweth:**

1. That the appellant was appointed on 28/03/1987 as Constable in Police Department and was promoted as ASI on 10/03/2012 then promoted as Inspector on 14/01/2013 on the basis of his outstanding performance and appellant remain

SHO at different Police Stations in Peshawar. (Copy of promotion annexure "A").

2. That the appellant performance during his service was outstanding and on his performance he got sufficient number of awards from high-up's. appellant in his entire career got no adverse finding in his ACRs.
3. That appellant was posted as Security Incharge of High Court from 23/09/2016 to 23/04/2018 on 23/04/2013 he was transferred to Police Line then was posted as SHO Khazana by competent authority on 21/05/2018 being SHO Police Station Khazan his performance was outstanding he also got award on excellence performance from high-up's. (Copy of order is attached as annexure "B").
4. That on 08/06/2018 the SSP Operation Peshawar illegal without any jurisdiction and reasons issued show cause notice to appellant in which baseless and unjustified allegation was leveled against appellant ASP Chamkani was appointed as inquiry

officer. (Copy of Show Cause Notice is attached as annexure "C").

5. That it is pertinent to mention here that initially show cause notice was issued to appellant by SSP Peshawar and ASP Gulbahar was inquiry officer who conducted inquiry and not suggested any punishment for the appellant and declare the appellant as innocent during pendency of that inquiry another inquiry on same allegation was initiated by ASP Chamkani without any knowledge and of the appellant.

6. That on 13/07/2018 the respondent No. 3 illegally without any justification issued an order whereby major penalty of reversion from rank of inspector to the rank of Sub-Inspector was imposed upon appellant. (Copy of order is attached as annexure "D").

7. That in the matter no enquiry whatsoever was conducted no complaint against the appellant is on record, appellant had no opportunity to be heard.

8. That as aggrieved the appellant moved a departmental representation/ appeal to the Worthy CCPO Peshawar in start of August, 2018, but till now no response from the office. Hence this Writ Petition. (Copy of appeal is attached as annexure "E").

9. That it is clarify that the allegation is baseless ont the reason that the NCP vehicle used to entire through Jam side or from Swat, a large number of Police Stations are situated in the way while Police Station Khazana is situated in the mid of Peshawar City. Furthermore, there is no evidence in this respect against appellant. after just two weeks he was given show cause notice, there was no single incident which shows his poor performance or bad reputation, even during inquiry appellant was awarded excellence certificate. (Copies of progress report and certificate are attached as annexure "F" & "G").

10. That the order of imposing Major Penalty dated 13/07/2018 is illegal, against the law, based on malafide and against the fundamental rights of the

appellant. the said order is without jurisdiction and without lawful authority.

11. Appellant also moved W.P no /18 against impugned order due to non functional of this Tribunal, which was withdrawn.

It is, therefore, humbly prayed that on acceptance of this Service Appeal, the order/ letter dated 13/07/2018 may kindly be set aside and respondent be directed to cancel the said order and appellant be reinstated as SHO Police Station Khazana, Peshawar.

  
Appellant

Through



Dated: 20/02/2019

**Bilal ud Din Khattak**  
Advocate, High Court,  
Peshawar.

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

Service Appeal No. \_\_\_\_\_/2019

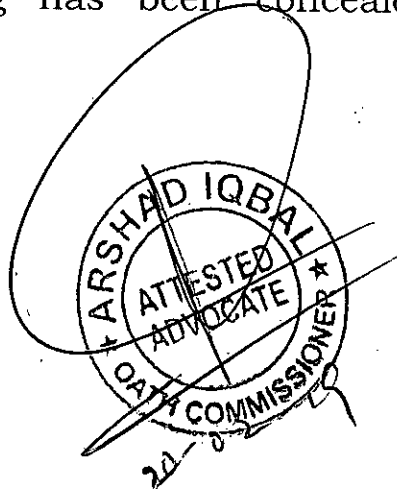
Behram Gul Khan.....(Appellant)

**V E R S U S**

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

**AFFIDAVIT**

I, Behram Gul Khan S/o Ziarat Gul R/o Mera Kachori, Tehsil and District Peshawar, solemnly affirm and declare that the contents of the **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



*Behram*

**DEPONENT**

CNIC:

Cell No. 0313-9373037



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

Service Appeal No. \_\_\_\_\_/2019

Behram Gul Khan.....(Appellant)

**V E R S U S**

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

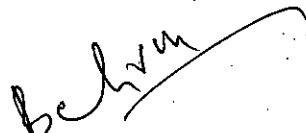
**ADDRESSES OF THE PARTIES**

**APPELLANT:**

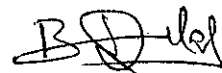
Behram Gul Khan S/o Ziarat Gul R/o Mera Kachori,  
Tehsil and District Peshawar.

**RESPONDENTS:**

1. Inspector General of Police Khyber Pakhtunkhwa,  
Peshawar.
2. Chief Capital Police Officer (CCPO), CPO, Peshawar.
3. Senior Superintendent of Police (SSP) Police Line,  
Peshawar.

  
Appellant

Through



Dated: 20/02/2019


**Bilal ud Din Khattak**  
Advocate, High Court,  
Peshawar.

(9)

Annex - A

ORDER

SI Behram Gul Khan No.1014/P of Capital City Police, Peshawar is hereby promoted as Inspector on Adhoc Basis in BPS-16 with immediate effect for his outstanding performance in case FIR 1107, dated 16.12.2012 u/s 302/324/353 PPC ¾ EXP/ 7ATA PS Pishtakhara.

  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

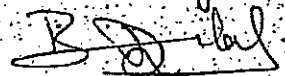
O.B \_\_\_\_\_

Dated \_\_\_\_\_ 2013.

No. 707-12 /EC-I , dated Peshawar the 14 / 11 /2013.

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

1. The SSP Operations, Peshawar
2. The SP Cantt Peshawar.
3. DSP Hayatabad, Peshawar.
4. EC-II & Pay Officer.
5. FMC

Attested To be  
True copy,  


(10)

Annex - B



# Posting History Report

Belt No : P/56  
 Name : BEHRAM GUL  
 Rank : SI  
 D.O.B : 03.11.1967  
 App Date : 28.03.1987  
 Domicile : PESHAWAR  
 Mobile No : 0333-9101512  
 Height : 5-7  
 Qualification 10 TH

Police Station: POLICE LINES  
 CNIC : 1730142431359  
 Seniority : 0000-00-00  
 Blood Group : A1  
 Home PS : CHAMKANI  
 Address : MIRA KOCHORI GARIH  
AFZAL KHAN PESHAWAR  
 Other No: 0333-9118258  
 Chest : 33.0X36.0



## POSTING HISTORY

S.No	PLACE OF POSTING	FROM	TO	PERIOD
1	PS SUBURB	12-07-08	07-04-09	0y-8m-29d
2	PS TOWN	07-04-09	01-01-10	0y-8m-29d
3	PS PISHTAKHARA	01-01-10	23-01-12	2y-0m-22d
4	PS MATTANI	23-01-12	08-03-12	0y-1m-15d
5	PS BADABER	08-03-12	14-05-12	0y-2m-6d
6	I/C PP SHEIKHAN	14-05-12	29-08-12	0y-3m-17d
7	PS SARBAND	29-08-12	14-03-13	0y-6m-17d
8	POLICE LINES	14-03-13	19-03-13	0y-0m-5d
9	I/C DAR	19-03-13	10-04-13	0y-0m-22d
10	SHO PS MATTANI	10-04-13	22-06-13	0y-2m-13d
11	POLICE LINES	22-06-13	02-07-13	0y-0m-10d
12	SHO PS PISHTAKHARA	02-07-13	06-12-13	0y-5m-7d
13	POLICE LINES	06-12-13	04-09-14	0y-9m-1d
14	UPPER COLLEGE COURSES	04-09-14	09-02-15	0y-5m-8d
15	POLICE LINES	09-02-15	10-07-15	0y-5m-0d
16	I/C Security Judicial Peshawar	10-07-15	20-04-16	0y-9m-15d
17	SHO PS DAUDZAI	20-04-16	11-09-16	0y-4m-24d
18	POLICE LINES	11-09-16	23-09-16	0y-0m-12d
19	I/C SECURITY HIGH COURT	23-09-16	23-04-18	1y-7m-2d
20	SECURITY UNIT	23-04-18	21-05-18	0y-0m-28d
21	SHO PS KHAZANA	21-05-18	13-07-18	0y-1m-23d
22	REVERTED TO THE RANK OF SI	13-07-18	13-08-18	0y-1m-1d
23	POLICE LINES	13-08-18		0y-3m-3d

Attested to be  
 True Copy.  
 B. Gul

(11)

Annex - C

DISCIPLINARY ACTION

I, Senior Superintendent of Police Operations, Peshawar as competent authority, am of the opinion that Inspector Behram Khan, SHO PS Khazana, CCP, Peshawar has rendered him liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

STATEMENT OF ALLEGATIONS

- i. It has been learnt through reliable sources that he has extremely bad moral reputation.
- ii. It is also reported that he has a persistent reputation of being financially corrupt and having proved links with NCP vehicle smugglers.
- iii. That he is in the habit of using extra departmental influence for choice postings.
- iv. The despite rising crime in his AOR, he failed to show any matching response to curb the same.
- v. That complaints of other social vices prevails in his AOR.

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

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.

(2)

SENIOR SUPERINTENDENT OF POLICE,  
(OPERATIONS), PESHAWAR

No. 46 E/PA, dated Peshawar the 08 106 12018.

Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provision of Police Rules 1975

Attested to be  
True copy.

B. Q. Lal





12

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

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

1. I, Senior Superintendent of Police, Operations, Peshawar as competent authority, under the Police disciplinary Rules 1975, do hereby serve you Inspector Behram Khan, SHO PS Khazana, Peshawar as follows:-
2. (i) That consequent upon the completion of departmental enquiry conducted against you by Mr. Khanzeb Khan, ASP Chamkani, 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:
  - That you get money from the people on petty issues and tries to pressurize people in this regard.
  - Apart from above, you used illegal and extra-departmental influence in order to get the current posting as SHO Khazana.
  - Moreover, you are not efficient to control crime in the area as is evident from cases related to "crime against person and property".
3. As a result there of 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 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.

SR: SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR

No. 899 /PA dated Peshawar the 02/07/ 2018

Attested  
To be True copy

B. Dulal

sd/-

Q



13

Annex - 'D'

OFFICE OF THE  
SENIOR SUPERINTENDENT OF POLICE,  
(OPERATIONS),  
PESHAWAR

Ph: 091-9210508 Fax: 091-9213054

ORDER

This office order will dispose of the departmental enquiry initiated against Inspector Behram Gul No. P/56 vide this office No. 46/E/PA dated 08.06.2018 on the basis of following charges:-

- i. It has been learnt through reliable sources that he while posted as SHO PS Khazana had extremely bad moral reputation.
- ii. It has also been reported that he has a persistent reputation of being financially corrupt and having proved links with NCP vehicle smugglers.
- iii. That he was in the habit of using extra departmental influence for choice postings.
- iv. The despite rising crime in his AOR, he failed to show any matching response to curb the same.
- v. That complaints of other social vices also prevails in his AOR.

Proper departmental proceedings were initiated against him and Mr. Khanzeb Khan, ASP Chamkani, Peshawar was appointed as Enquiry Officer to probe the charges leveled against him. The Enquiry Officer carried out a thorough enquiry and held the accused official guilty of the charges.

On receipt of the findings, Final Show Cause Notice was served upon the accused official vide this office No. 899/PA dated 02.07.2018. His written reply was obtained and examined. The same was found unsatisfactory. He was called in OR on 10.07.2018 and heard in person. He was provided an ample opportunity in his defence. He failed to defend himself with plausible grounds. In the circumstances, charges leveled against him stand proved beyond any shadow of doubt. Hence, the undersigned, being Competent under the law, awards him the major punishment of "reversion from the rank of Inspector to the rank of Sub-Inspector" with immediate effect.

Order announced.

SENIOR SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR

No. 932-37 /PA, dated Peshawar, the 13/07 /2018.

Copy for information to:

1. The Capital City Police Officer, Peshawar.
2. SP Rural, Peshawar.
3. ASP Chamkani Peshawar.
4. Budget Officer, Peshawar.
5. EC-I/EC-II/AS/FMC. *Encl-9*

Attested To  
be True Copy.  
*B. Q. Lal*

(15)

۱۷۸) یہ کہ میں نے سیدنا محمد سے اس کے دوران

اسی کا ذکر کیا کہ اس کا نام کو وہ ماہر کہ اللہ رکھا

۱۷۹) یہ کہ میں نے اس کے بعد اس کے ساتھ

پھر اس کے ساتھ اس کے ساتھ اس کے ساتھ

Attested to be True copy  
B. J. Lal

اس کے ساتھ اس کے ساتھ اس کے ساتھ

دیکھا کہ حکم جاری ہے اس کے ساتھ

۱۸۰) یہ کہ میں نے اس کے ساتھ اس کے ساتھ

یہ کہ میں نے اس کے ساتھ اس کے ساتھ

تھانہ خزانہ

بہرام گل SHO پراگرس مورخہ: 21/05/2018 تا 16/06/2018

ضلع پشاور

Attested To  
True copy  
B. Gul

پستول	کارٹوس	چس	رائفل	کلاشکوف	مجرمان اشتہاری
32	338	6230 گرام	10	02	03

16



Annex "C"

(17)

Capital City Police



Attested to  
be True Copy  
B. Baidal

# COMMENDATION CERTIFICATE

Class II  
is awarded to

Mr. MOHAMMAD (T) (S/O) KHAN (P) S/O \_\_\_\_\_

R/O CAPITAL CITY POLICE OFFICER

In Recognition of  
his excellent performance of official  
HIS EXCELLENT PERFORMANCE OF OFFICIAL DUTY IN FEBRUARY 2018, WITH P.M.

AMOUNT Rs. 2000/-

DATED 27.7.2018

  
CAPITAL CITY POLICE OFFICER  
RESHAWAR

(18)

Annex - H.

**DISCIPLINARY ACTION**

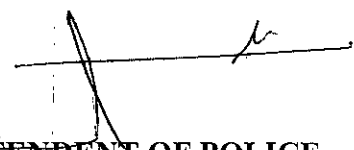
I, Senior Superintendent of Police Operations, Peshawar as competent authority, am of the opinion that **Inspector Behram Khan, SHO PS Khazana, CCP, Peshawar** has rendered him liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

**STATEMENT OF ALLEGATIONS**

- i. It has been observed that he often remains absent from his workstation without any permission from your seniors.
- ii. That he does not follow the patrolling routine in his area.
- iii. That he has failed to effectively supervise his subordinate officials in the Police Station.
- iv. That reportedly, the general public is not happy with his attitude.

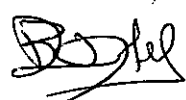
For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations; **ASP Gulbahar** is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

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.

  
**SENIOR SUPERINTENDENT OF POLICE,  
(OPERATIONS), PESHAWAR**

No. 47 E/PA, dated Peshawar the 08 / 06 /2018.

Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provision of Police Rules 1975

Attested to  
be true copy  





19

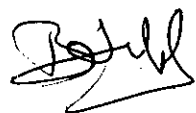
OFFICE OF THE  
SENIOR SUPERINTENDENT OF POLICE,  
(OPERATIONS),  
PESHAWAR  
Phone. 091-9213054

**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 **Inspector Behram Khan, SHO PS Khazana, Peshawar** as follows:-
  2. (i) That consequent upon the completion of departmental enquiry conducted against you by Mr. Hassain Jahangir Watto, ASP Gulbahar, 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:**
- That you are rarely seen present in your AOR and remains absent.
  - That you misuse your authority by misbehaving with general public.
  - That you have loose command over the discipline of your subordinates.
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.

  
SR: SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR

No. 917 /PA dated Peshawar the 05/07 /, 2018

Attested to  
be True Copy  


CHARGE SHEET

20

Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against **Inspector Behram, Khan, SHO PS Khazana, CCP, Peshawar.**

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.

Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, Senior Superintendent of Police, Operations, Peshawar hereby charge you **Inspector Behram Khan, SHO PS Khazana, CCP, Peshawar** under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations:

- i. It has been observed that you often remain absent from your workstation without any permission from your seniors.
- ii. That you do not follow the patrolling routine in your area.
- iii. That you have failed to effectively supervise your subordinate officials in the Police Station.
- iv. That reportedly, the general public is not happy with your attitude.

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

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

  
**SENIOR SUPERINTENDENT OF POLICE,  
(OPERATIONS) PESHAWAR**

*Cell*

*Attested to  
be true  
copy.  
Rohas*

بانی ازان اسکول بیرمطان شاہ محمد عظیم

خدا عالی

خواجہ صاحب فری 47 صفحہ 06/08 2018

میں نے خدا سے دعا کی ہے کہ اس اسکول کو جو وہاں پر ہے

صفحہ 18/20 کو میں نے اس اسکول کے لیے 800 روپے خرچ کیے ہیں

اس کے لیے تو فوراً ہی رقم جمع کی جائے گی اور اسکول کے لیے

اس کے لیے اس کام (کامیاب ہو جائے) جس سے اسکول کے

میں اس اسکول کے لیے رقم جمع کی جائے گی اور اسکول کے

اس کے لیے اس کام (کامیاب ہو جائے) جس سے اسکول کے

اس کے لیے اس کام (کامیاب ہو جائے) جس سے اسکول کے

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اس کے لیے اس کام (کامیاب ہو جائے) جس سے اسکول کے

SHAKHANA

Attested to be True copy

Signature

قیمت  
50 روپے

4573



ایڈوکیٹ: B. Q. Khan

بار کونسل ایسوسی ایشن نمبر: RC-10-7992

رابطہ نمبر: 0333-9121558

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: سروس ٹری بیسٹونل جسٹس بخون ڈان لیسٹاؤ

مخانب: <u>Appellant</u>	دعوی:
<u>سید ام خان</u>	علت نمبر:
<u>بنام</u>	مورخہ:
<u>KPK P. D. J. 2019</u>	جرم:
	تھانہ:

**باعت تحریر آتکہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جھلب دہی کاروائی متعلقہ  
آن مقام لیسٹاؤ کے لیے بلال ال ایڈوکیٹ جسٹس ڈان لیسٹاؤ کو وکیل مقرر  
کرانے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقرر ثالث و فیصلہ برحلف دینے جواب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق  
زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے  
باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے  
المقام: 20-2-2019  
DESHAWAR BAR ASSOCIATION  
KHYBER PAKHTUNKHWA  
واہ

Belarus

مقام لیسٹاؤ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔

Accepted  
Accepted  
my

بعد ازیں جناب چند میں صاحب سرورس ٹریڈیشن ٹرسٹ  
نورم خان بنام پلو ٹرسٹ  
درخواست بابت جمع کرنے  
سیکوریٹس بابت کسی

جناب عالی!

سائنس صوبہ ڈیپارٹمنٹ، سائنس

کہ کہ معہم لیونان بالا چند چند میں صاحب کے عدالت میں  
آج 29/09 کو زبردستی سماعت ہے۔

بعض سائنس نے نیشنل ٹیچنگ ایجوکیشن بورڈ لا علی سیکوریٹس

جمع میں کیا جا رہا ہے۔  
اور آج سائنس سیکوریٹس میں جمع کرنا چاہیے۔

بہذا ان صاحبان سے استدعا ہے کہ سائنس سیکوریٹس میں جمع  
کرنے کے احکامات صادر فرمائیں۔ اور اپنی اپنی لکھی ہوئی فائلوں کو

الحاضر سائنس ڈیپارٹمنٹ -  
معلم خان

29/09  
المترجم

دیس ملازمین صفت  
نورم خان

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

**Service Appeal No.261/2019.**

Behram Gul S.I, of CCP Peshawar.....Appellant.

**VERSUS.**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer Peshawar.
3. Senior Superintendent of Police/Operation Peshawar. ....Respondents.

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4.	Copy of charge Sheet	B	5
5.	Copy of allegations	C	6
6.	Copy of inquiry report	D	7
7.	Copy of FSCN	E	8
8.	Copy of FSCN Reply	F	9
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**BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.**

**Service Appeal No.261/2019.**

Behram Gul S.I, of CCP Peshawar.....Appellant.

**VERSUS.**

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer Peshawar.
3. Senior Superintendent of Police/Operation Peshawar. ....Respondents.

**Reply on behalf of Respondents No. 1, 2, & 3.**

**Respectfully Sheweth:-**

**PRELIMINARY OBJECTIONS.**

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

**FACTS:-**


1. Para No.01 is correct to the extent that the appellant joined police department as constable and he earned promotion to next ranks on his own turns. It is worth to mention here that the appellant was promoted to the rank of Inspector on ad-hoc basis.(copy of order is annexed as "A")
2. Para No.02 is incorrect. Appellant has admitted that he was rewarded in recognition of good performance but penalty was imposed on account of him on commission of misconduct which speaks transparency on the part of respondents.
3. Para No.03 is incorrect. The appellant while posted as SHO PS Khazana rendered himself for departmental action on different count of charges "that the appellant had extremely bad moral reputation and has persistent reputation of being financially corrupt and having proved links with NCP vehicle smugglers. He was in the habit of using extra departmental influence for choice postings. Despite rising crime in his AOR, he failed to show any matching response to curb the same and the complaint of other social voices also prevails his AOR".
4. Para No.04 is incorrect. Proper charge sheet and statement of allegations was issued to appellant and inquiry was conducted by SDPO chamkani, wherein the appellant was found guilty of the charge leveled against him. After completion of the enquiry, he was issued FSCN to which he replied and the same was found unsatisfactory. After fulfilling all the codal formalities, he was awarded the punishment of reversion from the rank of inspector to the rank of sub-inspector by SSP/Operations.
5. Para No.05 is incorrect and for the appellant to prove. In fact, the appellant was issued charge sheet and statement of allegations and SDPO Chamakani was appointed as

enquiry officer. The Enquiry Officer after thorough probe into the matter, found the appellant guilty of the charges. (Copy of charge sheet, Statement of allegations, Enquiry report, FSNC and reply of FSCN and annexed as B, C, D, E, and F).

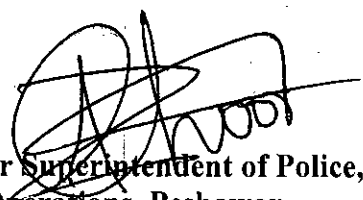
6. Para No.6 is incorrect. Proper charge sheet and statement of allegations were issued to appellant. Proper enquiry was conducted and a FSCN was issued before passing the punishment order. The punishment order passed by the competent authority is lawful, and in accordance with law/rules.
7. Para No.07 is incorrect. Appellant was associated in the enquiry proceedings and proper opportunity of defense was provided to appellant. The appellant failed to defend the charges leveled against him.
8. Para No. 8 is incorrect. In fact the appellant has filed departmental appeal which after due consideration was filed rejected, because the cages leveled against him were proved. (Copy of reject order is annexure as G).
9. Para No.9 is incorrect. The allegations were proved beyond any shadow of doubt by the enquiry officer. During the course of enquiry, the appellant was summoned to join the enquiry proceedings. The appellant appeared before the enquiry officer and his statement were also recorded. Charges leveled against him were proved.
10. Para No.10 is incorrect. The punishment order passed by the competent authority is in accordance with law/rules, no fundamental right of the appellant has been violated by the replying respondents.

**PRAYERS:-**

It is therefore most humbly prayed that in light of above facts, submissions the appeal of the appellant devoid of merits, legal footing may be set aside/ dismissed.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.

  
Capital City Police Officer,  
Peshawar.

  
Senior Superintendent of Police,  
Operations, Peshawar.

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

**Service Appeal No.261/2019.**


Behram Gul S.I, of CCP Peshawar.....Appellant.

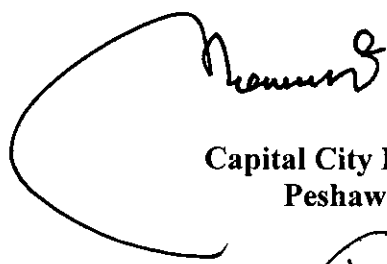
**VERSUS.**

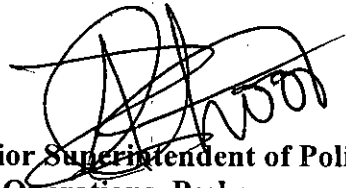
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer Peshawar.
3. Senior Superintendent of Police/Operation Peshawar. ....Respondents.

**AFFIDAVIT.**

We respondents 1, 2 & 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


  
**Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.**

  
**Capital City Police Officer,  
Peshawar.**

  
**Senior Superintendent of Police,  
Operations, Peshawar.**

ORDER

SI Behram Gul Khan No.1014/P of Capital City Police, Peshawar is hereby promoted as Inspector on Adhoc Basis in BPS-16 with immediate effect for his outstanding performance in case FIR 1107, dated 16.12.2012 u/s 302/324/353 PPC ¾ EXP/ 7ATA PS Pishtakhara.

  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

O.B \_\_\_\_\_

Dated \_\_\_\_\_ 2013.

No. 707-12 /EC-I , dated Peshawar the 14 11 /2013.

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

1. The SSP Operations, Peshawar
2. The SP Cantt Peshawar.
3. DSP Hayatabad, Peshawar.
4. EC-II & Pay Officer.
5. FMC

09  
5  
SP/city

11/11/13  
13/11/13

## CHARGE SHEET

Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against **Inspector Behram Khan, SHO PS Khazana, CCP, Peshawar.**

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.

Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, Senior Superintendent of Police, Operations, Peshawar hereby charge you **Inspector Behram Khan, SHO PS Khazana, CCP, Peshawar** under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations:

- i. It has been learnt through reliable sources that you have extremely bad moral reputation.
- ii. It is also reported that you have a persistent reputation of being financially corrupt and having proved links with NCP vehicle smugglers.
- iii. That you are in the habit of using extra departmental influence for choice postings.
- iv. The despite rising crime in your AOR, you failed to show any matching response to curb the same.
- v. That complaints of other social vices prevails in your AOR.
- vi. All this shows lack of interest in official responsibilities on your part and renders you liable for disciplinary proceedings under Police Rules, 1975.

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

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

  
**SENIOR SUPERINTENDENT OF POLICE,  
(OPERATIONS) PESHAWAR**

*Handwritten signature*

DISCIPLINARY ACTION

I, Senior Superintendent of Police Operations, Peshawar as competent authority, am of the opinion that **Inspector Behram Khan, SHO PS Khazana, CCP, Peshawar** has rendered him liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

STATEMENT OF ALLEGATIONS

- i. It has been learnt through reliable sources that he has extremely bad moral reputation.
- ii. It is also reported that he has a persistent reputation of being financially corrupt and having proved links with NCP vehicle smugglers.
- iii. That he is in the habit of using extra departmental influence for choice postings.
- iv. The despite rising crime in his AOR, he failed to show any matching response to curb the same.
- v. That complaints of other social vices prevails in his AOR.

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

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.

②

SENIOR SUPERINTENDENT OF POLICE,  
(OPERATIONS), PESHAWAR

No. 46 E/PA, dated Peshawar the 08 106 2018.

Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provision of Police Rules 1975

Send to ASP  
Chamkani to complete  
it and send it back  
in 07 days.

②  
Senior Superintendent of Police  
Operations, Peshawar

0-15-18

TO : THE SSP OPERATIONS, PESHAWAR  
FROM: THE SDPO CHAMKANI, PESHAWAR  
NO. 37 /ST, DATED: 25/06/2018

SUBJECT: **ENQUIRY AGAINST INSPECTER BEHRAM KHAN, SHO PS .  
KHAZANA.**

MEMO:

Please refer to your office diary No. 46/PA, dated: 08.06.2018 on the subject cited above.

**ALLEGATIONS:**

1. It has been learnt through reliable sources that he has extremely bad moral reputation.
2. It is also reported that he has a persistent reputation of being financially corrupt and having proved links with NCP vehicle smugglers.
3. That he is in the habit of using extra departmental influence for choice postings.
4. The despite rising in his AOR, he failed to show any matching response to curb the same.
5. That complaints of other social vices prevails in his AOR.

**PROCEEDINGS:**

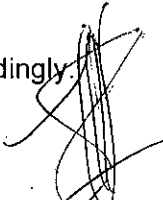
The alleged official was summoned to join the enquiry proceedings who appeared before the undersigned and his statement were also recorded.

**FINDINGS:**

- 1- It has come to the knowledge of the undersigned that SHO Khazana, Inspector Behram, gets money from the people on petty issues. He gets illegal money and tries to pressurize people in this regard.
- 2- He has, apart from the above, used illegal and extra- departmental influence in order to get the current posting as SHO Khazana.
- 3- Moreover, he is not efficient to control crime in the area as has been evident from cases related to "crime against person and property".

**RECOMMENDATION:**

He is recommended to be dealt with accordingly.

  
SDPO Chamkani  
Peshawar.

  
2/7

جناب عالی!

بحوالہ شوکار نوٹس نمبر 899 بتاریخ 02/07/2018 معروض ہوں۔

(1) کوتاہی دور کرنے کی کوشش کرونگا۔

(2) کہ جملہ الزامات میں بے گناہ ہوں

(3) افسران بالا سے معافی چاہتا ہوں۔

(4) آئندہ کیلئے محتاط رہوں گا۔

SHO PS KHAZANA

( 09.07.2018 )

SPS O Chahkani  
Peshawar.

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OF  
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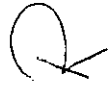
**FINAL SHOW CAUSE NO**  
**(Under Police Efficiency and Discipline) 1975)**

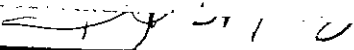
1. I, Senior Superintendent of Police, Operations, Peshawar as competent authority, under the Police disciplinary Rules 1975, do hereby serve you **Inspector Behram Khan, SHO PS Khazana, Peshawar** as follows:-
  2. (i) That consequent upon the completion of departmental enquiry conducted against you by Mr. Khanzeb Khan, ASP Chamkani, 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:**
- That you get money from the people on petty issues and tries to pressurize people in this regard.
  - Apart from above, you used illegal and extra-departmental influence in order to get the current posting as SHO Khazana.
  - Moreover, you are not efficient to control crime in the area as is evident from cases related to "crime against person and property".
3. As a result there of 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 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.

  
SR: SUPERINTENDENT OF POLICE,  
OPERATIONS, PESHAWAR

No. 899 /PA dated Peshawar the 02/07/, 2018









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

Phone No. 091-9210989  
Fax No. 091-9212597


**ORDER.**

This order will dispose of the departmental appeal preferred by **SI Behram Gul No.P/56** who was awarded the punishment of “**reversion from the rank of Inspector to the rank of Sub-Inspector**” by SSP/Ops: Peshawar vide order No.932-37/PA, dated 13-07-2018.

2- The allegations leveled against him were that he while posted as SHO PS Khazana had extremely bad moral reputation and has persistent reputation of being financially corrupt and having proved links with NCP vehicle smugglers. He was in the habit of using extra departmental influence for choice postings, despite rising crime in his AOR, he failed to show any matching response to curb the same and the complaint of other social voices also prevails in his AOR.

3- He was served Charge Sheet and Summary of allegations by SSP/Ops: Peshawar and DSP/Chamkani Peshawar was appointed as enquiry officer. The enquiry officer after conducting proper enquiry submitted his findings and recommended that the delinquent officer be dealt with accordingly. The competent authority i.e SSP/Ops: Peshawar after perusal of enquiry report issued him Final Show Cause Notice to which his reply was also found unsatisfactory, hence awarded him the above punishment.

4- He was heard in person in O.R. The relevant record perused along with his explanation. During personal hearing the appellant failed to produce any plausible explanation in his defence to prove his innocence. **Therefore, his appeal to set aside the punishment order awarded by SSP/Ops: Peshawar vide No.932-37/PA dated 13-07-2018 is hereby rejected /dismissed.**

  
(QAZI JAMIL UR REHMAN)PSP  
CAPITAL CITY POLICE OFFICER  
PESHAWAR.

No. 474-80 /PA dated Peshawar the 18-03- 2019

Copies for information and n/a to the:-

1. SSP/Ops: Peshawar.
2. OS/PO/ EC-I/EC-II and AS.
- ✓ 3. FMC along with FM
4. Official concerned.