

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

SERVICE APPEAL NO. 1521/2022.

Hafeez ur Rehman s/o Abdul Lateef Khan, Ex- Constable, belt No. 113,
Investigation wing Abbottabad r/o village Dhodial P.O. Box Nawansher
Tehsil & District Abbottabad.

(Appellant)

VERSUS

1. Secretary to Home department, Government of Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police Officer, Hazara Region, Abbottabad.
4. District Police Officer, Abbottabad.

(Respondents)

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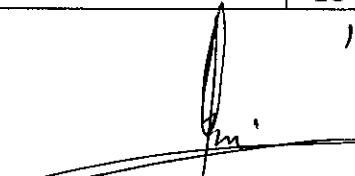
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6 Authority letter

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② Spare copies submitted
at Camp Court Abbottabad

on 22-06-2023-


Dy: Superintendent of Police,
Legal, Abbottabad.

27/11/23
A. Abad

①

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

SERVICE APPEAL NO. 1521/2022.

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 6807

Dated 17/07/23

Hafeez ur Rehman s/o Abdul Lateef Khan, Ex- Constable, belt No. 113,
Investigation wing Abbottabad r/o village Dhodial P.O. Box Nawansher
Tehsil & District Abbottabad.

(Appellant)

VERSUS

1. Secretary to Home department, Government of Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police Officer, Hazara Region, Abbottabad.
4. District Police Officer, Abbottabad.

(Respondents)

PARA-WISE COMMENTS BY RESPONDENTS:

Respectfully Sheweth

PRELIMINARY OBJECTIONS:-

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct to file the instant appeal.
3. That the appellant has not come to the Hon'ble Tribunal with clean hands.
4. That the appellant has suppressed material facts from the Hon'ble Tribunal.
5. That the instant Service Appeal is not maintainable for non-joinder/ miss-joinder of unnecessary parties.
6. That the appeal is badly barred by law & limitation, hence liable to be dismissed without any further proceeding.

ON FACTS:-

1. That the appellant while posted as incharge Technical Unit at RPO office, Abbottabad was responsible to extend assistance to local Police of Hazara in arrest and detection of criminals involved in different crime but he misused his authority and got involved himself in un-lawful and illegal selling of CDRs for ulterior motive and un-lawful gain. The appellant was found involved in provision of CDRs to irrelevant persons who misused the same to the **injuries** of others. The appellant also confessed his guilt during the initial enquiry conducted by PSO to Regional Police Officer, Hazara.

2. The appellant was properly charge sheeted and proper departmental proceedings were conducted against him. During the enquiry proceedings, he was found guilty and recommended for major punishment. (Copy of charge sheet, reply and inquiry report is enclosed as annexure "A & B").
3. Correct.
4. The appellant preferred departmental appeal in which the appellant was heard and appellate authority ordered to conduct de-novo enquiry. During de-novo enquiry, he was again found guilty.
5. Correct.
6. Correct.


GROUNDS:-


- A. Correct to the extent of involvement in selling of CDRs, hence this fact was thoroughly probed during all the inquiries and found proved.
- B. Correct. The appellant confessed his guilt.
- C. Correct to the extent of offering bribe of Rs 50,000/- to enquiry officer for extending favour during enquiry proceedings.
- D. Incorrect. The allegations levelled against appellant were proved during enquiry and all the codal formalities were fulfilled.
- E. Incorrect. The appellant was guilty, therefore, deliberately avoided the enquiry proceedings. Final showcause notice was issued to the appellant to which reply was submitted and thus the impugned order has been passed after fulfilling all codal formalities. (Copy of final show cause notice and reply is attached as Annexure "C").
- F. Incorrect. Besides confessional statement, all the facts and circumstances have proved the allegations levelled against him.
- G. Incorrect. During discreet enquiry, it has been proved that CDR provided to irrelevant person have been misused.


- H. That the appellant was found in illegal bargain of CDRs to irrelevant people and for this purpose, he attended his office on holiday but later on he misstates the fact that his email ID was locked.
- I. The appellant confessed his guilt before the enquiry office during preliminary enquiry.
- J. The appellant was found guilty in both the enquiries.
- K. The instant service appeal is badly time barred.

PRAYER.

In view of above, it is most humbly prayed that the instant service appeal does not hold any legal force which may graciously be dismissed with cost.


**Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.2)**


**Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No. 3)**


**District Police Officer,
Abbottabad
(Respondent No. 4)**

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

SERVICE APPEAL NO. 1521/2022.

Hafeez ur Rehman s/o Abdul Lateef Khan, Ex- Constable, belt No. 113,
Investigation wing Abbottabad r/o village Dhodial P.O. Box Nawansher
Tehsil & District Abbottabad.

(Appellant)

VERSUS

1. Secretary to Home department, Government of Khyber Pakhtunkhwa, Peshawar.
2. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police Officer, Hazara Region, Abbottabad.
4. District Police Officer, Abbottabad.

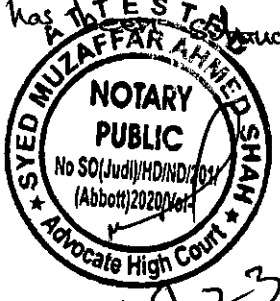
(Respondents)

AFFIDAVIT.

We, do hereby affirm on oath that the contents of written comments are true to the best of our knowledge & belief and nothing has been concealed from the Honorable Service Tribunal. *It is further stated*

on oath that in this appeal the answering respondents have neither been placed ex-parte nor there defense has been touched at all.

[Signature]
Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.2)



08/11/23

[Signature]
Regional Police Officer,
Hazara Region, Abbottabad
(Respondent No. 3)

[Signature]
District Police Officer,
Abbottabad
(Respondent No. 4)

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CHARGE SHEET


Annexure "A"

I, **Zahoor Babar Afridi (PSP) District Police Officer Abbottabad** as competent authority hereby charge you **Constable Hafeez No. 113** as explained in the attached statement of allegations.

- 2). You appear to be guilty of misconduct under Police Disciplinary Rules 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the said Police Disciplinary Rules.
- 3). You are therefore, directed to submit your written defense within seven days on the receipt of this Charge Sheet to the Enquiry Officer.
- 4). Your written defense, if any shall reach the Enquiry Officer with in the specified period, failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall follow against you.
- 5). Intimate whether you desire to be heard in person or otherwise.
- 6). A statement of allegations is enclosed.

Attested

Dy. Superintendent of Police
Lehal Abbottabad


(Zahoor Babar Afridi) PSP
District Police Officer
Abbottabad

(6)

DISCIPLINARY ACTION


I, **Zahoor Babar Afridi (PSP) District Police Officer Abbottabad** as Competent Authority of the opinion that you **Constable Hafeez No. 113** rendered yourself liable to be proceeded against as you committed the following act/omission within the meaning of Police Disciplinary Rules 1975 (amended 2014).

STATEMENT OF THE ALLEGATIONS

- I. The foul and avaricious play which you deceptfully did had come into the notice of Senior Officer as well as undersigned that you while posted as Incharge Technical Unit at Regional Police Office Abbottabad for the sole aim to extend assistance to Hazara Police in detection of high profile criminal cases and also to toe die-hard criminals. You misused the official system and betrayingly started illicit and unlawful business of selling CDRs to vested interests in lieu of heavy bargaining. The standing precedence accordingly is quoted as under:-
- a) Reportedly one CDR which was provided to irrelevant person who mis-used it, came into the notice of Worthy Regional Police Officer Hazara Region, PSO was directed to probe into the matter as to whether who and how the CDR was procured.
 - b) During initial enquiry you denied the spirit of allegations and took plea that due to gazetted holiday on 25th December 2021 you did not attended office on that day. Subsequently, during discreet probe it was proved that you remained present in your office on 25th December, 2021 for 03 hours. You also pretended that once your email ID was hacked few years ago which you changed.
 - c) On 2nd February 2022 you were called by PSO to RPO where you verbally confessed that you requested for the provision of CDR and sold out the same to one of his contact person. You absented yourself from 3rd February 2022 till date.
 - d) On 04 Feb, 2022 at about 18:15 hours you went to the house of Enquiry Officer and offered him an illegal gratification/ bribe of Rs. 50,000/-.

All this shows your ill-will in the performance of official duties. Your this ignoble act is a sever violation, a professional dishonesty, malafide intention and gross misconduct in term of police E&D Rules-1975, hence this charge sheet.

- 2). For the purpose of scrutinizing your conduct with reference to the above allegations, Adil SP, Attd is hereby appointed as Enquiry officer.
- 3). The Enquiry Officer shall in accordance with the provision of this ordinance, provide reasonable opportunity of hearing to you, record finding and make within 25 days of the receipt of this order, recommendation as to punishment or the appropriate action against you.
- 4). You are hereby directed to attend the proceedings on the due date, time and place fixed by the Enquiry Officer.


(Zahoor Babar Afridi) PSP
District Police Officer
Abbottabad

No: 38 /PA, Dated Abbottabad the 11/02/2022.
Copy to:

1. Enquiry Officer for initiating proceedings against the defaulter officer under provisions of the Police Disciplinary Rules 1975 (amended 2014) and submit findings within stipulated period.
2. **Constable Hafeez No. 113** (delinquent officer/ official).

BRIEF OF ALLEGATIONS:

A departmental enquiry was received against Constable Hafeez ur Rehman No.13 of Technical Unit vide District Police Officer, Abbottabad Endst: No.38/PA dated 11-02-2022 with the allegation that *"The foul and avaricious play which he deceitfully did had come into the notice of Senior Officer that he while posted as Incharge Technical Unit at Regional Police Office Abbottabad for the sole aim to extend assistance to Hazara Police in detection of high profile criminal cases and also to toe die-hard criminals. He misused the official system and betrayingly started illicit and unlawful business of selling CDRs to vested interests in lieu of heavy bargaining. The standing precedence according is quoted as under:-*

01. Reportedly one CDR which was provided to irrelevant person who mis-used it, came into the notice of Worthy Regional Police Officer, Hazara Region, PSO was directed to probe into the matter as to whether who and how the CDR was procured.
02. During initial enquiry he denied the spirit of allegations and took plea that due to gazette holiday on 25th December 2021 he did not attended office on that day. Subsequently, during discreet probe it was proved that he remained present in his office on 25th December, 2021 for 03 hours. He also pretended that once your email ID was hacked few years ago which he changed.
03. On 2nd February 2022 he were called by PSO to RPO where he verbally confessed that he requested for the provision of CDR and sold out the same to one of his contact person. He absented himself from 3rd February 2022 till date.
04. On 04 Feb, 2022 at about 18:15 hours he went to the house of enquiry officer and offered him an illegal gratification/bribe of Rs.50,000/-.

All this shows his ill-will in the performance of official duties. His this ignoble act is a sever violation, a professional dishonesty, malafide intention and gross misconduct in term of Police E&D Rules-1975, hence this charge sheet.

PROCEEDINGS:

During course of enquiry, delinquent official was summoned, his statement was recorded and cross examined. Details of his previous service record was also obtained. Moreover, other relevant statements related to the allegations leveled has been recorded.

All the necessary proceeding papers are enclosed with the enquiry file.

FINDINGS:

So far as the allegation of providing illegal CDR to an irrelevant person who misused it is concerned, in this regard the delinquent official has confessed that he has issued the CDR, but he did not know that for what purpose the said person was obtaining it. For enquiring the matter the Regional Police Officer Hazara Region Abbottabad has initiated preliminary enquiry and Mr. Khabeer Khan PSO to RPO Hazara was appointed as enquiry officer to dig out the real facts. Who in his enquiry report

Attended
D. Y. Superintendent of Police
Legal Abbottabad

the delinquent official guilty and recommended him for proper departmental enquiry. Upon an enquiry committee was constituted upon the order of DPO Abbottabad vide his office order No. 376-78/GB, dated: 16-02-2022.

1. During the course of enquiry the enquiry committee has approached the/ Technical branch of Region office Abbottabad vide this office letters No. 690/PA & 691/PA, dated: 23-02-2022 respectively. Who in response informed that thousands of CDRs are being issued from this office, so it is impossible for them to provide the desired information without providing the specific numbers / record. However, the delinquent official is verbally confessing that he has issued the relevant CDR to his colleague police friend in Jehlum.
2. Although for protecting himself he tried to use tactics of holiday, but when he feels that in the presence of CCTV footage and other evidence it is impossible for him to defend himself he confessed that on the day of occurrence he attended the office as well as has obtained the CDR.
3. As for as the allegation of illegal gratification / bribe of Rs. 50 thousands is concerned, he admits that due to his personal relations with the PSO he has visited his house but on his return he omit an amount of Rs: 50000/- at his house. But prima-facie it is not possible to do so without any purpose.

Keeping in view of above facts & circumstances the act of the delinquent official is against the norms of law, Undisciplined and accountable. Similarly, the enquiry committee has also obtained the written statement of Mr. Khabeer Khan PSO to RPO Hazara, who has conducted the preliminary enquiry against the defaulter constable. During the course of enquiry ample opportunity was granted to the delinquent official for cross questioning upon the enquiry officer of his preliminary enquiry, but he denied to do so. He confessed his guilt as a mistake / repentance. From the perusal of enquiry it has been proved that despite of a secure custodian of very sensitive office he badly demolished the decorum of police department as well as played an act of dishonesty and defames the senior most office of the Region. Therefore, he is recommended for Major punishment, so that the other officers / officials of the department will be greatly influenced and in future no one can dare to do such dishonesty, mismanagement and ^{trust}. It is also recommended that a responsible senior Police official may please be appointed as Incharge Technical wing to avoid such practice in future.

~~_____~~
SUPERINTENDENT OF POLICE,
INVESTIGATION ABBOTTABAD.

~~_____~~
ADDL: SUPERINTENDENT OF POLICE,
ABBOTTABAD

Attested

Dy. Superintendent of Police,
Legal Abbottabad

PA
Issue FSLN
~~_____~~
DPO
Attd

بیان خبری رقم PSO/ASP روٹرو Addl:SP مہاراجپور


بیانی ہوں کہ مجھے آر۔ پی۔ او صاحب ہزارہ نے اپنے آفس میں بلڈ کر حکم دیا کہ سوا 25/12 کو بجارے دفتر سے کسی فون نمبر کی CDR حاصل کی جائے تحقیق کر کے رپورٹ کی جائے۔


انچارج ٹینٹنٹل حفیظ نمبر 113 کو بلوا کر سرسری تحقیق کا آغاز کیا جو صبحاً انقاری ہوا کہ اس دن سرکاری چھٹی تھی اور دفتر بند تھا اس نے کوئی CDR نہ نکلائی ہے۔ تاہم دیگر ذرائع سے حاصل شدہ معلومات کی روشنی میں لگاتار ہو گیا کہ مذکورہ 25/12 کو دفتر آیا تھا۔ سوا 02/22 کو حفیظ نمبر 113 کو دوبارہ طلب کیا جو بیان ہوا کہ وہ دفتر سے نکل کر کوئی دفتر آیا اور وہاں اس نے CDR کسی درجہ شخص پر فرموائی۔ سوا 04/22 کو بعد از غار مغرب مذکورہ کنٹینل میں رقم آیا اور مبلغ 50,000 روپے جمع کر رکھا گیا۔

مذکورہ کا یہ فعل قابل اعتراض پایا گیا۔ صبحی جملہ کارروائی کی روشنی میں مذکورہ کنٹینل میں آیا گیا جو عرصہ دراز سے سرکاری کام کے آؤ میں CDR نکلوانے والا ہے اور اس کے بارے میں بالکل فراموش کرنا رہا۔ لہذا میرا یہی بیان ہے۔

میں اپنی سابقہ انکوائری رپورٹ کا لگاتار کرتا ہوں۔

Attested


 D.Y. Superintendent of Police
 Legal Section


 PSO/ASP
 28/02/22

Attested
 Addl.
 Superintendent of Police
 Abbottabad

بیان کرنیل جنیٹل انسپکشن نمبر 115


بیانی ہوں کہ میں نے چارج شیٹ مابینہ آپ دیا ہے


اُسی بیان کو سیرا بیان تصور کیا جائے


کہیں سیرا کہی بیان ہے جو درست ہے

کرنیل جنیٹل انسپکشن نمبر 113

تعمیرت حال ... مکمل ہو گیا ہے


21-02-2022

Attested

Dy. Superintendent of Police
Lahore Abbottabad

Attested

Addl.
Superintendent of
Police Abbottabad

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جواب چارج شیٹ مجاہد جناب DPO صاحب ایبٹ آباد
 پر حضور بیوں کم میں نے "Source" فون کی CDR بغیر کسی لالچ / غرض
 کے تعلق کی بنیاد پر دی ہے کیونکہ میں بھی بوقت ضرورت اپنے
 اسی "Source" سے کارسہ کار کے لئے اکثر بنیادی امداد لیتا
 رہا ہوں۔ صرف اس تعلق پر میں نے CDR اس کے حوالہ کی

Attested

۲ کم میں 25/21 کو دفتر آیا ہوں۔ کیونکہ اکثر اوقات کام کی زیادتی
 کی وجہ سے میں ہفتہ / اٹوار بھی دفتر آتا رہا ہوں۔ میں نے کبھی کارسہ کار میں
 اس بات کی پروا نہیں کی کہ دفتر بند ہے یا چھٹی کا دن ہے۔
 اور اکثر اوقات گھر تک دفتر میں موجود رہتا ہوں۔

Dy. Superintendent of Police
 (Legal) Abbottabad

۲ کم جہاں تک CDR بتیجئے کا تعلق ہے۔ تو یہ الزام بالکل
 بے بنیاد ہے میں عرصہ قریب 12 سال سے کبھی بھی اس طرح کی
 حرکت نہیں کی ہے

۱۶ فروری کو میں PSO جناب RPO صاحب کے پاس حاضر ہوا۔ اور
 صرف اس نیت سے گیا کہ سر انوائٹری میجر ہے اور دفتر جناب
 RPO صاحب کے ملازمین نے ۱۵ اپریل جانے لکھی ریڈر PSO صاحب پورسل کے
 پاس جمع ہوئی ہے۔ ماہ جنوری 2022 کی کئی سیاخ انکریٹ کو 20 تیار رگلی
 جس میں سے میں نے رقم PSO صاحب کو دے کر میجر انوائٹری میں
 آج کو اسلام آباد موہا سٹیل ملز کی حفاظت جانا ہو گا تو میجر وجہ سے حکم
 پر پوچھ نہ پڑے۔ میں ایجنسیوں کے میجر کی وجہ سے سخت ذہنی
 کوفت میں مبتلا ہوں۔ میجر نیت سے سر افسر کو رپورٹ دینا یا رپورٹ کی
 آفر کرنا ہرگز نہیں

جناب عالی

حکم وقوع میں میجر کوئی لالچ نہیں ہے۔ میں نے صرف
 اپنے "Source" کو تعلق کی بنیاد پر CDR دی ہے۔
 استدعا ہے چارج شیٹ داخل دفتر فرمائی جاوے
 الحاضر

کنسٹبل حفیظ الرحمن 113/3 حیدرآباد
 Fe

21-02-2022

Attested

 Addl.
 Superintendent of
 Police Abbottabad
 xxx = Nil
 opportunity given

Attested
D.Y. Superintendent of Police
Legal Abbottabad

XX

آپنی سروکس تثنیٰ ہے؟

صیری سروکس 22 سال قریب ہے

ٹیکنیکل براہچ میں آپنی تخبانی کب سے ہے؟

میں صب الہولم ازہران باہ (DPO) سال 2009 میں ٹیکنیکل
براہچ میں بحیثیت انچارج ڈیوٹی سرانجام دینے شروع کی۔

آپ پر جو الزامات عائد ہوئے ہیں اسکی بابت وضاحت کریں؟

میں نے اپنے اوپر گزرتے ہوئے الزامات کی بابت اپنے جواب چارج شیٹ

میں مفصل وضاحت کر دی ہے۔

کیا آپ سمجھتے ہیں کہ آپ نے کسی غیر معلومہ شخص کو CDR فراہم کیا؟

جیسا کہ صیری نے جواب چارج شیٹ سے جواب دیا ہے وہاں

نے CDR اپنے (Source) حوالوں بنیاد پر دی ہیں اس میں اکثر

اوقات مار سسرٹاری انجام دینی میں اس سے معاونت

حاصل کرتا ہوں اور بہت سے گمنام اور سنگین دفعات

میں مجھے اپنے اس (Source) سے رہنمائی اور معاونت کی ضرورت
پڑتی رہی ہے جو غیر کسی کالج یا مدرسے سے آئے ہوئے تصدیقات

Attested
Addl.
Superintendent of
Police Abbottabad


۷۸

میں مہری معافیت کرتا ہے اس بنیاد پر میں نے
 اس سے اپنے تعلق کو مزید بہتر کرنے کے لئے اسے CDR
 لغزیر الالچ کے ذریعہ بھیجا ہے جو اب میں نے چارج شیٹ
 میں بھی ذکر کیا ہے۔

انٹوائٹرن ہذا میں کوئی بگناہی کیلئے کوئی ثبوت ہے؟


میں نے سال 2009 سے بحیثیت انچارج مینجمنٹل یونٹ ڈپٹی
 سرانجام دی ہے۔ اپنی ڈپٹی کے دوران میں نے دن رات ایک
 حرکت و انتہائی اہم نوعیت کے مقدمات نہ صرف ٹریس کیے ہیں بلکہ
 ملزمان تک رسائی کر کے پولیس سے انکی گرفتاری کو بھی یقینی بنایا ہے۔
 اگر میں الالچ یا کسی دوسری عمر میں مبتلا ہوتا تو میں اتنے اہم
 اور سنگین مقدمات ٹریس نہ کرتا مہری بحیثیت انچارج مینجمنٹل
 یونٹ کارکردگی پر اس ڈھکی چھپی نہیں ہے جو سروس میں
 مہری بگناہی کا ثبوت ہے۔

~~Attested~~


 D.Y. Superintendent of Police
 (Legal) Abbottabad

کا رائل حینفا 113

Attested


 Addl.
 Superintendent of
 Police Abbottabad

(14)

Annexure 'C'

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

No: 48 /PA, Dated Abbottabad, the 21/03/2022.

FINAL SHOW CAUSE NOTICE

(Unit Rule (3) KPK Police Rules, 1975 amended 2014)

1. That you Constable Hafeez No. 113 the then Technical Branch RPO Office, rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) for following misconduct;

I. The foul and avaricious play which you deceitfully did had come into the notice of Senior Officer as well as undersigned that you while posted as Incharge Technical Unit at Regional Police Office Abbottabad for the sole aim to extend assistance to Hazara Police in detection of high profile criminal cases and also to toe die-hard criminals. You misused the official system and betrayingly started illicit and unlawful business of selling CDRs to vested interests in lieu of heavy bargaining. The standing precedence accordingly is quoted as under:-

a) Reportedly one CDR which was provided to irrelevant person who mis-used it, came into the notice of Worthy Regional Police Officer Hazara Region, PSO was directed to probe into the matter as to whether who and how the CDR was procured.

b) During initial enquiry you denied the spirit of allegations and took plea that due to gazetted holiday on 25th December 2021 you did not attended office on that day. Subsequently, during discreet probe it was proved that you remained present in your office on 25th December, 2021 for 03 hours. You also pretended that once your email ID was hacked few years ago which you changed.


c) On 2nd February 2022 you were called by PSO to RPO where you verbally confessed that you requested for the provision of CDR and sold out the same to one of his contact person. You absented yourself from 3rd February 2022 till date.

d) On 04 Feb, 2022 at about 18:15 hours you went to the house of Enquiry Officer and offered him an illegal gratification/ bribe of Rs. 50,000/-.


All this shows your ill-will in the performance of official duties. Your this ignoble act is a sever violation, a professional dishonesty, malefide intention and gross misconduct in term of police E&D Rules-1975.

During proper departmental enquiry the allegations have been proved against you.

2. That by reason of above, as sufficient material is placed before the undersigned therefore it is decided to proceed against you in general Police proceedings without aid of enquiry officer;
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the police force will amount to encouragement of inefficient Police officers;
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding one or more of the kind punishments as provided in the Rules.
6. You are, therefore, called upon to Final Show Cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975(amended 2014) for the misconduct referred to above.
7. You should submit reply to this Final Show Cause Notice within 07 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

Attested

D. V. Superintendent of Police (Legal) Abbottabad

III


District Police Officer
Abbottabad

Received by _____ Dated ____/____/2021

(15)

OFFICE OF THE DISTRICT POLICE OFFICER, ABBOTTABAD

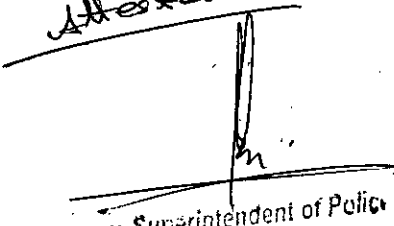
No: 48 /PA, Dated Abbottabad, the 04/03/2022.

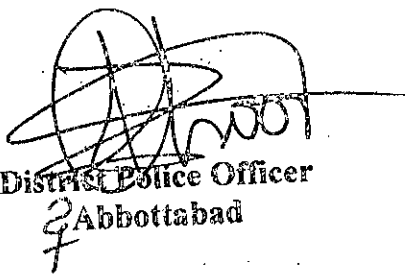
GROUND OF ACTION

That you Constable Hafeez No. 113 the then Technical Branch RPO Office,
committed following misconduct:-

- I. The foul and avaricious play which you deceitfully did had come into the notice of Senior Officer as well as undersigned that you while posted as Incharge Technical Unit at Regional Police Office Abbottabad for the sole aim to extend assistance to Hazara Police in detection of high profile criminal cases and also to toe die-hard criminals. You misused the official system and betrayingly started illicit and unlawful business of selling CDRs to vested interests in lieu of heavy bargaining. The standing precedence accordingly is quoted as under:-
- a) Reportedly one CDR which was provided to irrelevant person who mis-used it, came into the notice of Worthy Regional Police Officer Hazara Region, PSO was directed to probe into the matter as to whether who and how the CDR was procured.
- b) During initial enquiry you denied the spirit of allegations and took plea that due to gazetted holiday on 25th December 2021 you did not attended office on that day. Subsequently, during discreet probe it was proved that you remained present in your office on 25th December, 2021 for 03 hours. You also pretended that once your email ID was hacked few years ago which you changed.
- c) On 2nd February 2022 you were called by PSO to RPO where you verbally confessed that you requested for the provision of CDR and sold out the same to one of his contact person. You absented yourself from 3rd February 2022 till date.
- d) On 04 Feb, 2022 at about 18:15 hours you went to the house of Enquiry Officer and offered him an illegal gratification/ bribe of Rs. 50,000/-.
- II All this shows your ill-will in the performance of official duties. Your this ignoble act is a sever violation, a professional dishonesty, malafide intention and gross misconduct in term of police E&D Rules-1975.
- III During proper departmental enquiry the allegations have been proved against you.

By reasons of above you have rendered yourself liable to be proceeded under Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014), hence these grounds of action.

Attest

D.Y. Superintendent of Police
Legal Abbottabad

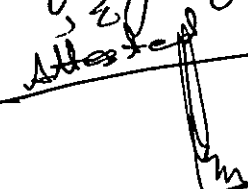

District Police Officer
Abbottabad


جواب فائنل شوکلز نوٹس چھاپیے جناب ڈسٹرکٹ پولیس آفیسر
 ایبٹ آباد سے حروف خط بہت ہیں کہ من سائل نے "Source" کی قوت کسی رپورٹ
 کے تعلق کی بنیاد پر دی ہے کہ نوٹس میں بھی بوقت
 ضرورت اپنے اس "Source" سے کارسکر کار کے لئے اکثر بنیادی
 اور اعداد لیتا رہا ہے۔ اور اسی وجہ سے میں نے CDR اس کے حوالہ کی
 رقم میں 25/21 کو دفتر آیا ہوں۔ کوئی اکثر اوقات کام
 کی زیادتی کی وجہ سے میں ہفتہ وار اور بھی دفتر آتا رہا ہوں۔
 میں نے کارسکر کار میں کبھی اس کی پروا نہیں کی دفتر بند ہے یا چھٹی
 کلن ہے۔ اور الترات گئے تہ دفتر میں موجود رہتا ہوں۔
 CDR بچنے کا الزام چھوڑ کر اس پر غلط اور بے بنیاد ہے۔ میں عمر
 22 سال سے اجازت لینے تک بھلا کر رہا ہوں۔

54 فروری کو میں PSO جناب RPO صاحب کے پاس حاضر آیا ہوں
 اور اس نیت سے PSO صاحب کو رقم دی کہ میری انٹوائٹری میں تو اسٹیل
 کمپنی کے دفاتر اسلام آباد آنا جانا ہے۔ میری انٹوائٹری میں کسی پر پوچھ
 نہ میرے اور رقم میں نے دفتر جناب RPO صاحب سے ملازمین کی موجودہ حالت
 کتنی (10) افراد کے ہونے پر ماہ جنوری کی میری تعلق سے RPO صاحب کے PSO کو دی ہے
 کوئی کہ میں اچھیوں کے سرکاری وجہ سے جو سخت ذہنی کوفت میں
 مبتلا ہوں۔

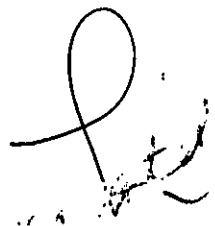
تمام معاملات میں میری کوئی لالچ نہیں ہے۔ میں نہ صرف
 تعلق کی بنیاد پر اپنے "Source" کو CDR ہی سے
 استماع ہے کہ فائنل شوکلز نوٹس داخل دفتر فرمایا جاو
 العارف

کنسٹنٹل جنرل 113 مقیم حال معلول پولیس اسٹیشن


 D. V. Superintendent of Police
 Legal Abbottabad


 08-03-2022

OR


 P/O
 2-3-2022



DER

This office order will dispose of the departmental enquiry against **Constable Hafeez No. 113 the then Technical Branch RPO Office**. The foul and avaricious play which he deceitfully did had come into the notice of Senior Officer as well as undersigned that he while posted as Incharge Technical Unit at Regional Police Office Abbottabad for the sole aim to extend assistance to Hazara Police in detection of high profile criminal cases and also to toe die-hard criminals. He misused the official system and betrayingly started illicit and unlawful business of selling CDRs to vested interests in lieu of heavy bargaining. The standing precedence accordingly is quoted as under:-

- a) Reportedly one CDR which was provided to irrelevant person who mis-used it, came into the notice of Worthy Regional Police Officer Hazara Region, PSO was directed to probe into the matter as to whether who and how the CDR was procured.
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- d) On 04 Feb, 2022 at about 18:15 hours he went to the house of Enquiry Officer and offered him an illegal gratification/ bribe of Rs. 50,000/-.


All this shows his ill-will in the performance of official duties. His this ignoble act is a sever violation, a professional dishonesty, malafide intention and gross misconduct in term of police E&D Rules-1975.

He was issued with Charge Sheet along with statement of allegations. Enquiry Committee comprising of **Addl: SP Abbottabad and SP, Investigation Abbottabad** was appointed. The committee conducted proper departmental enquiry against the delinquent official and recorded statements of all concerned. After conducting proper departmental enquiry, the Enquiry Committee submitted its findings wherein allegations have been proved against delinquent official. He was issued Final Show Cause. He was summoned to appear in Orderly Room on 06-04-2022. He was given a patient hearing but he had nothing plausible to state in his defence.

Therefore, in exercise of the powers vested in the undersigned Police Disciplinary Rules-1975 (Amended 2014), I, Zahoor Babar Afridi, PSP, District Police Officer, Abbottabad as a competent authority, am constrained to award him the major punishment of **Dismissal from service** with immediate effect.

Order announced.

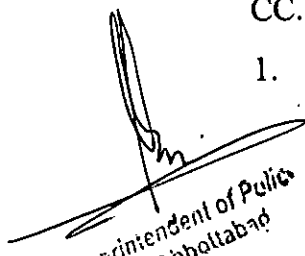
OB No. 79
Dated 7-4-22


District Police Officer
Abbottabad

CC.

- 1. OASI, DPO Office Abbottabad alongwith Enquiry file containing 47 pages for completion of record.

Attested


Dy. Superintendent of Police
Legal Abbottabad



18
 Sr. Supdt. of Police
 Investigation Abbottabad
 998
 23/9/22

OFFICE OF THE REGIONAL POLICE OFFICER
 HAZARA REGION, ABBOTTABAD
 0992-9310021-22
 0992-9310023
 r.rpohazara@gmail.com
 NO: 864 /PA DATED 21/9/2022

ORDER

This order will dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rules, 1975 submitted by Ex. Constable Hafeez ur Rehman No.113 of District Abbottabad against the order of punishment i.e. *dismissal from service* awarded by DPO Abbottabad vide OB No.79 dated 07.04.2022.

Brief facts leading to the punishment are that the appellant while posted as Incharge Technical Unit at Regional Police Office, Abbottabad deceitfully misused the official CDR system and started illicit and unlawful business of selling CDRs for vested interests.

The appellant was issued charge sheet along with summary of allegations and a committee comprising Add. SP and SP Investigation Abbottabad was constituted to conduct departmental enquiry. The committee in its findings held the appellant responsible of misconduct and recommended him for major punishment for his dishonest act. Consequently, DPO Abbottabad awarded him major punishment of dismissal from service. Hence, the appellant submitted this present appeal.

After receiving his appeal, comments of DPO Abbottabad were sought and examined/perused. The undersigned called the appellant in OR and heard him in person. The appellant was given reasonable opportunity to defend himself against the charges, however he failed to advance any justification and pleaded clemency. The undersigned again provided him opportunity to defend himself against the allegations, provisionally reinstated him in service for purpose of *denovo* enquiry and directed SP Investigation, Manshera to carry out the enquiry proceedings. However, the appellant neither appeared before the enquiry officer nor produced any evidence in his defense. The enquiry officer in his findings held the appellant responsible of gross misconduct. He was called in orderly room on 14-09-2022, however he failed to appear in person (DD Report No. 20 dated 13-09-2022 is part of record)

Foregoing in view the disciplinary action taken against the appellant seems reasonable and the appeal is liable to be dismissed. Hence, in exercise of the powers conferred upon the undersigned under Rule 11-4 (a) of Khyber Pakhtunkhwa Police Rules, 1975 the instant appeal is hereby *filed/rejected* while order of dismissal from service of DPO Abbottabad is upheld with immediate effect.

Mirza Niaz (PSP)
 REGIONAL POLICE OFFICER
 HAZARA REGION, ABBOTTABAD

6724
 21/9/22

Abbottabad
 Dy. Superintendent of Police
 Legally Abbottabad

OHC/SRC
 17.11.22

SP/Inv. 23/9/22

SP/Inv. /PA/SRC
 For n/a action

DDO Manshera
 No. 8/65
 Cc. /S

/PA, dated Abbottabad the 21/9/2022.


DPO Abbottabad for information and necessary action with reference to his office Memo No 1087/PA dated 26-05-2022 with the direction to inform the appellant accordingly. Service Roll and Fuji Missal containing enquiry file of the appellant is returned herewith for record.

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

AUTHORITY LETTER.

I, Regional Police Officer, Hazara Region, Abbottabad do hereby authorize to Mr. Hamad Khan, Reader DSP Legal, Abbottabad to file comments/Reply before the Honorable Service Tribunal, Khyber Pakhtunkhwa in the following Service Appeals, on behalf of Respondents.

1. Service Appeal No. 1537/2022 titled Rizwan Habib acting SP Vs IGP and others.
2. Service Appeal No. 1538/2022 titled Jehangir Khan acting SP Vs IGP and others.
3. Service Appeal No. 1521/2022 titled Hafeez ur Rehman Ex-Constable No. 113 Vs IGP and others.
4. Service Appeal No. 624/2023 titled Muhammad Irfan Ex-Constable No. 542 Vs IGP and others.
5. Service Appeal No. 367/2023 titled Abdul Rashid Inspector (R) Vs IGP and others.


**Regional Police Officer,
Hazara Region, Abbottabad.**
**Regional Police Officer
Hazara Abbottabad**