


11.11.2022

Counsel for the appellant present.

Mr. Naseerud Din Shah, learned Assistant Advocate General for the respondents present.

Learned counsel for the appellant requested for adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 28.12.2022 before the D.B.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member(J)

28.12.2022

Due to winter vacation, the case is adjourned to 06.04.2023 for the same as before.


Reader

02.09.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.

Learned Member (Judicial) Ms. Rozina Rehman is on leave, therefore, arguments could not be heard. Adjourned. To come up arguments on 20.10.2022 before the D.B.




(Salah-Ud-Din)
Member (Judicial)

20th Oct., 2022

Counsel for the appellant present. Mr. Muhammad Riaz Khan Painsdakhel, Asstt. Advocate General for the respondents present.

Learned counsel for the appellant seeks adjournment in order to further prepare the brief. Adjourned. To come up for arguments on 11.11.2022 before D.B.



(Fareeha Paul)
Member (E)



(Kalim Arshad Khan)
Chairman

11-5-22


Proper DB not available the case is
adjourned on 8-6-22

Rehman

08.06.2022

Appellant in person present. Mr. Arif Saleem, Stenographer alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up arguments on 14.07.2022 before the D.B.



(Fareeha Paul)
Member (E)

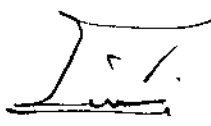

(Salah-ud-Din)
Member (J)

14.07.2022

Mr. Ali Bakhsh, Advocate (junior of learned counsel for the appellant) present. Mr. Naseer-ud-Din Shah, Assistant Advocate General for the respondents present.

Junior of learned counsel for the appellant submitted rejoinder, copy of which handed over to learned Assistant Advocate General. Junior of learned counsel for the appellant also requested for adjournment on the ground that learned counsel for the appellant is busy in the august Supreme Court of Pakistan. Adjourned. To come up for arguments on 02.09.2022 before the D.B.


(Rozina Rehman)
Member (J)


(Salah-ud-Din)
Member (J)

Stipulated period passed reply not submitted.

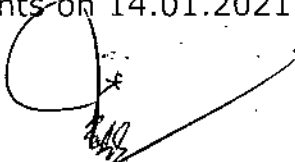
15.09.2021


Learned Addl, A.G be reminded about the omission and for submission of reply/comments within extended time of 10 days.


Chairman

22.10.2021

Mr. Ashraf Ali Khattak, Advocate, for the appellant present. Mr. Ishaq Gul, DSP (Legal) alongwith Mr. Kabirullah Khattak, Additional Advocate General, for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for reply/comments of respondents as well as arguments on 14.01.2021 before the D.B.



(MIAN MUHAMMAD)
MEMBER (E)


(SALAH-UD-DIN)
MEMBER (J)

14.01.2022

Appellant in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Arif Saleem, Stenographer for the respondents present.

Representative of respondents submitted reply/comments which are placed on file. To come up for rejoinder if any, and arguments before the D.B on 11.5.2022 before the D.B.


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

05.08.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for hearing subject to all legal objections including that of limitation to be determined during full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 22.10.2021 before the D.B.

SCANNED
KPST
Peshawar

Appellant Deposited
Security & Process Fee

[Handwritten signature]




[Handwritten signature]
Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 2564 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/02/2021	<p>The appeal of Mr. Irfan resubmitted today by Mr. Ashraf Ali 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</p>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>19/04/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
19.04.2021		<p>Due to demise of the Worthy Chairman the Tribunal is defunct, therefore, case is adjourned to 05.08.2021 for the same as before.</p> <p style="text-align: right;"> Reader</p>

The appeal of Mr. Irfan son of Nasrullah Khan constable Kohat Police received today i.e. on 29/01/2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Copy of departmental appeal is not attached with the appeal which may be placed on it.
- 3- Page no. 8, 10 and 13 of the appeal are illegible which may be replaced by legible/better one.

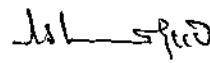
No. 228 /S.T.

Dt. 29/01/2021


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ashraf Ali Khattak Adv. Pesh.

Objections attended, kindly placed before
The Honorable Tribunal


Ashraf Ali Advocate

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

2564
Service Appeal No. _____/2021

Ex-Constable,
Irfan S/o Nasrullah Khan,
Belt No.670,
Kohat Police.....Petitioner

Versus

The Regional Police Officer,
Kohat Region, Kohat and othersRespondents

INDEX

S.No.	Description of Documents	Annexure	Pages
1.	Service Appeal with Affidavit		1-6
2.	Copy of Order dated 30.07.2020 alongwith Charge Sheet and statement of allegation etc	A	7-10
3.	Copy of Charge Sheet & Statement of allegation dated 04.08.2020	B	11-14
4.	Copy of Reply to the Charge Sheet	C	15-16
5.	Copy of Inquiry Report	D	17
6.	Copy of Final Showcause Notice Dated: 22.10.2020	E	18
7.	Copy of Reply to the Final Show Cause dated 26.10.2020	F	19
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Irfan
Appellant

Through

Ashraf Ali Khattak
Ashraf Ali Khattak
Advocate,
High Court, Peshawar

①

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

Service Appeal No. _____/2021

**Ex-Constable,
Irfan S/o Nasrullah Khan,
Belt No.670,
Kohat PoliceAppellant.**

Versus

1. The Regional Police Officer (DIG),
Kohat Region Kohat.
2. The District Police Officer, Kohat.....Respondents.

Service Appeal under section 4 of the Khyber
Pakhtunkhwa Service Tribunal Act, 1974 read with
section 19 of the Khyber Pakhtunkhwa Govt: Servant
(Efficiency & Disciplinary) Rules, 2011 against the
impugned final Order dated 23-12-2020 of the
respondent No.1 passed on the departmental appeal
of the appellant, wherein he rejected the
departmental appeal of the appellant preferred
against the impugned original order of respondent
No.1 dated 10-11-2020, wherein respondent No.1 had
dismissed the appellant from his legal service with
immediate effect.

Prayer:-

**On acceptance of the instance service appeal; this Honourable
Tribunal may graciously be pleased to:-**

- i. **Declare both impugned order dated 23-12-2020 of the respondent No.1 and the impugned order of respondent No.2 dated 10-11-2020 as illegal, unlawful and without lawful authority and set aside the same.**
- ii. **Re-instate the appellant with all back benefits,**
- iii. **Any other relief not asked for but deemed appropriate under the circumstances the case may also be graciously granted.**

Respectfully Sheweth,

The concise facts giving rise to the present writ petition are as under:-

1. That appellant has been enrolled in police department of district Kohat w.e.from 01.08.2008. He has about 12 year service at his credit with unblemished and clean sheeted conduct record. During the whole service appellant has/ had no bad entry in his service record, rather he has been honored with numerous commendation certificates.
2. That It is worth mentioning that appellant has been proceeded against thrice (03 times) on the same set of accusations/ allegation. Firstly without any sort of investigation or proceeding confined in quarter guards. Secondly Appellant was awarded major penalty of reduction in pay scale from higher stage to lower stage vide order of the worthy DPO, Kohat dated 30.07.2020 without regular inquiry (Annexure-A).
3. That appellant has now been again proceeded against on the same set of accusation vide charge sheet and statement of allegation dated 04.08.2020. It is worth mentioning that appellant has been awarded punishment on the same set of accusation on 30.07.2020. It is humbly submitted that on 01.08.2020, all the Muslims of Pakistan were celebrating Eid ul Azha and the departmental offices were closed upto 03.08.2020. On the very 1st day of re opening of the offices, appellant was called upon and was handed over charge sheet and state of allegation i.e. on 04.08.2020. It means that on one hand

3

appellant was awarded major punishment of reduction in pay scale and on the other hand he was handed over charge sheet and statement of allegation and that too on the same set of allegation, which act come within purview of double jeopardy. (Copy of charge sheet and statement of allegation are attached as Annexure-B)

4. That appellant submitted reply to the 2nd charge sheet and statement of allegation dated 04.08.2020 on the 2nd round of proceedings. (Copy of reply is Annexure-C).
5. That slip shod inquiry was conducted in absence of the appellant. Appellant has never been associate with inquiry proceedings. The inquiry officer has neither bother to record evidence in respect of the alleged concocted and baseless allegation, nor bother to make scrutiny of the alleged device. (Copy of inquiry report is attached as Annexure-D).
6. That it is also worth mentioning that appellant has never been confronted with any sort of documentary or other evidence alleged to have been collected and preserved.
7. That it is also worth mentioning that the cell phone bearing number 0335-5014261 is neither registered in the name of appellant nor in the name of any of his relative or friend. It is also worth mentioning that appellant do not know that on whose name the question cell number has been registered.
8. That it is also worth mentioning that appellant has always used two cell phone bearing number (i) 0332-9617197 and (ii) 0333-5210269. Appellant has never ever contacted any smugglers nor any smuggler has contracted him. CDR may kindly be requisitioned to un-earth the alleged accusation for the satisfaction of this Honourable Tribunal.

(4)

9. That it is worth mentioning that inquiry officer vide its finding and recommendation has submitted that the major penalty already imposed on appellant vide order dated 30.07.2020 may be maintained and no further penalty may be imposed upon him.
10. That appellant was served with final show cause notice vide No. 5180/PA Kohat dated 22.10.2020 (Annexure-E) without supplying him the inquiry report. Appellant was unable to submit proper reply, however he submitted reply and denied the allegation on ground taken in 1st reply. (Annexure-F).
11. That respondent No.2, without going through the evidence and material collected and also without considering the fact that appellant has already be awarded major punishment on the same set of allegation vide order dated 30.07.2020, and also without taking notice of Quarter Guard punishment, award 3rd major punishment of dismissal from service on the same set of allegation vide order OB No.788 dated 10.11.2020 No.5655-57/PA dated Kohat the 10.11.2020. (Annexure-G).
12. That appellant being aggrieved of the impugned order dated 10.11.2020, preferred departmental appeal (Annexure-H), before the respondent No.1, who vide Order dated 23.12.2020 (Annexure-I), rejected the same, hence the instant service appeal inter alia on the following grounds.

GROUND:-

- A. That appellant has not been treated in accordance with law, rule, and policy governing the subject. Thus violation of Article-4 of the constitution of Pakistan, 1973 has been committed by the answering respondents. Section-16 of the Civil Servant Act, 1973 provide that every civil servant is liable for prescribed disciplinary action only through prescribed procedure. The Honourable Supreme Court of Pakistan has laid down rule of law that major penalty can only be awarded when charge against accused officials is proved through fair regular inquiry. Rule 10,11 and 14 of E&D Rules, 2011 provide

rules for regular inquiry. In the instant case, neither departmental representative has been nominated nor list of witnesses and document has been provided to the inquiry office.

The allegations leveled against the appellant cannot be proved in slipshod manner. No evidence has been recorded by the inquiry officer and what to say of cross examination. The alleged evidence of preservation of conversation has not been scrutinized by inquiry officer in accordance with law governing the subject.

- B. That appellant has been jeo pardize for 03 times which is the violation Article 13 of the Constitution of Pakistan, 1973.
- C. That appellant has been condemn unheard, which is the violation of mandatory provision of Rule 14 and 15 of the E&D rules, 2011.

Prayer:-

On acceptance of the instance service appeal; this Honourable Tribunal may graciously be pleased to:-

- i. Declare both impugned order dated 23-12-2020 of the respondent No.1 and the impugned order of respondent No.2 dated 10-11-2020 as illegal, unlawful and without lawful authority and set aside the same.
- ii. Re-instate the appellant with all back benefits,
- iii. Any other relief not asked for but deemed appropriate under the circumstances the case may also be graciously granted.

Fahim
Appellant

Through

Ashraf Ali Khattak
Ashraf Ali Khattak
Advocate,
High Court, Peshawar

Dated: 12/01/2021

(6)

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

Service Appeal No. ____/2021

**Ex-Constable,
Irfan S/o Nasrullah Khan,
Belt No.670,
Kohat Police.....Petitioner**

Versus

**The Regional Police Officer,
Kohat Region, Kohat and othersRespondents**

AFFIDAVIT

I, Irfan S/o Nasrullah Khan, Ex Constable Belt No.670 Kohat Police, do hereby solemnly affirm and declare on oath that the contents of this Service Appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

Irfan
DEPONENT



Anx-A

HA

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

ORDER

This order is passed on the departmental enquiry against Constable Irfan No. 670, (hereinafter called accused official), under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

2. Short facts of the case are that the accused official was proceeded with departmentally under the below charge / allegation:-

"You are involved in a smuggling of NCP vehicles and provide all possible assistance to the NCP smugglers for your personal gain. Your this act shows gross misconduct on your part".

3. The accused official was served with charge sheet alongwith statement of allegation and SP Operations, Kohat was appointed an enquiry to probe into the matter according to the Rules Ibid. The accused official was associated with the proceedings and afforded ample opportunity of defense by the enquiry officer. On conclusion of proceedings, it was held by the enquiry officer that the accused official is using an extra sim number 0335.5014261 and had contact with NCP vehicles smugglers. The enquiry officer had also highlighted the Cell Numbers of the smugglers in his report. Further, recording of conversation between accused official and NCP vehicles smugglers has also been collected and preserved in USB enclosed with the enquiry report. The enquiry officer established charge / allegation framed against the accused official and held him guilty.

4. In view of above, Final Show Cause Notice alongwith relevant record was served upon the accused official, to which he did not submit plausible reply and relied upon his earlier reply to charge sheet and statement of allegation.

5. The accused official was afforded an opportunity to curb the menace of NCP smuggling and seize the vehicles. In this regard he was posted at Toll Plaza Lachi, but instead of compliance, he further indulged himself in illegal activities, as the accused official seized two motor cars on different occasions and released without any legal action or information to his seniors.

6. He was called and heard in orderly room held on 28.07.2020, wherein he failed to submit plausible explanation.

7. In view of above and available record, I, came to the conclusion that the accused official remained posted at Highway check posts, has links with NCP vehicles smugglers and facilitated them in illegal business. The accused official involved in extra departmental / illegal activity, caused huge loss to Govt. exchequer i.e in revenue, and damaged the image of a disciplined department. Hence, the charge / allegations framed against the accused official has been established beyond any shadow of doubt. Therefore, in exercise of powers conferred upon me under the Rules Ibid I, Javed Iqbal District Police Officer, Kohat, impose a major punishment of reduction in pay scale from higher stage to lower stage upon accused official constable Irfan No. 670 with immediate effect.

Attended
JUL

DISTRICT POLICE OFFICER,
KOHAT

OB No. 542
Date 29.07.2020

No. 3164-AT /PA dated Kohat the 30-7-2020.

Copy of above to the:-

1. Director / IRO / IIC & PA9 officer for necessary action



kt - descriptively p... g

A

Office of the
District Police Officer,
Kohat

No/28-2/17/A

Dated 23/3/2020

CHARGE SHEET

1. CAPT MASNOOR AMAN, DISTRICT POLICE OFFICER, KOHAT, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you Constable Irfan No. 670 rendered yourself liable to be proceeded against, as you have committed the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

i. You are involved in smuggling of NCP vehicles and provide all possible assistance to the NCP smugglers for your personal gain. Your this act shows gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

Your written defence if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed

DISTRICT POLICE OFFICER
KOHAT

23/3/20

Attended
JUL

8

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Dated 03.03.2020

No. 1/28-29/P/A

CHARGE SHEET

I Capt ® Mansoor Aman, District Police Officer, Kohat, as competent authority under Khyber Pakhtunkhwa Police Rules (Amendments 2014) 1975, am of the opinion that you constable İrfan No.670 rendered yourself liable to be proceeded against, as you have committed the following act/ omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. **You are involved in a smuggling of NCP vehicles and provide all possible assistance to the NCP smugglers for your personal gain. Your this act shows gross misconduct on your part.**
2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.
3. You are, therefore, required, to submit your written statement within 07 days of the receipt of this charge sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period; failing which it shall be presumed that you have no defense to put in and ex parte action shall be taken against you.

4. A statement of allegation is enclosed.

District Police Officer,
Kohat



Office of the
District Police Officer
Kohat

No 1128-29/PA

Dated 03-03-2020

DISCIPLINARY ACTION

KOHAT as competent authority, on of the opinion that you Constable Irfan No 670 have rendered yourself liable to be proceeded against departmentally under Khyber, Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions:

STATEMENT OF ALLEGATIONS

1. You are involved in a smuggling of NCP vehicles and provide all possible assistance to the NCP smugglers for your personal gain. Your this act shows gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations Sr/ops - udrat is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer!

DISTRICT POLICE OFFICER

KOHAT 03/03/20

No 1128-29/PA, dated 03-03-2020

Copy of above to:-
Sr/ops - udrat The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
 The Accused Official with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him for the purpose of enquiry proceedings.

Arrested
Jul

حجرات خارج شدت

حجرات عالی

بحوالہ خارج شدت بری PA/29-28/11 مہرم 2028
عروض ہے کہ بین الاقوامی اداروں اور تنظیموں کے ساتھ
میں نے ایسی ذمہ داریاں سنبھالی ہیں جو ان کے
خلاف ذمہ داریاں توڑ رہا ہے۔ میں نے یکن باکن اور
ادراغ FCC کے حوالوں کے ساتھ تدریسی کام چاہتے ہیں
ٹنڈل کے نزدیک NHA چیک پوسٹ برائے خالق تدریسی
ادراغ سے اپنے سرکاروں فراغ کی انجام دینی کی ہے
ایسی ڈیوٹی کے دوران دو طرفہ کامیابی کے لئے
سوفٹ ویئر کار اور دیگر صارفین کے ساتھ
کوششوں میں پیشگامیاں اور بحوالہ ایس کے ساتھ
برائے خالق تدریسی کام چاہتے ہیں۔

میں نے تدریس میں پیشگامیاں اور دیگر صارفین کے ساتھ
میں۔ اور یہ ہی ایسی ذمہ داریاں تھیں جو ان کے
رہے ہیں۔ اور یہ ہی ان کے نصاب کاروبار میں
کی ہے۔ میں اپنے دو طرفہ حوالوں میں
0333-9617197 اور 0333-5210269

اور میں اپنے دو طرفہ حوالوں میں
0333-5210269 اور 0333-9617197
میں نے تدریس میں پیشگامیاں اور دیگر صارفین کے ساتھ
میں۔ اور یہ ہی ایسی ذمہ داریاں تھیں جو ان کے
رہے ہیں۔ اور یہ ہی ان کے نصاب کاروبار میں
کی ہے۔ میں اپنے دو طرفہ حوالوں میں
0333-9617197 اور 0333-5210269

Atended
لل

سے یا بڑھانے کی ضرورت سے خارج کر کے ایسا دھوکہ دیا جائے
رکھو بند کریں۔

حیثیات عالمی - میری خلاف لکھا گیا الزام غلط ہے

ہے۔ قبل ازیں میری کتابیں ملحدت کے دوران

میرا خلاف میرا ستر افسران کے سامنے لکھی

شکایت تھی۔ اور میرا ستر میں رکھا گیا

اور کہہ کر ڈرا ڈرہ کرنا ہے کہ میں نے کوئی خلاف

ڈھونڈا، عام ہے۔

میں نے گناہ دیا ہے نہیں

کوئی استغاثہ ہے۔ کہ مجھے میری طرف لگائے

الزام سے میری الزام قرار دیا جائے۔

الصارحہ

کنہیا، عرمان نمبر 670

دہلی، نئی دہلی، مدر کولج

Al-Hind
کتاب

بکھنور جناب ڈسٹرکٹ پولیس آفیسر صاحب کو ہاٹ

عنوان جواب چارج شیٹ

جناب عالی۔

بحوالہ چارج شیٹ نمبری PA/29-1128 مورخہ 0303.2020 عرض ہے۔ کہ میرے خلاف لگایا گیا الزام درست نہ ہے۔ میں نے اپنی 13 سال کی پولیس ملازمت میں کوئی خلاف ڈسپلن قدم نہ اٹھایا ہے۔ میں نے پاک آرمی اور FC کے جوانوں کے ساتھ تقریباً 6 ماہ تک کوہاٹ ٹنل کے نزدیک NHA چیک پوسٹ نہایت جانفشانی اور محنت سے اپنے سرکاری فرائض کی انجام دہی کی ہے۔ اپنی ڈیوٹی کے دوران دو عدد جی کرو لائسنس ہولڈر، ایک سو فٹ موٹر کار اور دیگر چار عدد مختلف اقسام کی کسٹم نان پیڈ گاڑیاں روک حوالہ پولیس کسٹم حکام برائے قانونی کارروائی کر چکا ہوں۔

میں نے تو نان کسٹم پیڈ گاڑیوں کے کاروبار سے کبھی منسلک رہا ہوں۔ اور نہ ہی ایسا دھندہ کرنے والوں سے کوئی تعلق رہا ہے۔ اور نہ ہی ان کے ناجائز کاروبار میں ایسے عناصر کی مدد کی ہے۔ میں اپنے دو عدد موبائل فون نمبر 0332-9617197 اور نمبر 0333-5210269 حوالہ ایڈیشنل SP صاحب کے حوالہ کر چکا ہوں۔ تاکہ ثابت ہو کہ میرا گاڑیوں کی سمگلنگ کرنے والوں سے کوئی رابطہ یا تعلق رہا ہو۔

چونکہ میں اپنے سرکاری فرائض تندہی اور جانفشانی سے انجام دے رہا تھا۔ اور گاڑیوں کی سمگلنگ کرنے والوں کی راہ میں کاشا بنا تھا۔ لہذا ایسے عناصر میں سے کسی نے افسران بالا کو میرے خلاف جھوٹی اور غلط اطلاع فراہم کر کے مجھے بدنام کرنے

سے یا پولیس ملازمت سے فارغ کر کے اپنا دھندہ جاری رکھ سکیں۔

جناب عالی۔

میرے خلاف لگایا گیا الزام غلط و بے بنیاد ہے قبل ازیں میری پولیس ملازمت کے دوران میرے خلاف میرے سینئر افسران صاحبان کو کوئی شکایت نہ ملی ہے۔ اور میرا سروس ریکارڈ اس امر کی نشاندہی کرتا ہے کہ میں نے کبھی خلاف ڈسپلن کام نہ کیا ہے۔

میں بے گناہ و بے قصور ہوں۔

لہذا استدعا ہے کہ مجھے میرے خلاف لگائے گئے الزام سے بری الزمہ قرار دیا جائے۔

العارض

کنشیل عرفان بمر 670

متعینہ تھانہ صدر کوہاٹ



Annex - B

Office of the
District Police Officer,
Kohat

No. 3944-45/PA

Dated 04/08/2020

CHARGE SHEET

I, MR. JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you Constable Irfan No. 670 rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. *You constable Irfan No. 670, was posted at Highway Check post was previously proceeded with departmentally on the charges of in-league with NCP smugglers, facilitators for personal gain and awarded a punishment.*
- ii. *During proceedings you were posted at Lachi Toll Plaza with the directions to seize the NCP vehicles but despite compliance of lawful orders you again facilitated the NCP smugglers and left to move the vehicles.*
- iii. *You were under observation and your contact with NCP smugglers was recorded and preserved in a device.*
- iv. *Your this act shows in-efficiency, malafide and gross misconduct on your part.*

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

Attended
Jal

DISTRICT POLICE OFFICER,
KOHAT

3/8



Office of the
District Police Officer,
Kohat

12

No. 3944-45/PA

Dated 04-8-2020

DISCIPLINARY ACTION

I, **MR. JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **Constable Irfan No. 670** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

- i. *You constable Irfan No. 670, was posted at Highway Check post was previously proceeded with departmentally on the charges of in-league with NCP smugglers, facilitators for personal gain and awarded a punishment.*
- ii. *During proceedings you were posted at Lachi Toll Plaza with the directions to seize the NCP vehicles but despite compliance of lawful orders you again facilitated the NCP smugglers and left to move the vehicles.*
- iii. *You were under observation and your contact with NCP smugglers was recorded and preserved in a device.*
- iv. *Your this act shows in-efficiency, malafide and gross misconduct on your part.*

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SDPO Lachi, Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

*Attested
Ja*

**DISTRICT POLICE OFFICER,
KOHAT** *2/23/8*

No. 3944-45/PA; dated 04/8-2020.

Copy of above to:-

1. **SDPO Lachi, Kohat**:- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused official**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No. 1528/PA dated Kohat the 17/3/2020

13

FINAL SHOW CAUSE NOTICE

1. I, Capt. @ Mansoor Aman, District Police Officer Kohat as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, Constable Irfan No 670 as follows:

i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 1128-29/PA dated 03.03.2020.

ii. On going through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

a. *You are involved in a smuggling of NCP vehicles and provide all possible assistance to the NCP smugglers for your personal gain. Your this act shows gross misconduct on your part.*

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules *ibid*.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

DISTRICT POLICE OFFICER,
KOHAT 07/2/18/3

ML → 9/10

**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**

Tel: 0922-9260116 Fax 9260125

No. 1525 / PA dated Kohat the 17.03.2020

FINAL SHOW CAUSE NOTICE

1. I, Capt @ Mansoor Aman, District Police Officer, Kohat as competent authority, under the Khyber Pakhtunkhwa Police rules 1975, (amended 2014) is hereby serve you, Constable Irfan No.670 as follows:
 - i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No.H 128-29/PA dated 03.03.2020.
 - ii. On going through the finding and recommendations of the inquiry officer, the material on recorded and other connected papers including your defense before the inquiry officer.
I am satisfied that you have committed the following acts/ omissions, specified in section 3 of the said Ordinance.
 - a. You are involved in a smuggling of NCP vehicles and provide all possible assistance to the NCP smugglers for your personal gain. Your this act shows gross misconduct on your part.
2. As a result thereof, I as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules ibid.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as Ex parte action shall be taken against you.
5. The copy of the finding of inquiry officer is enclosed.

Atc
Mu

District Police Officer,
Kohat

جناب عالی

(14)

محکم دلائل سے مزین و متنوع ومنفرد موضوعات پر مشتمل مفت آن لائن مکتبہ

PA/25/15 مورخہ 2020ء 173/مکتبہ

کہ قبیلہ ازبکیت نے جو جواب خارج

کنڈیکٹ کے سلسلہ میں دریافت کیا ہے وہی یہاں

میں افسوس کے ساتھ دریافت کیا گیا ہے کہ اس سلسلہ

میں ترقی ہو رہی ہے۔

الغرض

کنٹیکٹ گرانٹ نمبر 70 کا نتیجہ پوسٹل درجہ کارڈ

Infan

8-6-2020

9/10

مشورہ ایجنسی
SSP Operations
مشورہ ایجنسی
DPO
P

خدمت جناب ڈسٹرکٹ پولیس آفیسر صاحب کوہاٹ

حوالہ خارج ٹیٹ

15

بحوالہ خارج ٹیٹ مخاریہ صحائف ڈسٹرکٹ پولیس آفیسر صاحب کوہاٹ
 ڈی پی ٹی PA-45/3944 فورسہ صدرہ صفحہ 4 کی بابت معروضوں کی
 دائرہ مذکورہ بالا خارج ٹیٹ میں منسائل کنشیل کے خلاف حوالہ زامات
 لگائے گئے ہیں غلط ہے بنیاد اور محتاج ثبوت ہے لیکن منسائل کنشیل
 کا کسی بھی سٹیٹنگ یا کسی بھی قسم کے ملزمان کے ساتھ کوئی تعلق یا واسطہ
 نہ ہے اور نہ واسطہ تھا اور جو سابقہ سزا دی گئی ہے اور اسکا
 مذکورہ خارج ٹیٹ سے تعلق نہ ہے اور جو سزا دی گئی تھی لیکن
 کسی تحقیق اور ثبوت کے دی گئی ہے اور مذکورہ سزائی بابت کی
 اپیل زیر تجویز ہے

یہ کہ مطابق فقرہ نمبر 2 بحوالہ خارج ٹیٹ بابت ہدایات ہرائے

نان کسٹم بینر گاڈی کی مد میں معروضوں کی کہ جس روز کے واقعے ہرائے
 NCP گاڈی منسائل کنشیل ہرائے پیشے آپ صاحب PPO صاحب کے
 دفتر میں موجود تھا اور لاچی ٹول پلازہ میں مذکورہ دن ڈیوٹی پر تھا
 یہی نہیں ہو کہ صاحب دیکھاڑ سے تصدیق کروا سکتے ہیں ورنہ یہ کہ منسائل
 کنشیل نہ کسی غیر الیم پیشہ افراد کے ساتھ نہ کوئی تعلق ہے اور نہ کوئی
 سہولت بخار ہے الزام لہر الیم بے بنیاد اور محتاج ثبوت ہے

یہ کہ جہاں تب الزام نمبر 3 اور نمبر 4 کا تعلق ہے بمطابق خارج ٹیٹ تو

اس ضمن میں کوئی بھی ثبوت جو اس امر کو واضح کرے کہ جس
 سے یہ ثابت ہوتا ہو کہ میری کسی ملزمان کے ساتھ کوئی (COMMUNICATION)
 وغیرہ مذکورہ الزام ثابت ہوتا ہو تو منسائل کنشیل کسی بھی قسم سزا
 کا حقدار ہوگا اور منسائل نے ہمیشہ دیاننداری، ایمانداری اور خوش اسلوبی
 سے اپنی عملہ شاندار فرانس منہی احسن طریقے سے ادا کی ہے

P.T.O - 1/2

Attested

سل

اور کبھی افسران نالا کو کسی قسم کی شکایت کا موقع نہیں دیا اور تمام
 تر حملہ سرگوش میں کسی قسم کی کوئی تا حال (BAD ENTRY)
 نہیں ہے جو کہ حساب ریکارڈ سے کٹلی کٹوا سکتے ہیں
 ہے کہ من مسائل کنٹیل کے خلاف انتہائی سنگین سازش ہے اور
 اس سازش کو من مسائل کنٹیل ایک دھم دار افسر ہونے کے
 ناطے کبھی کامیاب ہونے نہیں دوں گا
 لہذا استدعا ہے کہ میرے خلاف مزکورہ خارج شیٹ کو لفٹر کسی
 کارروائی کے داخل دفتر نہ کرے فائل فرمایا جائے

کامیل عرفان منبر 676

منصبہ مالز چی ٹول پلازہ

Attested
 J.L.



از دفتر
ڈپٹی سپرنٹنڈنٹ آف پولیس لاہور
فون نمبر: 0922-550010
Email: dsp.lahori@gmail.com

14-10-2020

534 نمبر:

جناب DPO صاحب کو ہاٹ
عنوان :-
فائٹنگ حکمانہ انکوائری کا نیشنل عرفان نمبر 670 متعلقہ لاجی ٹول پلازہ ٹاکنہ بنوری

جناب صاحب

بحوالہ مشمولہ چارج شیٹ نمبری 3944-45/PA مورخہ 04-08-2020 بتاریخ DPO صاحب کو ہاٹ معروض شدہ جس میں مذکورہ جرم کی اطلاع دی گئی ہے۔
کا نیشنل عرفان نمبر 670 کے خلاف چارج شیٹ میں عائد شدہ الزامات کے باجہ میں DPO (E.O) نے ذیل کارروائی انکوائری عمل میں لائی۔

الزامات :-

- (i) آپ کا نیشنل عرفان نمبر 670 ہائی چیک پوسٹ پر تعینات تھے تو اس وقت NCP سمگلر ان اور حکومت کاروں کیساتھ اپنے ذیلی مفاد کے لیے روادار رکھنے کے الزامات میں سزاوار ہو چکے ہیں۔
- (ii) دوران کارروائی آپ کو NCP گاڑیاں بکڑنے کے لیے لاجی ٹول پلازہ میں تعینات کیا گیا۔ لیکن واضح ادکامات کے باوجود آپ نے پھر سے NCP سمگلر ان کو سہولت فراہم کرتے ہوئے NCP گاڑیاں چھوڑی ہیں۔
- (iii) آپ زیر نگرانی تھے اور آپ کی سمگلر ان کیساتھ روادار کی رکارڈنگ کی گئی ہے۔
- (iv) آپ کے اس فعل سے بدعنوانی اور ناقص کارکردگی صاف ظاہر ہے۔

تحقیقات :-

- (i) کا نیشنل عرفان نمبر 670 پر چارج شیٹ تقسیم کر کے مذکورہ نے الزامات کی باجہ تحریری جواب پیش کر کے چارج شیٹ میں لگائے گئے الزامات کی تردید کی ہے۔ (تحریری بیان لف ہے)۔
- (ii) سید غلام LHC انچارج ٹول پلازہ کو بسلسلہ انکوائری طلب کر کے مذکورہ نے بیان کیا کہ کا نیشنل عرفان نمبر 670 کو جناب DPO صاحب نے NCP گاڑیاں بکڑنے کے لیے خصوصی طور پر تعینات کیا تھا۔ مگر مذکورہ کے انکار میں سے یا آپ کے ذیونی کے ادکامات میں کوئی NCP گاڑی نہیں پکڑی ہے۔ (بیان لف ہے)۔
- (iii) OHC برانچ سے آڈیو ریکارڈنگ طلب کر کے سنا گیا جس میں مذکورہ نے کسی نامعلوم شخص سے منسلک انداز میں باتیں کی ہیں۔
- (iv) کا نیشنل عرفان نمبر 670 بسلسلہ انکوائری طلب کر کے مذکورہ کو ریکارڈنگ ملانی تھی۔ جس نے اپنی آواز کی پہچان لیکن دیگر گفتگو کی باجہ ناموشی اختیار کی۔
- (v) کا نیشنل عرفان نمبر 670 کو قتل از میں سابقہ DPO صاحب نے اندر میں الزامات کی بنیاد پر چارج شیٹ دے کر بعد انکوائری Major Punishment دی تھی۔ (آرڈر لف ہے)۔

حقائق :-

☆ کردہ انکوائری، بیانات، سابقہ انکوائری آرڈر، ریکارڈنگ اور آرڈر شیٹ نمبری 3164-66/PA مورخہ 29-07-2020 سے پایا گیا کہ مذکورہ کا نیشنل عرفان نمبر 670 کے NCP سمگلر ان کیساتھ روادار ہونے کے لیے ہیں۔ سمگلر ان کیساتھ مذکورہ کو بحوالہ آرڈر نمبر 542 مورخہ 29-07-2020 Major Punishment دی جا چکی ہے۔

لہذا محسنت انکوائری آفیسر کا نیشنل عرفان نمبر 670 کی سابقہ سزا بحوالہ آرڈر نمبر 542 مورخہ 29-07-2020 بتاریخ جناب DPO صاحب کو ہاٹ Major Punishment برقرار رکھنے اور آئندہ ایسے کسی بھی چیک پوسٹ یا دیگر روادار پوسٹ پر تعیناتی نہ کرنے کی سفارش کی جاتی ہے۔

سب ڈیپٹی پولیس آفیسر

Attest
JL

Anx - E

18



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No. 518C /PA dated Kohat the 22/10/2020

FINAL SHOW CAUSE NOTICE

1. I, Javed Iqbal, District Police Officer, Kohat as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, Constable Irfan No. 670 as follow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 3944-45/PA dated 04.08.2020.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

- a. *You constable Irfan No. 670, was posted at Highway Check post was previously proceeded with departmentally on the charges of in-league with NCP smugglers, facilitators for personal gain and awarded a punishment.*
- b. *During proceedings you were posted at Lachi Toll Plaza with the directions to seize the NCP vehicles but despite compliance of lawful orders you again facilitated the NCP smugglers and left to move the vehicles.*
- c. *You were under observation and your contact with NCP smugglers was recorded and preserved in a device.*
- d. *Your this act shows in-efficiency, malafide and gross misconduct on your part.*

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid**.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

Irfan

23/10/2020

Attached
JL

DISTRICT POLICE OFFICER,
KOHAT

22/10/20

جواب مسائل شرمکار

یگانہ، فائل شرمکار محاربہ مخالف ڈسٹرکٹ پولیس افسیئر صاحب کواریٹ
بالممبری 5180/PA ورف 22-10-2020 کی بابت مسروہ ہیں

1. یہ کہ مذکورہ شرمکار سے قبل میں مسائل نے جوارج شیٹ کا جواب دیا تھا

افر مذکورہ ممبر کی یادداشتیں میں پہلے ہی میں صاحب نے مسائل کو لکھا

دے دے کے میں نقل لف ہے

2. یہ کہ بقایا مسائل نے جو جواب جاری شیٹ پڑا میں درج اور شرمکار

گیا تھا میں مسائل اسی بیان پر اخصصا کرتا ہے

3. لیکن استرےا ہے کہ حسب ضابطہ مذکورہ شرمکار نوٹس کو مزید

تسی کاروائی کے داخل دفتر کیا جائے اور مسائل کو TWICE VEXED
نے کیا جائے

گیا تھیں شرفان 670

منجمن پولیس لائن کواریٹ

Date 26-10-2020

Inspection

Attested
سل



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

ORDER

This order is passed on the departmental enquiry against Constable Irfan No. 670. (hereinafter called accused official), under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

2. Short facts of the case are that the accused official was proceeded with departmentally under the below charge / allegation:-

- i. You constable Irfan No. 670, was posted at Highway Check post was previously proceeded with departmentally on the charges of in-league with NCP smugglers, facilitators for personal gain and awarded a punishment.
- ii. During proceedings you were posted at Lachi Toll Plaza with the directions to seize the NCP vehicles but despite compliance of lawful orders you again facilitated the NCP smugglers and left to move the vehicles.
- iii. You were under observation and your contact with NCP smugglers was recorded and preserved in a device.
- iv. Your this act shows in-efficiency, malafide and gross misconduct on your part.

3. The accused official was served with charge sheet alongwith statement of allegation and SDPO Lachi, Kohat was appointed as enquiry to probe into the matter according to the Rules Ibid. The accused official was associated with the proceedings and afforded ample opportunity of defense by the enquiry officer. On conclusion of proceedings, it was held by the enquiry officer that the accused official in-league with NCP smugglers, facilitators for personal gain and awarded a punishment in previous enquiry, did not mind his way and also had contact/links with NCP vehicles smugglers. The enquiry officer established charge / allegation framed against the accused official and held him guilty.

4. In view of above, Final Show Cause Notice alongwith relevant record was served upon the accused official, to which he did not submit plausible reply and relied upon his earlier reply to charge sheet and statement of allegation.

5. The accused official was afforded an opportunity to curb the menace of NCP smuggling and seize the vehicles. In this regard he was posted at Toll Plaza Lachi, but instead of compliance, he further indulged himself in illegal activities.

6. He was called and heard in orderly room held on 04.11.2020, wherein he failed to submit plausible explanation.

7. In view of above and available record, I, came to the conclusion that the accused official remained posted at Highway check posts, has links with NCP vehicles smugglers, facilitated them in illegal business and have links with other bad characters and therefore, bringing bad name to the whole department. Hence, the charge / allegations framed against the accused official has been established beyond any shadow of doubt. Therefore, in exercise of powers conferred upon me under the Rules Ibid I, Javed Iqbal District Police Officer, Kohat, impose a punishment of dismissal from service on accused official constable Irfan No. 670 with immediate effect Kit etc be collected & report.

DISTRICT POLICE OFFICER,
KOHAT

OB No. 788
Date 10-11-2020

No. SG 55-57 IPA dated Kohat the 10-11-2020.

Copy of above to the:

Attended
Jal

20/10/11

Q - 2A

(ii) 15-07-2020

(iii) 17-7-2020

(iv) 20-7-2020

21-7-2020

(v) 25-7-2020

(vi) 26-7-2020

(vii) 28-9-2020

Anx' 'H'

(21)

To

The
Regional Police Officer,
Kohat, Region Kohat.

Subject: DEPARTMENTAL APPEAL AGAINST THE
IMPUGNED ORDER DATED OB # 788 DATED
10.11.2020 OF WORTHY DISTRICT POLICE
OFFICER KOHAT, WHEREIN HE HAS PENALIZED
THE APPELLANT WITH MAJOR PENALTY OF
DISMISSAL FROM SERVICE.

Respectfully Sheweth,

With due respect, appellant humbly submits as to the following:-

1. That appellant has penalized with impugned order dated ¹⁰16.11.2020 on the charge of in-league with NCP Smugglers and facilitator for personal gain and that appellant had contacted NCP smugglers and his conversation with NCP smugglers were record and preserved in a device.
2. That appellant has been enrolled in police department of district Kohat w.e.from 01.08.2008. He has about 12 year service at his credit with unblemished and clean sheeted conduct record. During the whole service appellant has/ had no bad entry in his service record, rather he has been honored with numerous commendation certificates.) The service record may kindly be requisitioned for perusal of your kind honor. It is worth astonishing that how an efficient and dutiful employee, became inefficient and that too within a span of two weeks only. Whether the alleged allegation appeals to a prudent mind.
3. That It is worth mentioning that appellant has been proceeded against thrice (03 times) on the same set of accusations/ allegation. Firstly without any sort of investigation or proceeding confined in

quarter guards. Secondly Appellant has been major penalty of reduction in pay scale from higher stage to lower stage vide order of the worthy DPO, Kohat dated 30.07.2020 and against which appellant has filed departmental appeal, which is pending before your kind honor and need disposal on merit.

4. That appellant has now been again proceeded against on the same set of accusation vide charge sheet and statement of allegation dated 04.08.2020. It is worth mentioning that appellant has been awarded punishment on the same set of accusation on 30.07.2020. It is humbly submitted before your kind honor that on 01.08.2020, all the Muslims of Pakistan were celebrating Eid ul Azha and the departmental offices were closed upto 03.08.2020. On the very 1st day of re opening of the offices, appellant was called upon and was handed over charge sheet and state of allegation i.e. on 04.08.2020. It means that on one hand appellant was awarded major punishment of reduction in pay scale and on the other hand he was handed over charge sheet and statement of allegation and that too on the same set of allegation, which act come within purview of double jeopardy.
5. That appellant has been penalized for 03 times on different dates on the basis of same set of accusations, which is not only against the fundamental guaranteed rights, enshrined under Article 13 of the constitution of Pakistan, but in my humble view the same is highly undersireable and un warranted and against all norms of justice and equity.
6. That appellant submitted reply to the 2nd charge sheet and statement of allegation dated 04.08.2020 on the 2nd round of proceedings.
7. That slip shod inquiry was conducted in absence of the appellant. Appellant has never been associate with inquiry proceedings. The inquiry officer has neither bother to record evidence in respect of the

alleged concocted and baseless allegation, nor bother to make scrutiny of the alleged device.

- 8. That it is also worth mentioning that vide charge sheet and statement of allegation, it has been alleged that prosecution has collected information that appellant has conversation with NCP smugglers and the same has been collected in a device.
- 9. That it is also worth mentioning that appellant has never been confronted with the conversation so alleged to have been collected and preserved in the question device.
- 10. That it is also worth mentioning that the cell phone bearing number 0335-5014261 is neither registered in the name of appellant nor in the name of any of his relative or friend. It is also worth mentioning that appellant do not know that whose name the question cell number has been registered.
- 11. That it is also worth mentioning that appellant has always used two cell phone bearing number (i) 0332-9617197 and (ii) 0333-5210269. Appellant has never ever contacted any smugglers nor any smuggler has contracted him. CDR may kindly be requisitioned to un-earth the alleged accusation for the satisfaction of your kind honor.
- 12. That appellant was served with final show cause notice vide No. 5180/PA Kohat dated 22.10.2020 without supplying him the inquiry report. Appellant was unable to submit proper reply, however he submitted reply and denied the allegation on ground taken in 1st reply
- 13. That the worthy DPO, without going through the evidence and material collected and also without considering the fact that appellant has already be awarded major punishment on the set of

allegation vide order dated 30.07.2020, and also without taking notice of Quarter Guard punishment, award 3rd major punishment on the same set of allegation vide order OB No.788 dated 10.11.2020 No.5655-57/PA dated Kohat the 10.11.2020.

14. That it also pertinent to explain that appellant has neither been provided opportunity of defence and nor the worthy DPO has taken notice of the recommendation of the inquiry officer, wherein the recommended that major punishment already awarded to appellant vide order dated 30.07.2020 may be maintained.

15. That appellant now being aggrieved of the very harsh and unprecedented treatment of the DPO, Kohat files the instant departmental appeal inter alia on the following grounds.

GROUND:-

A. That appellant has not been treated in accordance with law, rule, and policy governing the subject. Thus violation of Article has been committed. Section-16 of the Civil Servant Act, 1973 provide that every civil servant is liable for prescribed disciplinary action only through prescribed procedure. The Honourable Supreme Court of Pakistan has laid down rule of law that major penalty can only be awarded when charge against accused officials is proved through fair regular inquiry. Rule 10,11 and 14 of E&D Rules, 2011 provide rules for regular inquiry. In the instant case, neither departmental representative has been nominated nor list of witnesses and document has been provided to the inquiry office.

The allegations leveled against the appellant cannot be proved in slipshod manner. No evidence has been recorded by the inquiry officer and what to say of cross examination. The alleged


evidence of preservation of conversation has not been scrutinized by inquiry officer in accordance with law governing the subject.

- B. That appellant has been jeo pardize for 03 times which is the violation Article 13 of the Constitution of Pakistan, 1973.
- C. That appellant has been condemn unheard, which is the violation of mandatory provision of Rule 14 and 15 of the E&D rules, 2011.
- D. That appellant humbly request that he may be provided a fair opportunity of personal hearing.

In view of the above position, it is humbly requested that the impugned order dated 10.11.2020 may kindly be set aside and appellant may kindly be re-instated with all back benefits.

Dated 24.11.2020


Appellant


Irfan S/o Nasrullah Khan
Constable, Belt No.670
District Police, Kohat
Cell No.0333-5210269

(26)

ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Irfan No. 670 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 738, dated 10.11.2020 whereby he was awarded major punishment of dismissal from service on the following allegations :-

- i. He while posted at Highway Check Post was previously proceeded against departmentally on the charges of in-league with NCP smugglers, facilitators for personal gain.
- ii. He was posted at Lachi Toll Plaza with the direction to seize the NCP vehicles but despite compliance of lawful orders you again facilitated the NCP smugglers and left to move the vehicles.
- iii. He was under observations and his contact with NCP smugglers was recorded and preserved in a device.

He preferred an appeal to the undersigned, upon which comments were obtained from DPO Kohat and his service record was perused. He was also heard in person in Orderly Room, held in this office on 23.12.2020. During hearing, the appellant failed to advance any plausible explanation in his defense.

I have gone through the available record and came to the conclusion that the allegations leveled against the appellant are proved beyond any shadow of doubt and the same has also been established by the Enquiry Officer in his findings. Hence his appeal being devoid of merits is hereby rejected.

Order Announced
23.12.2020

809/
29/12/20

[Signature]
(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

No 22010 /EC, dated Kohat the 24/12 /2020.

Copy for information and necessary action to the District Police Officer, Kohat w/r to his office Memo: No. 1688/ET, dated 07.12.2020. His Service Roll & Emji Missal is returned herewith.

6446/1588/2020/PSP
100 29/12/20
[Handwritten marks]

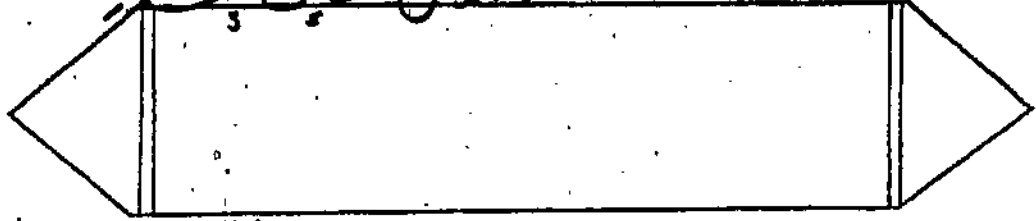
[Signature]
(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.
24/12

Received
30/12/2020

Attended
[Signature]

(2)

بعد الت سروس ٹریبونل کے پی پت



الحق 2، پنجاب ایپلینٹ
عرفان بنام حکمت و فیض

موزخہ
مقدمہ
دعویٰ
جرم
سروس اپیل

باعث تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام پشاور کیلئے شرف علی خٹک ایڈووکیٹ کو
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو مرضی نامہ کرنے و تقرر ثالثتہ فیصلہ بر حلقہ دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل گرانے و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ مندر ہے۔

الرقوم 20
ماہ جنوری 20

بمقام پشاور
وہ العی و العی
کے لئے منظور ہے۔

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 2564/2021
Irfan Khan Ex-Const: No. 670

..... Appellant


VERSUS

Regional Police Officer, Kohat
& other

..... Respondents

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1.	Parawise comments	-	01-03
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3.	Copy of punishment order dated 30.07.2020	A	05
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5.	Copy of Digital Lab, CDR report alongwith Pivot of CDRs of cell number	C	08-09
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7.	Copy of inquiry report in the instant case and previous report in other enquiry	E & E-1	19-20
8.	Copy of reply to the final show cause notice filed by appellant	F	21


Deponent

P-1

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 2564/2021
Irfan Khan Ex-Const: No. 670

..... Appellant

VERSUS

Regional Police Officer, Kohat
& other

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectfully Sheweth:-
Preliminary Objections:-

- i. That the appellant has got no cause of action.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- iv. That the appellant is estopped to file the instant appeal for his own act.
- v. That the appeal is bad in eyes of law and not maintainable.
- vi. That the appellant has not approached the honorable Tribunal with clean hands.

Facts:-

1. Correct to the extent that the appellant was enrolled as constable in district Police Kohat on 31.01.2008. The remaining para is incorrect, as the appellant has indifferent service record. He was awarded major punishment of reduction in pay scale for the allegations of involvement in smuggling in NCP vehicle, but the appellant did not mend his way, nor improved himself and again continued his illegal activities. Copy of order is **annexure A**.
2. The appellant indulged himself in smuggling of NCP vehicles for which a regular inquiry was conducted and the charges leveled against him were proved beyond any shadow of doubt. The proceedings culminated into awarding a major punishment of reduction in pay scale. As replied in the above para, the appellant did not mend his way and again involved in the same activities for which he was again proceeded with departmentally under the relevant rules. There is no legal bar regarding initiating departmental proceedings on the same charges.
3. As replied in the above para, the appellant again indulged himself in the aforesaid illegal activities prejudicial to good order of discipline / conduct. Therefore, departmental proceedings were initiated against the appellant under the relevant rules by respondent No. 2. Copy of charge sheet and statement of allegation is **annexure B & B-1**.

4. Reply to the charge sheet submitted by appellant during the course of proceedings was found unsatisfactory and the appellant had failed to advance any plausible explanation to his misconduct.
5. Incorrect, the inquiry officer was fulfilled all codal formalities and got CDR record wherein his contacts with smugglers of NCP vehicles was established. Copy of Digital Lab / CDR report is **annexure C**.
6. Incorrect, the appellant was confronted by the inquiry officer and the undersigned during the course of his personal hearing regarding his telephonically contact with NCP vehicle smugglers, but he failed to advance any plausible explanation. The illegal act of the appellant has been established from CDR collected from the concerned official.
7. Incorrect, as reported by concerned cell number remained in use of appellant is issued in the name of his mother, copy is already annexure C.
8. Incorrect, the inquiry officer vide his report held him guilty of the charge as telephonic contact of appellant with smugglers has been established. CDRs are **annexure D**.
9. Incorrect, no such recommendation was made by the inquiry officer as mentioned in para No. 9 of the memorandum of appeal. The inquiry officer held him guilty of the charges and recommended for major punishment. Copy of inquiry report is **annexure E**.
10. Correct to the extent that final show cause notice was issued / served upon the appellant, to which he filed unsatisfactory reply to respondent No. 2 and relied upon his reply to charge sheet. Thus reply to the final show cause notice was found unsatisfactory by respondent No. 2. Copy of reply of FSN is **annexure F**.
11. Incorrect, reply is submitted in the above paras, however, it is submitted that the appellant was earlier dealt with departmentally on the allegations of involvement in smuggling of NCP vehicles and awarded a punishment, but subsequently, he did not mend his way and continued his illegal activities for which he was again proceeded with departmentally under the relevant rules.
12. The departmental appeal of the appellant was devoid of merit and rightly rejected by respondent No. 1 on merit.

Grounds:-

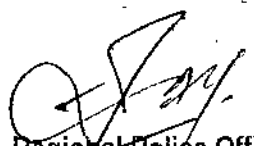
- A. Incorrect, the appellant was employee of Police department and Khyber Pakhtunkhwa, Police Rules 1975 (Amended 2014) was applicable on the appellant. Therefore, the appellant was proceeded with departmentally under the rules ibid. Furthermore, fair inquiry was conduct by the competent authorities and all codal formalities were fulfilled by respondent No. 2.

- B. Incorrect, the appellant has not been jeopardize by the respondents, thus violation of Article-13 of Constitutional of Islamic Republic of Pakistan has been not made by the respondent No. 2.
- C. Incorrect, the appellant was associated with inquiry proceedings, provided opportunity of defense, also heard in person by respondent No. 2 on 04.12.2020, in orderly room and 23.12.2020 by respondent No. 1 in his departmental appeal but the appellant failed to advance any plausible explanation to his misconduct established against him.

Prayer:-

In view of the above, it is prayed that the appeal contrary to facts, law & rules, devoid of merits and not maintainable may graciously be dismissed with costs.


 District Police Officer,
 Kohat
 (Respondent No. 2)


 Regional Police Officer,
 Kohat
 (Respondent No. 1)
Regional Police Officer
Kohat Region Kohat

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 2564/2021
Irfan Khan Ex-Const: No. 670

..... Appellant

VERSUS


Regional Police Officer, Kohat
& other

..... Respondents

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.


District Police Officer,
Kohat
(Respondent No. 2)


Regional Police Officer,
Kohat
(Respondent No. 1)
Regional Police Officer
Kohat Region Kohat



Ammed - A
P-5

**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**

ORDER

This order is passed on the departmental enquiry against Constable Irfan No. 670, (hereinafter called accused official), under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

2. Short facts of the case are that the accused official was proceeded with departmentally under the below charge / allegation:-

"You are involved in a smuggling of NCP vehicles and provide all possible assistance to the NCP smugglers for your personal gain. Your this act shows gross misconduct on your part"

3. The accused official was served with charge sheet alongwith statement of allegation and SP Operations, Kohat was appointed an enquiry to probe into the matter according to the Rules Ibid. The accused official was associated with the proceedings and afforded ample opportunity of defense by the enquiry officer. On conclusion of proceedings, it was held by the enquiry officer that the accused official is using an extra sim number 0335.5014261 and had contact with NCP vehicles smugglers. The enquiry officer had also highlighted the Cell Numbers of the smugglers in his report. Further, recording of conversation between accused official and NCP vehicles smugglers has also been collected and preserved in USB enclosed with the enquiry report. The enquiry officer established charge / allegation framed against the accused official and held him guilty.

4. In view of above, Final Show Cause Notice alongwith relevant record was served upon the accused official, to which he did not submit plausible reply and relied upon his earlier reply to charge sheet and statement of allegation.

5. The accused official was afforded an opportunity to curb the menace of NCP smuggling and seize the vehicles. In this regard he was posted at Toll Plaza Lachi, but instead of compliance, he further indulged himself in illegal activities, as the accused official seized two motor cars, on different occasions and released without any legal action or information to his seniors.

6. He was called and heard in orderly room held on 28.07.2020, wherein he failed to submit plausible explanation.

7. In view of above and available record, I, came to the conclusion that the accused official remained posted at Highway check posts, has links with NCP vehicles smugglers and facilitated them in illegal business. The accused official involved in extra departmental / illegal activity, caused huge loss to Govt: exchequer i.e in revenue, and damaged the image of a disciplined department. Hence, the charge / allegations framed against the accused official has been established beyond any shadow of doubt. Therefore, in exercise of powers conferred upon me under the Rules Ibid I, **Javed Iqbal District Police Officer, Kohat**, impose a major punishment of reduction in pay scale from higher stage to lower stage upon accused official constable Irfan No. 670 with immediate effect.


DISTRICT POLICE OFFICER,
KOHAT 29/7.

OB No. 542

Date 29-07-2020

No. 3164-66 /PA dated Kohat the 30-7-2020.

Copy of above to the:-

1. Reader/SRC/OHC & Pay officer for necessary action.



3

Amr B

P-6

Office of the
District Police Officer,
Kohat

No 3944-45/PA

Dated 04/8 /2020

CHARGE SHEET

I, MR. JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you Constable Irfan No. 670 rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. You constable Irfan No. 670, was posted at Highway Check post. was previously proceeded with departmentally on the charges of in-league with NCP smugglers, facilitators for personal gain and awarded a punishment.
- ii. During proceedings you were posted at Lachi Toll Plaza with the directions to seize the NCP vehicles but despite compliance of lawful orders you again facilitated the NCP smugglers and left to move the vehicles.
- iii. You were under observation and your contact with NCP smugglers was recorded and preserved in a device.
- iv. Your this act shows in-efficiency, malafide and gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are therefore required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

[Handwritten signature and date]
5/08/2020

DISTRICT POLICE OFFICER
KOHAT 04/8



4

Annex B1 P-7

Office of the
District Police Officer,
Kohat

No. 3944-45/PA

Dated 04-8/2020

DISCIPLINARY ACTION

I, **MR. JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **Constable Irfan No. 670** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

- i. ***You constable Irfan No. 670, was posted at Highway Check post was previously proceeded with departmentally on the charges of in-league with NCP smugglers, facilitators for personal gain and awarded a punishment.***
- ii. ***During proceedings you were posted at Lachi Toll Plaza with the directions to seize the NCP vehicles but despite compliance of lawful orders you again facilitated the NCP smugglers and left to move the vehicles.***
- iii. ***You were under observation and your contact with NCP smugglers was recorded and preserved in a device.***
- iv. ***Your this act shows in-efficiency, malafide and gross misconduct on your part.***

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SDPO Lachi, Kohat** is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

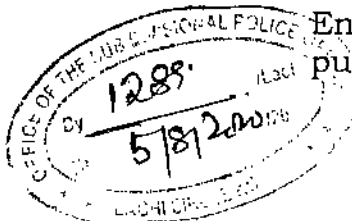
The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
KOHAT 04/8/2020**

No. 3944-45/PA, dated 04/8 - /2020.

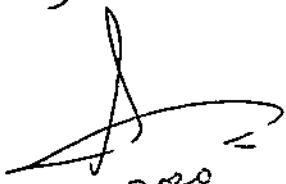
Copy of above to:-

1. **SDPO Lachi, Kohat**:- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused official**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.




بال ازالہ محمد عباس سے متعلقہ CDR لیسٹ کے بارے میں:

مختلفا بیان کرتا ہوں کہ جو اسٹیل نمر 14261-501426-5335 جو کہ سحاہ
 ہمدان بی بی شہناز فاضلہ کا ڈگری 6-4019639-14301 ہے
 جو کہ کینٹل سرنام نمر 670 کے زیر استعمال تھا CDR حاصل کر کے
 جلد نمبرات میں سے ہند ایسے اشخاص تھے جو کہ NCP گاڈوں
 کے سمگلر تھے سے رابطے کر کے کہ کیا یہ نمر کس کا ہے اور یہ
 آپ سے کس کے رابطے کرتا ہے تو مذکورہ میں نے بتایا کہ یہ
 نمر پولیس کینٹل سرنام نمر 670 کا ہے جو ہمارے ساتھ
 اسی نمر سے رابطے کرتا ہے جو کہ قادیان پولیس میں مل کر رہتا
 ہوں کہ یہ نمر بھی جناب SP اہلٹین صاحب نے دیا تھا جناب
 SP اہلٹین صاحب نے معلومات کرنے کا حکم دیا اور یہ نمر کس
 کے زیر استعمال میں ہے یہ بھی حکم صادر فرمایا معلومات کرنے
 پر معلوم ہوا کہ یہ نمر کینٹل سرنام نمر 670 کے استعمال میں
 تھا اور فوراً ⁰² 2020 سے اہلٹین آ رہا ہے۔ یہ سربراہان کے جو
 حقیقت پر مبنی ہے۔


 10-03-2020

AA Steel


 SP
 Superintendent of Police
 Operation
 Kohat

10-3-2020

1 mm
P-9

Pivot Of Cell No. 03355014261, Name. HAJRAAN BB, NIC. 1430140196396

Count of Direction	Column Labels		INCOMING Total	OUTGOING		OUTGOING Total	Grand Tot
	SMS	VOICE		SMS	VOICE		
923355014261	358	1085	1443	48	1214	1262	2705
923330648287	50	264	314	3	259	262	576
923369019815	21	84	105		63	63	168
923339748287		55	55		0	0	154
923339745557		64	64		70	70	152
923329412516	3	67	70		82	82	152
923338084203	15	69	84	3	54	57	141
923345088653	10	36	46	4	78	82	128
923379797722	3	57	60	1	66	67	127
923340900002		48	48		49	49	111
923360353539	24	31	55	1	47	48	103
923350595231	10	36	46	7	28	35	81
923339769130	17	21	38	4	24	28	66
923339733429		17	17		0	0	61
923339728713	9	27	36		19	19	55
923329964177	14	20	34		21	21	55
923321444439		15	15		0	0	55
923339748499	10	17	27	1	20	21	55
923353147376		15	15		0	0	48
923348858694	17	4	21	4	12	16	42
923333340732	14	10	24	1	5	6	37
923369295460	3	10	13	1	13	14	30
923349237062	7	14	21		4	4	27
923348830915		8	8		0	0	25
923339632941	6	11	17		4	4	22
923319405008		10	10		0	0	21
923449321949	4	4	8	2	10	12	21
923349654641	2	6	8		12	12	20
923369797722		3	3		0	0	20
923329268866		5	5		0	0	19
923173724003	1	6	7		5	5	15
923335010916	5	3	8		4	4	12
923347447444	2	3	5		7	7	12
923369745412	1	4	5		6	6	11
923355747537	1	5	6		5	5	11
923359970775	2	4	6	1	2	3	9
923462400001	6		6	1	1	2	8
923358398150		2	2		0	0	7
923399242972		4	4		0	0	6
923339735397		2	2	1	3	4	6
923349606333	4	1	5		1	1	6
923155577737		3	3		3	3	6
923365757373	4		4		0	0	6
923459696761				1		1	5
923482096944					5	5	5
923369712233		1	1		1	1	5
923479810897		2	2		4	4	5
923459329360	4		4		2	2	4
923449863368		1	1		0	0	4
923364636821	1	1	2	1	2	3	4
923005864672		2	2		1	1	3
923368080663		1	1		2	2	3
923042122532		2	2		1	1	3
923348901924	1	2	3		0	0	3
923340931313		1	1		1	1	2
923459793709		1	1		1	1	2
923143369712				2		2	2

Count of L
A Number
923348830915

Direction	Column Labels						
	INCOMING		INCOMING Total	OUTGOING		OUTGOING Total	Grand
Row Labels	SMS	VOICE		SMS	VOICE		
923355014261	358	1085	1443	48	1214	1262	2705
923458840146		1					1
923339943976					1		1
923362647287		1					1
923129029359					1		1
923119198554		1					1
923341333353	1		1				1
923109820660					1		1
923149157815		1	1				1
923369460558		1					1
923169650040					1		1
923355050650		1					1
923366009594					1		1
923005760415		1					1
923119133094					1		1
Grand Total	358	1085	1443	48	1214	1262	2705

923348830915	923105737003		3	3		4	4	
	923369745412	1	2	3		2	2	
	923368800050		1	1		4	4	
	923319405008	1	4	5				
	923452534723	4		4	1		1	
	923455325300		1	1		4	4	
	923468171128		2	2		3	3	5
	923358751313	1	1	2		2	2	4
	923328806566		3	3		1	1	4
	923344022655		2	2		2	2	4
	923359972493	2	2	4				4
	923339242972	1	2	3		1	1	4
	923339154646	3	1	4				4
	923369172202	2	1	3		1	1	4
	923328987990	1		1		3	3	4
	923329939900		2	2		1	1	3
	923325742772		1	1	1	1	2	3
	923339059897	1	1	2		1	1	3
	923353147376	1		1		2	2	3
	923339729693					3	3	3
	923354189285		2	2		1	1	3
	923367474888		2	2		1	1	3
	923329378687	1	2	3				3
	923035355453					3	3	3
	923329571477		2	2		1	1	3
	923348829831	2	1	3				3
	923025647246		3	3				3
	923331596465					3	3	3
	923325017871	2	1	3				3
	923364260556	2		2		1	1	3
	923352424927		1	1		2	2	3
	923349496064		1	1		2	2	3
	923329749517		2	2				2
	923361947374	1		1		1	1	2
	923415522848		2	2				2
	923348390170		2	2				2
	923367208199					2	2	2
	923349232407					2	2	2
	923373157058		2	2				2
	923339263549		2	2				2
	923339739982					2	2	2
	923349487964		2	2				2
	923329728373		1	1		1	1	2
	923009064548					2	2	2
	923335631779	2		2				2
	923329327522		2	2				2
	923369797722		2	2				2
	923339639348		1	1		1	1	2

Count of Direc.
A Number
92332144433

Pivot OF Cell No. 03348830915, Name. FARMAN ALLAH KHAN , NIC: 1110183441261

Count of Direction		Direction		Type					
		INCOMING		INCOMING Total	OUTGOING		OUTGOING Total	Grand Total	
A Number	B Number	SMS	VOICE		SMS	VOICE			
923348830915	923368787887	43	131	174	1	81	82		256
	923336973182	10	100	110		31	31		141
	923330648287	13	66	79	1	46	47		126
	923333340732	7	66	73	1	40	41		114
	923480970258	36	23	59	12	35	47		106
	923329746849	10	29	39	5	58	63		102
	923348815937	4	33	37		34	34		71
	923364636821	26	33	59	1	11	12		71
	923321444439	4	19	23		42	42		65
	923338081157	3	35	38	1	24	25		63
	923337074699	8	37	45		17	17		62
	923319312915	6	1	7		53	53		60
	923334540615	3	37	40		15	15		55
	923329742168	4	16	20		26	26		46
	923341057601	5	19	24		20	20		44
	923156578133	12	10	22	7	8	15		37
	923369725845	1	14	15		18	18		33
	923145057538	3	20	23		9	9		32
	923464126311	3	18	21	1	5	6		27
	923439249930	9	4	13		12	12		25
	923329824660	6	12	18		6	6		24
	923355014261	7	8	15	1	8	9		24
	923339166232	17	2	19		1	1		20
	923348812140	6	11	17		3	3		20
	923351928825	5	3	8		11	11		19
	923329214145	4	14	18					18
	923348310131	3	12	15		2	2		17
	923359940825	5	11	16		1	1		17
	923325222091	3	11	14		2	2		16
	923351559996	1	10	11		4	4		15
	923339732464		2	2	3	8	11		13
	923369686160	2	6	8		5	5		13
	923339735397		4	4		9	9		13
	923358350676	4	8	12					12
	923358393150	7	3	10					10
	923068363776	4		4		6	6		10
	923349278315	2	3	5		4	4		9
	923357839539	4	1	5		4	4		9
	923329730399	3	3	6		2	2		8
	923349780874	3	2	5		3	3		8
	923355479380		5	5		3	3		8
	923369548283	3	4	7		1	1		8
	923348837171		6	6		2	2		8
	923339748883		5	5		3	3		8

Grand Total
2105

Pivot OF Cell No. 0332144439, Name. BAKHT DARAAZ KHAN , NIC: 1110114317469

Count of Direction		Direction	Type					
A Number	B Number	SMS	VOICE	INCOMING Total	SMS	VOICE	OUTGOING Total	Grand Total
92332144439	923305676513	2417	92	2509	1889	182	2071	4580
	923313131161	128	99	227	91	76	167	394
	923480970258	142	47	189	165	18	183	372
	923038295738	244	68	312	44	7	51	363
	923355050650	43	114	157	1	132	133	290
	923351161135	23	110	133	2	133	135	268
	923369172202	14	138	152	3	96	99	251
	923345088653	22	75	97	7	64	71	168
	923349100290	69	11	80	47	16	63	143
	923330648287	13	80	93	2	29	31	124
	923329489152	22	4	26		90	90	116
	923471051023	36	8	44	41	30	71	115
	923345373309	21	24	45	22	41	63	108
	923364636821	32	46	78	9	13	22	100
	923429321559	42	13	55	20	21	41	96
	923333340732	16	53	69	2	19	21	90
	923156578133	25	10	35	40	11	51	86
	923313099513	10	30	40		43	43	83
	923349012732	48		48	29	3	32	80
	55666f6e65	73		73				73
	923348830915	8	42	50	2	19	21	71
	923355014261	15	27	42	3	22	25	67
	923315472672	32	7	39		20	20	59
	923339748214	6	25	31	2	22	24	55
	923369992020	16	16	32	4	16	20	52
	923329759133	5	19	24	3	24	27	51
	923359969085	12	7	19	7	23	30	49
	923329412516	4	17	21	2	17	19	40
	55464f4e45	38		38				38
	923339733429	9	14	23	4	9	13	36
	923015716040	5	13	18	5	11	16	34
	923469304587		12	12		21	21	33
	923349278315	2	17	19		14	14	33
	923118071112	2	13	15		17	17	32
	923102985264	13		13	16	1	17	30
	923349044201	5	16	21	2	6	8	29
	923355781557	2	9	11		14	14	25
	923424369138	6	9	15	4	6	10	25
	923439075852					25	25	25
	923365757373	2	10	12	1	12	13	25
	923329122011	3	11	14	1	6	7	21
	923359879199	3	7	10	1	7	8	18
	923329712828	9		9	9		9	18
	923488072449	2	5	7		11	11	18
	923479810897	4	7	11		6	6	17
	923359881587	7	5	12		5	5	17
	923315694887	2	7	9		8	8	17
	923369292394	9	2	11	3	1	4	15
	923329749517	1	8	9		5	5	14
	923324462562	4	5	9		4	4	13
	923365180108	4	6	10	2	1	3	13
	46441	13		13				13
	923339748698	6	1	7	4	2	6	13
	923359852727	5	2	7	1	4	5	12
	923449570859	3	4	7		5	5	12
	923175583041	1	3	4	2	6	8	12

Pivot Cell No. 03339745557, Name. Abdul Mailk Khan , NIC: 1110112664627

Count of Direction		Directio	Type					
		INCOMING		INCOMING Total	OUTGOING		OUTGOING Total	Grand Total
A Number	B Number	SMS	VOICE		SMS	VOICE		
923339745557	923357100004	24	658	682		307	307	989
	923349423524	15	137	152		97	97	249
	923313131161	22	59	81	1	92	93	174
	923355014261	4	70	74		64	65	139
	923059331048	4	46	50		61	61	111
	4e4f52544553	95		95				95
	923348806577	6	54	60		23	23	83
	923359282116	7	28	35		34	34	69
	923333019394	6	39	45		17	17	62
	923319256966	5	26	31		31	31	62
	923351436066	15	30	45		15	15	60
	923351928825	24	28	52		5	5	57
	923349238086	2	26	28	1	25	26	54
	923320476363	17	26	43		2	2	45
	923438289465		18	18		18	18	36
	923329294596	9	12	21		13	13	34
	923480970258	1	14	15		17	17	32
	923321900820	5	19	24		8	8	32
	923360963035	1	16	17		14	14	31
	55666f6e65	29		29				29

Pivot OF Cell No. 03319405008, Name. SHEHARYAAR KHAN , NIC: 1110198633044

Count of Direction		Directid Type							
		INCOMING		INCOMING Total	UTGOING		OUTGOING Total		
A Number	B Number	SMS	VOICE		SMS	VOICE			
923319405008	923353147376	2	1	3		1		1	
	923005768163	1	1	2	1	1		2	
	923349944044	1	1	2		2		2	4
	923324462562		3	3		1		1	4
	923359969085	4		4					4
	923480970258	2	2	4					4
	923005654568	2	1	3					3
	923359879199	1	2	3					3
	923329830251	3		3					3
	923339606333	1	2	3					3
	923345596146	3		3					3
	923339732464		2	2		1		1	3
	923368080663	1	2	3					3
	923319153091	1	2	3					3
	923315834859		3	3					3
	923355479380		3	3					3
	923005864672		2	2		1		1	3
	923355781557	1	1	2		1		1	3
	923329712828	3		3					3
	923321444439	3		3					3
	923365757373		1	1		2		2	3
	923009152861					3		3	3
	923329749030		2	2		1		1	3
	923329122011	1	2	3					3
	923330648287					3		3	3
	923359685673		3	3					3
	923359831106	1	2	3					3
	923315954380		3	3					3
	923349054449		1	1	1			1	2
	923329801919	1		1		1		1	2
	923009062933	1		1		1		1	2
	923319150830	1	1	2					2
	923369601006	1	1	2					2
	923351555582		2	2					2
	923439075852					2		2	2
	923365150294		1	1		1		1	2
	923171647374	2		2					2
	923349783483					2		2	2
	923369301237		2	2					2
	923354913334	1	1	2					2
	923339632941	1	1	2					2
	923049992020		1	1	1			1	2
	923319349614		1	1		1		1	2
	923335808752	1		1		1		1	2
	923449324030					2		2	2
	923339746109	1		1		1		1	2
	923348399077		2	2					2
	923340515562	2		2					2
	923345628220		1	1		1		1	2
	923346796196		2	2					2
	923368388702		1	1					1
	923459696761		1	1					1
	923339747145					1		1	1
	923019176854	1		1					1
	923339724113		1	1					1
	923314098293					1		1	1
	923349278315					1		1	1

Count of
A Number
923319405008

Col. A N. 9

Point of Direction		Direction Type		INCOMING		INCOMING Total	OUTGOING		OUTGOING Total	Grand
A Number	B Number	SMS	VOICE			SMS	VOICE			
923319405008	923313131161	44	24	68		33	20	53	121	
	923038295738	73	25	98		9		9	107	
	923355050650	10	34	44			46	46	90	
	923305676513	43	3	46		20	13	33	79	
	923345088653	11	45	56		5	14	19	75	
	923369172202	8	31	39			28	28	67	
	923329489152	38	1	39			26	26	65	
	923471051023	15		15		25	12	37	52	
	923369992020	8	22	30			17	17	47	
	923348543953	2	23	25			18	18	43	
	923315472672	22	5	27			10	10	37	
	923364636821	21	11	32			2	2	34	
	923340000251	5	18	23		1	3	4	27	
	923429321559	11	5	16		7	2	9	25	
	923339748698	6	17	23					23	
	923349654641	2	15	17			6	6	23	
	923351161135	2	9	11			10	10	21	
	923359131024	11	10	21					21	
	923366009594	8	8	16		1	2	3	19	
	923102985264	7	1	8		9		9	17	
	923345373309		9	9		5	3	8	17	
	923329759133	4	11	15			1	1	16	
	923156578133	5	1	6		8	2	10	16	
	923333340732	9	4	13		1		1	14	
	923339748214		8	8			6	6	14	
	923348839799	14		14					14	
	923355014261	1	11	12					13	
	923360353539	6	6	12					12	
	923339733429	2	6	8			3	3	11	
	923067552631		5	5			5	5	10	
	923329412516	2	7	9			1	1	10	
	923015716040	1	3	4		4	2	6	10	
	923359623535	4	2	6		2	1	3	9	
	923349044201	2	7	9					9	
	923365024085	1	5	6			3	3	9	
	923368800050	5	4	9					9	
	923351532010	1	4	5		2	1	3	8	
	923369292394	4	4	8					8	
	923365180108		7	7					7	
	923118071112		6	6			1	1	7	
	923349012732	4		4		3		3	7	
	923339785968	4		4		2		2	6	
	923315499129	5	1	6					6	
	923359881587	5		5			1	1	6	
	923333987484	3	2	5			1	1	6	
	923369281506	1	4	5			1	1	6	
	923355747537	4	1	5			1	1	6	
	923329724748	3	2	5			1	1	6	
	923339646346	5	1	6					6	
	923348308141	1	3	4			2	2	6	
	923349100290	2	3	5					5	
	923465597403	2	2	4			1	1	5	
	923369745412	2	3	5					5	
	923348830915	1		1			4	4	5	
	923313099513	1	3	4			1	1	5	
	923359216084	1	4	5					5	
	923348310131		3	3			2	2	5	

Pivot OF Cell No. 03319405008, Name. SHEHARYAAR KHAN , NIC: 1110198633044

Count of Direction	Direction		Type	INCOMING Total	UTGOING		OUTGOING Total	Grand Total
	A Number	B Number			SMS	VOICE		
	923319405008	923357272945	1	1				1
		923326551515	1	1				1
		923358574236				1	1	1
		923469666755				1	1	1
		923359112712	1	1				1
		923329746849				1	1	1
		923335014054	1	1				1
		923339734597	1	1				1
		923028073065	1	1				1
		923329749517				1	1	1
		923359516046	1	1				1
		923369763158				1	1	1
		923345773636	1	1				1
		923145846421	1	1				1
		923359684742	1	1				1
		923329327598				1	1	1
		923335846803	1	1				1
		923355289614				1	1	1
		923359788874	1	1				1
		923348840899	1	1				1
		923336953532	1	1				1
		923312250507	1	1				1
		923359852727	1	1				1
		923368787887	1	1				1
		923338885083	1	1				1
		923339739284	1	1				1
		923059200935	1	1				1
		923339742789				1	1	1
		923348435889	1	1				1
		923369518882	1	1				1
		923329731566	1	1				1
		923329749612				1	1	1
		923360906536				1	1	1
		923324767362	1	1				1
		923361004173				1	1	1
		923339917570	1	1				1
		923361113148	1	1				1
		923458840146	1	1				1
		923363461619	1	1				1
		923460033775	1	1				1
		923363791592	1	1				1
		923468299901				1	1	1
		923348682656				1	1	1
		923341908614	1	1				1
		923329743747	1	1				1
		923343470638	1	1				1
		923348837171				1	1	1
923319405008 Total		509	530	1039	141	320	461	1500
Grand Total		509	530	1039	141	320	461	1500

Amount of Direction		Direction		Type	INCOMING		INCOMING Total	OUTGOING		OUTGOING Total	Grand
A Number	B Number	SMS	VOICE		SMS	VOICE		SMS	VOICE		
923329258866	923329412516	5	103				108		157		265
	923369281506	7	122				129		131		260
	923348840899	16	92				108		142		250
	923316379278	8	27				35		207		242
	923349204552	14	95				109		78		187
	923348410654	25	109				134		29		163
	923329752713	3	77				80		53		133
	923359112712	11	75				86		37		123
	923351567220	8	32				40		64		104
	923480970258	2	41				43		40		83
	33000	74					74				74
	923359831106	7	41				48		24		72
	923330648287	8	35				43		23		66
	923322007773	13	35				48		17		65
	923339144307	7	3				10		51		61
	923348813578	12	19				31		25		56
	923349486976	5	14				19		35		54
	923361197618	30	13				43		10		53
	923340900002	5	14				19		31		50
	923368800050	6	23				29		19		48
	923348837171	3	20				23		21		44
	923329754491	4	15				19		23		42
	923049773165	5	25				30	2	9		41
	923367539796	10	28				38		1		39
	4e4f52544553	39					39				39
	923348885922	5	25				30		9		39
	923156578133	2	7				9		29		38
	55666f6e65	37					37				37
	923369797722	4	15				19		14		33
	923323332261	5	15				20		12		32
	923320240011	8	13				21		10		31
	923025936344	7	19				26		4		30
	923485723179	5	2				7		23		30
	923313500077	4	18				22		6		28
	923318181683	2	3				5		23		28
	923357760570	9	17				26		1		27
	923349190148	27					27				27
	923328633148	5	15				20		5		25
	923353430746	11	10				21		4		25
	923339084604	3	19				22		3		25
	923315609689	1	13				14		11		25
	923219727325	2	13				15		9		24
	923368884288	4	2				6		17		23
	923313131161	2	13				15		8		23
	923339204092	7	6				13	2	8		23
	923464743973	3	2				5	2	15		22
	923361311992	3	11				14		7		21
	923371403000	1	10				11		7		18
	923355014261	5	7				12		5		17
	923015600402	2	15				17				17
	923348826085	2	14				16		1		17
	923325545757	10	3				13		2		15
	923369460558	4					4		10		14
	923329968900	1	6				7		5		12
	923338081334	2	4				6		5		11
	923331598785		3				3		8		11
	923348857140	3	2				5		6		11
	923344368961	1	1				2		9		11

Pivot OF Cell No. 03340900002, Name. Inam Ullah Khan ,NIC: 1110194999585

Count of Direction	Directid		Type	INCOMING Total	TGOING		OUTGOING Total
	A Number	B Number	SMS		VOICE	SMS	
923340900002	923369019815	32	326	358		363	363
	923327214981	13	106	119	4	166	170
	923328806566	15	80	95	1	103	104
	923330648287	9	80	89		52	52
	923359970775	9	72	81		55	55
	923345046551	7	1	8		105	105
	923355014261	9	49	58	4	39	43
	923480970258	28	8	36	23	30	53
	923339769130	5	38	43		37	37
	33000	65		65			
	923348847495	2	23	25		34	34
	923348806547	8	40	48		11	11
	923327287486	4	39	43	2	13	15
	923329258866	5	31	36		14	14
	923348816992	3	20	23		24	24
	923339581504	5	22	27		18	18
	923368800050	3	28	31		11	11
	4e4f52544553	40		40			
	923315352070	2	18	20		14	14

Pivot OF Cell No. 03353147376, Name. ABDUL GHAFOOR KHAN , NIC: 1110116143397

Count of Direction		Direction	Type	INCOMING		INCOMING Total	OUTGOING		OUTGOING Total	Grand Total
A Number	B Number	SMS	VOICE	SMS	VOICE		SMS	VOICE		
923353147376	923325519147	397	104			501	317	132	449	950
	3404	656				656				950
	923329426780	33	115			148	2	205	207	355
	923005864672	1	74			75	2	96	98	173
	923365203452		4			4		109	109	113
	923369797722	11	54			65	4	36	40	105
	923469282686	5	30			35	5	53	58	93
	923344502975	10	21			31	2	45	47	78
	923343650510	4	24			28		47	47	75
	923352785895	12	27			39	4	26	30	69
	923028085541	2	44			46	1	20	21	67
	923352593993	3	20			23	1	38	39	62
	923339943976	6	19			25	1	29	30	55
	923348410654	4	22			26	3	21	24	50
	923345155620	7	26			33	2	12	14	47
	923407000989	3	24			27	4	15	19	46
	923329832293	27				27	18		18	45
	923360195788	7	15			22		22	22	44
	923358381600	1	19			20	4	19	23	43
	923319407801	17	4			21	1	21	22	43
	923339744083	1	29			30		13	13	43
	923326270902	21	7			28	1	9	10	38
	923355014261	2	17			19	2	15	17	36
	923330648287	2	17			19	1	15	16	35
	923355610296	19	1			20	8	6	14	34
	9909	32				32				32
	923463192096		1			1	4	25	29	30
	923363783586	1	17			18	1	9	10	28
	923377115367	15	1			16	7	4	11	27

Pivot OF Cell No. 03339733429, SHAKEEL REHMAN ,NIC: 1110187225059

t of Direction		Directid	Type					
		INCOMING		INCOMING Total	UTGOING		OUTGOING Total	Grand Total
A Number	B Number	SMS	VOICE		SMS	VOICE		
923339733429	923315577444	38	151	189	6	137	143	332
	923339728913	10	155	165	7	144	151	316
	923329760342	31	127	158	3	74	77	235
	923358052000	63	103	166	1	67	68	234
	923335808752	28	97	125	9	93	102	227
	923355139035	18	76	94	1	100	101	195
	4e4f52544553	183		183				183
	923341050425	18	124	142	2	31	33	175
	923339705643	34	93	127	1	44	45	172
	55666f6e65	165		165				165
	923319073731	18	64	82		77	77	159
	923302625082	41	50	91	2	58	60	151
	923339731531	10	66	76	4	56	60	136
	923329865893	13	64	77		56	56	133
	923345088653	3	52	55	4	51	55	110
	923340816023	8	56	64	6	20	26	90
	923325017871	3	21	24	4	61	65	89
	923349654641	12	58	70	2	16	18	88
	923369172202	1	36	37	2	45	47	84
	923149002856					83	83	83
	923329742840	3	36	39	1	30	31	70
	923329395970	10	35	45	2	22	24	69
	923129011012				1	60	61	61
	923339717027	5	13	18	4	39	43	61
	923355014261	10	34	44		15	15	59
	923325958352	3	22	25	2	24	26	51
	923348849984	8	18	26		25	25	51
	923059331048	3	16	19	1	31	32	51
	923355050650	6	24	30		19	19	49
	923329733213	7	27	34		14	14	48
	923337778778	6	28	34		14	14	48



از دفتر
ڈپٹی سپرنٹنڈنٹ آف پولیس لاجی سرکل کوہاٹ
ای میل: dsplachi@gmail.com فون نمبر: 0922-550010

سورہ 0-2020

ریڈ نمبر: 534

جناب DPO صاحب کوہاٹ
تاکسٹنگ حکامات انکوائری کاٹھیل عرفان نمبر 670 متعلقہ لاجی ٹول بلازہ تاکہ بندی
جناب :-
عنوان :-

جناب عالی

بحوالہ مشمولہ چارج شیٹ نمبری PA/3944-45/2020 مورخہ 04-08-2020 مجاریہ DPO صاحب کوہاٹ معروض خدمت ہوں کہ
کاٹھیل عرفان نمبر 670 کے خلاف چارج شیٹ میں عائد شدہ الزامات کے بابت من SDPO لاجی (E.O) نے ذیل کارروائی انکوائری مکمل
میں لائی۔

الزامات :-

- (i) آپ کاٹھیل عرفان نمبر 670 ہائی چک پوسٹ برقیتمات تھے تو اس وقت NCP سنگھران اور سہولت کاروں کیساتھ اپنے ذاتی مفاد کے لیے روابط رکھنے کے الزامات میں مہر ادا ہوئے ہو۔
- (ii) دوران کارروائی آپ کو NCP گاڑیاں چلانے کے لیے لاجی ٹول بلازہ میں برقیتمات کا کما۔ لیکن واضح احکامات کے باوجود آپ نے پھر سے NCP سنگھران کو سہولت فراہم کرتے ہوئے NCP گاڑیاں چھوڑی ہیں
- (iii) آپ زرگرانی تھے اور آپ کی سنگھران کیساتھ روابط کی ریکارڈنگ کی گئی ہے۔
- (iv) آپ کے اس نقل سے بدعنوانی اور ناقص کارکردگی صاف ظاہر ہے۔

تحقیقات :-

- (i) کاٹھیل عرفان نمبر 670 پر چارج شیٹ تقسیم کر کے مذکورہ نے الزامات کی بابت تحریری جواب پیش کر کے چارج شیٹ میں لگائے گئے الزامات کی تردید کی ہے۔ (تحریری بیان لف ہے)۔

- (ii) سپرنٹنڈنٹ OHC بلازہ کو سلسلہ انکوائری طلب کر کے مذکورہ نے بیان لکھا کہ کاٹھیل عرفان نمبر 670 کیساتھ DPO صاحب سے NCP گاڑیاں چلانے کے لیے مندرجہ ذیل روابط برقیتمات کا کما۔ لیکن اس کے باوجود اس کے ذاتی مفاد کے لیے روابط رکھنے کے الزامات میں مہر ادا ہوئے ہو۔ (بیان لف ہے)
- (iii) OHC بلازہ نے اس کے ساتھ ساتھ سنگھران میں مذکورہ نے کسی نامعلوم شخص سے سنگھران کیساتھ روابط رکھنے کے الزامات میں مہر ادا ہوئے ہو۔
- (iv) کاٹھیل عرفان نمبر 670 سلسلہ انکوائری طلب کر کے مذکورہ کو ریکارڈنگ سنائی گئی جس سے اس کی کارروائی بیان میں مذکورہ کے اپنے نام سے اختتامی ہوئی۔
- (v) کاٹھیل عرفان نمبر 670 کیساتھ DPO صاحب نے ان کے الزامات کی بنیاد پر چارج شیٹ پیش کر کے ان کو انکوائری Major Punishment کی ہے۔ (آرڈر لف ہے)

نتیجہ :-

کر کے انکوائری بنیاد پر چارج شیٹ سنائی گئی اور ریکارڈنگ آرڈر ڈک اڈا لٹ سنائی گئی PA/3164-66/2020 مورخہ 29-07-2020 سے انکوائری
مذکورہ کاٹھیل عرفان نمبر 670 کے سنگھران کیساتھ روابط رکھنے کے لیے مندرجہ ذیل روابط برقیتمات کا کما۔ لیکن اس کے باوجود اس کے ذاتی مفاد کے لیے روابط رکھنے کے الزامات میں مہر ادا ہوئے ہو۔
Major Punishment کی ہے۔
سپرنٹنڈنٹ انکوائری آفیسر کاٹھیل عرفان نمبر 670 کیساتھ روابط رکھنے کے لیے مندرجہ ذیل روابط برقیتمات کا کما۔ لیکن اس کے باوجود اس کے ذاتی مفاد کے لیے روابط رکھنے کے الزامات میں مہر ادا ہوئے ہو۔
DPO صاحب کوہاٹ Major Punishment سے ان کے الزامات کے لیے اس کی ایک دستاویز اور ریکارڈنگ آرڈر ڈک اڈا لٹ سنائی گئی ہے۔

ڈپٹی سپرنٹنڈنٹ آف پولیس
لاجی سرکل کوہاٹ

INQUIRY REPORT AGAINST CONSTABLE IRFAN NO. 670

Annex-2-1

P-20

No. 244 /PA-Ops

Dated 11 / 03 /2020

FINDINGS

This is in response of your good office Charge Sheet vide No.1128-29/PA Dated 03.03.2020.

Constable Irfan No.670 was charge sheeted the allegation below:-

- i. You are involved in a smuggling of NCP vehicles and provide all possible assistance to the NCP smugglers for your personal gain. Your this act shows gross misconduct on your part.

On these allegations he was issued charge sheet along with statement of allegations and the undersigned was appointed as enquiry officer to conduct enquiry in to the matter.


On receipt of papers necessary departmental enquiry proceeding was initiated. Summoned the defaulter Constable Irfan No. 670 heard in person and recorded his statement.

The defaulter Constable Irfan No.670 stated that he has 13 years of service and never gone against discipline. At NHA check post near Kohat Tunnel he has performed his duty with zeal and zest and captured two G-Corolla motorcar and one swift motorcar which was handed over to Custom Authority for further legal action. He has neither involved in such business nor has any links with NCP smugglers. He has not provided any assistance to NCP smugglers but give them a huge loss. He further stated that one of the NCP smuggler has provide fake information to the high-ups against him in order to transfer him from the check post and they can carry on their business without any hurdle. During his service he never gave a chance of complaint to the high-ups.

During the course of inquiry he was given complete legitimate opportunity to defend himself according to the law, rules and regulation.

Keeping in view the above circumstances and available record and from the perusal of enquiry file, it transpired that constable Irfan has secret cell number i.e 0335-5014261 through which he contacts with NCP vehicle smugglers. Their numbers are i.e 0336-880050, 0332-1444439, 0331-9405008, 0334-0900002, 0333-9745557, 0335-5014261, 0333-9748214, 0315-9494090, 0336-9797722, 0332-9258866, 0333-9733429, 0333-9242972, 0331-3131161, 0333-9164004, 0335-3147376, 0334-8830915, 0333-9538754, 0336-8787887, 0335-8393150. Hence it is proved that the delinquent official have links with NCP smugglers and provide all possible assistance to the NCP smugglers. The allegations leveled against the defaulter constable are proved beyond any shadow of doubt. Therefore, recommended for major punishment.

Submitted please.


TAHIR IQBAL
SUPERINTENDENT OF POLICE,
OPERATIONS, KOHAT

جواب فائل شوکار

جوان فائل شوکار محاربہ منجانب ڈسٹرکٹ پولیس افسیر صاحب
بامبئی 5180/PA ورفہ 22-10-2020 کی بابت موصول ہونے

یہ کہ مذکورہ شوکار سے قبل من سائل نے چارج شیٹ کا جواب دیا تھا

اور مذکورہ سب سے پہلے ہی سے جواب نے سائل کو سزا

دے چکے ہیں نقل لف ہے

یہ کہ بقایا سائل نے جو جواب چارج شیٹ پر میں درج اور تحریر

کیا تھا من سائل اسی بیان پر اخصدار کرتا ہے

رق لینا استرعا ہے کہ حسب ضابطہ مذکورہ شوکار نوٹس کو مزید

کسی کاروائی کے داخل دفتر کیا جائے اور سائل کو TWICE VEXED

نہ کیا جائے

کالتھیل عرفان 670

معدنہ پولیس لائن کوئیٹ

Date 26-10-2020

Tofan

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No.2564/ 2021

Irfan Khan,

Ex-Constable No.670(Appellant)

Versus

Regional Police Officer, Kohat & others(Respondents)

REJOINDER ON BEHALF OF APPELLANT

Respectfully Sheweth;

Rejoinder on behalf of appellant is as under: -

Reply to the preliminary objections: -

That the preliminary objections raised by the answering respondents are incorrect, flimsy in nature and has no legal backing. The answering respondents has failed to explain as to why appellant has no cause of action and locus standi ? Why the appeal is for bad for mis-joinder and non-joinder of necessary parties ? Why the appellant is stopped to file the instant appeal for his own act ? Why the appeal is bad in the eyes of law and non-maintainable and how the appellant has not approached this Hon'ble Tribunal with clean hands ? In absence of any legal and factual support proper rejoinder could not be made and submitted.

However, it is very humbly submitted that appellant has cause of action and locus standi, there is no question of mis-joinder and non-joinder of necessary parties, no estoppels lies against the appellant, the appeal is maintainable as per law and the appellant has approached this Hon'ble Tribunal with clean

hands. The record attached with memo of service appeal as well as the record attached with the reply of the answering respondents negates the version / pleas of the answering respondents incorporated in the preliminary objections of their reply.

REPLY TO FACTS: -

1. That reply to para No. 1 is incorrect, hence denied. The punishment referred vide the same has been impugned by the appellant in Service Appeal No.7675/2021.
2. That reply to para No.2 is also incorrect, hence denied. Appellant had no link what so ever with smuggling of NFC vehicle.
3. That reply to para No.3 is also incorrect, hence denied. Appellant has never been remained with NFC smugglers. Appellant has 13 years service at his credit. He has been awarded numerous commendation certificates by the highups for his extra ordinary and devoted performance of his duty. During his posting at NHA Check Post, he had captured two G-Corolla Motor Car and once Swift Motor Car which were handed over to custom authorities for further legal action which is part of the record. The alleged involvement of the appellant was based on malafide as appellant was hurdle in the way of NCP smugglers therefore, they with connivance of the departmental figures made conspiracy to throw the appellant from the Check Post so that they can easily undertake their illegal activities. This aspect of the case was continuously agitated by the appellant during the inquiry proceedings but no heed was paid to the legitimate objection of the appellant rather appellant was made escape goat.
4. That reply to para No.4 is incorrect, hence denied. The allegations leveled against the appellant are general in nature and does not communicate specific offence. The inquiry conducted was flimsy in nature. There is no

evidence on record to the effect as to what kind of NCP vehicle appellant facilitated to move? What was the number and color of vehicle? What was the type of vehicle? What was Model of vehicle? What was the time (day or night) whereupon appellant lefted the vehicle to move. The basic condition of charge is lacking in the Charge Sheet and statement of allegation which is against the provisions of law.

5. That reply to para No.5 is incorrect, hence denied. The inquiry officer has not conducted the inquiry proceedings in accordance with the prescribed procedure. The inquiry officer was under legal obligation to unearth the controversial facts as to whether the alleged Mobile Numbers were in the name of appellant and to scrutinize as to whether it was appellant who shared information to NCP smugglers and also to bring evidence regarding the persons (name of NCP smugglers) with whom appellant shared conversation. So far the legality of CDR is concerned; the Hon'ble Supreme Court of Pakistan vide reported Judgment 2021 SCMR 522 has held as to the following;

"Call Detail Record (CDR) data---Evidentiary value and admissibility---Mere production of CDR data without transcripts of the calls or end to end audio recording could not be considered/used as evidence worth reliance---Besides the call transcripts, it should also be established on the record that callers on both the ends were the same persons whose calls data was being used in evidence---While considering such type of evidence extra care was required to be taken by the Courts as advancement of science and technology had also made it very convenient and easy to edit and make changes of one's choice."

Moreover, the inquiry officer was under legal obligation to summon record keeper of the Cellular Company to be appeared before him with opportunity to the appellant of cross examination so as to provide legal sanctity to such document of CDR. In absence of legal requirements, the alleged CDR has no legal value and inadmissible as per dictum laid down by the Hon'ble Supreme Court of Pakistan.

So far, other statements alleged to have been recorded by the inquiry officer, are also inadmissible in the eyes of law as the same has been procured by the inquiry officer in the absence of appellant with no opportunity of cross examination.

In view of the above submissions, the action of the penal authority cannot be clothed with validity and is liable to be set aside.

6. That reply to paras No.6 to 12 are incorrect, hence denied. The detailed has already been submitted therefore, it would be futile to make repetition.

REPLY TO GROUNDS: -

A-C. That reply to grounds of appeal by the answering respondents are incorrect, hence denied. Section 16 of the Civil Servant Act, 1973 provides that all civil servants are liable to prescribed disciplinary action in accordance with prescribed procedure. In the instant case the whole proceedings taken against the appellant are illegal. Neither appellant has been served with specific charge sheet and statement of allegations rather the same are general in nature. The proceedings taken and adopted by the inquiry officer were against the law and rules. Appellant has been condemned unheard and more so, opportunity of defense was denied to him. The inquiry officer has also not recommended any sort of penalty and moreover, the appellate authority has not dealt with the departmental appeal in accordance with the prescribed

rules. Appellant rely on the grounds taken by him in the memo of his service appeal and would like to seek the permission of this Hon'ble Tribunal to advance more grounds at the time of hearing.

It is, therefore, humbly prayed that on acceptance this rejoinder and Appeal the Instant Appeal may kindly be allowed in favour of Appellant and against respondents.

Irfan
Appellant

Through

Ashraf Ali Khattak
Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

&

Ali Bakht Mughal
Ali Bakht Mughal
Advocate, Peshawar

Dated: 14-07-2022

AFFIDAVIT

I, Irfan S/o Nasrullah Khan, Ex-Constable Belt No.670, Kohat Police, do hereby solemnly affirm and declare on Oath that all the contents of this rejoinder are true and correct to the best of my knowledge and belief and nothing has been concealed OR withheld from this Honourable Court.

Irfan
DEPONENT

H
National Register of
Judges and Associates
Enrolment No. 3370-75

14-07-2022