FORM OF ORDER SHEET

Court of

Appeal No. 1676/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	18/08/2023	The appeal of Mr. Rehmatullah is presented today by Mr. Khaled Rehman Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on

By the order of Chairman

REGISTRAR

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1676 /2023

Rehmatullah ..... Appellant

Versus

The PPO and others ..... Respondents

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Appellant

Through

Khaled Rehman,
Advocate, Supreme Court
(BC# 10-5542)
Khaledrahman.advocate@gmail.com

&

Muhammad Amin Ayub
Advocate, High Court

&

Muhammad Ghazanfar Ali
Advocate, High Court
4-B, Haroon Mansion
Khyber Bazar, Peshawar
Off: Tel: 091-2592458
Cell # 0313-9040434

Dated: 17/08/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1676 /2023

Rehmatullah
Ex- IHC No.3995
Police Station Hashtnagri, Peshawar ..... **Appellant**

VERSUS

1. **The Inspector General of Police**
   Khyber Pakhtunkhwa, Peshawar

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

3. **The Capital City Police Officer**
   Peshawar.

4. **The Senior Superintendent of Police**
   Peshawar ..... Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORIGINAL IMPUGNED ORDER DATED 16.06.2022 WHEREBY APPELLANT WAS AWARDED MAJOR PUNISHMENT OF REDUCTION TO LOWER RANK AGAINST WHICH HE FILED DEPARTMENTAL APPEAL BUT THE SAME WAS DECIDED BY ENHANCING THE PUNISHMENT TO THAT OF DISMISSAL FROM SERVICE VIDE IMPUGNED APPELLATE ORDER DATED 27.10.2022 AGAINST WHICH APPELLANT PREFERRED REVISION UNDER RULE, 11-A OF POLICE RULES, 1975 BUT THE SAME WAS ALSO REJECTED VIDE IMPUGNED REVISIONAL ORDER DATED 21.07.2023.

PRAYER:

On acceptance of the instant appeal, the impugned original order dated 16.06.2022 passed by Respondent No.4 and the impugned appellate order dated 27.10.2022 passed by Respondent No.3 and impugned Revisional Order dated

21.07.2023 passed by Respondent No.1, may graciously be set aside and appellant be re-instated into service with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

1. **That** appellant hails from respectable family of District Peshawar. He joined the Police Force as a Constable way back in the year 2000. It is apprised that during that period he performed his duties elegantly and was never ever proceeded against departmentally. As a result he was promoted to the rank of Head Constable in the year 2010 while as Inter Head Constable (IHC) in the year 2017.

2. **That** while discharging his duties against the subject post at PS Shaheed Gulfat Hussain (Hashtnagri), all of sudden appellant was suspended from service vide order dated 17.05.2022 (***Annex*:-A**) on the basis of Charge Sheet and Statement of Allegations (***Annex*:-B**) wherein baseless allegations upon the appellant were inflected. Since the charges were baseless and ill-founded, appellant submitted a detailed Reply (**Annex:-C**) wherein he explained his position and each and every aspect of the matter but the same was not taken into consideration.

3. **That** under the law, Respondent were supposed to comply with the requirements as embodied in Rule-6 of the Khyber Pakhtunkhwa Police Rules-1975 by conducting a regular inquiry but at the back of the appellant a Fact Finding Inquiry (***Annex*:-D**) was conducted. The Committee jumped to the wrong conclusion and appellant was illegally found to be guilty of the charges and recommended for major punishment of reduction to lower rank vide impugned original order dated 16.06.2022 (***Annex*:-E**). It is further elucidated that the Fact Finding Inquiry Report was not provided to appellant rather appellant got the same from the concerned quarter.

4. **That** it is submitted that under the law Respondents were supposed to issue the Final Show Cause Notice to the appellant but the same was not issued to appellant. Appellant being aggrieved of the impugned original order dated 16.06.2022 preferred Departmental Appeal (***Annex*:-F**) but instead of deciding

the appeal on merit, the appellate authority without any legal justification enhanced the punishment to dismissal from service vide impugned appellate order dated 27.10.2022 (***Annex*:-G**) that too without giving any Notice to appellant.

5. **That** appellant being aggrieved of the orders ibid filed Service Appeal No.1698/2022 but during pendency, Departmental Revision Petition under, 11-A of the Khyber Pakhtunkhwa Police Rules, 1975 of the appellant was rejected vide impugned Revisional Order 21.07.2023 (***Annex*:-H**).

6. **That** appellant being aggrieved of the impugned original order dated 16.06.2022 and impugned appellate order dated 27.10.2022 and impugned Revisional order dated 21.07.2023, files the instant Service Appeal inter-alia on the following grounds:-

Grounds:

A. **That** Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 & 10A of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.

B. **That** it is steadfast scheme of service law that whenever an accused is subjected to departmental proceedings, a charge is framed in the shape of Charge Sheet and Statement of Allegations. The basic aim of the same is to inform the delinquent civil servant of the charges without any ambiguity and he has to be informed that what kind of misconduct has been committed by him. The charges as inflected upon the appellant are very serious in nature, therefore, the Respondents were supposed to clearly mention the charges without any doubt because mentioning mere *relation with the criminals and taking gratification from them* does not exempt the authority from his legal duties. Thus the charges are not covered under Rule-3 of the Khyber Pakhtunkhwa Police Rules-1975 and thereon the impugned orders are liable to be set aside.

C. **That** the edifice of the departmental proceedings against the appellant is of the relation and taking bribe from different smugglers. Now the question is that

whether any kind of complaint has ever been submitted against the appellant or whether the statements of the incumbents were recorded by the Inquiry Officer as under the law it was the primary duty of the Inquiry Officer to ascertain the truth behind the charges as leveled against delinquent civil servant but the so called inquiry as conducted by the Respondents will reveal that the mandatory requirements as has been enunciated in Article-10A of the Constitution of Islamic Republic of Pakistan, 1973 have not been complied with, therefore, it would not be wrong to add here that on the basis of surmises and conjunctures appellant has been inflected upon major punishment of dismissal from service, which is liable to be set aside.

D. **That** a set procedure under Rule-6 of the Police Rules-1975 has been catered for but this important aspect of the matte was outright overlooked by the Respondent Department and conducted a Fact Finding Inquiry under Rule-5 of the Rules ibid. It is further contended that whenever the Competent Authority is satisfied with the recommendations of the Fact Finding Inquiry and he is of the opinion that there is no need to conduct regular inquiry against the delinquent civil servant then reasons are mentioned and regular inquiry is dispensed with but this important aspect of the matter was also ignored by the competent authority as neither reasons for dispensing with the regular inquiry nor final Show Cause Notice was served to the appellant, which is not tenable in the eye of law, therefore, the basic order against the appellant is without any lawful authority and it is an established principle of law that whenever the initiation of a departmental inquiry is based upon unlawful order then the superstructure built thereon would fall to the ground automatically.

E. **That** the impugned appellate order dated 27.10.2022 has been issued by the appellate authority in utter disregard of the set procedure as has been enacted in the Khyber Pakhtunkhwa Police Rules-1975. It has been submitted that Final Show Cause Notice was not issued to appellant but in addition to the same whenever the appellant authority deems appropriate that the punishment as awarded does not commensurate with the guilt/charges of the accused civil servant then two procedures have been provided to the appellate authority, firstly to remit back the matter for denovo inquiry and secondly issue a Show Cause Notice to the delinquent civil servant that why the punishment should not

be enhanced. Therefore, mandatory requirement of law has been ignored by the appellate authority. In Writ Petition No.2314-P/2021, the operation of the impugned removal order was suspended by the Hon'ble Peshawar High Court, Peshawar vide Order dated 01.07.2021 (***Annex*:-I**) wherein without giving notice to the referred Petitioner, the minor punishment was enhanced to removal from service. Further, reliance is placed on **2021 SCMR 1162** and **PLJ 2018 TrC 7**:-

> ***"----R. 4(1)(a)---Negligence in maintaining official record---Penalty of reduction in pay scale by four steps for five years reduced to minor penalty of 'censure'---Inquiry Officer had not found any documentary evidence to prove the allegation against the respondent of making double payments--- Further, it was found that the alleged misconduct and negligence was not fully established---Inquiry Officer observed that although the respondent was negligent and showed lack of interest, there was no element of intentional omission or deliberate mishandling of records or overpayment to two individuals-- -On said basis, the Inquiry Officer had recommended issuance of a severe warning to the respondent--- However the competent authority disagreeing with the findings of the Inquiry Officer imposed major penalty of reduction in pay scale by one step for two years without recording any valid or cogent reasons--- Further, the Appellate Authority also did not record any valid reasons or lawful justification for further enhancing the penalty imposed upon the respondent---Service Tribunal re-examined the entire record and came to the correct conclusion that there was insufficient evidence against the respondent to establish charges of fraudulent double payments and negligence in handling official records and in discharge of his duties---Tribunal rightly came to the conclusion that the penalty imposed by the competent authority and further enhancement of the same by the Appellate Authority was disproportionately harsh to the allegations levelled and not fully proved against the respondent, particularly so where no documentary evidence was available to substantiate the charges against him--- Furthermore record did not show if any mandatory show cause notice was issued by the Appellate Authority to the respondent or he was given an opportunity to defend his position and to plead his case against further enhancement of the penalty imposed upon him---Such material error/ defect in the procedure adopted by the Appellate Authority had violated the due process rights of the respondent--- Service Tribunal was justified in reducing the major penalty of reduction in pay scale by four steps for five years to minor penalty of 'censure'---Petition for leave to appeal was dismissed and leave was refused."***

F. **That** Section-16 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-3 of the Khyber Pakhtunkhwa Police Rules, 1974 necessitate that civil servant has to be treated in accordance with law and rules. Therefore, Respondents adopted summary procedure rather the gravity of the charges

leveled against the appellant required strict compliance with said rules and it was the basic duty to conduct a regular inquiry. Moreover, the whole proceedings have been carried out in violation of Article-10A of the Constitution of the Islamic Republic of Pakistan, 1973.

G. **That** it is a settled legal principle that where major penalty is proposed then only a regular enquiry is to be conducted wherein the accused must be associated with all stages of the enquiry including the collecting of oral and documentary evidence in his presence and he must be confronted to the same and must be afforded an opportunity of cross-examining the witnesses. Thus the impugned orders are nullity in the eye of law and hence liable to be set aside.

H. **That** no opportunity of personal hearing was afforded to the appellant neither by the competent authority, nor by the Enquiry Officer nor even by the appellate authority while enhancing penalty to dismissal from service which are the mandatory requirements of law. Reliance is placed on 2003 SCMR 1126 which states that:-

> ***"where the civil servant was not afforded a chance of personal hearing before passing of termination order, such order would be void ab-initio."***

Further reliance is placed on **PLD 2008 SC 412** which states as under:-

> ***"Natural Justice, principles of --- Opportunity of hearing --- Scope --- order adverse to interest of a person cannot be passed without providing him an opportunity of hearing --- Departure from such rule may render such order illegal."***

Thus appellant was condemned unheard as the action has been taken at the back of the appellant which is against the principle of natural justice.

I. **That** Respondent No.1 also failed to apply his judicial mind by adjudicating the Departmental Revision of the appellant by means of impugned Revision Order dated 21.07.2023 because no chance of personal hearing was furnished to appellant.

J. **That** the requirements of Rule-5 of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 have not been fulfilled and rejected the Departmental

Appeal of the appellant without applying judicial mind.

K. **That** the appellant has served the Department for about than 22 years and has consumed his precious life in the service and keeping in view his unblemished service the imposition of the major penalty in peculiar facts and circumstances of the case is harsh, excessive and does not commensurate with the guilt of the appellant.

L. **That** appellant would like to offer some other additional grounds during the course of arguments when the stance of the Respondents is known to the appellant.

It is therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.

Appellant

Through

Khaled Rehman,
Advocate,
Supreme Court of pakistan

&

Muhammad Amin Ayub

&

Muhammad Ghazanfar Ali
Advocates, High Court

Dated: 17/08/2023

Certificate:

It is submitted that appellant has filed Service Appeal No.1698/2022 against the impugned orders dated 16.06.2022 and 27.10.2022 which is pending adjudication and is fixed for 31.08.2023 before this Hon'ble Tribunal which yet to be withdrawn in order to challenge the impugned Revision Order.

Appellant

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No._____/2023

Rehmatullah ..... Appellant

Versus

The IGP and others ..... Respondents

Affidavit

I, Rehmatullah, Ex-IHC No.3995, Police Station Hashtnagri, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

Deponent

Identified by

Muhammad Amin Ayub
Advocate, Peshawar

ATTESTED
Gul Daraz Khan
Oath Commissioner
Peshawar High Court Peshawar

7601-2769

OFFICE OF THE
SR: SUPERINTENDENT OF POLICE
OPERATIONS, PESHAWAR

9 Annex A

SUSPENSION ORDER

The below mentioned Moharrar of PS SGH is hereby placed under suspension and closed with immediate effect.

Subsequently, proper charge and summary of allegations will be issued to him seperately.

Sr. No	Name Number & Rank	Closed District	Closed Wing	Closed Station	Recommended By	Suspension Remarks
1	HEAD CONSTABLE: Rehmat ullah ,3995	Peshawar	OPERATION	POLICE LINES,	SSP/Operations, Peshawar	Negligence

HAROON RASHID KHAN (T.ST PSP)
SENIOR SUPERINTENDENT OF POLICE
OPERATION PESHAWAR

No. 1512-18 / PA Dated Peshawar the 17/05/2022

Copy forwarded to the:

1. Capital City Police Officer Peshawar.
2. SsP Security & HQrs Peshawar.
3. AD IT CCP Peshawar.
4. CC, PO, AS, EC-II, OASI
5. I/C Emergency Control Peshawar.

ATTESTED

ATTESTED

CHARGE SHEET - 10 Annex B

1. Whereas I, Haroon Rashid Khan PSP, SSP/Operations Peshawar, am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against **Head Constable Rehmat Ullah No. 3995 while posted as Moharrar PS** SGH .

2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, **I, Haroon Rashid Khan PSP, SSP Operations,** Peshawar hereby charge **Head Constable Rehmat Ullah No. 3995 while posted as Moharrar PS** SGH under Rule 5 (4) of the Police Rules 1975.

i) According to the source report, it has been observed that you were found taking undue advantage of your assigned duty. The fact is evident that you are getting bribe from different smugglers of the area and have developed contacts with anti-social and criminal elements and was receiving illegal gratification from them.

ii) It has also been reported that you did not confining the accused in the lockup and releasing the accused in lieu of hug bribe/amount and are getting hefty sums running of Rupees for encouraging such like elements.

Being hand in glove with smugglers as well as criminal elements you have brought bad name to Police in general and SGH Police in particular.

iii) That you have a persistent reputation of being corrupt and have maintained a standard of living beyond your known sources of income.

iv) All this comes within the purview of 'corruption' under Police (E&D) Rules, 1975.

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

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

HAROON RASHID KHAN (T.S'T PSP)
Senior Superintendent of Police
(Operations) Peshawar

ATTESTED

ATTESTED

STATEMENT OF ALLEGATIONS

I, Haroon Rashid Khan PSP, SSP/Operations Peshawar as competent authority, am of the opinion that **Head Constable Rehmat Ullah No. 3995 while posted as Moharrar PS** SGH has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission within the meaning of section 03 of the Khyber Pakhtunkhwa Police Rules, 1975.

i) According to the source report, it has been observed that he was found taking undue advantage of his assigned duty. The fact is evident that he is getting bribe from different smugglers of the area and have developed contacts with anti-social and criminal elements and was receiving illegal gratification from them.

ii) It has also been reported that he did not confining the accused in the lockup and releasing the accused in lieu of hug bribe/amount and are getting hefty sums running Rupees for encouraging such like elements.

iii. Being hand in glove with smugglers as well as criminal elements you have brought bad name to Police in general and SGH Police in particular.

iv) That he has a persistent reputation of being corrupt and have maintained a standard of living beyond his known sources of income.

vii) All this comes within the purview of 'corruption' under Police (E&D) Rules, 1975.

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

3. The Enquiry Officer shall in-accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.

HAROON RASHID KHAN (T.ST PSP)
Senior Superintendent of Police
(Operations) Peshawar

No. 71 E/PA, dated Peshawar the 30 /05/2022

Copy to:-

1. The Inquiry Officer.
2. The Delinquent official through PA to the EO officer.

ATTESTED

ANNEX C

جناب عالی!

بحوالہ چارج شیٹ نمبر ۱ محررہ مل صدمت ہوں کہ میں سائل
22 سال عرصہ ملازمت مختلف تھانہ جات و چوکیات
میں ڈیوٹی سرانجام دے چکا ہوں افسران بالا کی
ہر جائز حکم اشاعت کی تعمیل معروضت کی ہے اور عرصہ ملازمت
میں جان کی پرواہ کیے بغیر ہر قسم جرائم پیشہ افراد دہشتگرد
دشمنوں اور قبضہ گروپوں کے خلاف بغیر کسی خوف کے کاروائی
عمل میں لائی ہے جس کی مثال چوکی ہزارخوانی ہم سمیت دیگر
سٹاف افسران بالا کی حکم اشاعت کی روشنی میں قبضہ گروپ
سے خالی کرائے گئے ہیں جس میں موجودہ چوکی ہزارخوانی ہے اور
ہمیشہ افسران بالا کا قابل اعتماد اور مجبور سپاہی رہا ہوں 22 سال
ملازمت ہر قسم کرپشن کے خلاف بغیر کسی خوف کاروائی کی ہے
اپنے بے خوف ملازمت کی وجہ سے ہمیشہ دشمن کی نظر میں رہا ہوں
ہے افسران بالا سے جارج شیٹ داخل دفتر کرنے کی استدعا کرتا
ہوں میں بلے سائل ممنون دعا گو رہے گا

ATTESTED

-13

ANNEX "D"

OFFICE OF THE
SUPERINTENDENT OF POLICE,
CITY, PESHAWAR.
091-9225333/spcitypeshawar@yahoo.com

No. 588-E/PA, dated Peshawar the 15/06/2022.

To: The Senior Superintendent of Police,
Operations, Peshawar.

Subject: **REGULAR DEPARTMENTAL ENQUIRY REPORT.**

Memo:

Kindly refer to your office Diary No. 71/E/PA, dated 30-05-2022 attached in original.

It is submitted that Regular Departmental Enquiry of accused Head Constable Rehmat Ullah No. 3995, while posted as Muharrar PS SGH, Peshawar, was entrusted to the undersigned which was proceeded under the law.

SUMMARY OF CHARGE SHEET (ORIGINAL ATTACHED):-

Head Constable Rehmat Ullah No. 3995, while posted as Muharrar, PS SGH, Peshawar, was charged for gross misconduct on the following grounds:-

- According to the source report, it has been observed that he was found taking undue advantage of your assigned duty. The fact is evident that he is getting bribe from different smugglers of the area and has developed contacts with anti-social and criminal elements and was receiving illegal gratification from them.
- It has also been reported that he did not confining the accused in the lockup and releasing the accused in lieu of hug bribe/amount and are getting hefty sums running Rupees for encouraging such like elements..
- Being hand in glove with smugglers as well as criminal elements he has brought bad name to Police in general and SGH Police in particular.

ATTESTED

- That he has a persistent reputation of being corrupt and has maintained a standard of living beyond his known source of income.
- All this comes within the purview of "corruption" under Police (E&D). Rules, 1975.
- That the situation prime facie suggests/implies unprofessional attitude and disinterest in service, thus making him liable/accountable under the relevant rules.

ENQUIRY PROCEEDINGS:-

a) Charge Sheet was served upon HC Rehmat Ullah as per directions (copy of Charge Sheet is attached).

b) HC Rehmat Ullah was called to office of the undersigned, heard in detail and his statement was recorded (statement is attached).

FINDING/RECOMMENDATION:-

I have perused all the relevant papers and the accused Head Constable was heard in person, but he failed to defend himself against the allegations leveled against him. Therefore, I came to the conclusion that Head Constable Rehmat Ullah No. 3995 is guilty of all accusations leveled against him.

SUPERINTENDENT OF POLICE,
CITY, PESHAWAR.

15

OFFICE OF THE
SR: SUPERINTENDENT OF POLICE,
(OPERATIONS) PESHAWAR
Phone. 091-9210508

Annex "E"

ORDER

This office order will dispose-off the departmental proceedings against **Head Constable Rehmat Ullah No. 3995** while posted as Moharrar SGH CCP Peshawar, was proceeded against departmentally vide this office vide No. 71/E/PA dated 30.05.2022. According to the source report, it has been observed that he was found taking undue advantage of his assigned duty. The fact is evident that he is getting bribe from different smugglers of the area and have developed contacts with anti-social and criminal elements and was receiving illegal gratification from them. It has also been reported that he did not confining the accused in the lockup and releasing the accused in lieu of hug bribe/amount and are getting hefty sums running Rupees for encouraging such like elements. Being hand in glove with smugglers as well as criminal elements you have brought bad name to Police in general and SGH Police in particular. That he has a persistent reputation of being corrupt and have maintained a standard of living beyond his known sources of income.

2. Under Police Rules 1975 (amended 2014) proper charge sheet alongwith summary of allegation was issued against him and SP City was appointed as Enquiry Officer who submitted his finding wherein he concluded that he failed to defend himself against the allegations leveled against him. The E.O recommended that he found guilty of the above charges.

3. Keeping in view of the above, the undersigned being a competent authority, do agree with the recommendation of the enquiry officer, therefore, HC Rehmat Ullah is awarded **Major punishment "Reverted to the rank of Head Constable to Constable with immediate effect. He is reinstated into service from the date of suspension vide Endst No. 1512-18/PA dated 17.05.2022.**

HAROON RASHID KHAN (T.ST PSP)
Senior Superintendent of Police
(Operations) Peshawar

No. 1797-99/PA dated Peshawar, the 16/06/2022.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar
2. EC-II/OASI/AS/CRC/FMC along with complete enquiry file for record (6).

ATTESTED

ADD

Annex F

محبت جناب کمیشنر صاحب پولیس انسپکٹر جنرل صاحب پشاور

عنوان :- محکمانہ اپیل برخلاف آرڈر نمبر 1797-99/PA
مورخہ 16/05/22 حکمی جناب ایس ایس پی ساؤتھ 2 ایبٹ آباد
کمیشن منظور کیا گیا ہے

جناب عالی ! سائل حسب ذیل عرض رسان ہے :

1 : یہ کہ سائل نے محکمہ پولیس میں بطور کمیشن بھرتی ہو کر مختلف قسم کے فرائض سرانجام دیئے ہیں کہ سائل کو اپنے ڈیوٹی کے دوران کوئی بھی شکایت موقع نہیں دیا گیا ہے

2 یہ کہ موجودہ تعیناتی سے قبل سائل نے انتہائی فرض شناسی اور دیانت داری سے ہر قسم کی ڈیوٹی سرانجام دی ہے۔ اور دوران ڈیوٹی کبھی اپنے سپیریئر کو شکایت کا موقع نہیں

3 یہ کہ اسی فرض شناسی اور ایمانداری کی بنا پر سائل کو انسپکٹر نالائق تحریر جیسے اہم اور حساس منصب پر تعینات کیا ہے۔ دوران ڈیوٹی سائل پولیس کے معمول ملبہ رکھا ہے کبھی ایسا عمل نہیں کیا ہے جو کہ پولیس کی بدنامی کا باعث

4 یہ کہ سائل تھانہ شہید گلشت حسین میں بطور تفتیشی افسر تعینات تھا کہ سائل کے خلاف انصاف کی دھجیاں اڑتے ہوئے کہ عدالت میں ایسے الزامات لگائے گئے جس کے بارے میں سائل سوچ بھی نہیں سکتا ہے۔ دوران انکوائری سائل نے اپنی صفائی میں مفصل بیان دیکر تمام الزامات کو مسترد کر دیا تھا

5 یہ کہ دوران انکوائری سائل کے خلاف E.O نے کوئی ٹھوس شہادت اکٹھا نہیں کیا۔ اور بلا جواز و ناجائز طور پر سائل کو قصوروار ٹھہرایا جا کر سزا تجویز ارسال کی۔

ATTESTED ATTESTED

6 یہ کہ سائل کے خلاف رشوت ستانی کے الزامات کی صورت میں اگر اللہ
کو منظور ہوتا کہ کسی ایک فرد یا گروہ کا بیان قلمبند کر کے سائل کو مجرم
الزام ٹھہرایا جائے۔ مگر ایسا کرنے میں وہ ناکام ہو کر جو ایسی بات کی
کرتی ہے کہ سائل کا دامن صاف ہے اور بے گناہ ہے۔

7 یہ کہ دوران انکوائری سائل کو صفائی کا موقع نہیں دیا گیا اور نہ ہی سائل کے
بیان لی گئی ہے۔

8 یہ کہ سائل کے خلاف الزامات مبنی بر تعصب اور فرضی ہیں جس میں کوئی
صداقت نہیں ہے۔ کیونکہ سائل نے دوران نوکری شہر سندر میں منشیات
فروشوں اور دیگر ہر قسم کے جرائم پیشہ افراد کیلئے خلاف قانونی کاروائی
کر کے ان سے تعلق ختم کر دیئے ہیں۔

9 یہ کہ عنوان الصدر سزا سے سائل کا سروس کیریئر بری طرح متاثر ہو کر اس
سزا کی وجہ سے معاشی بدحالی اور تنگدستی کا شکار ہو رہا ہے۔

10 یہ کہ سائل کے ساتھ سراسر ناانصافی اور زیادتی ہوئی ہے۔

لہٰذا استدعا ہے کہ منظور فرمائی جائے کہ درج بالا حقائق
کی روشنی میں سائل کی مذکورہ بالا سزا کو منسوخ فرما کر سائل کو اپنے
عہدہ پر دوبارہ بحال فرما کر مشکور فرمائیں۔

سائل

العارض

درج کنندہ نائب کارندار رحمت اللہ نمبر 3995 حال پولیس لائن سیشاور
P.C.

Contact No. 0346-9062391

-18

ANNEX G

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

ORDER.

This order will dispose of the departmental appeal preferred by **Constable Rehmat Ullah No. 3995** who was awarded the major punishment of **"reversion from the rank of HC to Constable"** under KP PR-1975 (amended 2014) by SSP/Operations Peshawar vide order No. 1797-99/PA, dated 16.06.2022.

2- Short facts leading to the instant appeal are that the appellant while posted as Muharrar PS SGH Peshawar was proceeded against departmentally on the following charges:

i. As per classified source report, the defaulter constable was involved in getting gratification from different smugglers of the area and had developed contacts with anti-social and criminal elements and was favouring them in their illegal activities.
ii. That he was in habit of releasing accused from the lock up in lieu of hefty monetary gains.
iii. That he has a persistent reputation of being corrupt and have maintained a standard of living beyond his unknown sources of income.

3- He was issued proper Charge Sheet and Summary of Allegations by SSP/Operations Peshawar. SP/City Peshawar was appointed as inquiry officer to scrutinize the conduct of the accused official. The inquiry officer after conducting proper inquiry submitted his finding in which he was found guilty. The competent authority in light of the findings of the inquiry officer awarded the above major punishment.

4- He was heard in person in O.R and the relevant record along with his explanation perused. During personal hearing the appellant failed to submit any plausible explanation in his defence. The officer under inquiry carries extremely bad reputation for corruption and connivance with criminal elements. He has been successfully managing his posting as Muharrar throughout his service. Even now he has managed to be posted as Muharrar PS Paharipura despite being a Constable. **Hence, keeping in view the aforesaid allegations, the punishment awarded to him by SSP/Operations Peshawar vide order No. 1797-99/PA, dated 16.06.2022 is hereby enhanced to dismissal from service.**

(MUHAMMAD IJAZ KHAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 3377-83 /PA, dated Peshawar the 27/10/2022

Copies for information and necessary action to the:-
1. SSP/Operations Peshawar.
2. AD-IT CCP Peshawar.
3. PO, EC-II and OASI.
4. FMC along with complete fouji missal

- 19 Annex H

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted Ex- HC Rehmat Ullah No. 3995. The petitioner was reverted from the rank of HC to FC by SSP Operations Peshawar vide Order Endst: No. 7073-99/PA, dated 16.06.2022 on the following allegations.

1. As per classified source report, the appellant was involved in getting gratifications from different employees of the area and had developed contacts with anti-social & criminal elements & was covering them in their illegal activities.

2. That he was in habit of releasing accused from lock up in lieu of hefty monetary gains.

3. That he has a persistent reputation of being corrupt & have maintained a standard of living beyond his unknown sources of income.

The Appellate Authority i.e. CCPO Peshawar enhanced his punishment into dismissal from service vide Order Endst: No. 3377-83/PA, dated 27.10.2022.

Meeting of Appellate Board was held on 22.06.2023 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner have been proved. During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. The Board sees no ground and reasons for acceptance of his petition; therefore, the Board decided that his petition is hereby Rejected.

Sd/-
RIZWAN MANZOOR, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 6792-853 /23, dated Peshawar the 11-07- /2023.

Copy of the above is forwarded to the:

1. Capital City Police Officer, Peshawar. One Service Roll, One Enquiry File (135 pages), of the above named Ex-HC received vide your office Memo: No. 8827/EC-II, dated 11.05.2023 is returned herewith for your office record.
2. SSP Operations, Peshawar.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to Registrar CPO Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

(DR. ZAHID ULLAH) PSP

Better Copy

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014) submitted Ex-HC Rehmatullah No.3995. The Petitioner was reverted from the rank of HC to FC by SSP Operations, Peshawar vide order Endst: No.1797-99/PA, dated 16.06.2022 on the following allegations:-

1. As per classified source report, the appellant was involved in getting gratifications from different Smugglers of the area and had developed contacts with anti-social & criminal elements and was favoring them in their illegal activities.

2. That he was in habit of releasing accused from lock-up in lieu of healthy monetary gains.

3. That he has persistent reputation of being corrupt & have remained a standard of living beyond his unknown sources of income.

The Appellate Authority i.e. CCPO, Peshawar enhanced his punishment into dismissal from service vide order Endst: No.3377-83/PA, dated 27.10.2022.

Meeting of Appellate board was held on 22.06.2023 wherein Petitioner was heard in person. Petitioner denied the allegations leveled against him.

Perusal of the inquiry papers reveals that the allegations leveled against the Petitioner has been proved. Petitioner failed to advance any plausible explanation in rebuttle of the charges. The Board sees no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby Rejected

Sd/-
RIZWAN MANZOOR, PSP
Additional Inspector General of Police
HQrs: Khyber Pakhtunkhwa, Peshawar

No.-----33/23, dated Peshawar 21-07-2023

Copy of the above is forwarded to the:-

1. Capital City Police Officer, Peshawar, One Service Roll, One Enquiry File (135 pages), of the above named Ex-HC received vide your office Memo: No.8827/EC-II, dated 11.05.2023 is returned herewith for your office record.
2. SSP Operations, Peshawar.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar
6. PA to Registrar CP, Peshawar
7. Office Supdt: F-IV CPO Peshawar.

Sd/-
Dr. ZAHIDULLAH, PSP

Annex "I"

PESHAWAR HIGH COURT, PESHAWAR.

FORM 'A'
FORM OF ORDER SHEET

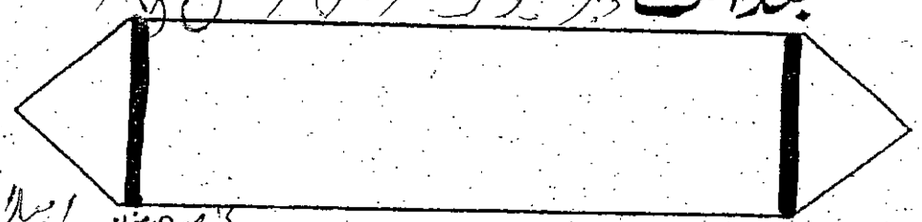
Date of order.	Order or other proceedings with the order of the Judge
01.07.2021	**W.P.No.2314-P of 2021 with interim relief.** **Present:** Petitioner in person. Mr.Wilayat Khan, AAG for the respondents No.1 and 2. The former states that against the order qua imposition of minor penalty on him vide order dated 29.07.2020 he had filed an appeal before the respondent No.2, who awarded him a major penalty of removal from service and that too without hearing him. In such like situation particularly when the petitioner has been condemned unheard, we suspend the impugned order dated 18.05.2021 and adjourn the case to a short date in office. Besides, notice be issued to the respondents No.2 and 3 to file their parawise comments so as to reach this court within a fortnight. JUDGE JUDGE

Sadiq Shah, CS (DB) (Hon'ble Mr.Justice Lal Jan Khattak & Hon'ble Mr.Justice Ijaz Anwar)

ATTESTED

ATTESTED

بعدالت



موزخہ ــــــــــ

مقدمہ ــــــــــ

دعویٰ ــــــــــ

جرم ــــــــــ

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ

آن مقام ــــــــــ کیلئے ــــــــــ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارعرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظر 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 یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے وہوگا۔ 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 لکھدیا کہ سند رہے۔

المرقوم ــــــــــ ماہ ــــــــــ 20ء

العبد ــــــــــ گواہ العبد ــــــــــ

بمقام ــــــــــ کے لئے منظور ہے۔