

**BEFOR THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Amended Service Appeal No. 3439/2021

In

SERVICE APPEAL No. 3439/2021

Hidayat Ullah
Constable No.881,
Police Force, Kohat.

..... Appellant

Versus

The Regional Police Officer,
Kohat Region Kohat and others

..... Respondents

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~~Petitioner~~

Through

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

Dated 6 /06/2023

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**BEFOR THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

AMENDED SERVICE APPEAL NO. 3439/2021

IN

~~SERVICE APPEAL NO. 3139/2021~~

Khyber Pakhtukhwa
Service Tribunal

Diary No. 5951

Dated 13/6/2023

Hidayat Ullah
Constable No.881,
Police Force, Kohat.

..... Appellant

Versus

1. The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer,
Kohat Region Kohat.
3. The District Police Officer,
Kohat.

..... Respondents

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the impugned Final order of the respondent No.1 dated 22-02-2022, impugned order End: No.1600/EC, dated Kohat the 04-02-2021 of respondent No.2, wherein he rejected the departmental appeal of the appellant preferred against the order passed by respondent No.2 vide OB No.823 dated 24-11-2020 of respondent No.3, wherein he awarded minor punishment of censure and the intervening period was treated as unauthorized leave.

Prayer in Appeal:-

On acceptance of the instant service appeal, this Hon'ble Tribunal may graciously be pleased to:-

1. Declare the impugned orders of the respondent No.1 dated 22-02-2022, impugned order of respondent No.2 End: No.1600/EC, dated Kohat the 04-02-2021 and impugned order of respondent No.3 vide OB No.823 dated 24-11-2020 as illegal, unlawful and without lawful authority;
2. Set aside all the impugned orders and re-instate the appellant with all back benefits including the counting of intervening period as period on active duty.
3. Any other relief deemed appropriate in the circumstances of the case not specifically asked for may also be graciously granted.

Respectfully Sheweth,

The concise facts giving rise to the present Service Appeal are as under:-

1. That appellant is the employee of police force, Kohat. He has long service standing at his credit. He has been awarded numerous Commendation Certificates for his extra ordinary and brave services beyond the call of his duty (Annexure-A).
2. That appellant was proceeded against departmentally for certain false allegations and was awarded punishment with confinement in quarter guard for fifteen (15) days vide Naqlemad No. 15 dated 10-10-2019 (Annexure-B).
3. That it is pertinent to bring into the notice of this Hon'ble Tribunal that appellant was proceeded twice on the same set of allegations and was awarded penalty of (i) Reduction from higher stage to Lower stage in the same time scale of pay for a period of three years vide order dated 26-02-2019 and (ii) Reduction in rank from the substantive rank of LHC to the rank of Foot Constable vide order OB No. 1249 dated 17-10-2019 and that too during confinement period (Annexure-C).
4. That being aggrieved from the aforesaid cited orders, appellant filed departmental appeal before respondent No.1 which was not decided within statutory period therefore, appellant filed service appeal before the Hon'ble Khyber Pakhtunkhwa Service Tribunal which has now been decided vide order / judgment dated 17-01-2022 (Annexure-D)

- 31
5. That respondent No.2 again forced the appellant to undergo departmental proceedings on the same set of allegations and after slipshod summary proceedings awarded appellant major penalty of dismissal from service vide DPO Kohat Order OB No. 1392 dated 04-11-2019 (**Annexure-E**).
 6. That being aggrieved from the order cited above; appellant submitted departmental appeal before respondent No.1 but the same was also rejected vide order No. 2662 dated 18-02-2020 (**Annexure-F**).
 7. That being aggrieved from the order No. 2662 dated 18-02-2020 of the worthy respondent No.1, appellant preferred revision petition before the worthy Inspector General, Khyber Pakhtunkhwa under rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975.
 8. That respondent No.1 (worthy Inspector General, Khyber Pakhtunkhwa) placed the revision petition before the Revision Board and after examining the facts and circumstances of appellant's case reached to the conclusion that appellant is innocent and the charges leveled against him are totally baseless therefore, appellant was reinstated vide order No. S/3335-3341/20 dated 11-08-2020, however, the competent authority was directed to conduct proper regular inquiry and decide the matter afresh on the basis of denovo proceedings (**Annexure-G**).
 9. That in pursuance of the order of the worthy Addl. Inspector General, Khyber Pakhtunkhwa appellant was reinstated for the purpose of denovo inquiry vide order dated 25-08-2020. Appellant assumed his charge of duties on 27-08-2020.
 10. That the competent authority in pursuance of the afore cited order (worthy DPO, Kohat) initiated denovo proceedings and served the appellant with charge sheet and statement of allegations dated 25-08-2020.
 11. That inquiry was conducted and appellant was proved innocent of the whole of the charges.
 12. That it is pertinent to mention here that the worthy DPO, Kohat being not satisfied with the recommendations of the inquiry officer again appointed another inquiry officer for conducting second inquiry on the same set of allegations.
 13. That appellant was again proved innocent and the whole of the charges were declared by the inquiry officer as baseless and concocted and recommended that appellant be reinstated with all back benefits.
 14. That in spite of the recommendation of both the inquiry officers as discussed above, the worthy DPO, Kohat without serving the appellant with any sort of show cause notice upon

the appellant imposed a minor penalty of censure and warned to be careful in future vide order No. 5905-08 dated 24-11-2020. Appellant was reinstated in service and the intervening period was treated as unauthorized leave without pay (Annexure-H).

15. That being aggrieved from the aforesaid order appellant preferred departmental appeal before the respondent No.2 (Annexure-I), which was rejected vide order dated 04-02-2021 (Annexure-J).
16. That appellant being aggrieved of the both the impugned orders of respondent No.1 End: No.1600/EC, dated Kohat the 04-02-2021 and impugned order of respondent No.2 vide OB No.823 dated 24-11-2020 filed service appeal No.3439/2021(Annexure-K).
17. That appellant had also filed Revision Petition before Respondent No.1 under section 11C of the Police Rule, 1975, which has been decided vide order dated 22-02-2022 (Annexure-L) during the pendency of the service appeal and not communicated to the appellant and the respondent has annexed the same with their reply.

Grounds:

- A. That the penal authority has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan, 1973. Moreover the act of the respondents amounts to exploitations, which is the violation of Article 3 of the Constitution, 1973. Appellant has been subjected to continuous harassment. He was subjected to undergo continuous departmental proceedings on the same subject matter. Appellant was exonerated by two consecutive inquiries from all the charges leveled against him, but the penal authority ignored the recommendations of the inquiry officer and awarded punishment to the extent of Censure and treating the interval period in between the dismissal and reinstatement as leave without pay and whereas vide order dated 22-02-2022 in Revision Petition, the same has been treated as leave of the kind due, if any on his credit, which has caused huge financial loss to the appellant.
- B. That appellant has been subjected to numerous continuous departmental inquiries on the same set of accusation which is against the well known principle of law "Double Jeopardy" and against the spirit and provision of Article 13 of the Constitution of Pakistan, 1973.
- C. That section 16 of the Civil Servant Act, 1973 provide that every civil servant is liable for prescribed disciplinary action in accordance with prescribed procedure. In the instant case

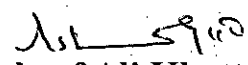
no prescribed procedure has been adopted therefore, the impugned penal order is nullity in the eye of law and liable to be set aside.

- D. That number of departmental inquiries were conducted by the respondents, but prosecution failed to bring an iota of evidence against the appellant to substantiate their baseless accusation/allegations even in spite of the fact that appellant was not associated with inquiry proceedings and even was not confronted with accusation. Final show cause was not served and no inquiry report was provided, which is mandatory in nature and spirit and the denial thereof is the denial of justice, fair play and equity.
- E. That appellant has been condemned unheard being deprived of the right personal hearing.
- F. Accused is stated to be a favorite child of law and he is presumed to be innocent unless proved otherwise and the benefit of doubt always goes to the accused and not to the prosecution as it is for the prosecution to stand on its own legs by proving all allegations to the hilt against the accused. Mere conjectures and presumption, however strong, could not be made a ground for removal from service of civil servant [1999 PLC (CS) 1332 (FST)]...... Unless and until prosecution proves accused guilty beyond any shadow of doubt, he would be considered innocent [1983 PLC (CS) 152 (FST)].
- G. That Re-instated employee would be entitled to back benefits as a matter of course unless employer is able to establish by cogent evidence that concerned employee had been gainfully employed elsewhere. In this respect, initial burden would lie upon the employer and not upon the employee to prove that such employee was gainfully employed during period of termination from his service. 2010 TD (Labour) 41.
- H. That Civil servant who was dismissed from service through arbitrary and whimsical action of the government functionaries and re instated through judicial order of Service Tribunal would have every right to recover arrears of salaries by way of back benefits due to them during the period of their dismissal and re instatement. It would be very unjust and harsh to deprive them of back benefits for the period for which they remained out of job without any fault on their part and were not gainfully employed during that period.....Supreme Court allowing their appeal and directing payment of back benefits to the appellant. 2006 T D (SERVICE) 551 (a).
- I. That the penal order is not a speaking order for the reason that no solid and legal grounds have been given by the penal authority in support of his penal order. On this score the impugned order is liable to be set aside.

- 6/
- J. That as per proviso of section 17 of the Civil Servant Act, 1973, the penal authority while set aside the order of dismissal or removal are under legal obligation to award the delinquent official back benefits for the period a civil servant remained out of service, but the penal authority ignored the mandatory provision of law and not only denied the arrears of pay but also treated the interval period in between the dismissal and re instatement as leave without pay and that too without the support of any legal reason.
- K. That appellant would like to seek the permission of Your Kind Honour for award of personal hearing. Appellant may kindly be granted the opportunity of personal hearing.


Appellant

Through


Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

Dated: 6/6/2023

8

**BEFOR THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL No. _____/2021

7
/

Hidayat Ullah
Constable No.881,
Police Force, Kohat..... **Appellant**

Versus

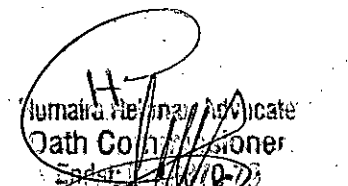
1. The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
2. **The** Regional Police Officer,
Kohat Region Kohat.
3. **The** District Police Officer,
Kohat.

.....**Respondents**

AFFIDAVIT

I, **Hidayat Ullah** Constable No.881, Police Force, Kohat , 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 Court.


Deponent


Maima Hina Advocate
Oath Commissioner
Sd/- Maima Hina
6-6-23

Anx-A

8

DISTRICT KOHAT POLICE



Commendation Certificate III
is awarded to

LHC. Hidayat Ullah No.881

In recognition of

For his good performance in case FIR No. 358 dated 18-03-2019

u/s 302 PS Qly with cash reward of Rs. 300/-

O.B. No. 421

Dated 03-04-2019

D. B. KOHAT
District Police Officer
Kohat

Attest
[Signature]

[Signature]

Attest
[Signature]

18

DISTRICT KOHAT POLICE



Commendation Certificate III
is awarded to

LtAC Hidayat Ullah No. 881

In recognition of

Good performance in case FIR No. 918

dt. 25-12-2017 U/s 506/365/511/34 PPC Ps MIA

Cash Reward Rs. 500/-

O.B. No. 41

Dated 9.1.18.

[Signature]
District Police Officer
District Police Officer

Atc-45

101

DISTRICT KOHAT POLICE



Commendation Certificate II
is awarded to

Handwritten signature and notes:
Kohat
12/12/13

LHC Eidavat Ullah No. 281

In recognition of

His performance during Duty

Cash Reward Rs. 300/-

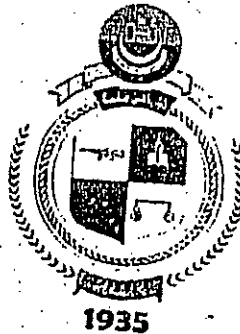
O.B. No. 1126

Dated 12-12-2013

Dist. Police Officer
Kohat

Handwritten signature: Atty

POLICE TRAINING COLLEGE HANGU



Commendation Certificate II

is awarded to

Hadayatullah 881 of Lower Course with Cash Rs.300/-

in recognition of

His good performance of duty

Dated: 27-08-2012

Order Book No. 714

Commandant
Police Training College Hangu

24

12

DISTRICT KOHAT POLICE



Commendation Certificate III
is awarded to

[Handwritten signature]

LHC Hidayat Ullab No. 851

In recognition of

His performance during duty

Cash reward Rs. 300/-

O.B No. 1126

Dated 2/12/2019

[Signature]
District Police Officer
Kohat

[Handwritten initials]

13/

POLICE TRAINING COLLEGE HANGU



1935

Commendation Certificate II


is awarded to

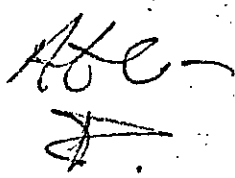
Mohyattullah B. of Lower Course with Cash Rs. 300.

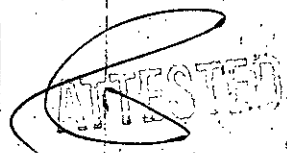
in recognition of

his good performance of duty

Dated: 27-08-2012
Order Book No. 714


Commandant
Police Training College Hangu





پہلے کی بات

تعداد 15 روزانہ 3
10/19

14

ابتداء اطلاع ASI/LO حوالہ 10/19 قندہ 18:00 بجے اس وقت
ایئر بیڑہ شاہدین نے بندر بندہ سرکاری فون اطلاع دی، حسب اطمینان
DPO - 14 بجایا بدلتا (اللہ اللہ) کو بند بندہ کو الٹا 15/15
کرنے اطلاع دینے روزانہ 3 سو کر عمل درپیش ہے

10/19

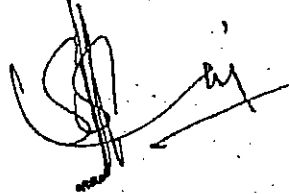
تعمیراتی اجل ہے

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AMI-Line-NT

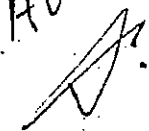
10-10-19


Sir
Formor dea



ASI/LO-Line-NT

10-10-19

ABC






ANX-63 C

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry (summary proceedings) against LHC Hidayat Ullah No. 881, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that it has been noticed through reliable source / secret information that LHC Hidayat Ullah No. 881, indulged himself in the following:-

- i. Extra departmental activities.
- ii. Miss-use of his authorities for personal gain.
- iii. Not paying due attention to his legal obligations/responsibilities.
- iv. Ill-reputed as per source.

The defaulter official was served with Show Cause Notice, to which he submitted reply and found un-satisfactory.

The defaulter official was called in O.R on 25.02.2019 and apprised about his misconduct. He was heard in person, but failed to advance any plausible explanation

I have gone through the record, which transpires that the defaulter official, has earned 16 bad entries in his credit, including punishments awarded to him on the charges of getting illegal gratification and mal-practices. Therefore, on the available record and other source, I am satisfied that the charges leveled against the accused official are established beyond any shadow of doubt. Furthermore, he is also held guilty of charge of submitting anonymous complaints.

Therefore, in exercise of power conferred upon me under section 5 (2) of KP Police Rules (amendment 2014)1975, the general proceedings are dispensed with a punishment reduction from higher stage to lower stage in the same time scale of pay for the period of 03 years is imposed on accused official LHC Hidayat Ullah No. 881 with immediate effect.

Announced
25.02.2019

DISTRICT POLICE OFFICER,
KOHAT 226/2

OB No 700
Date 25.2 /2019

No. 42/PA dated Kohat the 30.2 2019.

Syed Mudasir Pirzada
Advocate High Court
District Courts Kohat
0345-9645854

Good copies are attached



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OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order will dispose of departmental proceedings initiated against LHC Hidayat Ullah No. 881 (hereinafter called **accused official**) of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Facts of the proceedings are that it was noticed through reliable source that the accused official had links with a notorious criminal gang known as Tapoo gang Nusrat Khel. The information was confront through different source and CDR of the accused official, which was pursued and proved. Therefore the accused official was served with Show Cause Notice under the rules Ibid. Reply submitted by the accused official received and found unsatisfactory.


No reply
asked &
submitted

The links / involvement of the accused official was also confront through secret probe, which transpires that the accused official contacted the gang and asked to pressurize the Police through different source from restricting to Police legal action against them (Gang) further proved that the accused official being member of a disciplined department supported the criminal gang in narcotics dealing for his personal gang and committed gross professional-misconduct. Therefore, the accused official is stigma on Police department.

Record gone through, which transpires that the accused official is ill-reputed, awarded different kind of punishments, but he does not minds his way and indulged himself in illegal activities. Further, the charge/allegation leveled against him has been established beyond any shadow of doubt.

Being ill-reputed and previous conduct of the accused official, I, Capt. @ Wahid Mehmood, District Police Officer, Kohat in exercise of powers conferred upon me under the rules ibid, dispense with general proceedings and a punishment of reversion from the rank of LHC to the substantive rank of Foot Constable is imposed on accused official Hidayat Ullah No. 881 with immediate effect. His seniority be fixed as junior most of Foot Constables of the district Police.

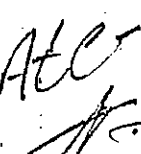
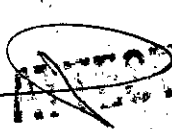
Announced
17.10.2019


DISTRICT POLICE OFFICER,
KOHAT
17/10

OB No. 1294
Dated 17-10-2019

No. 33067-71/PA dated Kohat the 17-10-2019.

- Copy of above for necessary action to the:-
1. Reader/Pay officer/SRC/OHC for necessary action.
 2. R./L.O.
 3. Accused official

ACC





Anx-D

17

B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 647/2019

Date of Institution ... 17.05.2019

Date of Decision ... 17.01.2022



Hidayat Ullah LHC No. 881 Operation Staff Karak Police Takht-e-Nusrati.
... (Appellant)

VERSUS

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

Ashraf Ali Khattak,
Advocate ... For Appellant

Muhammad Adeel Butt,
Additional Advocate General ... For respondents

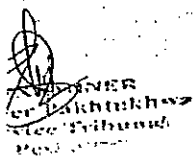
AHMAD SULTAN TAREEN ... **CHAIRMAN**
ATIQ-UR-REHMAN WAZIR ... **MEMBER (EXECUTIVE)**

JUDGMENT

ATIQ-UR-REHMAN WAZIR MEMBER (E):- This single judgment shall dispose of the instant service appeal as well as his connected Service Appeal bearing No. 1405/2020 titled "Hidayat Ullah Versus Inspector General of Khyber Pakhtunkhwa Police Peshawar and others" as common question of law and facts are involved therein.

02. Brief facts of the case are that the appellant has impugned two adverse orders in his separate service appeals. Vide impugned order dated 26-02-2019, punishment of reduction from higher stage to lower stage in the same time scale of pay for the period of three years has been imposed upon the appellant, which was reduced to two years by the appellate authority, whereas in another case, vide impugned order dated 17-10-2019 the penalty of reversion from the rank of

TESTED



ATTESTED

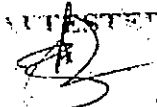
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LHC to the substantive rank of Foot Constable, which was also challenged by the appellant vide his departmental appeal, which was not responded, hence the appellant filed separate service appeals with respect to both the issues with prayers that the impugned orders may be set aside and the appellant may be restored to his old position as before and the order of punishments may be set aside.

03. Learned counsel for the appellant has contended that the allegations leveled against the appellant were never practiced by the appellant and always earned good name for the department; that it is settled principle of natural justice that one should not be condemned unheard but in case of the appellant no inquiry was conducted; that punishment awarded to the appellant of time scale is neither in the list of relevant rules nor in E&D Rules; that the appellant was penalized on the basis of discreet inquiry, which is not supported by any rule or law; that the appellant was not afforded opportunity to be heard in person, hence the appellant was condemned unheard; that nothing has been proved against the appellant and the appellant was penalized on the basis of presumptions:

04. Learned Additional Advocate General for the respondents has contended that on the one hand the appellant had indulged himself in illegal activities, misused his authority for personal gains and was found ill reputed. On the other hand, the appellant was found involved having links with notorious criminal gangs, therefore he was served with showcause notice separately in both cases; that reply of the showcause notices was found un-satisfactory, hence he was awarded with the punishments from time to time but the appellant did not mend his way; that his service record is full of bad entries and he is not willing to abide by law and rule and has always displayed to be a disobedient subordinate.

05. We have heard learned counsel for the parties and have perused the record.


 EXAMINED
 Member-Punishment
 Service Tribunal


 APPROVED

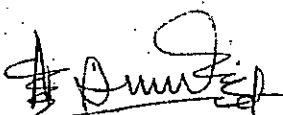
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06. Record would suggest the appellant was awarded with major punishment of reduction in time scale for a period of three years, but regular inquiry was dispensed with and the penalty was awarded through summary proceedings, which however is illegal, as major punishment cannot be awarded through summary proceedings. It was also noted that such penalty is not available in the list of penalties in Police Rules, 1975; hence, the penalty so awarded is illegal. The second punishment of reversion from rank of LHC to the substantive ranks of Foot Constable was also awarded to the appellant through summary proceedings, which too was illegal as minor penalty can be imposed in case of summary proceeding but in the instant case, major punishment was awarded through summary proceedings, which too is illegal.

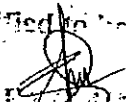
07. Keeping in view the position explained above, the instant appeal as well as the connected service appeal are accepted. The impugned order dated 26-02-2019 and 17-10-2019 are set aside. Respondents however are at liberty to proceed the appellant under General Proceedings by providing him appropriate opportunity of defense. Parties are left to bear their own costs. File be consigned to record room.

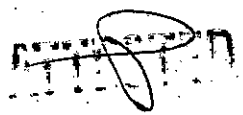
to record room.

ANNOUNCED
17.01.2022


(AHMAD SULTAN TAREEN)
CHAIRMAN


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

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F. Q. QURESHI
Khyber Pakhtunkhwa
Service Tribunal
Peshawar



Appeal No. 1405/2020



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ORDER
17.01.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Additional Advocate General for respondent present. Arguments heard and record perused.

Vide our detailed judgment of today, placed on file of service appeal bearing No. 647/2019 titled "Hidayat Ullah Versus Inspector General of Khyber Pakhtunkhwa Police Peshawar and others", the instant appeal is accepted. The impugned order dated 26-02-2019 and 17-10-2019 are set aside. Respondents however are at liberty to proceed the appellant under General Proceedings by providing him appropriate opportunity of defense. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
17.01.2022

(AHMAD SULTAN TAREEN)
CHAIRMAN

(ATIQU-UR-REHMAN WAZIR)
MEMBER (E)

Certified to be correct

Service Tribunal,
Peshawar

ATTESTED

Anx - E 21



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry (summary proceedings) against Constable Hidayat Ullah No. 881, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that his conduct is mysterious and ill-reputed. It was observed from secret source that he has contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.

ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separately.

iii. He while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.

iv. On perusal of his service record he has ill reputation, and is a stigma on Police department wherein he, caring a fig for, inspite of many violations of good order and discipline, earned worst name to the entire Police department. He is proved an official in police uniform working against the police.

For the above, serious / professional misconduct of the accused official, charge sheet alongwith statement of allegations was served upon the accused official. DSP Hqrs Kohat was appointed as enquiry officer to scrutinize the conduct of accused official. The Enquiry officer vide his report established contact of accused official with criminal gang beyond any shadow of doubt and strongly recommended him for Major Punishment. The accused official was held guilty of the charges leveled against him.

In view of the above, the accused official was served with Final Show Cause Notice to which he did not submit reply as he did not have any defense and relied on his reply to the charge sheet only.

The accused official was heard in person in Orderly Room held along DSP Hqrs at Police Lines and afforded opportunity of defense but he failed to submit any plausible explanation, have gone through the record, which transpires that the defaulter official has earned numerous bad entries in his credit, including punishments awarded to him on the charges of getting illegal gratification and mal-practices/misconduct. Previously, was charged in the above said allegations but he did not mend his way and awarded punishments. Therefore, on the available record and other source, I am satisfied that the charges leveled against the accused official are established beyond any shadow of doubt.

Abd
A.

RECEIVED

22

Therefore, in exercise of powers conferred upon me under the rules I, Capt. @ Wahid Mehmood, District Police Officer, Kohat impose a major punishment of dismissal from service on absent-accused constable Hidayat Ullan No. 881 with immediate effect who is absent vide DD.No.40 dated 27/10/19. Absence period may be treated as leave without pay, Kit etc issued be collected.

Announced
01.11.2019

DISTRICT POLICE OFFICER,
KOHAT

OB No. 13/R
Dated 04-11-19

No. 13/R-53 /PA dated Kohat the 11 2019.

- Copy of above is submitted for favour of information to the:-
1. Regional Police Officer, Kohat please
 2. ASP Saddar Kohat is hereby directed to proceed as per law against the defaulter constable through SHO Jarma
 3. Reader/Pay officer/SRC/OHC for necessary action.
 4. R./L.O for clearance report.

Attest

DISTRICT POLICE OFFICER,
KOHAT

Wahid Mehmood

RECEIVED (OH) 12/11/19

- ① Reversion
- ② Dismissed
- ③

Attest

Ab

ARRESTED

Annex - F

POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Hidayat Ullah No. 881 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 1392, dated 04.11.2019 whereby he was awarded major punishment of dismissal from service on the following allegations:-

- i. Conduct of the appellant was mysterious and ill-reputed which was verified from different sources and found indulged in facilitating criminals / notorious narcotics sellers / peddlers.
- ii. Audio recording with contacts and facilitating criminals has been obtained and saved separately.
- iii. During his posting at PS Shakar Dara, he misbehaved with an applicant and insulted him inside PS, video of which was also viral on social media. The same has defamed the image of Police.

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 on 13.02.2020. During hearing, he did not advance any plausible explanation in his defense to prove his innocence and just forwarded lame excuses.

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 E.O in his findings. Therefore, his appeal being devoid of merits is hereby rejected.

Order Announced
13.02.2020

Tayyab Hafeez
(TAYYAB HAFEEZ) PSP
95 Region Police Officer,
Kohat Region.

No. 2662 /EC, dated Kohat the 18 / 2 /2020.

Copy to District Police Officer, Kohat for information w/r to his office Letter No. 21248, dated 29.11.2019. His Service Roll & Fauji Missal / Enquiry File with Memory Card is returned herewith.

Tayyab Hafeez
(TAYYAB HAFEEZ) PSP
95 Region Police Officer,
Kohat Region.

Adar
Ab

[Signature]



Anx-G

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 3334 /20, dated Peshawar the 11/8/2020.

ORDER

This order is hereby passed to dispose of ~~Revision Petition under Rule 114A~~ of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Hidayat Ullah No. 881. The petitioner was dismissed from service by District Police Officer, Kohat vide OB No. 1392, dated 04.11.2019 on the following allegations:-

- (i) His conduct was mysterious and ill-reputed which was verified from secret source that he had contacts with criminals/notorious narcotics sellers/peddlers, and support/facilitate them in social crimes.
- (ii) Audio recording with contacts and facilitating criminals had been obtained and saved separately.
- (iii) During his posting at PS Shakardara, he misbehaved with an applicant and insulted him inside Police Station which was also viral on social media. The same has defamed the image of Police.
- (iv) On perusal of his service record he has ill reputation, and is a stigma on Police Department wherein he caring a fig for, inspite of may violations of good order and discipline, earned worst name to the entire Police Department.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 2662/EC, dated 18.02.2020.

Meeting of Appellate Board was held on 21.07.2020 wherein petitioner was heard in person. During hearing petitioner denied the allegations leveled against him.

The Board decided that de-novo enquiry proceeding be conducted and the petitioner is hereby re-instated in service for the purpose of de-novo enquiry. The authority shall conduct proper regular enquiry and decide the matter afresh on the basis of de-novo proceedings.

This order is issued with the approval by the Competent Authority.

Sd/-

DR. ISHTIAQ AHMED, PSP/PPM
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 3335-3341 /20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll, one Fauji Missal/Enquiry file and Memory Card of the above named FC received vide your office Memo: No. 4300/FC, dated 01.04.2020 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

(KASHIF ZULFIQAR) PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

25

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/3334/20 dated Peshawar the 11.8.2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule 1975 (Amended 2014) submitted by Ex FC Hidayat Ullah No.881. The petitioner was dismissed from service by District Police Officer, Kohat vide OB No.1392 dated 04.11.2019 on the following allegations:-

- (i) His conduct was mysterious and ill reputed which was verified from secret source that he had contacts with criminals/ notorious narcotics sellers/ peddlers, and support/ facilitate them in social crimes.
- (ii) Audio recording with contacts and facilitating criminals had been obtained and saved separately.
- (iii) During his posting at PS Shakadara, he misbehaved with an applicant and insulted him inside Police Station which was also viral on social media. The same has defamed the image of police.
- (iv) On perusal of his service record he has ill reputation, and is a stigma on police Department wherein he caring a fig for, inspite of may violations of good order and discipline, earned worst name to the entire police Department.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst No.2662/EC, dated 18.02.2020.

Meeting of Appellate Board was held on 21.07.2020 wherein petitioner was heard in person. During hearing petitioner denied the allegations levelled against him.

The board decided that de novo enquiry proceeding be conducted and the petitioner is hereby re instated in service for the purpose of de novo enquiry. The authority shall conduct proper regulam enquiry and decide the matter afresh on the basis of de novo proceedings.

This order is issued with the approval by the Competent Authority.

Sd/-

Dr. Ishtiaq Ahmed, PSP/ PPM
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/3335-3341/20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One service Roll one Fauji Missal/ Enquiry file and Memory Card of the above named FC received vide your office Meo No.4300/FC dated 01.04.2020 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/ Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/ HQrs: Khyber Pakhtunkhwa Peshawar.
5. PA to DIG/ HQrs, Khyber Pakhtunkhwa Peshawar.
6. PA to AIG /Legal, Khyber Pakhtunkhwa Peshawar.
7. Office Supdt:E-IV CPO Peshawar

Kashif Zulfiqar (PSP)
AIG/ Establishment

For Insepctor General of Police,
Khyber Pakhtunkhwa Peshawar.

[Handwritten signature]



26

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No. _____ /PA dated Kohat the 21 / 7 /2020

ORDER

In pursuance of Addl: Inspector General of Police HQrs, Khyber Pakhtunkhwa order No. S/ 3334 /20 dated 11.08.2020. Ex-Constable Hidayat Ullah No. 881 is hereby re-instated in service only for the purpose of Jenovo enquiry.


DISTRICT POLICE OFFICER,
KOHAT

OB No. _____

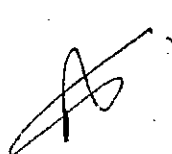
Dated _____ /2020

No. _____ /PA dated 25 / 8 /2020

Copy of above is submitted to the:-

1. Addl: Inspector General of Police, HQrs Peshawar w/r to his office order No. quoted above, please.
2. Regional Police Officer, Kohat w/r to his office Endst: No. 9108/EC dated 24.08.2020, please.
3. Line Officer/ Reader/ SRC/OHC /Pay Officer for necessary action.


DISTRICT POLICE OFFICER,
KOHAT

ACC


~~REGISTERED~~

Report for duty

27

پولیس لائن

تقدیر کا روزنامہ 26-8-20

مد = 12 حاضریت ملازمت سے یلایت اللہ 88111 مورخہ 26-8-20

وقت 12:15 بجے درج ہے کہ اپیلیٹ بورڈ GP آفس

CPO ایشاور نے مورخہ 7-20 سے سائل کو ملازمت پر

بکال کرنے اور DENOVO انکوٹریک کا حکم صادر کیا ہے

لہذا یہ یلایت اللہ 88111 کو الٹریک S/3334 مورخہ

26-8-20 دوبارہ ملازمت میں اپنے حاضریت کی رپورٹ کرتا

ہو DENOVO انکوٹریک درپیش ہے

Six

Forwarded.

جناب عالی

ذیل مطالب اصل ہے

Offr

MHC p-line

27-8-2020

L.O Kohat
27-8-2020

Att
F

[Signature]



No. 4239-40/PA

Office of the
District Police Officer,
Kohat

Dated 25-8-2020

CHARGE SHEET

I JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you Ex-Constable Hidayat Ullah No. 881 (now reinstated for the purpose of denovo enquiry) 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. That you after your re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.
- ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.
- iii. You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.
- iv. On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.

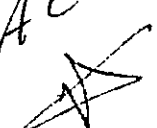
2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid, and have rendered yourself liable to all or any of the penalties specified in the Rule 04 of the Rules ibid.

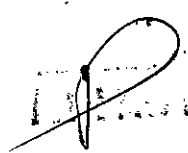
3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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

Atc






Office of the
District Police Officer,
Kohat

No. 4239-40DA

Dated 25-8-2020

DISCIPLINARY ACTION

1. **JAVED IOBAL, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Ex-Constable Hidayat Ullah No. 881 (now reinstated for the purpose of denovo enquiry)** 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. That you after your re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.
- ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.
- iii. You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.
- iv. On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SDPO Saddar, 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**

No. 4239-40/PA, dated 25-8-2020.

Copy of above is forwarded to:-

1. **SDPO Saddar, Kohat**:- For denovo departmental proceeding against the accused under the rules ibid.
2. **Accused Constable**:- The accused is directed to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.

Acc
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بحوالہ چارج شیٹ

بحوالہ چارج شیٹ مجاریہ پنجاب ڈسٹرکٹ پولیس آفیسر مورخہ 25-08-2020 نمبری 4239/40/PA موصولہ

1-09-2020 کی ہدایت معروض ہوں

جناب عالی!

(۱) یہ کہ بحوالہ چارج شیٹ من مسائل پر عائد کئے گئے الزامات غلط بے بنیاد اور تاج ثبوت ہیں جس میں کوئی حقیقت نہ ہے۔
(۲) یہ کہ من مسائل کا کسی گینگ کیساتھ تعلق نہ ہے اور یہ ہی کسی درج شدہ گینگ کے ساتھ کوئی تعلق یا واسطہ ہے۔ اور نہ ہی کسی گینگ کو جانتا ہوں۔

(۳) یہ کہ من مسائل کا کسی بھی کرٹیل ٹولوں کیساتھ کوئی تعلق یا واسطہ نہ ہے اور نہ ہی کسی قسم کا کوئی ثبوت من مسائل کی طرف ریکارڈ پر موجود ہے۔ جس سے یہ ثابت ہوتا ہو۔ کہ من مسائل کو کسی بھی کرٹیل یا گینگ سے تعلق ثابت ہوتا ہو۔ جبکہ من مسائل کو ایک سازش کے تحت ملوث کیا گیا ہے۔

(۴) یہ کہ بمطابق چارج شیٹ مذکورہ بالا کے فقرہ نمبر ۳ میں جو الزام عائد کیا گیا ہے۔ غلط اور بے بنیاد ہے جس میں ہر دو چارج شیٹ ہانے کے اجراء سے قبل حسب ضابطہ انکوائری کر کے جناب DPO صاحب کو ہاٹ نے فائل کیا ہے جسکی نقول لفظ ہے۔ جس میں مسائل کیخلاف کسی قسم کا کوئی ثبوت ریکارڈ پر موجود نہ ہے۔

(۵) یہ کہ بمطابق چارج شیٹ کے فقرہ نمبر ۴ میں جو الزام عائد کیا گیا ہے۔ بالکل غلط اور بے بنیاد ہے کیونکہ من مسائل کا 19 سال سروس ہے اور تمام تر سروس جنرل ڈیوٹی کی ہے۔ اور بدوران سروس کسی افسران بالا کو کسی قسم کی شکایت کا موقع نہیں دیا۔ اور بعد از پیش کرنے جملہ ثبوت بابت بے گناہی جناب DPO صاحب کے حضور پیش کئے۔ تو جملہ ثبوت کی بنیاد پر ایک عدد چھٹی انگریزی بحوالہ نمبر 21248/29-11-2019 صادر فرما کر جس میں مسائل کو جناب DPO صاحب نے بحالی کی شفا رشات تحریر کی ہے۔ جو کہ من مسائل کی بے گناہی کا قوی ثبوت ہے۔

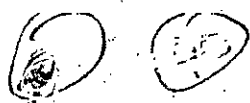
(۶) یہ من مسائل جملہ ثبوت بابت بے گناہی کی مد میں ذاتی شنوائی کا شرف حاصل کرنے کے بعد جملہ پیش کرنا چاہتا ہوں۔ لہذا استدعا کی جاتی ہے کہ من مسائل کیخلاف انکوائری کو بغیر مزید کارروائی کے فائل فرمایا جاوے۔

مورخہ 03/09/20

العارض

مسائل ہدایت اللہ بیلٹ نمبر 98/LHG حال متعینہ پولیس لائن کوہاٹ

DISTRICT POLICE OFFICER,
MOHAT



توالہ پروانہ نمبر 7261
20.9.2020

SDPO صدر سرگرمیہ ضلع حیدرآباد
بھارت

میں معلومات دستی کر کے مذکورہ پراسرار
نمبر حلن یا کسی قسم کی کرکٹ اسکاں کسارو
تقدعات نہ جائے گے۔ اس سلسلہ میں عدالت
حیدرآباد حاجی محمد اسحاق۔ عابد خان۔ محمد عظیم رفیق
مدت عبت ستر۔ دھم خان دلا ناظم۔ حاجی امین زرقان
مدت الزاد کے بیانات مفصل آگہند کے ہیں۔
جولف دھرم لہور ہے

MRS.
Si
23-09-2020

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Amx - H

32



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the de-novo enquiry against constable Hidayat Ullah No. 98 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that he after his re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. His conduct is mysterious and ill-reputed. It was observed from secret source that he has contacts with criminals / notorious narcotics sellers / paddlers, and support / facilitate them in social crimes.

- ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.
- iii. He while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.
- iv. On perusal of his service record he has ill reputed, a stigma on Police department and earned bad name to the entire department.

He was served with charge sheet & statement of allegations. SDPO Saddar, Kohat was appointed as enquiry officer to proceed against him departmentally. The enquiry report was received but the undersigned was not agreed. Hence SP Operations Kohat was appointed as enquiry officer to probed further into enquiry. The enquiry officer exonerated the accused constable from the charges leveled against him.

The accused official was called in OR and heard in person on 18.11.2020. He submitted a plausible explanation in his defense.

However, in view of the conduct of official I, Javed Iqbal, District Police Officer, Kohat in exercise of the powers conferred upon me, imposed upon him a minor punishment of Censure and warned to be careful in future. He is re-instated in service with immediate effect. The intervening period is treated as un - authorized leave without pay.

DISTRICT POLICE OFFICER,
KOHAT

OB No. 823
Date 23-11-2020
No 5905-08 /PA dated Kohat the 24-11-2020

- Copy of above is submitted for favor of information to the:-
1. Additional Inspector General of Police, HQrs Khyber Pakhtunkhwa, Peshawar w/r to his office Endst: No.S/3335-3341 dated 11.08.2020.
 2. Regional Police Officer, Kohat w/r to his office Endst: No. 9108/EC, dated 24.08.2020.
 3. Reader/SRC/OHC/Pay officer for necessary action.

DISTRICT POLICE OFFICER,

acc.
A

INFO

Anx-I



33

To

The Regional Police Officer (DIG),
Kohat Region, Kohat.

Subject: DEPARTMENTAL APPEAL AGAINST ORDER No. 5905-08/PA
DATED KOHAT THE 24-11-2020 PASSED BY DISTRICT POLICE
OFFICER, KOHAT.

Respected Sir,

With due respect appellant humbly submits as to the following;

1. That appellant has been serving in the Police Department. He has long service standing at his credit. He has been awarded numerous Commendation Certificates for his extra ordinary and brave services beyond the call of his duty.
2. That appellant was proceeded against departmentally for certain false allegations and was awarded punishment with confinement in quarter guard for fifteen (15) days vide Naqlemad No. 15 dated 10-10-2019.
3. That later on appellant was again proceeded on the same set of allegations and was awarded penalty of reduction in rank from the substantive rank of LHC to the rank of Foot Constable vide order OB No. 1249 dated 17-10-2019.
4. That being aggrieved from the aforesaid cited order, appellant filed departmental appeal before your kind honour which was not decided within statutory period therefore, appellant filed service appeal before the Hon'ble Khyber Pakhtunkhwa Service Tribunal which has been pending adjudication.
5. That the departmental immediate authority again forced the appellant to undergo departmental proceedings on the same set of allegations and after slipshod summary proceedings awarded appellant major penalty of dismissal from service vide DPO Kohat Order OB No. 1392 dated 04-11-2019.
6. That being aggrieved from the order cited above; appellant submitted departmental appeal before this office but the same was also rejected vide order No. 2662 dated 18-02-2020.
7. That being aggrieved from the order of this office (worthy DIG), appellant preferred revision petition before the worthy Inspector

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15/2/20

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ABC
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DISTRICT

General, Khyber Pakhtunkhwa under rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975.

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8. That the worthy Inspector General, Khyber Pakhtunkhwa placed the revision petition before the Revision Board and after examining the facts and circumstances of appellant's case reached to the conclusion that appellant is innocent and the charges leveled against him are totally baseless therefore, appellant was reinstated vide order No. S/3335-3341/20 dated 11-08-2020, however, the competent authority was directed to conduct proper regular inquiry and decide the matter afresh on the basis of denovo proceedings.
9. That in pursuance of the order of the worthy Addl. Inspector General, Khyber Pakhtunkhwa appellant was reinstated for the purpose of denovo inquiry vide order dated 25-08-2020. Appellant assumed his charge of duties on 27-08-2020.
10. That the competent authority in pursuance of the afore cited order (worthy DPO, Kohat) initiated denovo proceedings and served the appellant with charge sheet and statement of allegations dated 25-08-2020.
11. That inquiry was conducted and appellant was proved innocent of the whole of the charges.
12. That it is pertinent to mention here that the worthy DPO, Kohat being not satisfied with the recommendations of the inquiry officer again appointed another inquiry officer for conducting second inquiry on the same set of allegations.
13. That appellant was again proved innocent and the whole of the charges were declared by the inquiry officer as baseless and concocted and recommended that appellant be reinstated with all back benefits.
14. That in spite of the recommendation of both the inquiry officers as discussed above, the worthy DPO, Kohat without serving the appellant with any sort of show cause notice upon the appellant, imposed a minor penalty of censure and warned to be careful in future vide order No. 5905-08 dated 24-11-2020. Appellant was reinstated in service and the intervening period was treated as unauthorized leave without pay.
15. That appellant now being aggrieved of the impugned order dated 24-11-2020, preferred the instant departmental appeal inter alia on the following grounds;
 - A. That the penal authority has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan, 1973. Moreover the act of the respondents amounts to exploitations, which is the violation of Article 3 of the Constitution, 1973. Appellant has been subjected to continuous

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harassment. He was subjected to undergo continuous departmental proceedings on the same subject matter. Appellant was exonerated by two consecutive inquiries from all the charges leveled against him, but the penal authority ignored the recommendations of the inquiry officer and awarded punishment to the extent of Censure and treating the interval period in between the dismissal and re-instatement as leave without pay, which has caused huge financial loss to the appellant.

- B. That appellant has been subjected to numerous continuous departmental inquiries on the same set of accusation which is against the well known principle of law "Double Jeopardy" and against the spirit and provision of Article 13 of the Constitution of Pakistan, 1973.
- C. That section 16 of the Civil Servant Act, 1973 provide that every civil servant is liable for prescribed disciplinary action in accordance with prescribed procedure. In the instant case no prescribed procedure has been adopted therefore, the impugned penal order is nullity in the eyed of law and liable to be set aside.
- D. That the penal order is not a speaking order for the reason that no solid and legal grounds have been given by the penal authority in support of his penal order. On this score the impugned order is liable to be set aside.
- E. That as per proviso of section 17 of the Civil Servant Act, 1973, the penal authority while set aside the order of dismissal or removal are under legal obligation to award the delinquent official back benefits for the period a civil servant remained out of service, but the penal authority ignored the mandatory provision of law and not only denied the arrears of pay but also treated the interval period in between the dismissal and re instatement as leave without pay and that too without the support of any legal reason.
- F. That appellant would like to seek the permission of Your Kind Honour for award of personal hearing. Appellant may kindly be granted the opportunity of personal hearing.

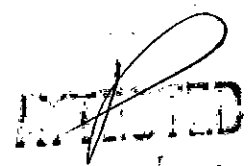
In view of the above explained position and on acceptance of the instant departmental appeal, Your Honour may graciously be pleased to set aside the impugned penal order dated 24-11-2020 of the worthy DPO, Kohat and re-instate the appellant with all back benefits.

Appellant may kindly be granted opportunity of personal hearing.


 Hidayat Ullah
 Constable No.881, /98
 Police Force, Kohat.
 Cell#0333-9637449

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POLICE DEPTT:

KOHAT REGION

ORDER

36

This order will dispose of a departmental appeal, moved by Constable Hidayat Ullah No. 98 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 823, dated 24.11.2020 whereby he was awarded minor punishment of Censure and the intervening period was treated as unauthorized leave during denove enquiry on the charged mentioned below:-

- i. Conduct of the appellant was mysterious and ill-reputed which was verified from different sources and found indulged in facilitating criminals / notorious narcotics sellers / peddlers.
- ii. Audio recording with contacts and facilitating criminals has been obtained and saved separately.
- iii. During his posting at PS Shakar Dara, he misbehaved with an applicant and insulted him inside PS, video of which was also viral on social media. The same has defamed the image of Police.

Comments were requisitioned from DPO Kohat and his service record was perused. He was also heard in person in Orderly Room, held on 27.01.2021. During hearing, he did not advance any plausible explanation.


I have gone through the available record and reached to the conclusion that a lenient view has already been taken by the competent authority while passing the impugned order. Therefore, the appeal being devoid of merits is hereby rejected.

Order Announced
27.01.2021


(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

No. 1600 /EC, dated Kohat the 4/2 /2021.

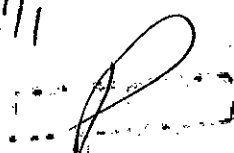
Copy to District Police Officer, Kohat for information and necessary action w/r to his office Memo: No. 18464/LB, dated 30.12.2020. His Service Record & Fauji Missal is returned herewith.


(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

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Ank-K

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**BEFOR THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL No. 3439 /2021

Hidayat Ullah
Constable No.881,
Police Force, Kohat.

..... Appellant

Versus

1. The Regional Police Officer,
Kohat Region Kohat.
2. The District Police Officer,
Kohat.

..... Respondents

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the impugned Final order of the respondent No.1 End: No.1600/EC, dated Kohat the 04-02-2021, wherein he rejected the departmental appeal of the appellant preferred against the order passed by respondent No.2 vide OB No.823 dated 24-11-2020, wherein he awarded minor punishment of censure and the intervening period was treated as unauthorized leave.

Prayer in Appeal:-

On acceptance of the instant service appeal, this Hon'ble Tribunal may graciously be pleased to:-

1. **Declare the impugned order of the respondent No.1 End: No.1600/EC, dated Kohat the 04-02-2021 and impugned order of respondent No.2 vide OB No.823 dated 24-11-2020 as illegal, unlawful and without lawful authority;**
2. **Set aside both the impugned orders and re-instate the appellant with all back benefits including the counting of intervening period as period on active duty.**

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3. Any other relief deemed appropriate in the circumstances of the case not specifically asked for may also be graciously granted.

Respectfully Sheweth,

The concise facts giving rise to the present Service Appeal are as under:-

1. That appellant is the employee of police force, Kohat. He has long service standing at his credit. He has been awarded numerous Commendation Certificates for his extra ordinary and brave services beyond the call of his duty (Annexure-A).
2. That appellant was proceeded against departmentally for certain false allegations and was awarded punishment with confinement in quarter guard for fifteen (15) days vide Naqleamad No. 15 dated 10-10-2019 (Annexure-B). (P/15)
3. That later on appellant was again proceeded on the same set of allegations and was awarded penalty of reduction in rank from the substantive rank of LHC to the rank of Foot Constable vide order OB No. 1249 dated 17-10-2019 and that too during confinement period (Annexure-C). (P/15)
4. That being aggrieved from the aforesaid cited order, appellant filed departmental appeal before respondent No.1 which was not decided within statutory period therefore, appellant filed service appeal before the Hon'ble Khyber Pakhtunkhwa Service Tribunal which has been pending adjudication (Annexure-D) (P/17-31) Service Appeal # 1405/2020
5. That respondent No.2 again forced the appellant to undergo departmental proceedings on the same set of allegations and after slipshod summary proceedings awarded appellant major penalty of dismissal from service vide DPO Kohat Order OB No. 1392 dated 04-11-2019 (Annexure-E). (P/32-33)

decided on 17/1/2021 accepted.

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6. That being aggrieved from the order cited above; appellant submitted departmental appeal before respondent No.1 but the same was also rejected vide order No. 2662 dated 18-02-2020 (Annexure-F)./34

7. That being aggrieved from the order No. 2662 dated 18-02-2020 of the worthy respondent No.1, appellant preferred revision petition before the worthy Inspector General, Khyber Pakhtunkhwa under rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975.

8. That respondent No.1 (worthy Inspector General, Khyber Pakhtunkhwa) placed the revision petition before the Revision Board and after examining the facts and circumstances of appellant's case reached to the conclusion that appellant is innocent and the charged leveled against him are totally baseless therefore, appellant was reinstated vide order No. S/3335-3341/20 dated 11-08-2020. However, the competent authority was directed to conduct proper regular inquiry and decide the matter afresh on the basis of denovo proceedings (Annexure-G). (19/35-41)

Re-instated

9. That in pursuance of the order of the worthy Addl. Inspector General, Khyber Pakhtunkhwa appellant was reinstated for the purpose of denovo inquiry vide order dated 25-08-2020. Appellant assumed his charge of duties on 27-08-2020.

Re-instated for purpose of inquiry

10. That the competent authority in pursuance of the afore cited order (worthy DPO, Kohat) initiated denovo proceedings and served the appellant with charge sheet and statement of allegations dated 25-08-2020.

charge sheet
Summary of allegations

11. That inquiry was conducted and appellant was proved innocent of the whole of the charges. (inquiry report attached)

12. That it is pertinent to mention here that the worthy DPO, Kohat being not satisfied with the recommendations of the inquiry officer again

REFUSED

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appointed another inquiry officer for conducting second inquiry on the same set of allegations.

13. That appellant was again proved innocent and the whole of the charges were declared by the inquiry officer as baseless and concocted and recommended that appellant be reinstated with all back benefits.

14. That in spite of the recommendation of both the inquiry officers as discussed above, the worthy DPO, Kohat without serving the appellant with any sort of show cause notice upon the appellant imposed a minor penalty of censure and warned to be careful in future vide order No. 5905-08 dated 24-11-2020. Appellant was reinstated in service and the intervening period was treated as unauthorized leave without pay (Annexure-H). (01/42)

impugned order of reinstatement

15. That being aggrieved from the aforesaid order appellant preferred departmental appeal before the respondent No.2 (Annexure-I), which is now been rejected vide order dated 04-02-2021 (Annexure-J). (01/43-45)

↓ (01/46)

16. That appellant now being aggrieved of the both the impugned orders of respondent No.1 End: No.1600/EC, dated Kohat the 04-02-2021 and impugned order of respondent No.2 vide OB No.823 dated 24-11-2020 files the instant Service Appeal inter alia on the following grounds:

A. That the penal authority has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan, 1973. Moreover the act of the respondents amounts to exploitations, which is the violation of Article 3 of the Constitution, 1973. Appellant has been subjected to continuous harassment. He was subjected to undergo continuous departmental proceedings on the same subject matter. Appellant was exonerated by two consecutive inquiries from all the charges leveled against him, but the penal authority ignored the recommendations of the inquiry officer and awarded punishment to the extent of Censure

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and treating the interval period in between the dismissal and reinstatement as leave without pay, which has caused huge financial loss to the appellant.

B. That appellant has been subjected to numerous continuous departmental inquiries on the same set of accusation which is against the well known principle of law "Double Jeopardy" and against the spirit and provision of Article 13 of the Constitution of Pakistan, 1973.

C. That section 16 of the Civil Servant Act, 1973 provide that every civil servant is liable for prescribed disciplinary action in accordance with prescribed procedure. In the instant case no prescribed procedure has been adopted therefore, the impugned penal order is nullity in the eyed of law and liable to be set aside.

D. That number of departmental inquiries were conducted by the respondents, but prosecution failed to bring an iota of evidence against the appellant to substantiate their baseless accusation/allegations even in spite of the fact that appellant was not associated with inquiry proceedings and even was not confronted with accusation. Final show cause was not served and no inquiry report was provided, which is mandatory in nature and spirit and the denial thereof is the denial of justice, fair play and equity.

E. That appellant has been condemned unheard being deprived of the right personal hearing.

✓ F. Accused is stated to be a favorite child of law and he is presumed to be innocent unless proved otherwise and the benefit of doubt always goes to the accused and not to the prosecution as it is for the prosecution to stand on its own legs by proving all allegations to the hilt against the accused. Mere conjectures and presumption, however strong, could not be made a ground for removal from service of civil servant [1999 PLC (CS) 1332 (FST)]...... Unless and until prosecution

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proves accused guilty beyond any shadow of doubt, he would be considered innocent [1983 PLC (CS) 152 (FST)].

Back benefits

G. That Re-instated employee would be entitled to back benefits as a matter of course unless employer is able to establish by cogent evidence that concerned employee had been gainfully employed elsewhere. In this respect, initial burden would lie upon the employer and not upon the employee to prove that such employee was gainfully employed during period of termination from his service. 2010 TD (Labour) 41.

Back benefit.

H. That Civil servant who was dismissed from service through arbitrary and whimsical action of the government functionaries and re instated through judicial order of Service Tribunal would have every right to recover arrears of salaries by way of back benefits due to them during the period of their dismissal and re instatement. It would be very unjust and harsh to deprive them of back benefits for the period for which they remained out of job without any fault on their part and were not gainfully employed during that period.....Supreme Court allowing their appeal and directing payment of back benefits to the appellant. 2006 T D (SERVICE) 551 (a).

Back benefits.

I. That the penal order is not a speaking order for the reason that no solid and legal grounds have been given by the penal authority in support of his penal order. On this score the impugned order is liable to be set aside.

J. That as per proviso of section 17 of the Civil Servant Act, 1973, the penal authority while set aside the order of dismissal or removal are under legal obligation to award the delinquent official back benefits for the period a civil servant remained out of service, but the penal authority ignored the mandatory provision of law and not only denied the arrears of pay but also treated the interval period in between the dismissal and re instatement as leave without pay and that too without the support of any legal reason.

Back benefits.

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K. That appellant would like to seek the permission of Your Kind Honoure for award of personal hearing. Appellant may kindly be granted the opportunity of personal hearing.

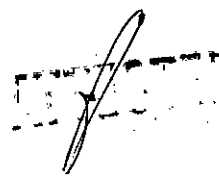


Appellant

Through

Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

Dated: ___/___/2021



ANXL

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.**

ORDER

44

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Constable Hidayat Ullah No. 881/98. The applicant was dismissed from service by District Police Officer, Kohat vide OB No.1392, dated 04.11.2019 on the following allegation:-

- (i) His conduct is mysterious and ill-reputed which was verified from secret source that he had contacts with criminals/notorious notorious sellers/peddlers, and support/facilitate them in social crimes.
- (ii) Audio recording with contacts and facilitating criminals had been obtained and saved separately.
- (iii) During his posting at Police Station Shakardara, he misbehaved with an applicant and insulted him inside Police Station which was also viral on social media. The same has defamed the image of Police.
- (iv) On perusal of his service record he has ill reputed, a stigma on Police Department and earned bad name to the entire Department.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 2662/EC, dated 18.02.2020. His revision petition was discussed in Appellate Board meeting 21.07.2020 wherein the board re-instated him for the purpose of de-novo enquiry. De-novo enquiry was conducted and he was awarded minor punishment of censure and intervening period was treated as un-authorized leave without pay by District Police Officer, Kohat vide OB No.823, dated 23.11.2020.

Meeting of Appellate Board was held on 26.01.2022 wherein petitioner was heard in person. Petitioner contended that he is innocent.

Keeping in view his long service of 20 years, 07 months & 20 days, the Board decided that the intervening period is hereby treated as leave of kind due, if any on his credit.

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

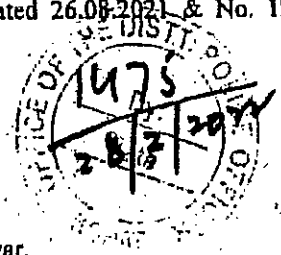
No. 3566/18c
25/02/2022
No. SI 281-90

PO/Kohat
Recd & F. M. No. 10594/sle
Returned with
for your office record
s/r to his office
24.8.2021

No. SI 281-90, dated Peshawar, the 22/02 2022.

Copy of the above is forwarded to the:

- 1. Regional Police Officer, Kohat. One Service Roll and one Fauji Missal of the above named FC received vide your office Memo: No. 13369/EC, dated 26.08.2021 & No. 12272/EC, dated 05.08.2021 is returned herewith for your office record.
- 2. District Police Officer, Kohat.
- 3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
- 4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
- 5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
- 7. Office Supdt: E-IV CPO Peshawar.



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District Police Officer
Kohat

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(IRFANTARIQ) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

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POLICE
KOHAT

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14.04.2023

Appellant alongwith his counsel present.

Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

Former made a request for adjournment in order to prepare the brief. Adjourned. To come up for arguments on 29.05.2023 before D.B. Parcha Peshi given to the parties.



45A

Mutazem Shah

(Fareeha Paul)
Member (E)

(Rozina Rehman)
Member (J)

29th May, 2023

1. Learned counsel for appellant present. Mr. Muhammad Jan, District Attorney for respondents present.

2. When confronted with the situation by the learned District Attorney that the Appellate Board had modified the impugned order and the intervening period was treated as leave of the kind due if any on his credit, the learned counsel wants to make two applications one for amendment in the appeal and another to implead Inspector General of Police, Khyber Pakhtunkhwa as party. He may do so within two days. If applications are moved within two days, both of the same shall be deemed to have been allowed subject to limitation and restrictions/objections of the other side thereby permitting the appellant to file amended appeal within next five days. Copy of the same be handed over to the learned District Attorney/respondents, who are at liberty to file comments/amended comments but a week before the next date. The next date in the matter is 22.08.2023 before D.B for arguments. P.P given to the parties.

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Mutazem Shah

(Muhammad Akbar Khan)
Member (E)

(Kalim Arshad Khan)
Chairman

45

بعدالت جناب سروس ٹریبونل پشاور

B.C : 05-1046
 PH : 0332-9931676

2023ء پنجاب

مراتب اللہ بنام حکومت

موزعہ
 مقدمہ
 دعویٰ
 رقم

باعث تحریر آنگہ

مقدمہ بند رجسٹرڈ انبالانس اپنی طرف سے واسطے پیروی و جواب دہی وکیل کارروائی متعلقہ
 آج کے مقام پشاور کیلئے اعتراف علی حثت / راجسٹرڈ اور

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کابل اختیار ہوگا۔ نیز
 وکیل صاحب کو رضی نامہ کرنے و تقرر ثالثیت و فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بلا ضرورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی 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 کسی دہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا سہولت
 و اخذ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ درجائے 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 سندر ہے۔

Accepted by *[Signature]*

الرتوم 6/06/2023

Accepted by *[Signature]*

15-11-20
 B.C : 05-1046
 0332-9931676

پشاور

BEFOR THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL No. 3439/2021

Khyber Pakhtunkhwa Service Tribunal

Diary No. 3312

Dated 02/3/2021

Hidayat Ullah
Constable No.881,
Police Force, Kohat.

..... Appellant

Versus

1. **The Regional Police Officer,**
Kohat Region Kohat.
2. **The District Police Officer,**
Kohat.

..... Respondents

Service Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the impugned Final order of the respondent No.1 End: No.1600/EC, dated Kohat the 04-02-2021, wherein he rejected the departmental appeal of the appellant preferred against the order passed by respondent No.2 vide OB No.823 dated 24-11-2020, wherein he awarded minor punishment of censure and the intervening period was treated as unauthorized leave.

Prayer in Appeal:-

Filed to-day
Registrar
02/03/2021

On acceptance of the instant service appeal, this Hon'ble Tribunal may graciously be pleased to:-

1. Declare the impugned order of the respondent No.1 End: No.1600/EC, dated Kohat the 04-02-2021 and impugned order of respondent No.2 vide OB No.823 dated 24-11-2020 as illegal, unlawful and without lawful authority;
2. Set aside both the impugned orders and re-instate the appellant with all back benefits including the counting of intervening period as period on active duty.

Re-submitted
to-day 02/03/2021
filed.

3. Any other relief deemed appropriate in the circumstances of the case not specifically asked for may also be graciously granted.

Respectfully Sheweth,

The concise facts giving rise to the present Service Appeal are as under:-

1. That appellant is the employee of police force, Kohat. He has long service standing at his credit. He has been awarded numerous Commendation Certificates for his extra ordinary and brave services beyond the call of his duty (Annexure-A).
2. That appellant was proceeded against departmentally for certain false allegations and was awarded punishment with confinement in quarter guard for fifteen (15) days vide Naqlemad No. 15 dated 10-10-2019 (Annexure-B).
3. That later on appellant was again proceeded on the same set of allegations and was awarded penalty of reduction in rank from the substantive rank of LHC to the rank of Foot Constable vide order OB No. 1249 dated 17-10-2019 and that too during confinement period (Annexure-C).
4. That being aggrieved from the aforesaid cited order, appellant filed departmental appeal before respondent No.1 which was not decided within statutory period therefore, appellant filed service appeal before the Hon'ble Khyber Pakhtunkhwa Service Tribunal which has been pending adjudication (Annexure-D)
5. That respondent No.2 again forced the appellant to undergo departmental proceedings on the same set of allegations and after slipshod summary proceedings awarded appellant major penalty of dismissal from service vide DPO Kohat Order OB No. 1392 dated 04-11-2019 (Annexure-E).

6. That being aggrieved from the order cited above; appellant submitted departmental appeal before respondent No.1 but the same was also rejected vide order No. 2662 dated 18-02-2020 (Annexure-F).
7. That being aggrieved from the order No. 2662 dated 18-02-2020 of the worthy respondent No.1, appellant preferred revision petition before the worthy Inspector General, Khyber Pakhtunkhwa under rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975.
8. That respondent No.1 (worthy Inspector General, Khyber Pakhtunkhwa) placed the revision petition before the Revision Board and after examining the facts and circumstances of appellant's case reached to the conclusion that appellant is innocent and the charges leveled against him are totally baseless therefore, appellant was reinstated vide order No. S/3335-3341/20 dated 11-08-2020, however, the competent authority was directed to conduct proper regular inquiry and decide the matter afresh on the basis of denovo proceedings (Annexure-G).
9. That in pursuance of the order of the worthy Addl. Inspector General, Khyber Pakhtunkhwa appellant was reinstated for the purpose of denovo inquiry vide order dated 25-08-2020. Appellant assumed his charge of duties on 27-08-2020.
10. That the competent authority in pursuance of the afore cited order (worthy DPO, Kohat) initiated denovo proceedings and served the appellant with charge sheet and statement of allegations dated 25-08-2020.
11. That inquiry was conducted and appellant was proved innocent of the whole of the charges.
12. That it is pertinent to mention here that the worthy DPO, Kohat being not satisfied with the recommendations of the inquiry officer again

appointed another inquiry officer for conducting second inquiry on the same set of allegations.

13. That appellant was again proved innocent and the whole of the charges were declared by the inquiry officer as baseless and concocted and recommended that appellant be reinstated with all back benefits.
14. That in spite of the recommendation of both the inquiry officers as discussed above, the worthy DPO, Kohat without serving the appellant with any sort of show cause notice upon the appellant imposed a minor penalty of censure and warned to be careful in future vide order No. 5905-08 dated 24-11-2020. Appellant was reinstated in service and the intervening period was treated as unauthorized leave without pay (Annexure-H).
15. That being aggrieved from the aforesaid order appellant preferred departmental appeal before the respondent No.2 (Annexure-I), which is now been rejected vide order dated 04-02-2021 (Annexure-J).
16. That appellant now being aggrieved of the both the impugned orders of respondent No.1 End: No.1600/EC, dated Kohat the 04-02-2021 and impugned order of respondent No.2 vide OB No.823 dated 24-11-2020 files the instant Service Appeal inter alia on the following **grounds**:
 - A. That the penal authority has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan, 1973. Moreover the act of the respondents amounts to exploitations, which is the violation of Article 3 of the Constitution, 1973. Appellant has been subjected to continuous harassment. He was subjected to undergo continuous departmental proceedings on the same subject matter. Appellant was exonerated by two consecutive inquiries from all the charges leveled against him, but the penal authority ignored the recommendations of the inquiry officer and awarded punishment to the extent of Censure

and treating the interval period in between the dismissal and reinstatement as leave without pay, which has caused huge financial loss to the appellant.

- B. That appellant has been subjected to numerous continuous departmental inquiries on the same set of accusation which is against the well known principle of law "Double Jeopardy" and against the spirit and provision of Article 13 of the Constitution of Pakistan, 1973.
- C. That section 16 of the Civil Servant Act, 1973 provide that every civil servant is liable for prescribed disciplinary action in accordance with prescribed procedure. In the instant case no prescribed procedure has been adopted therefore, the impugned penal order is nullity in the eyed of law and liable to be set aside.
- D. That number of departmental inquiries were conducted by the respondents, but prosecution failed to bring an iota of evidence against the appellant to substantiate their baseless accusation/allegations even in spite of the fact that appellant was not associated with inquiry proceedings and even was not confronted with accusation. Final show cause was not served and no inquiry report was provided, which is mandatory in nature and spirit and the denial thereof is the denial of justice, fair play and equity.
- E. That appellant has been condemned unheard being deprived of the right personal hearing.
- F. Accused is stated to be a favorite child of law and he is presumed to be innocent unless proved otherwise and the benefit of doubt always goes to the accused and not to the prosecution as it is for the prosecution to stand on its own legs by proving all allegations to the hilt against the accused. Mere conjectures and presumption, however strong, could not be made a ground for removal from service of civil servant [1999 PLC (CS) 1332 (FST)]..... Unless and until prosecution

proves accused guilty beyond any shadow of doubt, he would be considered innocent [1983 PLC (CS) 152 (FST)].

- G. That Re-instated employee would be entitled to back benefits as a matter of course unless employer is able to establish by cogent evidence that concerned employee had been gainfully employed elsewhere. In this respect, initial burden would lie upon the employer and not upon the employee to prove that such employee was gainfully employed during period of termination from his service. 2010 TD (Labour) 41.

- H. That Civil servant who was dismissed from service through arbitrary and whimsical action of the government functionaries and re instated through judicial order of Service Tribunal would have every right to recover arrears of salaries by way of back benefits due to them during the period of their dismissal and re instatement. It would be very unjust and harsh to deprive them of back benefits for the period for which they remained out of job without any fault on their part and were not gainfully employed during that period.....Supreme Court allowing their appeal and directing payment of back benefits to the appellant. 2006 T D (SERVICE) 551 (a).

- I. That the penal order is not a speaking order for the reason that no solid and legal grounds have been given by the penal authority in support of his penal order. On this score the impugned order is liable to be set aside.

- J. That as per proviso of section 17 of the Civil Servant Act, 1973, the penal authority while set aside the order of dismissal or removal are under legal obligation to award the delinquent official back benefits for the period a civil servant remained out of service, but the penal authority ignored the mandatory provision of law and not only denied the arrears of pay but also treated the interval period in between the dismissal and re instatement as leave without pay and that too without the support of any legal reason.

K. That appellant would like to seek the permission of Your Kind Honoure for award of personal hearing. Appellant may kindly be granted the opportunity of personal hearing.



Appellant

Through

Asl → 7/10

Ashraf Ali Khattak
Advocate,
Supreme Court of Pakistan

Dated: ___/___/2021

8

**BEFOR THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

SERVICE APPEAL No. ____/2021

Hidayat Ullah
Constable No.881,
Police Force, Kohat..... **Appellant**


Versus

1. **The Regional Police Officer,**
Kohat Region Kohat.
2. **The District Police Officer,**
Kohat.

.....**Respondents**

AFFIDAVIT

I, **Hidayat Ullah** Constable No.881, Police Force, Kohat , 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 Court.


Depoñent

Anx-A (9)

DISTRICT KOHAT POLICE



Commendation Certificate III
is awarded to

LHC. Hidayat Ullah No. 881

In recognition of

For his good performance in case FIR No. 358 dated 18-03-2019

u/s 302 PS City with cash reward of Rs. 300/-

O.B. No. 421

Dated 03-04-2019

D. P. KOHAT
District Police Officer
Kohat

ATC

19

DISTRICT KOHAT POLICE



Commendation Certificate III
is awarded to

LtAC Hidayat Ullah No. 881

In recognition of

Good performance in case FIR NO. 918

dt: 25-12-2017 U/s 506/365/511/34 PPC Ps MR

Cash Reward Rs. 500/-

O.B. No. 41

Dated 9.1.18.

Mujib ul
District Police Officer
District Police Officer

(H)

DISTRICT KOHAT POLICE



Commendation Certificate III
is awarded to

Handwritten signature and initials

LEO Hidayat Ullah No. 881

In recognition of

His performance during Duty

Cash Reward Rs. 300/-

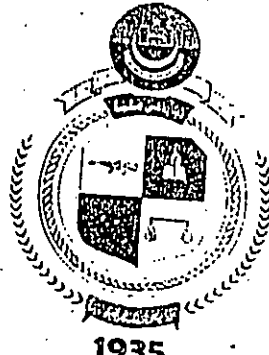
O.B No. 1126

Dated 12-12-2013

District Police Officer
Kohat

Handwritten signature

POLICE TRAINING COLLEGE HANGU



1935

Commendation Certificate II

is awarded to

Hadayatullah 881 of Lower Course with Cash Rs. 300/-

in recognition of

His good performance of duty

Dated: 27-08-2012

Order Book No. 714

Commandant
Police Training College Hangu

24

17
19

(13)

DISTRICT KOHAT POLICE



Commendation Certificate III
is awarded to

IMC Hidayat Ullah No. 881

In recognition of

His performance during duty

Cash Award Rs. 300/-

O.B No. 1126

Dated

District Police Officer
Kohat

ACC
AO

POLICE TRAINING COLLEGE HANGU



1935

Commendation Certificate II


is awarded to

Mohiyatullah *881* of Lower Course with Cash Rs. 300.

in recognition of

his good performance of duty

Dated: 27-08-2012
Order Book No. 714


Commandant
Police Training College Hangu

Atc -
A

پ. اے. اے

تعداد 15 روزانہ 3 د 10/19

اسی/لو اطلاع 10/19 صبح 10:00 بجے اس وقت
ایئر ٹریننگ کیمپ کے بند رہنے سے کارڈ کی اطلاع دی، اس بات پر
4- DP0 سے اس بات پر ایئر ٹریننگ کیمپ کے بند رہنے کو کارڈ پر 15/15
کرنے کی اطلاع دینے کے لئے ایئر ٹریننگ کیمپ کے بند رہنے کے

پ. اے. اے

تعداد 15 روزانہ 3 د

AMT - Line - MT

10 - 10 - 19

10 - 10 - 19

Sir

Forwarded

[Signature]

Asi/Lo - Line - MT

10 - 10 - 19

ATC

[Signature]

Anx - C

16



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order will dispose of departmental proceedings initiated against LHC Hidayat Ullah No. 881 (hereinafter called **accused official**) of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).


Facts of the proceedings are that it was noticed through reliable source that the accused official had links with a notorious criminal gang known as Tapoo gang Nusrat Khel. The information was confront through different source and CDR of the accused official, which was pursued and proved. Therefore the accused official was served with Show Cause Notice under the rules Ibid. Reply submitted by the accused official received and found unsatisfactory.

The links / involvement of the accused official was also confront through secret probe, which transpires that the accused official contacted the gang and asked to pressurize the Police through different source from restricting to Police legal action against them (Gang) further proved that the accused official being member of a disciplined department supported the criminal gang in narcotics dealing for his personal gang and committed gross professional misconduct. Therefore, the accused official is stigma on Police department.

Record gone through, which transpires that the accused official is ill-reputed, awarded different kind of punishments, but he does not minds his way and indulged himself in illegal activities. Further, the charge/allegation leveled against him has been established beyond any shadow of doubt.

Being ill-reputed and previous conduct of the accused official, I, Capt. @ Wahid Mehmood, District Police Officer, Kohat in exercise of powers conferred upon me under the rules ibid, dispense with general proceedings and a punishment of reversion from the rank of LHC to the substantive rank of Foot Constable is imposed on accused official Hidayat Ullah No. 881 with immediate effect. His seniority be fixed as junior most of Foot Constables of the district Police.

Announced
17.10.2019


DISTRICT POLICE OFFICER,
KOHAT
17/10

OB No. 1294
Dated 17-10-2019

No. 33067-71 /PA dated Kohat the 17-10-2019.

- Copy of above for necessary action to the:-
1. Reader/Pay officer/SRC/OHC for necessary action.
 2. R.I/L.O.
 3. Accused official

ATC
A

Anx-D

17

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2020

Ex-LHC Hidayat Ullah No-881 R/o Togh Bala Kohat

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.

(Respondent)

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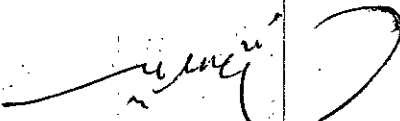
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	Wakalatnama		

{ Application for amendment }


Appellant

Through

Date 3/2/2020


Syed Mudasir Pirzada
Advocate HC
0345-9645854

Att-


(18)

BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2020

Ex-LHC Hidayat Ullah No-881 R/o Togh Bala Kohat

(Appellant)

VERSUS

1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
3. DISTRICT POLICE OFFICER KOHAT.

(Respondent)

APPEAL UNDER SECTION 4 OF KPK SERVICE TRIBUNAL ACT AGAINST THE IMPUGNED ORDER OF DPO KOHAT VIDE DATED 17-10-2019, OB NO:-1294 IN WHICH WITHOUT ENQUIRING THE ALLEGATIONS DIRECTLY IMPOSED THE PUNISHMENT OF REVERSION FROM THE RANK OF LHC TO SUBTANTIVE RANK OF FOOT CONSTABLE AND THE APPELLANT SENIORITY BE FIXED AS JUNIOR MOST FOOT CONSTABLE WITH IMMEDIATE EFFECT.

Respectfully Sheweth,

With great veneration the instant appeal is preferred by the appellant on the following grounds:-

Facts:

Briefly facts are that the appellant while serving in department the respondent No-3 blessed with the impugned order upon the allegation as mentioned in the impugned order are that it was noticed through reliable source that the appellant had links with a notorious criminal gang known as Tapoo Gang of Nusrat Khel and the information was confronted through different sources and CDR of the appellant which pursued and proved (Copy of Impugned order dated 17-10-2019 is annexed as annexure A)

That upon the above mentioned allegation the appellant was served with the show cause notice on dated 09-10-2019 and the respondent No-3 demanded that the reply of the show cause notice be submitted with in one hour (Copy of show cause notice & reply is annexed as annexure B)

ABC
[Signature]

That the appellant was not served with the charge sheet along with Disciplinary action and the bias ness of the respondent No-3 is proved from the perusal of the charge sheet that there is difference in the allegation (Copy of Charge Sheet and Disciplinary Action dated 17-10-2019 is annexed as annexure C)

That the appellant submitted the reply to the show cause notice but the same was not consider hence the impugned order were issued felling aggrieved from the impugned order the appellant prefer departmental representation dated 14-11-2019 which was till now not consider nor entertain.(Copy annexed departmental representation is annexed as annexure D)

That the high ups /officers were satisfied with the performance of the appellant and the appellant was awarded a cash rewards (Copy annexed as annexure E)

That upon the reply to show cause notice the appellant was served with the charge sheet ,Disciplinary Action as per impugned order and without providing the opportunity of submitting the reply the appellant has been awarded punishment.

That the appellant never ever involve with any gang nor the respondent No-3 has evidence to prove the allegation just on the personal biasness the appellant was blessed with impugned punishment order as well as register a criminal case (Copy of FIR is annexed as annexure F) .

That the appellant is very dedicated keen and apprehensive towards his assign duty but this factor has not been appreciated while at time of awarding the impugned order.

That the appellant is very dedicated keen and apprehensive towards his assign duty but this factor has not been appreciated while appellant was blessed with impugned order.

That the appellant feeling aggrieved from the impugned order having no alternate remedy except this honourable tribunal on the following grounds:-

Grounds:-

1. That the allegations never practice by the appellant and there is nothing on record which connect the appellant with the allegation.
2. That the appellant always earned the good name for department and pot ray a excellent image towards the public.
3. That it is the settle principle of justice that no one should be condemn un heard but in the case of appellant no enquiry has been conducted to enquire the allegation .

Atc
AA


- 4. That again an unjust has been done with the appellant by not giving ample opportunity of cross examination as well as not heard in person nor properly enquired the allegation. Just on the basis of source relying held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).
- 5. That nothing has been proved beyond any shadow of doubt that the appellant has committed any mentioned allegation which tarnished the image of Police department.
- 6. That while awarding the impugned order none from the general public was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant.
- 7. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.
- 8. That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.
- 10:- That the respondent No-3 has acted whimsically and arbitrary, which is apparent from the impugned order.
- 11:-That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.
- 12:-That the impugned order is outcome of surmises and conjecture.

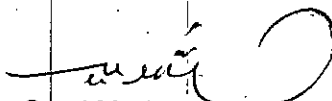
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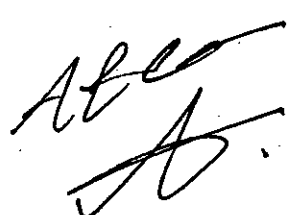
In the view of above circumstances it is humbly prayed that the impugned order of DPO Kohat may please be set aside for the end of justice and the appellant may please be graciously restored to rank of LHC as before the order of punishment with all back benefits.

Date: 3/2/2020

Through


Appellant


Syed Mudasir Pirzada
Advocate HC
0345-9645854



Certificate:-

Certified that no such like appeal has earlier been filed in this Hon able Service tribunal as per instruction of my client .

List of Books

- 1:- Constitution of Pakistan 1973
- 2:- Police Rules
- 3:- Case Law according to need.

Abd
A.

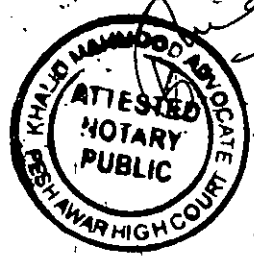
BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2020

AFFIDAVIT

I, Syed Mudasir Pirzada Advocate, as per instruction of my client do here by solemnly affirm and declare that all the contents of accompanying service appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this honourable Tribunal

[Handwritten Signature]
3-2-2020
Advocate



BEFORE THE KHYBER PAKHTOON KHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal _____ 2020

Ex-LHC Hidayat Ullah No-881 R/o Togh Bala Kohat

(Appellant)

VERSUS

- 1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
- 2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
- 3. DISTRICT POLICE OFFICER KOHAT. (Respondent)

ADDRESS OF THE PARTIES

APPELLANT :-

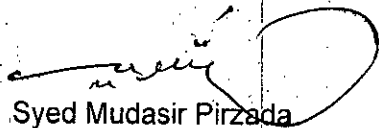
Ex-LHC Hidayat Ullah No-881 R/o Togh Bala Kohat

RESPONDENTS

- 1. INSPECTOR GENERAL OF KPK POLICE PESHAWAR.
- 2. DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT
- 3. DISTRICT POLICE OFFICER KOHAT.


Appellant

Through


Syed Mudasir Pirzada
Advocate HC
0345-9645854

Date 3/2/2020



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

ORDER

This order will dispose of departmental proceedings initiated against LHC Hidayat Ullah No. 881 (hereinafter called **accused official**) of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Facts of the proceedings are that it was noticed through reliable source that the accused official had links with a notorious criminal gang known as Tapoo gang Nusrat Khel. The information was confront through different source and CDR of the accused official, which was pursued and proved. Therefore the accused official was served with Show Cause Notice under the rules Ibid: Reply submitted by the accused official received and found unsatisfactory.

The links / involvement of the accused official was also confront through secret probe, which transpires that the accused official contacted the gang and asked to pressurize the Police through different source from restricting to Police legal action against them (Gang) further proved that the accused official being member of a disciplined department supported the criminal gang in narcotics dealing for his personal gang and committed gross professional misconduct. Therefore, the accused official is stigma on Police department.

Record gone through, which transpires that the accused official is ill-reputed, awarded different kind of punishments, but he does not minds his way and indulged himself in illegal activities. Further, the charge/allegation leveled against him has been established beyond any shadow of doubt.

Being ill-reputed and previous conduct of the accused official, I, Capt. @ Wahid Mehmood, District Police Officer, Kohat in exercise of powers conferred upon me under the rules ibid, dispense with general proceedings and a punishment of reversion from the rank of LHC to the substantive rank of Foot Constable is imposed on accused official Hidayat Ullah No. 881 with immediate effect. His seniority be fixed as junior most of Foot Constables of the district Police.

Announced

17.10.2019


DISTRICT POLICE OFFICER,
KOHAT

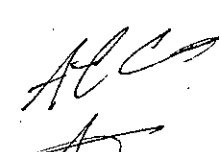
OB No. 1294
Dated 17-10-2019

No. 33067-71 / PA dated Kohat the 17-10-2019.

- Copy of above for necessary action to the:-
1. Reader/Pay officer/SRC/OHC for necessary action.
 2. R./L.O.
 3. Accused official

9-10-2019-501
cor

17-10-2019
order of
reversion



OFFICE OF THE DISTRICT POLICE OFFICER KOHAT

SHOW CAUSE NOTICE

(Under Rule 5(3) KPK Police Rules, 1975)

1. That You LHC Hidayat Ullah No. 881 Police Lines Kohat have rendered yourself liable to be proceeded under Rule 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014) for following misconduct:
You have involved yourself to prove as Tapoo Gangs informer and more so you told them how to conspire against Police/pressure Police to get their narcotics business run like old times, which shows your inefficiency and professional gross misconduct on your part.
2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good Police officers.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by awarding ~~the kind of punishment~~ provided in the rules.
6. You are, therefore, called upon to Show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) for the misconduct referred to above.
7. You should submit reply to this show cause notice within 07 days of the receipt of the notice, failing which ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

No. 50000 / PA

DISTRICT POLICE OFFICER,

Dated 09-10-2019

KOHAT

Atc
A

SCN No. 603/2019

OFFICE OF THE DISTRICT POLICE OFFICER KOHAT
SHOW CAUSE NOTICE
(Under Rule 5(3) KPK Police Rules, 1975)

1. That you LHC Hidayat Ullah no.881 Police Lines Kohat have rendered yourself liable to be proceeded under Rule 5(3) of the Khyber Pakhtunkhwa, Police Rules 1975 (Amendment 2014) for following misconduct.
 - i. You have involved yourself to prove as Tapoo Gangs informer and more so you told them not to conspire against police pressurize police to get their narcotics business run like old times, which shows your inefficiency and professional gross misconduct on your part.
2. That by reason of above, as sufficient material is placed before the undersigned, therefore it is decided to proceed against you in general Police proceeding without aid of enquiry officer.
3. That the misconduct on your part is prejudicial to good order of discipline in the Police force.
4. That your retention in the Police force will amount to encourage in efficient and unbecoming of good police officers.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposed stern action against you by awarding (sic) provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police rules, 1975 (Amended 2014) for the misconduct referred to above.
7. You should submit reply to this show cause notice within 7 days of the receipt of the notice failing which an ex parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.
9. Grounds of action are also enclosed with this notice.

NO 30000/PA
Dated 09.10.2019

District Police Officer,
Kohat

تہا عالی

جولاء شوکار ٹوٹس جاریہ حساب DPo صاحب کو خط

میری 30800/PA حوض 9¹⁰/₁₉ کی بابت معروضی خدمت میں

(1) یہ کہ جو الزامات مخالف شوکار ٹوٹس جاریہ میں بد خدمت
من سائل LHe لگائے گئے ہیں۔ بالکل بے بنیاد ہیں اور کسی قسم
کی کوئی حقیقت نہ ہے

(2) یہ کہ من سائل LHe نہ تو کسی قسم کے گینڈ کیسٹو تعلق ہے
اور نہ ہی درج شدہ گینڈ کو جانتا ہوں۔

(3) یہ کہ من سائل LHe ہمیشہ ایسی ڈیوٹی ادا اندازی اور آفسران بالہ LHe
کی بدانت کے مخالف سر انجام دی ہے اور من سائل LHe کا
برائے میں ملوث اشخاص کیسٹو کوئی تعلق یا واسطہ نہ ہے
لہذا اس پر درج شدہ الزامات مخالف شوکار ٹوٹس مذکورہ

کا کوئی ثبوت ریکارڈ پر نہ ہے۔ جو الزامات کو ثابت کرنے
لہذا استدعا ہے کہ سائل LHe کو جاری شدہ شوکار ٹوٹس کو
قابل کرنے کے احکامات ہمارے قمار و شکر فرمائیں

سائل بدانت اللہ 881
LHe متفقہ طور سے اس کو ہٹ

17¹⁰/₀₁₉

Atc
Ab.



No. 33072-73/PA

Office of the
District Police Officer,
Kohat

Dated 17-10/2019

CHARGE SHEET

I, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendment, 2014) 1975, am of the opinion, that you **Constable Hidayat Ullah No. 881** 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. *Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.*
- ii. *In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.*
- iii. *You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.*
- iv. *On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.*

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 07days 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

AEC

AB



Office of the
District Police Officer,
Kohat

No. 33072-73/PA

Dated 17-10-2019

DISCIPLINARY ACTION


I, **CAPT @ WAHID MEHMOOD, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **Constable Hidayat Ullah No. 881** 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. *Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.*
- ii. *In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.*
- iii. *You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.*
- iv. *On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.*

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SDPO HQrs 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 33072/PA

No. 33072-73/PA, dated 17-10 /2019.

Copy of above to:-

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



(29)

BEFORE THE DEPUTY INSPECTOR GENERAL OF POLICE KOHAT REGION KOHAT

SUBJECT: APPEAL AGAINST THE IMPUGNED ORDER OF DPO KOHAT VIDE DATED 17-10-2019, OB NO:-1294 IN WHICH WITHOUT ENQUIRING THE ALLEGATIONS DIRECTLY IMPOSED THE PUNISHMENT OF REVERSION FROM THE RANK OF LHC TO SUBTANTIVE RANK OF FOOT CONSTABLE AND THE APPELLANT SENIORITY BE FIXED AS JUNIOR MOST FOOT CONSTABLE WITH IMMEDIATE EFFECT .

Respectfully Sheweth,

With great veneration the instant departmental representation is preferred by the appellatant on the following grounds:-

Facts:

Briefly facts as per impugned order are that it was noticed through reliable source that the accused official had links with a notorious criminal gang known as Tapoo gang Nusrat Khel ,on the basis of above allegation the appellatant was served with the show cause notice on dated 09-10-2019 and reply was submitted on the same day as per the order of DPO Kohat (Copy of Impugned order is annexed along with show cause notice & reply)

That as per the allegation mentioned in the show cause notice are that

You have involved your self to prove as Tapoo Gang informer and more sou you told them how to conspire against police /pressurize police to get their narcotics business run like old times which shows your in efficiency and professional gross misconduct on your part.

That upon the reply to show cause notice the appellatant was served with the charge sheet ,Disciplinary Action as per impugned order and without providing the opportunity of submitting the reply the appellatant has been awarded punishment.

That the appellatant never ever involve with any gang nor the DPO Kohat has evidence to prove the allegation just on the personal biasness the appellatant was blessed with impugned punishment order .

That the appellatant is very dedicated keen and apprehensive towards his assign duty but this factor has not been appreciated while at time of awarding the Impugned order.

That the appellatant feeling aggrieved from the impugned order and submit the representation on the following grounds:-

ABC
AB.

Grounds:-

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1. That the allegations never practice by the appellant and there is nothing on record which connect the appellant with the allegation.
2. That the appellant always earned the good name for department and potray a excellent image towards the public.
3. That it is the settle principle of justice that no one should be condem un heard but in the case of appellant no enquiry has been conducted to enquire the allegation .
4. That the DPO Kohat due to personal biasness issued show cause notice on 09-10-2019 and the reply was ordered to submit with one hour and the appellant had obliged the order and submitted the same and the charge sheet was issued on 17-10-2019 in which already it has been mentioned that with seven days the reply should submitted but on same day impugned order was issued (Copy of Charge sheet is annexed)
5. That the DPO Kohat conducted all the adverse departmental proceedings against the appellant in hasty manner which is proved through the perusal of charge sheet and show cause notice and there is difference in the allegation mentioned in the show cause notice and charge sheet etc.
6. That again an unjust has been done with the appellant by not giving ample opportunity of cross examination as well as not heard in person nor properly enquired the allegation. Just on the basis of source relying held guilty the appellant without following the prescribed rules relating to enquiry proceedings as per Police Rules 1975 (amended 2014).
7. That nothing has been proved beyond any shadow of doubt that the appellant has committed any mentioned allegation which tarnished the image of Police department.
8. That while awarding the impugned order none from the general public was examined in support of the charges leveled against the appellant. No allegation mentioned above are practiced by the appellant nor proved against any cogent reason against the appellant.
9. That the appellant is honest and dedicated one and leave no stone unturned to discharge his duties.

That as per universal declaration of human rights 1948 prohibits the arbitral / discretion.

Atk
St.

10. That the DPO Kohat has acted whimsically and arbitrary, which is apparent from the impugned order.

11:-That the impugned order is not based on sound reasons and same is not sustainable in the eyes of law. The same is based on wrong assumption of facts.

12:-That the impugned order is outcome of surmises and conjecture.

Pray:

In the view of above circumstances it is humbly prayed that the impugned order of DPO Kohat may please be set aside for the end of justice and the appellant may please be graciously restored the rank as before the order of punishment with all back benefits.

Date: 14/11/2019

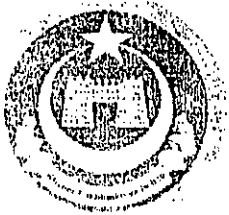
(Appellant)



Ex-LHC Hidayat Ullah

No-881





OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the departmental enquiry (summary proceedings) against Constable Hidayat Ullah No. 881, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that his conduct is mysterious and ill-reputed. It was observed from secret source that he has contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.

ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separately.

iii. He while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.

iv. On perusal of his service record he has ill reputation, and is a stigma on Police department wherein he, caring a fig for, in spite of many violations of good order and discipline, earned worst name to the entire Police department. He is proved an official in police uniform working against the police.

For the above, serious / professional misconduct of the accused official, charge sheet along with statement of allegations was served upon the accused official. DSP HQrs Kohat was appointed as enquiry officer to scrutinize the conduct of accused official. The Enquiry officer vide his report established contact of accused official with criminal gang beyond any shadow of doubt and strongly recommended him for Major Punishment. The accused official was held guilty of the charges leveled against him.

In view of the above, the accused official was served with Final Show Cause Notice to which he did not submit reply as he did not have any defense and relied on his reply to the charge sheet only.

The accused official was heard in person in Orderly Room held along DSP Hqrs at Police Lines and afforded opportunity of defense but he failed to submit any plausible explanation, have gone through the record, which transpires that the defaulter official has earned numerous bad entries in his credit, including punishments awarded to him on the charges of getting illegal gratification and mal-practices/misconduct. Previously, was charged in the above said allegations but he did not mend his way and awarded punishments. Therefore, on the available record and other source, I am satisfied that the charges leveled against the accused official are established beyond any shadow of doubt.

Adc
A.

Attended
by

Adc
A.

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Therefore, in exercise of powers conferred upon me under the rules I, Capt. @ Wahid Mehmood, District Police Officer, Kohat impose a major punishment of **dismissal** from service on absent-accused constable Hidayat Ullan No. 881 with immediate effect who is absent vide DD.No.40 dated 27/10/19. Absence period may be treated as leave without pay, Kit etc issued be collected.

Announced
01.11.2019

DISTRICT POLICE OFFICER,
KOHAT

OB No. 13/R
Dated 04-11-19

No. 1308-SS /PA dated Kohat the 04-11-2019

Copy of above is submitted for favour of information to the:-

1. Regional Police Officer. Kohat please
2. ASP Saddar Kohat is hereby directed to proceed as per law against the defaulter constable through SHO Jarma
3. Reader/Pay officer/SRC/OHC for necessary action.
4. R./L.O for clearance report

Attest

DISTRICT POLICE OFFICER,
KOHAT

Wahid Mehmood

RECEIVED OCT 19 2019

Attest
AB

Anx-F

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POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by Ex-Constable Hidayat Ullah No. 881 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 1392, dated 04.11.2019 whereby he was awarded major punishment of dismissal from service on the following allegations:-

- i. Conduct of the appellant was mysterious and ill-reputed which was verified from different sources and found indulged in facilitating criminals / notorious narcotics sellers / peddlers.
- ii. Audio recording with contacts and facilitating criminals has been obtained and saved separately.
- iii. During his posting at PS Shakar Dara, he misbehaved with an applicant and insulted him inside PS, video of which was also viral on social media. The same has defamed the image of Police.

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 on 13.02.2020. During hearing, he did not advance any plausible explanation in his defense to prove his innocence and just forwarded lame excuses.

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 E.O in his findings. Therefore, his appeal being devoid of merits is hereby rejected.

Order Announced
13.02.2020

Attended
any
JH Ce
(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

No. 2662 /EC, dated Kohat the 18 /2020.

Copy to District Police Officer, Kohat for information w/r to his office Letter No. 21248, dated 29.11.2019. His Service Roll & Fauji Missal / Enquiry File with Memory Card is returned herewith.

JH Ce
(TAYYAB HAFEEZ) PSP
Region Police Officer,
Kohat Region.

Ad
A



Anx-G

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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 3334 /20, dated Peshawar the 11/8/2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Hidayat Ullah No. 881. The petitioner was dismissed from service by District Police Officer, Kohat vide OB No. 1392, dated 04.11.2019 on the following allegations:-

- (i) His conduct was mysterious and ill-reputed which was verified from secret source that he had contacts with criminals/notorious narcotics sellers/peddlers, and support/facilitate them in social crimes.
- (ii) Audio recording with contacts and facilitating criminals had been obtained and saved separately.
- (iii) During his posting at PS Shakardara, he misbehaved with an applicant and insulted him inside Police Station which was also viral on social media. The same has defamed the image of Police.
- (iv) On perusal of his service record he has ill reputation, and is a stigma on Police Department wherein he caring a fig for, inspite of may violations of good order and discipline, earned worst name to the entire Police Department.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 2662/EC, dated 18.02.2020.

Meeting of Appellate Board was held on 21.07.2020 wherein petitioner was heard in person. During hearing petitioner denied the allegations leveled against him.

The Board decided that de-novo enquiry proceeding be conducted and the petitioner is hereby re-instated in service for the purpose of de-novo enquiry. The authority shall conduct proper regular enquiry and decide the matter afresh on the basis of de-novo proceedings.

This order is issued with the approval by the Competent Authority.

Sd/-

DR. ISHTIAQ AHMED, PSP/PPM
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 3335-3341 /20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll, one Fauji Missal/Enquiry file and Memory Card of the above named FC received vide your office Memo: No. 4300/EC, dated 01.04.2020 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

Handwritten signature/initials

(KASHIF ZULFIQAR) PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.**

No. S/3334/20 dated Peshawar the 11.8.2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkwha Police Rule 1975 (Amended 2014) submitted by Ex FC Hidayat Ullah No.881. The petitioner was dismissed from service by District Police Officer, Kohat vide OB No.1392 dated 04.11.2019 on the following allegations:-

- (i) His conduct was mysterious and ill reputed which was verified from secret source that he had contacts with criminals/ notorious narcotics sellers/ peddlers, and support/ facilitate them in social crimes.
- (ii) Audio recording with contacts and facilitating criminals had been obtained and saved separately.
- (iii) During his posting at PS Shakadara, he misbehaved with an applicant and insulted him inside Police Station which was also viral on social media. The same has defamed the image of police.
- (iv) On perusal of his service record he has ill reputation, and is a stigma on police Department wherein he caring a fig for, inspite of may violations of good order and discipline, earned worst name to the entire police Department.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst No.2662/EC, dated 18.02.2020.

Meeting of Appellate Board was held on 21.07.2020 wherein petitioner was heard in person. During hearing petitioner denied the allegations levelled against him.

The board decided that de novo enquiry proceeding be conducted and the petitioner is hereby re instated in service for the purpose of de novo enquiry. The authority shall conduct proper regulam enquiry and decide the matter afresh on the basis of de novo proceedings.

This order is issued with the approval by the Competent Authority.

Sd/-

Dr. Ishtiaq Ahmed, PSP/ PPM
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/3335-3341/20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One service Roll one Fauji Missal/ Enquiry file and Memory Card of the above named FC received vide your office Meo No.4300/FC dated 01.04.2020 is returned herewith for your office record.
2. District Police Officer, Kohat.
3. PSO to IGP/ Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/ HQrs: Khyber Pakhtunkwha Peshawar.
5. PA to DIG/ HQrs , Khyber Pakhtunkwha Peshawar.
6. PA to AIG /Legal, Khyber Pakhtunkwha Peshawar.
7. Office Supdt:E-IV CPO Peshawar

Kashif Zulfiqar (PSP)
AIG/ Establishment
For Insepctor General of Police,
Khyber Pakhtunkwha Peshawar.



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OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No. _____ /PA dated Kohat the _____ / 2020

ORDER

In pursuance of Addl. Inspector General of Police HQrs, Khyber Pakhtunkhwa order No. S/ 3334 /20 dated 11.08.2020. Ex-Constable Hidayat Ullah No. 881 is hereby re-instated in service only for the purpose of denovo enquiry.


DISTRICT POLICE OFFICER,
KOHAT


OB No. _____

Dated _____ /2020

No. _____ /PA dated _____ -2020

- Copy of above is submitted to the:-
1. Addl. Inspector General of Police, HQrs Peshawar w/r to his office order No. quoted above, please.
 2. Regional Police Officer, Kohat w/r to his office Endst: No. 9108/EC dated 24.08.2020, please.
 3. Line Officer/ Reader/ SRC/OHC /Pay Officer for necessary action.


DISTRICT POLICE OFFICER,
KOHAT

AEC


ضلع کوٹلی

(37)

(دفعہ)

پولیس لائن

تفصیلاً روزنامہ 26-8-20

عد = 12 حاضریت ملازمت یدایت اللہ 8811 مورخہ 26-8-20 وقت
 وقت 12:15 بجے درج ہے کہ اپیل کے بورڈ GP آفس
 CPO لٹا اور نے مورخہ 7-7-20 سے سائل کو ملازمت پر
 بحال کرنے اور DENOVOC انکو ٹرک کا حکم صادر کیا ہے
 لہذا یہ یدایت اللہ 8811 کو الہ لٹریٹ S/3334 مورخہ
 8-11-20 دوبارہ ملازمت میں آئے حاضریت کے رپورٹ کرتا
 ہوں DENOVOC انکو ٹرک درپیش ہے

جناب عالی

ذیل ملاحظہ فرمائیے

[Signature]

MIAC p-line

27-8-2020

Six

Forwarded.

[Signature]

LO line Kohat.

LO Kchat
27-8-2020

Att

[Signature]



No. 4934-40/PA

Office of the
District Police Officer,
Kohat

Dated: 25-8-/2020

CHARGE SHEET

I JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you Ex-Constable Hidayat Ullah No. 831 (now reinstated for the purpose of denovo enquiry) 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. That you after your re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.
- ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.
- iii. You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.
- iv. On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.

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 04 of the Rules-ibid.

3. You are, therefore, required to submit your written statement within 07days 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

Acc
★



(39) (2)

Office of the
District Police Officer,
Kohat

No. 4239-40/PA

Dated 25-8-2020

DISCIPLINARY ACTION

1. I, **JAVED IQBAL, DISTRICT POLICE OFFICER, KOHAT**, as competent authority, am of the opinion that you **Ex-Constable Hidayat Ullah No. 881 (now reinstated for the purpose of denovo enquiry)** 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. That you after your re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.
- ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.
- iii. You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.
- iv. On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SDPO Sadder, 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**

No. 4239-40/PA, dated 25-8-2020.

Copy of above is forwarded to:-

1. **SDPO Sadder, Kohat**:- For denovo departmental proceeding against the accused under the rules ibid.
2. **Accused Constable**: The accused is directed to appear before the Enquiry officer, on the date, time and place fixed by the enquiry officer, for the purpose of enquiry proceedings.

Acc
[Signature]

بحوالہ چارج شیٹ

40

بحوالہ چارج شیٹ مجاریہ صاحب ڈسٹرکٹ پولیس آفیسر مورخہ 25-08-2020 نمبری 4239/40/PA موصولہ

1-09-2020 کی بابت معروض ہیں

جناب عالی!

(۱) یہ کہ بحوالہ چارج شیٹ من مسائل پر عائد کئے گئے الزامات غلط بے بنیاد اور متاج ثبوت ہیں جس میں کوئی حقیقت نہ ہے۔
(۲) یہ کہ من مسائل کا کسی گینگ کیساتھ تعلق نہ ہے اور یہ ہی کسی درج شدہ گینگ کے ساتھ کوئی تعلق یا واسطہ ہے۔ اور نہ ہی کسی گینگ کو جانتا ہوں۔

(۳) یہ کہ من مسائل کا کسی بھی کریمنل کوئی تعلق یا واسطہ نہ ہے اور نہ ہی کسی قسم کا کوئی ثبوت من مسائل کی طرف ریکارڈ پر موجود ہے۔ جس سے یہ ثابت ہوتا ہو۔ کہ من مسائل کو کسی بھی کریمنل یا گینگ سے تعلق ثابت ہوتا ہو۔ جبکہ من مسائل کو ایک سازش کے تحت ملوث کیا گیا ہے۔

(۴) یہ کہ بمطابق چارج شیٹ مذکورہ بالا کے فقرہ نمبر ۳ میں جو الزام عائد کیا گیا ہے۔ غلط اور بے بنیاد ہے جس میں ہر دو چارج شیٹ ہائے کے اجراء سے قبل حسب ضابطہ انکوائری کر کے جناب DPO صاحب کو ہاٹ نے فائل کیا ہے جسکی نقول لف ہے۔ جس میں مسائل کی خلاف کسی قسم کا کوئی ثبوت ریکارڈ پر موجود نہ ہے۔

(۵) یہ کہ بمطابق چارج شیٹ کے فقرہ نمبر ۳ میں جو الزام عائد کیا گیا ہے۔ بالکل غلط اور بے بنیاد ہے کیونکہ من مسائل کا 19 سال سروس ہے اور تمام تر سروس جنرل ڈیوٹی کی ہے۔ اور بدوران سروس کسی افسران بالا کو کسی قسم کی شکایت کا موقع نہیں دیا۔ اور بعد از پیش کرنے جملہ ثبوت بابت بے گناہی جناب DPO صاحب کے حضور پیش کئے۔ تو جملہ ثبوت کی بنیاد پر ایک عدد چھٹی انگریزی بحوالہ نمبر 2019-11-29/21248 صادر فرما کر جس میں مسائل کو جناب DPO صاحب نے بحالی کی شفا رشتہ تحریر کی ہے۔ جو کہ من مسائل کی بے گناہی کا قوی ثبوت ہے۔

(۶) یہ من مسائل جملہ ثبوت بابت بے گناہی کی مد میں ذاتی شنوائی کا شرف حاصل کرنے کے بعد جملہ پیش کرنا چاہتا ہوں۔ لہذا استدعا کی جاتی ہے کہ من مسائل کی خلاف انکوائری کو بغیر مزید کارروائی کے فائل فرمایا جاوے۔

مورخہ: 03/09/20

العارض

مسائل ہدایت اللہ بیلٹ نمبر 98/LHC حال متعینہ پولیس لائن کوہاٹ

Ate
A.

DISTRICT POLICE OFFICER,
KOHAT

کوالہ پورہ نم 7261

20-9-2020

SDPO صدر سرکل سہیل پورہ

جاریہ، سید نسیم کے والدین کے متعلق

مذکورہ میں معلومات دستی کر کے مذکورہ بیانات اللہ

نذر حلین یا یا کسی قسم کی کرکسٹل اشخاص کیسے

تقدیمات نہ پائے گئے۔ اس سلسلہ میں عذر کے

حسرتان حاجی محمد اسحاق، عابد خان، محمد عظیم رفیق

مک عبت سبز، دھم خان دہا ناظم، حاجی اسحاق خان

مک اللہ کے بیانات مفصل آگے لکھے ہیں

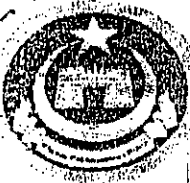
جولف ڈیویڈ لہور ہے

Si MRS.
23-09-2020

ACC -
[Signature]

Anx - H

(48)



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order is passed on the de-novo enquiry against constable Hidayat Ullah No. 98 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that he after his re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. His conduct is mysterious and ill-reputed. It was observed from secret source that he has contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.

- ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.
- iii. He while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.
- iv. On perusal of his service record he has ill reputed, a stigma on Police department and earned bad name to the entire department.

He was served with charge sheet & statement of allegations, SDPO Saddar, Kohat was appointed as enquiry officer to proceed against him departmentally. The enquiry report was received but the undersigned was not agreed. Hence SP Operations Kohat was appointed as enquiry officer to probed further into enquiry. The enquiry officer exonerated the accused constable from the charges leveled against him.

The accused official was called in OR and heard in person on 18.11.2020. He submitted a plausible explanation in his defense.

However, in view of the conduct of official I, Javed Iqbal, District Police Officer, Kohat in exercise of the powers conferred upon me, imposed upon him a minor punishment of Censure and warned to be careful in future. He is re-instated in service with immediate effect. The intervening period is treated as un - authorized leave without pay.


DISTRICT POLICE OFFICER,
KOHAT

OB No. 823
Date 23-11-2020

No 5905-08 /PA dated Kohat the 24-11-2020.

- Copy of above is submitted for favor of information to the:-
1. Additional Inspector General of Police HQrs Khyber Pakhtunkhwa, Peshawar w/r to his office Endst: No.S/3335-3341 dated 11.08.2020.
 2. Regional Police Officer, Kohat w/r to his office Endst: No. 9108/EC, dated 24.08.2020.
 3. Reader/SRC/OHC/Pay officer for necessary action.


DISTRICT POLICE OFFICER,



Anx-I

(42)

To

The Regional Police Officer (DIG),
Kohat Region, Kohat.

Subject: DEPARTMENTAL APPEAL AGAINST ORDER No. 5905-08/PA
DATED KOHAT THE 24-11-2020 PASSED BY DISTRICT POLICE
OFFICER, KOHAT.

Respected Sir,

With due respect appellant humbly submits as to the following;

1. That appellant has been serving in the Police Department. He has long service standing at his credit. He has been awarded numerous Commendation Certificates for his extra ordinary and brave services beyond the call of his duty.
2. That appellant was proceeded against departmentally for certain false allegations and was awarded punishment with confinement in quarter guard for fifteen (15) days vide Naqlemad No. 15 dated 10-10-2019.
3. That later on appellant was again proceeded on the same set of allegations and was awarded penalty of reduction in rank from the substantive rank of LHC to the rank of Foot Constable vide order OB No. 1249 dated 17-10-2019.
4. That being aggrieved from the aforesaid cited order, appellant filed departmental appeal before your kind honour which was not decided within statutory period therefore, appellant filed service appeal before the Hon'ble Khyber Pakhtunkhwa Service Tribunal which has been pending adjudication.
5. That the departmental immediate authority again forced the appellant to undergo departmental proceedings on the same set of allegations and after slipshod summary proceedings awarded appellant major penalty of dismissal from service vide DPO Kohat Order OB No. 1392 dated 04-11-2019.
6. That being aggrieved from the order cited above; appellant submitted departmental appeal before this office but the same was also rejected vide order No. 2662 dated 18-02-2020.
7. That being aggrieved from the order of this office (worthy DIG), appellant preferred revision petition before the worthy Inspector

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15/2/20

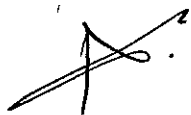
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A.

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General, Khyber Pakhtunkhwa under rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975.

8. That the worthy Inspector General, Khyber Pakhtunkhwa placed the revision petition before the Revision Board and after examining the facts and circumstances of appellant's case reached to the conclusion that appellant is innocent and the charges leveled against him are totally baseless therefore, appellant was reinstated vide order No. S/3335-3341/20 dated 11-08-2020, however, the competent authority was directed to conduct proper regular inquiry and decide the matter afresh on the basis of denovo proceedings.
9. That in pursuance of the order of the worthy Addl. Inspector General, Khyber Pakhtunkhwa appellant was reinstated for the purpose of denovo inquiry vide order dated 25-08-2020. Appellant assumed his charge of duties on 27-08-2020.
10. That the competent authority in pursuance of the afore cited order (worthy DPO, Kohat) initiated denovo proceedings and served the appellant with charge sheet and statement of allegations dated 25-08-2020.
11. That inquiry was conducted and appellant was proved innocent of the whole of the charges.
12. That it is pertinent to mention here that the worthy DPO, Kohat being not satisfied with the recommendations of the inquiry officer again appointed another inquiry officer for conducting second inquiry on the same set of allegations.
13. That appellant was again proved innocent and the whole of the charges were declared by the inquiry officer as baseless and concocted and recommended that appellant be reinstated with all back benefits.
14. That in spite of the recommendation of both the inquiry officers as discussed above, the worthy DPO, Kohat without serving the appellant with any sort of show cause notice upon the appellant imposed a minor penalty of censure and warned to be careful in future vide order No. 5905-08 dated 24-11-2020. Appellant was reinstated in service and the intervening period was treated as unauthorized leave without pay.
15. That appellant now being aggrieved of the impugned order dated 24-11-2020, preferred the instant departmental appeal inter alia on the following grounds:
 - A. That the penal authority has not treated the appellant in accordance with law, rules and policy on the subject and acted in violation of Article 4 of the Constitution of Pakistan, 1973. Moreover the act of the respondents amounts to exploitations, which is the violation of Article 3 of the Constitution, 1973. Appellant has been subjected to continuous

ATC



(45)

harassment. He was subjected to undergo continuous departmental proceedings on the same subject matter. Appellant was exonerated by two consecutive inquiries from all the charges leveled against him, but the penal authority ignored the recommendations of the inquiry officer and awarded punishment to the extent of Censure and treating the interval period in between the dismissal and re-instatement as leave without pay, which has caused huge financial loss to the appellant.

- B. That appellant has been subjected to numerous continuous departmental inquiries on the same set of accusation which is against the well known principle of law "Double Jeopardy" and against the spirit and provision of Article 13 of the Constitution of Pakistan, 1973.
- C. That section 16 of the Civil Servant Act, 1973 provide that every civil servant is liable for prescribed disciplinary action in accordance with prescribed procedure. In the instant case no prescribed procedure has been adopted therefore, the impugned penal order is nullity in the eyed of law and liable to be set aside.
- D. That the penal order is not a speaking order for the reason that no solid and legal grounds have been given by the penal authority in support of his penal order. On this score the impugned order is liable to be set aside.
- E. That as per proviso of section 17 of the Civil Servant Act, 1973, the penal authority while set aside the order of dismissal or removal are under legal obligation to award the delinquent official back benefits for the period a civil servant remained out of service, but the penal authority ignored the mandatory provision of law and not only denied the arrears of pay but also treated the interval period in between the dismissal and re instatement as leave without pay and that too without the support of any legal reason.
- F. That appellant would like to seek the permission of Your Kind Honour for award of personal hearing. Appellant may kindly be granted the opportunity of personal hearing.

In view of the above explained position and on acceptance of the instant departmental appeal, Your Honour may graciously be pleased to set aside the impugned penal order dated 24-11-2020 of the worthy DPO, Kohat and re-instate the appellant with all back benefits.

Appellant may kindly be granted opportunity of personal hearing.

15/12/2020
Hidayat Ullah

Constable No.881, 198

Police Force, Kohat.

Cell#0333-9637449

Atc
A.

Ann-]

125

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POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal, moved by Constable Hidayat Ullah No. 98 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 823, dated 24.11.2020 whereby he was awarded minor punishment of Censure and the intervening period was treated as unauthorized leave during denove enquiry on the charged mentioned below:-

- i. Conduct of the appellant was mysterious and ill-reputed which was verified from different sources and found indulged in facilitating criminals / notorious narcotics sellers / peddlers.
- ii. Audio recording with contacts and facilitating criminals has been obtained and saved separately.
- iii. During his posting at PS Shakar Dara, he misbehaved with an applicant and insulted him inside PS, video of which was also viral on social media. The same has defamed the image of Police.

Comments were requisitioned from DPO Kohat and his service record was perused. He was also heard in person in Orderly Room, held on 27.01.2021. During hearing, he did not advance any plausible explanation.

I have gone through the available record and reached to the conclusion that a lenient view has already been taken by the competent authority while passing the impugned order. Therefore, the appeal being devoid of merits is hereby rejected.

Order Announced
27.01.2021


 (TAYYAB HAFEEZ) PSP
 Region Police Officer,
 Kohat Region.

No. 1600 /EC, dated Kohat the 4/2 /2021.

Copy to District Police Officer, Kohat for information and necessary action w/r to his office Memo: No. 18464/LB, dated 30.12.2020. His Service Record & Fauji Missal is returned herewith.

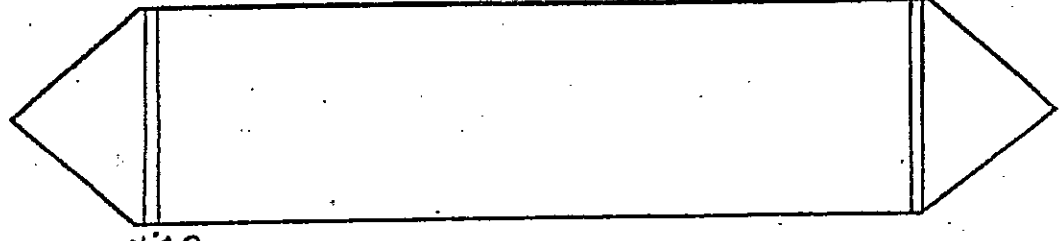

 (TAYYAB HAFEEZ) PSP
 Region Police Officer,
 Kohat Region.

29/11



①

بعدالت عالیہ پٹنہ اور راجی کورٹ شہار



2 منجانب
بنام

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنک

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
 آن مقام شہار کیلئے استغرف علی حدت
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر حالتہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بسورت ڈگری کرنے اجراء اور صولی چیک دروپیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی 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 باختیارات حاصل ہوں گے اور اس کا ساختہ
 پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہوگا اس کے لئے مقدمہ کے سبب سے وہ ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب کے پاس ہوں گے۔ کہ پیروی
 مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ مندر ہے۔

Assessment
 20
 10/10/15

المرقوم 1 مارچ 20

العبد گواہ العبد

بمقام شہار کے لئے منظور ہے۔

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 3439/ 2021

Hidayat Ullah

Constable No. 981 District Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat & others

.... Respondents

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3.	Copy of revision petition vide order dated 22.02.2022.	A	06
4.	List of bad entries of the appellant	B	7-8
5.	Copy of order vide OB No. 823 dated 23.04.2020.	C	09
6.	Copy of rejection order by respondent No. 1.	D	10
7.	Copy of show cause notice	E	11

Deponent

P-1

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 3439/ 2021

Hidayat Ullah

Constable No. 98, District Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat & others

..... Respondents

REPLY BY RESPONDENTS

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

- i. That the appellant has got no cause of action.
- ii. That the appellant has got no locus standi.
- iii. That the appeal is not based on facts.
- iv. That the appeal is not maintainable in the present form.
- v. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- vi. That the appellant is estopped to file the instant appeal by his own conduct.
- vii. That the appellant has not come to this Honorable Tribunal with clean hands.
- viii. That the appellant had filed a revision petition before Inspector General of Police, KP against the impugned order, which was under process and facts were concealed by the appellant,
- ix. That the revision petition has been decided by IGP, KP vide order dated 22.02.2022 and the appellant has been redressed. Copy is **annexure A**.
- x. That the order dated 22.02.2022 has not been questioned by the appellant nor the 2nd Appellate Authority has been placed as respondent, therefore, the appeal is bad for law.

FACTS:-

1. Correct to the extent that the appellant is employed of Police department. Reward and punishment run side by side in a disciplined department. The appellant has earned a number of bad entries in his record during his service. Copy is **annexure B**.

2. The appellant was confined in quarter guard by respondents No. 2 in another misconduct committed by him. Furthermore, the respondent No. 2 is competent authority under the Police Rules 1975 (Amended 2014) to impose a minor / major punishment.
3. Incorrect, the appellant was proceeded with departmentally by respondent No. 2 on other allegations and he was dismissed from service vide OB No. 1392 dated 04.11.2019. His departmental appeal was rejected by the respondent No. 1, after which he approached in revision petition to Inspector General of Police, KP which was accepted and a de-novo inquiry was conducted against the appellant. During course of de-novo inquiry, the appellant was re-instated in service with minor punishment of censure and intervening period was treated as leave without pay vide OB No. 823 dated 23.04.2020. Copy is **annexure C**.
4. Correct, the departmental appeal of the appellant was rejected on merit by respondent No. 1. Copy is **annexure D**.
5. Incorrect, the appellant was proceeded with departmentally by respondent No. 2 on other set of allegations detail in punishment order passed in OB No. 1392 dated 04.11.2019 which was set aside by Inspector General of Police Khyber Pakhtunkhwa in a revision petition filed by the appellant and in compliance with the order the appellant was proceeded with de-novo proceedings.
6. The departmental appeal of the appellant against the impugned dismissal order vide OB No. 1392, was devoid of merits and correctly rejected by respondent No. 1.
7. Correct, reply is submitted in para No. 5.
8. Incorrect, the appellant was not declared innocent by Inspector General of Police, in revision petition order dated 11.08.2020, however, the respondent No. 2 was directed to conduct proper regular inquiry and decided the matter a fresh on the basis of de-novo proceedings.
9. Correct.
10. Correct.
11. Incorrect, the appellant was not declared innocent by respondent No. 2 during a de-novo inquiry conducted in compliance with the order of Inspector General of Police. The appellant was awarded a minor punishment of censure and the intervening period was treated as leave without pay as unauthorized leave. The impugned order was later on modified in revision petition as leave of kind due, if any of his credit and punishment of censure is upheld.

12. Incorrect.
13. Incorrect, reply is submitted in para No. 11.
14. The respondent No. 2 being competent authority is empowered to agree or disagree with the recommendation of inquiry officer. Further added that a final show cause notice was served upon the appellant. Copy is annexure E.
15. Correct, the departmental appeal of the appellant was correctly rejected by respondent No. 2 and the order is speaking one.
16. Besides the instant service appeal the appellant had filed a revision petition before the Inspector General of Police, KP which is concealed by him.

Grounds:-

- A. Incorrect, the impugned orders passed by respondents are based on facts, evidence and material avail on the record. The appellant was proceeded with departmentally under the relevant rules and all codal formalities were fulfilled by the respondents.
- B. The appellant was proceeded with departmentally on various occasions on different set of allegations and awarded different kind of punishments as he did not mend his way. There is no bar to proceed departmentally against the appellant under the different score of charges.
- C. The appellant is a member of Police department. Therefore, the appellant was proceeded with departmentally under the relevant rules of Police Rules 1975 (Amended-2014).
- D. Reply is submitted in para No. B.
- E. Incorrect, the appellant was associated with the department proceeding personally heard by the respondent during the course of inquiry and departmental appeal.
- F. Incorrect, the allegation / charges have been established against the appellant and the appellant failed to submit any plausible explanation to his misconduct to the inquiry officer and competent authorities. Furthermore, the impugned orders are based on facts, merits and speaking one.
- G. The appellant was held guilty of the charge and he remained out of service on his own conduct for which he is himself responsible. In addition as per a well establish principle, the intervening period was treated as "No work no pay". However, the competent authority converted the intervening period without pay as leave of kind due. Hence, the appellant has been redressed.

- H. The appellant was re-instated in service during a de-novo inquiry proceeding conducted on the direction of Inspector General of Police.
- I. Incorrect, the impugned orders are legal and speaking one.
- J. The question of dismissal or removal from service is not involved in the instant appeal. The grievances of the appellant i.e leave without pay of intervening period is treated as leave of kind due by Inspector General of Police, hence the appeal is not maintainable.
- K. The respondents may also be allowed to advance other grounds during the course of arguments.

In view of the above, it is submitted that the appeal is devoid of merits and prayed that the appeal may graciously be dismissed.



District Police Officer,
Kohat
(Respondent No. 2)



Regional Police Officer,
Kohat
(Respondent No. 1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 3439/ 2021
Hidayat Ullah
Constable No. 881, District Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat & others

..... 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)



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Annex - A
P-6

**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 by Constable Hidayat Ullah No. 881/98. The applicant was dismissed from service by District Police Officer, Kohat vide OB No.1392, dated 04.11.2019 on the following allegation:-

- (i) His conduct is mysterious and ill-reputed which was verified from secret source that he had contacts with criminals/notorious sellers/peddlers, and support/facilitate them in social crimes.
- (ii) Audio recording with contacts and facilitating criminals had been obtained and saved separately.
- (iii) During his posting at Police Station Shakardara, he misbehaved with an applicant and insulted him inside Police Station which was also viral on social media. The same has defamed the image of Police.
- (iv) On perusal of his service record he has ill reputed, a stigma on Police Department and earned bad name to the entire Department.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 2662/EC, dated 18.02.2020. His revision petition was discussed in Appellate Board meeting 21.07.2020 wherein the board re-instated him for the purpose of de-novo enquiry. De-novo enquiry was conducted and he was awarded minor punishment of censure and intervening period was treated as un-authorized leave without pay by District Police Officer, Kohat vide OB No.823, dated 23.11.2020.

Meeting of Appellate Board was held on 26.01.2022 wherein petitioner was heard in person. Petitioner contended that he is innocent.

Keeping in view his long service of 20 years, 07 months & 20 days, the Board decided that the intervening period is hereby treated as leave of kind due, if any on his credit.

Sd/-

SABIR AHMED, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

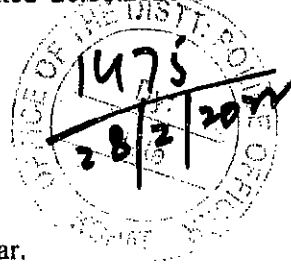
No. 3566/EC
25/02/2022

No. SI 281-90/22, dated Peshawar, the 22/02/2022.

Copy of the above is forwarded to the:

Regional Police Officer, Kohat. One Service Roll and one Fauji Missal of the above named FC received vide your office Memo: No. 13369/EC, dated 26.08.2021 & No. 12272/EC, dated 05.08.2021 is returned herewith for your office record.

2. District Police Officer, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.



(Signature)
02/02

(IRFAN TARIQ) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

PO Kohat
Record & F. Missal
returned herewith
for office record
for to his office
MemD No. 10594/SRA
24.8.2021

AH/SRA/PO
24/02/2022
District Police Officer

(Signature)
POLICE
KOHAT
25/02

انڈکس ازاں LHC ہدایت اللہ 98

سکونت	تاریخ بھرتی	ولدیت	نام نمبر
توغ بالا	15.03.2001	نورخان	LHC ہدایت اللہ 98

نمبر شمار	غیر حاضری از حاضری	آڈر بک نمبر	سزا
1	15.07.2002 تا 8.07.2002	901/10.08.2002	7 یوم بلا تنخواہ
2	30.12.02 شکر درہ بسلسلہ رپورٹ	146/14.02.02	غیر حاضری میڈیکل لیو میں شمار کی گئی
3	05.04.04 سٹی بسلسلہ رپورٹ	1384/28.12.04	سنشور
4	09.04.2002 تا 08.04.2002	490-5/06.05.2002	1 یوم بلا تنخواہ
5	11 07.03.2002 گھنٹے 55 منٹ	298-6/11.03.2002	100 روپے مبلغ جرمانہ
6	14.09.2005 تا 13.09.2005	1156-1/30.09.2005	1 یوم بلا تنخواہ
7	21.08.2005 تا 17.08.2005	1054/6.08.2005	4 یوم بلا تنخواہ
8	15.09.2005 8 گھنٹے 40 منٹ	1157-12/30.09.2005	1 یوم فٹنہ
9	17.09.2005 تا 16.09.2005	1157.22/30.09.2005	1 یوم فٹنہ
10	21.11.2004 تا 18.11.2004	1285-1/07.12.2004	2 یوم بلا تنخواہ
11	12.11.2004 تا 11.11.2004	1288-22/7.12.2004	50 روپے مبلغ جرمانہ
12	16.10.04-17.10.04-31.10.04-02.11.04	1418/07.12.2005	بلا تنخواہ اور مبلغ 100 روپے جرمانہ
13	15.01.2006 تا 13.01.2006	128-6/30.01.2006	1 یوم کوارٹر گارڈ
14	0305.2006 تا 01.05.2006	612-3/2.06.2006	1 یوم کوارٹر گارڈ
15	23.02.2006 تا 20.02.2006	259-3/04.03.2006	2 یوم کوارٹر گارڈ
16	بسلسلہ رپورٹ	588/01.06.2006	مبلغ 100 روپے جرمانہ
17	09.07.2006 تا 08.07.2006	933-02/18.08.2006	4 یوم کوارٹر گارڈ

معطل	489/15.05.2009	علت 357 مورخہ 07.05.2009 جرم PPC 324/186/109 تھانہ جرما	18
معطل سے بحال شد	680/04.07.2009	انکوائری	19
بلا متخواہ شد	840-1/26.08.2008	5 01.08.2008 گھنٹے 45 منٹ	20
مبلغ 40 روپے جرمانا	1009-1/23.10.2008	21.08.2008 تا 20.08.2008	21
16 یوم بلا متخواہ	792-23/12.08.2009	03.07.2009 تا 16.06.2009	22
10 یوم بلا متخواہ	284-5/06.04.2010	19.02.2010 تا 08.02.2010	23
سنشور	309/07.03.2014	انکوائری	24
فائل شد	760/10.06.2014	انکوائری	25
سنشور	208/12.03.2015	انکوائری	26
کلوزڈ ٹولائن	406/12.05.2015	انکوائری	27
1 سال اینٹکر یمنٹ	463/17.05.2017	انکوائری	28
فائل شد	598/24.05.2018	انکوائری	29
وارنگ شد	827-24/06.08.2018	22.07.2018 تا 21.07.2018	30
وارنگ شد	109/23.01.2019	انکوائری	31
LHC سے رپورٹ کا نشیبل	299/26.02.2019	انکوائری	32
کنشیل سے رپورٹ ریکورڈ کا نشیبل	1294/17.10.2019	انکوائری	33
ڈسمس شد	1392/04.11.2019	انکوائری	34
ڈینو پر بحال شد	590/25.08.2020	ڈینو انکوائری	35
بحال بلا متخواہ شد	823/23.11.2020	انکوائری سروس پر بحال	36



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

Annex-C
P-9

ORDER

This order is passed on the de-nove enquiry against constable Hidayat Ullah No. 98 under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Brief facts of the case are that he after his re-instatement in service vide W/Addl: IGP HQrs Peshawar Order No. S/ 3334/20 dated 11.08.2020. His conduct is mysterious and ill-reputed. It was observed from secret source that he has contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.

- ii. In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.
- iii. He while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.
- iv. On perusal of his service record he has ill reputed, a stigma on Police department and earned bad name to the entire department.

He was served with charge sheet & statement of allegations, SDPO Saddar, Kohat was appointed as enquiry officer to proceed against him departmentally. The enquiry report was received but the undersigned was not agreed. Hence SP Operations Kohat was appointed as enquiry officer to probed further into enquiry. The enquiry officer exonerated the accused constable from the charges leveled against him.

The accused official was called in OR and heard in person on 18.11.2020. He submitted a plausible explanation in his defense.

However, in view of the conduct of official I, Javed Iqbal, District Police Officer, Kohat in exercise of the powers conferred upon me, imposed upon him a minor punishment of Censure and warned to be careful in future. He is re-instated in service with immediate effect. ~~The intervening period is treated as un-authorized leave without pay.~~


DISTRICT POLICE OFFICER,
KOHAT

OB No. 823

Date 23-11- /2020

No. 5905-08 IPA dated Kohat the 24-11- 2020.

Copy of above is submitted for favor of information to the:-

1. Additional Inspector General of Police HQrs Khyber Pakhtunkhwa, Peshawar w/r to his office Endst: No.S/3335-3341 dated 11.08.2020.
2. Regional Police Officer, Kohat w/r to his office Endst: No. 9108/EC, dated 24.08.2020.
3. Reader/SRC/OHC/Pay officer for necessary action.


DISTRICT POLICE OFFICER,
KOHAT

ORDER

This order will dispose of a departmental appeal, moved by

Constable Hidayat Ullah No. 98 of Operation Staff Kohat against the punishment order, passed by DPO Kohat vide OB No. 823, dated 24.11.2020 whereby he was awarded minor punishment of Censure and the intervening period was treated as unauthorized leave during denove enquiry on the charged mentioned below:-

- i. Conduct of the appellant was mysterious and ill-reputed which was verified from different sources and found indulged in facilitating criminals / notorious narcotics sellers / peddlers.
- ii. Audio recording with contacts and facilitating criminals has been obtained and saved separately.
- iii. During his posting at PS Shakar Dara, he misbehaved with an applicant and insulted him inside PS, video of which was also viral on social media. The same has defamed the image of Police.

Comments were requisitioned from DPO Kohat and his service record was perused. He was also heard in person in Orderly Room, held on 27.01.2021. During hearing, he did not advance any plausible explanation.

I have gone through the available record and reached to the conclusion that a lenient view has already been taken by the competent authority while passing the impugned order. Therefore, the appeal being devoid of merits is hereby rejected.

Order Announced
27.01.2021


 (TAYYAB HAFEEZ) PSP
 Region Police Officer,
 Kohat Region.

No. 1600 /EC, dated Kohat the 4/2 /2021.

Copy to District Police Officer, Kohat for information and necessary action w/r to his office Memo: No. 18464/LB, dated 30.12.2020. His Service Record & Fauji Missal is returned herewith.


 (TAYYAB HAFEEZ) PSP
 Region Police Officer,
 Kohat Region.

Handwritten notes:
 Rx
 9/10
 9/10/2021

Handwritten notes:
 29/11

Handwritten notes at top right:
 646 - 10/20
 Annex-D
 P-10

Handwritten note:
 (1)



Annex - E
P-11

OFFICE OF THE
DISTRICT POLICE OFFICER
KOHAT

Tel: 0922-9260116 Fax: 9260125

No. 36032/PA dated Kohat the 25/10/2019

FINAL SHOW CAUSE NOTICE

Capt. @ Wahid Mehmood, District Police Officer, Kohat as competent authority, under the Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) is hereby serve you **Constable Hidayat Ullah No. 881** 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. 33072-73/FA dated 17.10.2019.
- 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. **Your conduct is mysterious and ill-reputed. It was observed from secret source that you have contacts with criminals / notorious narcotics sellers / peddlers, and support / facilitate them in social crimes.**
- b. **In the above context, audio recording with contacts and facilitating the criminals has been obtained and saved separate.**
- c. **You while posted at Police station Shakardara misbehaved with applicant and insulted him inside Police station. In this regard a video was viral on social media which also defamed the image of Police department.**
- d. **On perusal of your service record you are ill reputed, a stigma on Police department and earned bad name to the entire department.**

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.

[Handwritten signature]
28-10-2019
Huseb 20120

[Handwritten signature]
DISTRICT POLICE OFFICER,
KOHAT 28/10/19

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 3439/ 2021
Hidayat Ullah
Constable No. 881, District Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat & others

..... Respondents

AUTHORITY LETTER

Mr. Arif Saleem steno / Focal person of this district is hereby authorized to file the comments on behalf of respondent in the Honorable Tribunal and other documents as required.

District Police Officer
Kohat
(Respondent No. 2)

