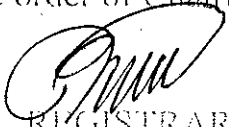


FORM OF ORDER SHEET

Court of _____

Appeal No. 1867/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	15/09/2023	<p>The appeal of Mr. Zahoor Iqbal presented today by Mr. Amin-ur-Rehman Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

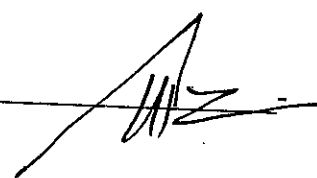
CHECK LIST

Case Title: *Chahid Vs Mirza*
CONTENTS

S#		Yes	No
1.	This Appeal has been presented by		
2.	Whether counsel / appellatant / respondent / deponent have signed the requisite document?	<input checked="" type="checkbox"/>	
3.	Whether appeal is within time?	<input checked="" type="checkbox"/>	
4.	Whether appeal enactment under which the appeal is filed is mentioned?	<input checked="" type="checkbox"/>	
5.	Whether enactment under which the appeal is filed is correct?	<input checked="" type="checkbox"/>	
6.	Whether affidavit is appended?	<input checked="" type="checkbox"/>	
7.	Whether affidavit is duly attested by competent oath commissioner?	<input checked="" type="checkbox"/>	
8.	Whether appeal / annexure are properly paged?	<input checked="" type="checkbox"/>	
9.	Whether certificate regarding filling any earlier appeal in the subject, furnished?	<input checked="" type="checkbox"/>	
10.	Whether annexures are legible?	<input checked="" type="checkbox"/>	
11.	Whether annexures are attested?	<input checked="" type="checkbox"/>	
12.	Whether copies of annexures are readable/ clear?	<input checked="" type="checkbox"/>	
13.	Whether copies of appeal is delivered to AG/ DAG?	<input checked="" type="checkbox"/>	
14.	Whether Power of Attorney of the counsel engaged is attested and signed by Petitioner/ Appellant/ Respondents?	<input checked="" type="checkbox"/>	
15.	Whether number of referred cases given are correct?	<input checked="" type="checkbox"/>	
16.	Whether appeal contains cutting / overwriting?	<input checked="" type="checkbox"/>	
17.	Whether list of books has been provided at the end of the appeal?	<input checked="" type="checkbox"/>	
18.	Whether case relate to this Court?	<input checked="" type="checkbox"/>	
19.	Whether requisite number of spare copies are attached?	<input checked="" type="checkbox"/>	
20.	Whether complete spare copy is filed in separate file cover?	<input checked="" type="checkbox"/>	
21.	Whether addresses of parties given are completed?	<input checked="" type="checkbox"/>	
22.	Whether index filed?	<input checked="" type="checkbox"/>	
23.	Whether index is correct?	<input checked="" type="checkbox"/>	
24.	Whether security and process fee deposited? On _____	<input checked="" type="checkbox"/>	
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rule 1974 rule 11, Notice along with copy of appeal and annexure has been sent to respondents? On _____	<input checked="" type="checkbox"/>	
26.	Whether copies of comments / replay/ rejoinder submitted? On _____	<input checked="" type="checkbox"/>	
27.	Whether copies of comments / replay/ rejoinder provided to opposite party? On _____		

It is certified that formalities /documentations as required in the above table, have been fulfilled.

Name:-

Signature: - 

Dated: -

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. 1867/2023

Zahoor Iqbal Appellant

VERSUS

Government of Khyber Pakhtunkhwa & 3 others Respondents

INDEX

S. No.	Description of documents	Annex	Pages
1.	Grounds of Appeal		1-4
2.	Affidavit		5
3.	Application for interim relief		6
4.	Affidavit		7
5.	Addresses of the parties		8
6.	Copy of CNIC	A	9
7.	Copy of Curriculum Vitae (CV)	B	10
8.	Copy of commendation certificate dated: 01.09.2021	C	11
9.	Copy of order dated: 10.01.2022	D	12
10.	Copy of charge sheet	E	13
11.	Copy of statement of allegations	F	14
12.	Copy of reply	G	15-16
13.	Copy of final Show Cause Notice dated: 03.04.2023	H	17
14.	Copy of application dated: 07.04.2023	I	18-19
15.	Copy of application dated: 10.04.2023	J	20
16.	Copy of application dated: 18.04.2023	K	21
17.	Copy of application dated: 18.04.2023	L	22
18.	Copy of application dated: 31.05.2023	M	23
19.	Copy of application dated: 31.05.2023	N	24
20.	Copy of impugned order dated: 31.05.2023	O	25
21.	Copy of departmental appeal dated: 16.06.2023	P	26-30
22.	Copy of Agreement / Iqar Nama dated: 18.02.2020	Q	31
23.	Copy of summon dated: 31.08.2023	R	32
24.	Wakalatnama		33

Appellant
Through

Amin ur Rehman Yusufzai

Khalid Khan Mohmand

&

MUQZ Ashraf Khalil

Advocates, Peshawar
3-A, Park Avenue, Bethani Plaza,
University Town, Peshawar

Email: aryusufzai@gmail.com

Cell No.0321-9022964-0342-9101124

Dated: 14.09.2023

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. RB7 /2023

ZAHOOR IQBAL S/O RASOOL KHAN
R/O Muslim Town PO RTW, House No.129, Mohallah Amin Abad, Kohat.Appellant

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Civil Secretariat, Peshawar.
2. Inspector General of Police (IGP), Khyber Pakhtunkhwa, Central Police Office, Peshawar.
3. Additional Inspector General of Police Headquarters, CPO Peshawar.
4. Deputy Inspector General of Police Internal Accountability Branch, Khyber Pakhtunkhwa, Peshawar.
5. Police Information Officer, Central Police Office, Peshawar. Respondents

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974, READ WITH ALL ENABLING PROVISIONS OF LAW, GOVERNING THE SUBJECT, AGAINST OFFICE ORDER NO.S/1478-88/2023, DATED: 31.05.2023 OF RESPONDENT NO.3, VIDE WHICH APPELLANT HAS BEEN AWARDED MAJOR PENALTY OF DISMISSAL FROM SERVICE.

PRAYER-IN-APPEAL:

On acceptance of instant appeal, impugned order dated: 31.05.2023 of Respondent No.3, alongwith pre / post proceedings thereto, may be set aside and appellant may be re-instated in service with all consequential benefits.

=====

Respectfully Sheweth:

1. That appellant is law abiding peaceful citizen of Pakistan and permanent resident of District Kohat.
(Copy of CNIC is attached as Annexure "A").
2. That appellant, being qualified, was enlisted as Constable, in the Khyber Pakhtunkhwa Police Department, by the Competent Authority, vide order dated: 17.05.1995 and promoted, time to time, after completion of requisite courses, and lastly promoted, on the recommendations of departmental promotion committee in its meeting held on 28.12.2021, as Officiating Assistant Sub Inspector (BPS-11), against the existing vacancy of Kohat Region, vide order No.475-85/EC, dated: 10.01.2022.
(Copies of CV, commendation certificate dated: 01.09.2021 & order dated: 10.01.2022 are attached as Annexures "B, C & D" respectively).
3. That Appellant, while posted in Recruiting Training Wing (RTW) Kohat, was subjected to disciplinary action, evident from charge sheet with the following allegations:
 - "i. Chaudhry Shahzad Ahmad, owner of Multazim Filling Station (contractual of PTS Kohat for POL) submitted an application to Director PTS Kohat for the payment of pending bills amounting to Rs.16,759,749/-. He further stated that he met several times with you and the then Director PTS Kohat regarding payment of pending bills but still no payment has been made. The preliminary inquiry into the allegations was conducted by AIG enquiry CPO. During the inquiry the following allegations have been established:

2

- a. Record provided by the owner of the Filling Station clearly reflected that the POL was used almost in private vehicles.
- b. You denied from signature available over the vouchers. In order to verify his stance, all the vouchers were sent to FSL for forensic examination of the signatures available on the vouchers.
- c. On receipt of forensic examination it was clearly established signatures on 38 vouchers was one and the same hand, while the remaining two vouchers did not match.
- d. You committed embezzlement of a huge amount (Rs.16,759,749/- in shape of POL) from Multazim Filling Station with the connivance of the then Director PTS, Kohat (Mr. Ibrahim Azhar)

By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in the said rules."

Appellant submitted detailed reply to the charges ibid within the stipulated time. (Copies of charge sheet, statement of allegations & reply, are attached as Annexures "E, F & G" respectively).

4. That Respondent No.3, without conducting proper / regular inquiry into the alleged charges leveled against appellant, issued final Show Cause Notice No.S/794/23 dated: 03.04.2023, which reads as under:

1. WHEREAS, you Mr. Zahoor Iqbal S.I, while posted as MTO PTS Kohat committed gross misconduct as defined in Rule 2 (III) Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014), resultantly you were Charge Sheeted and served with the Statement of allegations and Enquiry Committee comprising Mr. Ashfaq Anwar, RPO Bannu and Mr. Asif Bahadar, DPO Hangu was constituted to conduct enquiry into the matter.
2. WHEREAS, the Enquiry Committee finalized the Enquiry proceedings, giving you full opportunities of defense i.e. cross examination of the witnesses besides audience of relevant record and personal hearing. Consequent upon the completion of Enquiry proceeding the charges against you were established beyond any shadow of doubt and you were recommended for punishment. A copy of the finding is enclosed.
3. AND WHEREAS, ongoing through the finding and recommendation of Enquiry Officers, the material placed on record and other connected papers including your defense before the said Enquiry Committee, the undersigned is satisfied that you have committed gross misconduct within the meaning of Rules ibid and held guilty of the charges leveled against you as per statement of allegations conveyed to you vide No.S/2784-86/22, dated: 16.11.2022.
4. NOW THEREFORE, I, Sabir Ahmed PSP, Additional Inspector General of Police-Headquarters, Khyber Pakhtunkhwa Peshawar, being Competent Authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "Dismissal from Service" under the Rules ibid.

You are therefore, requested to Show Cause within Seven (07) days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defense to offer and an ex parte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise."

As no document relating to the alleged enquiry proceedings, including enquiry report / statements of witnesses alongwith ancillary documents, was communicated to the appellant alongwith the final Show Cause Notice ibid, as contemplated in para-2 whereof, therefore, appellant requested for the entire record of the enquiry proceedings through applications dated: 07.04.2023, 10.04.2023, 18.04.2023 (two in numbers), 31.05.2023 (two in numbers). (Copies of final Show Cause Notice dated: 03.04.2023, applications dated: 07.04.2023, 10.04.2023, 18.04.2023 (two in numbers) 31.05.2023 (two in numbers), are attached as Annexures "H, I, J, K, L, M & N" respectively).

5. That the Competent Authority / Respondent No.3, instead to issue the requisite documents / evidence related to the alleged enquiry proceedings, in order to enable appellant to submit proper reply to the final Show Cause Notice dated: 03.04.2023 supra, issued impugned order No.S/1478-88/2023, dated: 31.05.2023, vide which major penalty of dismissal from service has unilaterally been imposed upon appellant.
(Copy of impugned order dated: 31.05.2023 is attached as Annexure "O")
6. That appellant, being aggrieved of impugned order dated: 31.05.2023, preferred Departmental Appeal to the Competent Authority/ Respondent No.2, which was received in the office, vide Diary / CR No.12075/SB, dated: 16.06.2023, however, to no avail and, after elapse of statutory period of 90 days, appellant left with no other option but to approach this Hon'ble Tribunal through Instant Service Appeal, inter-alia, on the following grounds:
(Copy of departmental appeal dated: 16.06.2023 is attached as Annexure "P")

GR O U N D S:

- A. That impugned order dated: 31.05.2023 of Respondent No.3, is against the law and peculiar facts / circumstances of the case of appellant, hence carry no legal weight.
- B. That Appellant, while posted as Officiating Assistant Sub Inspector (Regular IHC), while posted in RTW, Kohat, was proceeded against for the charges which are not commensurate with his job description, moreover, Respondent No.6 and Director PTS, Kohat executed an Agreement/ Iqar Nama dated: 18.02.2020 for supply of Petrol / Diesel to the Police Training School (PTS) Kohat, it is worth to mention that name of appellant is nowhere mentioned / reflected from the said agreement / Iqar name, either in the column of executants or witnesses, but this factum of the case has escaped sight of the Competent Authority, hence erred in jurisdiction.
(Copy of Agreement / Iqar Nama dated: 18.02.2020 is attached as Annexure "Q")
- C. That neither regular inquiry into the guilt of appellant was conducted nor appellant was provided opportunity of proper hearing, rather he has been refused excess to the record of alleged enquiry proceedings, hence has been condemned unheard, which attracts the doctrine of *audi alteram partem*.
- D. That, admittedly, Respondent Department has no lawful authority to punish Appellant for no wrong, rather they are duty bound to treat him in accordance with law and to provide him equal protection of law, but the Respondent Department, instead to follow the law/rules on the subject, issued the impugned order in a clandestine and surreptitious manner, which has caused grave miscarriage of justice.
- E. That major penalty of dismissal from service has been imposed upon Appellant, mare on the basis of presumptions, that too, without adopting proper mode and manner for substantiating the alleged charges, moreover, the Competent Authority did not appreciate the available record of the case of Appellant in its true perspective, hence arrived at a wrong conclusion.
- F. That appellant served the Respondent Department with honesty, to the best of his abilities and having about 28 years' spotless career as his credit, however, he has been unilaterally proceeded against, that too, for the erroneous allegations and awarded major penalty of dismissal from service, which has caused grave miscarriage of justice.

(4)

G. That Respondent Department instead to mind their way and pass appropriate order on departmental appeal of appellant, in accordance with law / rules governing the subject, issued yet another summon bearing No.1723-24/CPO/IAB, dated: 21.08.2023, to proceed further in the enquiry and directed to attend the office of Respondent No.4, on 23.08.2023 at 10:00 a.m., in order to humiliate and pressurize appellant to surrender before their wrong deeds, particularly to save skin of the then Director, who entered into an agreement with Respondent No.6, hence indulgence of this Hon'ble Tribunal is solicited for smooth administration of justice.
(Copy of summon dated: 21.08.2023 is attached as Annexure "R")

H. That appellant is neither Drawing & Disbursing Officer (DDO) nor entered into an Agreement / Iqar Nama dated: 18.02.2020 with Respondent No.6 for sale / purchase of Petrol / Diesel, rather the sole Responsible Officer i.e. the then Director PTS, Kohat, was not only DDO but also executed an Agreement / Iqar Nama dated: 18.02.2020 with Respondent No.6 for supply of Petrol / Diesel, but astonishingly he has been exonerated from the charges and appellant has been scapegoat, in order to camouflage their wrong deeds, which is unjust, unfair and against the law / rules governing the subject.

I. That any other ground, with the permission of this Hon'ble Tribunal, will be taken at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant appeal, impugned order dated: 31.05.2023 of Respondent No.3, alongwith pre / post proceedings thereto, may be set aside and appellant may be re-instated in service with all consequential benefits.

Any other relief, not specifically prayed for and deemed appropriate by this Hon'ble Tribunal in circumstances of the case, may also be granted.

Appellant
Through

Amin ur Rehman Yusufzai

~~Khalid Khan Mohiuddin~~

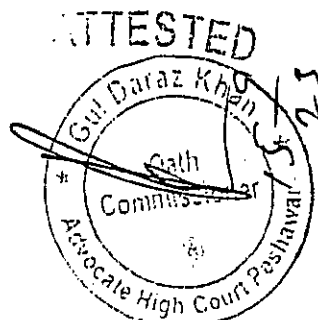
&

Muaz Ashraf Khalil
Advocates, Peshawar
3-A, Park Avenue, Bethani Plaza,
University Town, Peshawar
Cell No.0321-9022964-0342-9101124

Dated: 14.09.2023

VERIFICATION:

Verified on oath that the content of the instant Service Appeal are true and correct to the best of my knowledge, belief and nothing has been concealed from this Hon'ble Tribunal.



Deponent

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2023

Zahoor Iqbal Appellant

VERSUS

Government of Khyber Pakhtunkhwa & 3 others Respondents

AFFIDAVIT

I, **ZAHOOR IQBAL S/O RASOOL KHAN R/O Muslim Town PO RTW, House No.129, Mohallah Amin Abad, Kohat**, do hereby solemnly affirm declare on oath that contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge, belief and nothing has been kept concealed from this Hon'ble Tribunal.

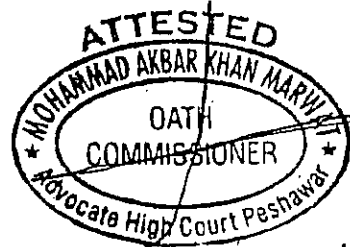
Identified By:



Amin ur Rehman Yusufzal
Advocate, Peshawar



DEPONENT
CNIC #: 14301-1984722-7
Cell: 0348-7354086



14/09/23

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Civil. Misc. No. _____ of 2023
IN
Service Appeal No. _____/2023

Zahoor Iqbal Applicant/Appellant

VERSUS

Government of Khyber Pakhtunkhwa & 3 others Respondents

**APPLICATION, FOR AND ON BEHALF OF APPELLANT, FOR RESTRAINING
THE RESPONDENT DEPARTMENT FROM TAKING ANY ADVERSE ACTION
AGAINST APPLICANT, TILL FINAL DISPOSAL OF THE TITLED APPEAL.**

Respectfully Sheweth:

1. That the titled Appeal has been filed today before this Hon'ble Tribunal, wherein no date of hearing has yet to be fixed, for onward proceedings.
2. That, admittedly, applicant/appellant has been dismissed from service, vide order dated: 31.05.2023, impugned in the titled appeal, but astonishingly Respondent Department initiated, yet another enquiry, on the same subject matter, evident from office letter No.1723-24/CPO/IAB, dated: 31.08.2023 (Annexed as "R"), hence the instant application.
3. That facts and grounds of the titled Appeal may be considered as integral part and parcel of instant application.
4. That valuable rights' of applicant/appellant are involved into the matter and, if the subject relief has not been granted, he will suffer irreparable loss.
5. That applicant/appellant has got good prima facie case in his favour and is very much sanguine of its success; moreover, balance of convenience also lies in his favour.

It is, therefore, most humbly prayed that on acceptance of instant application, Respondent Department may be restrained from taking any adverse action against the applicant, till final disposal of the titled appeal, so as to secure the ends of justice and equity.

Applicant/ Appellant
Through

Amin ur Rehman Yusufzai

Khalid Khan Mohmand

&

Muaz Ashraf Khalil

Advocates, Peshawar
3-A, Park Avenue, Bethani Plaza,
University Town, Peshawar

Cell No.0321-9022964-0342-9101124

Dated: 14.09.2023

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Civil. Misc. No. _____ of 2023
IN
Service Appeal No. _____/2023

Zahoor Iqbal Applicant/Appellant

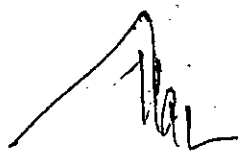
VERSUS

Government of Khyber Pakhtunkhwa & 3 others Respondents

AFFIDAVIT

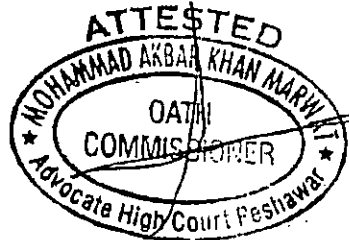
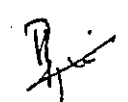
I, **ZAHOOR IQBAL** S/O RASOOL KHAN R/O Muslim Town PO RTW, House No.129, Mohallah Amin Abad, Kohat, do hereby solemnly affirm declare on oath that contents of the accompanying **Application** are true and correct to the best of my knowledge, belief and nothing has been kept concealed from this Hon'ble Tribunal.

Identified By:



Amin ur Rehman Yusufzai
Advocate, Peshawar

DEPONENT
CNIC #: 14301-1984722-7
Cell: 0348-7354086



14/09/23

8

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

Service Appeal No. _____/2023

Zahoor Iqbal Appellant

VERSUS

Government of Khyber Pakhtunkhwa & 3 others Respondents

ADDRESSES OF THE PARTIES

APPELLANT:


ZAHOOR IQBAL S/O RASOOL KHAN
Muslim Town PO RTW, House No.129, Mohallah Amin Abad, Kohat.

RESPONDENTS:


1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Civil Secretariat, Peshawar.
2. Inspector General of Police (IGP), Khyber Pakhtunkhwa, Central Police Office, Peshawar.
3. Additional Inspector General of Police Headquarters, CPO Peshawar.
4. Deputy Inspector General of Police Internal Accountability Branch, Khyber Pakhtunkhwa, Peshawar.
5. Police Information Officer, Central Police Office, Peshawar.

Appellant
Through


Amin ur Rehman Yusufzai


Khalid Khan Mohmand

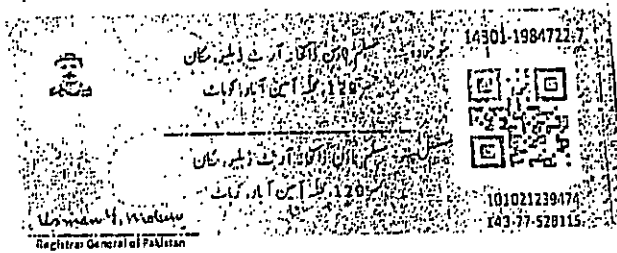
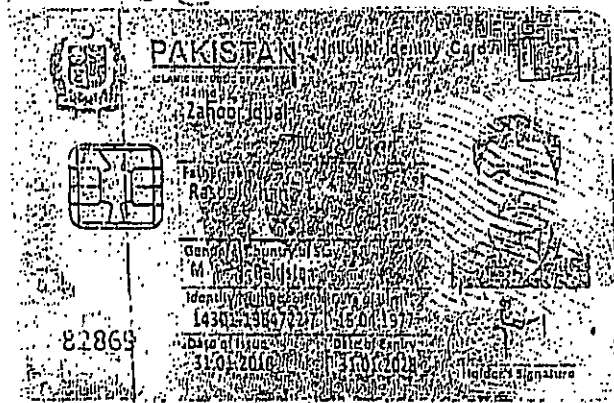
&


Mueez Ashraf Khalil
Advocates, Peshawar
3-A, Park Avenue, Bethani Plaza,
University Town, Peshawar
Cell No.0321-9022964-0342-9101124

Dated: 14.09.2023

Annex "A"

9



گندہ کارڈ ملنے پر قریبی لیڈیکس میں ڈال دیں

Attested to be true Copy

CV

Annex "B"
10

Name : Zahoor Iqbal

Father Name : Rasool Khan

Date of Appointment : 17-05-1995

PERIOD TRANSFER / POSTING ORDER

PERIOD	FROM	TO
17-05-1995 (Enlistment Date)		District Kohat
01-06-1995 (Recruitment Course)	District Kohat	RTW Kohat
01-04-1996 (Course Completed)	RTW <i>Recruitment Course</i>	District Kohat
01-10-1998 (Selection for Drill Course)	District Kohat	PTS Hangu
01-06-1999 (Drill course completed)	PTS Hangu	District Kohat
17-12-1999	District Kohat	RTW Kohat
2012	RTW	District Kohat
2017	District Kohat	RTW
1-03-2022	RTW	Mansehra
10-11-2022	Mansehra	CPO Peshawar

- ± Promoted in the year 2008 as Head Constable.
- ± Promoted in the year 2021 as Assistant Sub Inspector (ASI) Letter Attached.

ATTESTED

Annex C 11



POLICE TRAINING SCHOOL KOHAT



Commendation Certificate Class-III

Is
awarded to

- IHC Zahoor Iqbal
D.I / MTO

In Recognition of Best Performance
In His Duty

ATTESTED

O.B No. 100

Dated. 01.09.2021

Nilla
(Director)
Police Training School,
Kohat

ORDER.

Annex "D"

(13)

On the recommendation of Departmental Promotion Committee, in its meeting, held in Region Police Office, Kohat on 28.12.2021, the following senior most / eligible IHCs, on list "D" of this Region, are hereby approved for promotion as Offg: Asstt: Sub-Inspectors (BPS-11) against the existing vacancies of Kohat Region :-

S. No.	Rank, Name & No. of official	Posting	Remarks
1.	IHC Zahoor Iqbal No. 1350	PTS Kohat	Promoted as Offg: ASI (BPS-11)
2.	IHC Muhammad Qadeem	CTD KPK	Promoted as Offg: ASI (BPS-11)
3.	IHC Israr-ul-Arifeen 158	PTC Hangu	Promoted as Offg: ASI (BPS-11)
4.	IHC Muhammad Farid No. 477	Karak district	Promoted as Offg: ASI (BPS-11)
5.	IHC Ayaz Khan No. 12	PTC Hangu	Promoted as Offg: ASI (BPS-11)
6.	IHC Muhammad Nawaz No. 1053	CTD KPK	Promoted as Offg: ASI (BPS-11)
7.	IHC Musharraf Khan No. 347	Kohat district	Promoted as Offg: ASI (BPS-11)
8.	IHC Abdul Latif No. 92	Karak district	Promoted as Offg: ASI (BPS-11) subject to completion of ACR
9.	IHC Farman Ullah No. 131	CTD KPK	Promoted as Offg: ASI (BPS-11)
10.	IHC Ashraf Khan No. 347 60	ACE	Promoted as Offg: ASI (BPS-11)

Their promotion will take effect from the date they actually assume the charge of next higher post and their posting order shall be issued separately.

Necessary gazette notification may be issued accordingly.

CH/E/PSP
For 29/12/2021
District Police Officer
11/12/2021 Kohat

29.0
12/11/2021

(TAHIR AYUB) PSP
Regional Police Officer,
Kohat Region.

OFFICE OF THE REGIONAL POLICE OFFICER, KOHAT REGION

No. 475-85 /EC, dated Kohat the 10/12/2021 /2022.

Copy of above is submitted to the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for favour of information please.

2. The Deputy Inspector General of Police, CTD, KP Peshawar.
3. The Commandant, Police Training College, Hangu.
4. The Director, Anti-Corruption Establishment, KP, Peshawar.
5. All Heads of Police Offices, Kohat Region.

ATTESTED

Confidential Clerk, Region Office, Kohat -

(Signature)

Annex e

Annex "E"

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar
Phone: 091-9210927 Email: secret@pko.gov.pk

13

CHARGE SHEET

Muhammad Ali Babakhel, Additional Inspector General of Police, Headquarters Khyber Pakhtunkhwa as Competent Authority, under Khyber Pakhtunkhwa Police rules 1975 (amended) charge you Mr. Zahoor Iqbal S.I; the then MTO PTS Kohat, now at CPO as follows:-

Choudhry Snehzad Ahmad, owner of the Multizan Filling Station (contractual of PTS Kohat for POL) submitted an application to Director PTS Kohat for the payment of pending bills amounting to Rs. 16,759,749/-. He further stated that he met several times with you and the then Director PTS Kohat regarding payment of pending bills but still no payment has been made. The preliminary enquiry into the allegations was conducted by AIG-Enquiry CPO. During the enquiry the following allegations have been established:-

- Record provided by the owner of the filling station clearly reflected that the POL was used almost in private vehicles.
- You denied from signature available over the vouchers. In order to verify your stance, all the vouchers were sent to FSL for forensic examination of the signatures available on the vouchers.
- On receipt of forensic examination it was clearly established that the signatures on 38 vouchers was one and the same hand, while the remaining 02 vouchers did not match.
- You committed embezzlement of a huge amount (Rs.16,759,749/- in shape of POL) from Multizam Filling Station with the connivance of the then Director PTS Kohat (Mr. Ibrahim Azhar).


By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules, 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

You are, therefore, directed to submit your written defense within seven (07) days of the receipt of this Charge Sheet, to the Enquiry Officer/Committee.

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

You are directed to intimate whether you desire to be heard in person or otherwise.

A statement of allegation is enclosed.


(MUHAMMAD ALI BABAKHEL), PSP
(UNPM, NSWC)
Additional Inspector General of Police
Headquarters, Khyber Pakhtunkhwa

ATTESTED



DISCIPLINARY ACTION

I, **Muhammad Ali Babakhel**, Additional Inspector General of Police, Headquarters Khyber Pakhtunkhwa being Competent Authority, am of the opinion that Mr. Zahoor (then S.I, the then MTO PTS Kohat has rendered himself liable to be proceeded against, as he has committed the following acts of omissions/commissions within the meaning of the Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014).

STATEMENT OF ALLEGATIONS

- i. Choudhry Shehzad Ahmad, owner of the Multizan Filling Station (contractual of PTS Kohat for POL) submitted an application to Director PTS Kohat for the payment of pending bills amounting to Rs. 16,759,749/-. He further stated that he met several times with him and the then Director PTS Kohat regarding payment of pending bills but still no payment has been made. The preliminary enquiry into the allegations was conducted by AIG-Enquiry CPO. During the enquiry the following allegations have been established:-
 - a. Record provided by the owner of the filling station clearly reflected that the POL was used almost in private vehicles.
 - b. He denied from signature available over the vouchers. In order to verify his stance, all the vouchers were sent to FSL for forensic examination of the signatures available on the vouchers.
 - c. On receipt of forensic examination it was clearly established that the signatures on 38 vouchers was one and the same hand, while the remaining 02 vouchers did not match.
 - e. He committed embezzlement of a huge amount (Rs.16,759,749/- in shape of POL) from Multizam Filling Station with the connivance of the then Director PTS Kohat (Mr. Ibrahim Azhar).

The said act of negligence depicts inefficiency, disobedience, indiscipline and lack of professionalism which amounts to grave misconduct on his part warranting stern disciplinary action against him.

For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, an Enquiry Committee of following officer (s) of Khyber Pakhtunkhwa is hereby constituted under Police Rules, 1975 (amended 2014):-

- i. DIG Ashfaq Anwar
- ii. SP Asif Bahadur

The Inquiry Committee/officer (s) shall, in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the accused officer, record and submit its finding within 25 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused officer.

ATTESTED

(MUHAMMAD ALI BABAKHEL), PSP
(UNPM, NSWC)
Additional Inspector General of Police
Headquarters, Khyber Pakhtunkhwa

16

Accountant کے ساتھ درخواست جمع کئے ہیں۔ مالک فلنگ سٹیشن 01-01-2020 سے لیکر مورخہ 31-05-2022 تک مبلغ 3212562 روپیہ کی ادائیگی ہو چکی ہے۔ یہاں پر امر قابل ذکر ہے کہ سات (07) مہینوں کے بل ریکارڈ پر موجود نہ ہے ان بلوں میں پانچ عدد بل DTS کوہاٹ میں پڑے ہیں۔ مالک فلنگ سٹیشن کی اپنی سات (07) مہینوں کے بل بھی بقایا ہیں تفصیل ادائیگی اور بقایا POL کے اخراجات لف کی جاتی ہے جہاں تک Vouchers پر دستخط سے انکار کا تعلق ہے کہ من ملزم افسر نے اوپر تفصیل بیا کیا ہے کہ اتنی ادائیگی ہو چکی ہے اور اتنی بقایا ہے۔ مالک فلنگ سٹیشن نے جعلی Vouchers بنائے ہوں گا من ملزم افسر نے کسی نے دستخط کا نمونہ نہیں لیا ہے اور کسی کا دستخط کرنا مشکل کام نہ ہے من ملزم افسر نے تفصیل لف کی ہے جو کہ درست ہے اور حقیقت پر مبنی ہے۔

۶۔ الزام کے مطابق من ملزم افسر نے ڈائریکٹر کے ملی بھگت سے مبلغ 16,759,749 روپیہ کی غبن اور حرو برد کی ہے۔

جناب والا!

مذکورہ بالا رقم کی مالک فلنگ سٹیشن نے دعویٰ کی ہے اور سرکاری خزانے سے ادائیگی نہیں ہو چکی ہے لہذا غبن اور حرو برد کا سوال پیدا نہیں ہوتا ہے۔ مالک فلنگ سٹیشن نے جھوٹی دعویٰ کی ہے کہ انہوں نے پرائیوٹ گاڑیوں کو POL دیے ہیں جس سے ثابت ہے کہ مالک فلنگ سٹیشن سرکاری خزانے کی لوٹنے کی ناکام کوشش کی ہے۔ مذکورہ بالا تفصیل سے واضح ہے کہ ہر ماہ کے اخراجات اوسط تین (03) لاکھ سے کم ہیں لہذا 29 ماہ کی 16,759,749 روپیہ کی بقایا جات کا سوال ہی پیدا نہیں ہوتا ہے۔ PTS میں ٹول گاڑیوں کی تعداد صرف آٹھ (08) تھی لہذا آٹھ گاڑیوں کا اتنی کثیر رقم کے بقایا جات کا سوال ہی پیدا نہیں ہوتا ہے اور نہ ہی اتنی اخراجات کی کوئی اجازت بھی تھی۔ ضلع کوہاٹ میں گاڑیوں کی تعداد سو (100) سے زیادہ گاڑی ہیں لیکن اتنے بقایا جات نہیں ہے لہذا آٹھ (08) گاڑیوں کے اتنے بقایا جات کا سوال پیدا نہیں ہوتا ہے یہاں پر امر قابل ذکر ہے کہ اقرار نامہ کے متن نمبر ۱ کے مطابق اگر تین ماہ تک اخراجات کی ادائیگی نہ ہوئی تو مزید قرض نہیں دے گا لیکن مالک نے اتنی کثیر رقم کی بقایا جات کے الزامات لگائے ہیں مگر POL قرض پر دینے سے انکار نہیں کیا ہے۔

جناب والا!

فلنگ سٹیشن کے مالک کے ساتھ اقرار نامہ ڈائریکٹر صاحب نے کیا تھا لہذا من ملزم افسر کو الزامات میں ملوث کرنے کا جواز نہ ہے۔ اگر معاہدہ کی خلاف ورزی ہوئی تھی تو فریقین ایس میں معاملہ لے کر سکتے تھے۔

جناب والا!

مندرجہ بالا امور اور حقائق سے واضح ہے کہ مالک فلنگ سٹیشن نے غلط اور بے بنیاد ریکارڈ پیش کیا۔ ان کی ریکارڈ اقرار نامہ کے برخلاف ہے۔ جملہ الزامات میں صداقت نہیں ان کا حقیقت سے دور کا واسطہ تک نہ ہے۔ لہذا امور باندہ التماس ہے کہ من ملزم افسر کو جملہ الزامات سے بری الزام فرمانے کے احکامات صادر فرمائیں۔ تاحیات مشکور رہے گا۔

العارض

ظہور اقبال سب انسپکٹر حال CPO پشاور سیل نمبر 0333650203
نوٹ۔ اقرار نامہ اور بل کے تفصیل لف ہیں۔

ATTESTED



Annex "H"
OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

(17)

No. SI 794/23, Dated Peshawar the 03-4/2023.

FINAL SHOW CAUSE NOTICE

1. WHEREAS, you Mr. Zahoor Iqbal S.I, while posted as MTO PTS Kohat committed gross misconduct as defined in Rule 2 (iii) Khyber Pakhtunkhwa Police Rules 1975 (amended 2014), resultantly you were Charge Sheeted and served with the Statement of allegations and Enquiry Committee comprising Mr. Ashfaq Anwar, RPO Bannu and Mr. Asif Bahadar, DPO Hangu was constituted to conduct enquiry into the matter.

2. WHEREAS, the Enquiry Committee finalized the Enquiry proceedings, giving you full opportunities of defense i.e cross examination of the witnesses besides audience of relevant record and personal hearing. Consequent upon the completion of Enquiry proceeding the charges against you were established beyond any shadow of doubt and you were recommended for punishment. A copy of the finding is enclosed.

3. AND WHEREAS, ongoing through the finding and recommendation of Enquiry Officers, the material placed on record and other connected papers including your defense before the said Enquiry Committee, the undersigned is satisfied that you have committed gross misconduct within the meaning of Rules ibid and held guilty of the charges leveled against you as per statement of allegations conveyed to you vide No. S/2784-86/22, dated 16.11.2022.

4. NOW THEREFORE, I, Sabir Ahmed PSP, Additional Inspector General of Police-Headquarters, Khyber Pakhtunkhwa Peshawar, being Competent Authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "Dismissal from Service" under the Rules ibid.

You are therefore, required to Show Cause within Seven (07) days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defense to offer and an exparte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise.

Sabir Ahmed
(SABIR AHMEED) PSP.

Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa

Mr. Zahoor Iqbal, S.I
Ex-MTO PTS Kohat,
now posted to Directorate of Training CPO

D:\2023\Office Work\Final Show Cause Notice\Final Show Cause Notice SI Zahoor Iqbal.docx

ATTESTED

ATTESTED

Findings اس معاملے کی بنا پر قائم ہو رہا ہے۔
میں نے اس بارے میں تحقیق کی ہے اور اس کے نتیجے میں
میں نے اس بارے میں تحقیق کی ہے اور اس کے نتیجے میں
میں نے اس بارے میں تحقیق کی ہے اور اس کے نتیجے میں

میں نے اس بارے میں تحقیق کی ہے اور اس کے نتیجے میں
میں نے اس بارے میں تحقیق کی ہے اور اس کے نتیجے میں
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میں نے اس بارے میں تحقیق کی ہے اور اس کے نتیجے میں
میں نے اس بارے میں تحقیق کی ہے اور اس کے نتیجے میں

خدا کا نام

میں نے اس بارے میں تحقیق کی ہے اور اس کے نتیجے میں
میں نے اس بارے میں تحقیق کی ہے اور اس کے نتیجے میں
میں نے اس بارے میں تحقیق کی ہے اور اس کے نتیجے میں
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میں نے اس بارے میں تحقیق کی ہے اور اس کے نتیجے میں
میں نے اس بارے میں تحقیق کی ہے اور اس کے نتیجے میں
میں نے اس بارے میں تحقیق کی ہے اور اس کے نتیجے میں

(18)

Answer I

ATTENDED

Directorate of Training
جیٹر پختونخواہ پشاور

ST. اقبال ٹاؤن

[Signature]

ایڈمنسٹریٹو سیکرٹری

Office of the
General Inspector of
Training, Peshawar
Date: 07/04/23

2. ایڈمنسٹریٹو سیکرٹری میں سے ایڈمنسٹریٹو سیکرٹری کے ذریعے جاری کی گئی دستاویزی اور بنی
جیٹر پختونخواہ پشاور کی مصدقہ کاپیوں کو تاحق کرنا اور ایڈمنسٹریٹو سیکرٹری کے پاس
اپنی اپنی کاپیوں کو جمع کرنا اور ایڈمنسٹریٹو سیکرٹری کے پاس اپنی کاپیوں کو جمع کرنا
3. ایڈمنسٹریٹو سیکرٹری کے پاس اپنی کاپیوں کو جمع کرنا اور ایڈمنسٹریٹو سیکرٹری کے پاس اپنی کاپیوں کو جمع کرنا
4. ایڈمنسٹریٹو سیکرٹری کے پاس اپنی کاپیوں کو جمع کرنا اور ایڈمنسٹریٹو سیکرٹری کے پاس اپنی کاپیوں کو جمع کرنا

ATTACHED

Directorate of Training
 پنجاب پولیس

S. J. Jang
 Director

10.04.2023

مقامی پولیس کے ذریعہ حاصل کیے گئے تصاویر اور رپورٹس کے بارے میں
 معلوم ہوا ہے کہ یہ تصاویر اور رپورٹس کسی شخص کی شناخت کے لیے
 کافی حد تک مفید ثابت ہو سکتی ہیں۔ اس لیے ان کو مزید
 جانچنے اور تصدیق کرنے کی ضرورت ہے۔ اس کے علاوہ، اس شخص کی
 شناخت کے لیے مزید تحقیقات کی ضرورت ہے۔ ان رپورٹس کے ساتھ
 ساتھ ہی اس شخص کی شناخت کے لیے مزید تحقیقات کی ضرورت ہے۔
 اس کے علاوہ، اس شخص کی شناخت کے لیے مزید تحقیقات کی ضرورت ہے۔
 اس کے علاوہ، اس شخص کی شناخت کے لیے مزید تحقیقات کی ضرورت ہے۔

جسٹس

مقامی پولیس کے ذریعہ حاصل کیے گئے تصاویر اور رپورٹس کے بارے میں

(50)

Amex "J" "

مقامی پولیس کے ذریعہ حاصل کیے گئے تصاویر اور رپورٹس کے بارے میں

Annex "K" (21)

KP-RTI COMMISSION
Diary No: 4391
Date: 18-04-2023
Section: _____

To

The Public Information Officer,
Central Police Office Peshawar.

Subject: REQUEST FOR PROVISION OF DOCUMENTS UNDER RIGHT TO INFORMATION ACT.

Respected Sir,


I have the honour to state that I am under disciplinary proceedings and issued me show cause notice in light of enquiry report and witness whereas I clarified my position before the enquiry committee and there were no witness at that time, further to clarify my position in the instant case. I am requesting to kindly provide me the following documents under clause-7 (sub section 1, 2 & 3).

1. Attested copy of enquiry report.
2. All statements of relevant officials in the case.

I had already requested for provision of the same documents on 7th & 10th April, 2023 but so far not provided to me. (Copy attached)

I am further requested to kindly acknowledge receipt of my request as provided under section-7 (sub section-6) of Right to Information act.

Regards.


Zahoor Iqbal SI
Directorate of Training
Khyber Pakhtunkhwa,
Peshawar.

Cc:

1. Right to Information commission Khyber Pakhtunkhwa, Peshawar.

ATTESTED

Annex "L"

(93)

To

The Public Information Officer,
Central Police Office Peshawar.

Subject: REQUEST FOR PROVISION OF DOCUMENTS UNDER RIGHT TO INFORMATION ACT.

Respected Sir,

I have the honour to state that I am under disciplinary proceedings and issued me show cause notice in light of enquiry report and witness whereas I clarified my position before the enquiry committee and there were no witness at that time, further to clarify my position in the instant case. I am requesting to kindly provide me the following documents under clause-7 (sub section 1,2 & 3).

1. Attested copy of enquiry report.
2. All statements of relevant officials in the case.

I had already requested for provision of the same documents on 7th & 10th April, 2023 but so far not provided to me. (copy attached)

I am further requested to kindly acknowledge receipt of my request as provided under section-7 (sub-section-6) of Right to information act.

Regards.

Zahoor Iqbal SI,
Directorate of Training
Khyber Pakhtunkhwa,
Peshawar.

Cc:

1. Right to Information commission Khyber Pakhtunkhwa, Peshawar.

ATTESCED

Annex "M"

83

Reminder 1

Dated: 31/05/2023

To,

The Public Information Officer
Central Police Headquarter
KPK Peshawar.

Subject: REQUEST FOR PROVISION OF DOCUMENTS UNDER RIGHT TO INFORMATION ACT

Respected sir,

Reference my application dated 18-04-2023 for provision of required documents under to right for information act which has so far not provided enabling me to respond the showcase notice issue to me as a disciplinary proceeding.

It is once again requested to kindly provide me the following documents under clause 7 sub section 1,2,3.

1. Attested copy of enquiry report
2. All statement of relevant officials in the case

Regards

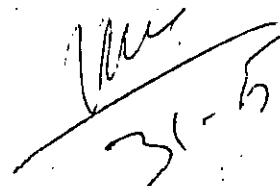


Zahoor Iqbal SI
Directorate of training
KPK police

CC.

1. Right to information commission Khyber Pakhtunkhwa Peshawar.

ATTESTED


31-5-2023

Annex "N"

24

KP-RTI COMMISSION
Diary No: _____
Date: _____
Section: _____

KP-RTI COMMISSION
Diary No: _____
Date: _____
Section: _____

Reminder 1
Dated: 31/05/2023

To,

The Public Information Officer
Central Police Headquarter
KPK Peshawar.

Subject: REQUEST FOR PROVISION OF DOCUMENTS UNDER RIGHT TO INFORMATION ACT

Respected sir,

Reference my application dated 18-04-2023 for provision of required documents under to right for information act which has so far not provided enabling me to respond the showcase notice issue to me as a disciplinary proceeding.

It is once again requested to kindly provide me the following documents under clause 7 sub section 1,2,3.

1. Attested copy of enquiry report
2. All statement of relevant officials in the case

Regards



Zahoor Iqbal SI
Directorate of training
KPK police

CC.

1. Right to information commission Khyber Pakhtunkhwa Peshawar.

KP-RTI COMMISSION
Diary No: 88-99
Date: 31-5-23
Section: _____

ATTESTED

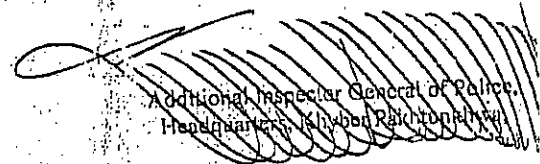


ORDER

This order will dispose of the Departmental Enquiry initiated against Sub-Inspector Zahoor Iqbal, the then MTO PTS Kohat, who was charge sheeted with statement of allegations issued by the Competent Authority under Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014) vide No. S/2784-86/22, dated 16.11.2022, on the following charges:-

- i. Chaudhry Shehzad Ahmad, owner of the Mulazim Filling Station (contractual of PTS Kohat for POL) submitted an application to Director PTS Kohat for the payment of pending bills amounting to Rs. 16,759,749/-. He further stated that he met several times with you and the then Director PTS Kohat regarding payment of pending bills but still no payment has been made. The preliminary enquiry into the allegations was conducted by AIG-Enquiry CPO. During the enquiry the following allegations have been established:-
 - ii. Record provided by the owner of the filling station clearly reflected that the POL was used almost in private vehicles.
 - iii. He denied from signature available over the vouchers. In order to verify your stance, all the vouchers were sent to FSL for forensic examination of the signatures available on the vouchers.
 - iv. On receipt of forensic examination it was clearly established that the signatures on 38 vouchers was one and the same hand, while the remaining 02 vouchers did not match.
 - v. He committed embezzlement of a huge amount (Rs. 16,759,749/- in shape of POL) from Multazim Filling Station with the connivance of the then Director PTS Kohat (Mr. Ibrahim Azhar).
2. He was issued charge sheet/statement of allegation vide No. S/2784-86/22, dated 16.11.2022 and Mr. Ashfaq Anwar, RPO Bannu and Mr. Asif Bahadar DPO Langu were appointed as enquiry officer. Accordingly, he was closed to CPO and was issued Charge Sheet with Statement of Allegations. The enquiry committee also heard him in person and he was given full opportunity to defend himself but failed to show any plausible reason in his favor.
3. The enquiry committee submitted its finding report which confirmed the allegations against him beyond any iota of doubt and he was recommended for major punishment. He was issued Final Show Cause Notice vide No. S/794/23, dated 03.04.2023 but he did not reply the Final Show Cause Notice.
4. In the light of finding of the enquiry committee Sub-Inspector Zahoor Iqbal the then MTO PTS Kohat (now close to CPO) is held guilty of the charges leveled against him.
5. Therefore, I Additional IGP/HQrs: Khyber Pakhtunkhwa being Competent Authority and in the light of recommendations of enquiry committee, is satisfied that the charges against him stand proved as such and in exercise of powers vested under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014), impose upon him major penalty of "dismissal from service" with immediate effect.

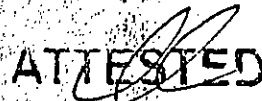
Order announced.


 Additional Inspector General of Police,
 Headquarters, Khyber Pakhtunkhwa

No. S/1478-88/2023, dated Peshawar the 31/5/2023.

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

1. Additional Inspector General of Police, Investigation, P.P.
2. Deputy Inspector General of Police, Training, CPO Peshawar.
3. Regional Police Officer, Kohat & Bannu Region.
4. PSO to IGP/Khyber Pakhtunkhwa, Peshawar.
5. Registrar, CPO Peshawar.
6. Office Supdt. CP Branch CPO Peshawar.
7. Office Supdt. B-I, CPO.
8. PAs to Addl. IGP/HQrs., DIG/HQrs., AIG/Estab. CPO Peshawar.
9. UOP/T/c.

ATTESTED


Departmental Appeal No. _____ /2023

Dated: 16/05/2023

Annex "D"

THROUGH PROPER CHANNEL:

26

To,

The Honorable,
Inspector General of Police,
Khyber Pukhtunkhwa,
Peshawar.

CLAIM IN APPEAL:

By acceptance of this departmental Appeal, Impugned order dated 31-05-2023 of "Dismissal from Service" shall be declared null and void being passed in disregard of the facts of case, contravention of the rules of fair trial and in negation of fundamental rights of service / employment and based on manifest mala fide.

Respectfully Sheweth:-

That the appellant was appointed in the esteem police service of Khyber Pukhunkhwa and throughout his service, rendered his duties to the utmost satisfaction of his seniors, clearly in line with the Khyber Pukhunkhwa Police Rules, 1975. He has more than 15 years' service to his credit. The appellant was last serving as MTO PTS Kohat wherein the impugned baseless allegation was raised. The inquiry committee has not afforded fair trial as per the mandates of the constitution of Pakistan and has passed the impugned order without any evidence on record.

CR No 12075/SB
16/05/23

ATTESTED

DISCIPLINARY PROCEEDINGS:

- 1) That astonishingly, a Charge Sheet and Statement of Allegations was issued to the appellant under Khyber Pukhunkhwa Police Rules, 1975 (amended 2014) alleging therein that;
 - a) One Choudhry Shehzad, owner of Multizan Filling Station (Contractual of PTS Kohat for POL) submitted an application to Director PTS Kohat for Payment of Pending Bills amounting to Rs 16,759,749/-. When inquiry was conducted by AIG-Inquiry, it came to surface that the said POL was used in private vehicles. The vouchers were also found dubious hence embezzlement has been committed of the above stated amount.
- 2) The Competent Authority formed an enquiry committee consisting of DIG Ishfaq Awan and SP Asif Bahadur.
- 3) The appellant submitted his detailed reply to the Charge Sheet and Statement of Allegations denying the allegations vehemently. The appellant asserted that PTS MTO has 08 government Vehicles who's overall in-charge is Director while the appellant obeys his orders as per the law. The appellant further asserted that an agreement to purchase POL dated 18-02-2020 has been executed with the said Petrol Pump. It was categorically written in the said agreement that POL is to be provided to government vehicles. Furthermore, all the pending bills shall be liable to paid till three months where after, the Petrol Pump shall stop providing POL. The appellant assisted the said vouchers are fraud and forged. As per the complainant, the POL was provided to private a vehicle which was not the mandate of the agreement. The said vouchers are prepared by the petrol pump owner with mala fide intentions and ulterior motives to misappropriate money from government treasury.
 The appellant further provided the record of the legal payment to the petrol pump and nothing is outstanding against the department. Lastly, the said amount was never paid to the petrol pump owner hence the allegation of misappropriation is uncalled for and unjustified.
- 4) That the Inquiry Committee, in violation of the rules and judgments of superior Courts, instead of providing opportunity to the appellant to defend his stance and cross-examine the witnesses if any, instead conducted the inquiry in questionnaire form. Superior Courts have time and again declared the said procedure as unjust, unlawful hence null and void. The inquiry committee submitted its manifest illegal finding whereupon, the Competent Authority issued Final Show cause Notice dated 03-04-2023. The appellant, was shocked and submitted an application that copy of the inquiry Report, Vouchers, and any evidence that has been taken on record as he has not been confronted with any evidence during the inquiry.

ATTESTED

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5) That the Competent Authority, instead of paying heed to the genuine and fundamental request of the appellant, passed the impugned order dated 31-05-2023 of "Dismissal from Service" hence this departmental appeal to this worthy forum.

ATTESTED

1
GROUNDS OF APPEAL

- a. That the impugned order as well the proceedings suffer from grave irregularity and illegality, hence, they are liable to be set-aside. There is no denying of the fact that the appellant performed his duties in the four corners of law.
- b. That the respondents have also regarded the sacred principle "that punishment should always commensurate with the offense" but in the instant case they have treaded the path illegally by imposing a penalty where the appellant is not at fault in anyway.
- c. That the appellant was never provided any opportunity to cross-examine the witnesses nor was provided any material hence he is condemn un-heard. The procedure adopted by the inquiry committee cannot be justified as it has resulted in meting injustice to the appellant.
- d. That the final show cause notice is mis-statement as it mentions that the inquiry report is enclosed whereas the same was never provided to the appellant. the appellant initially approached the department who illegally withhold the same where after he was forced to approach the appropriate forum / right of access to information who also tried their best but the inquiry committee did not provide the same. The appellant again approached the concerned officers but they refused without any rhyme and reason. the appellant has been meted major penalty but was not provided with alleged evidence which was used against him which makes the whole inquiry a "sham process".
- e. That the impugned order has destroyed the career of the appellant without any fault or omission hence it is requested that the same be set-aside.

ATTESTED

- f. That the stance of the appellant was never brought on record rather he is dismissed from service when even there is no embezzlement. It was never proved that the vouchers provided by the petrol pump owner was ever signed by the appellant. nor their signatures were compared with the approved / genuine vouchers already in the possession of the department.
- g. That the whole process of inquiry culminated in the dismissal order is tainted with Mala fide.

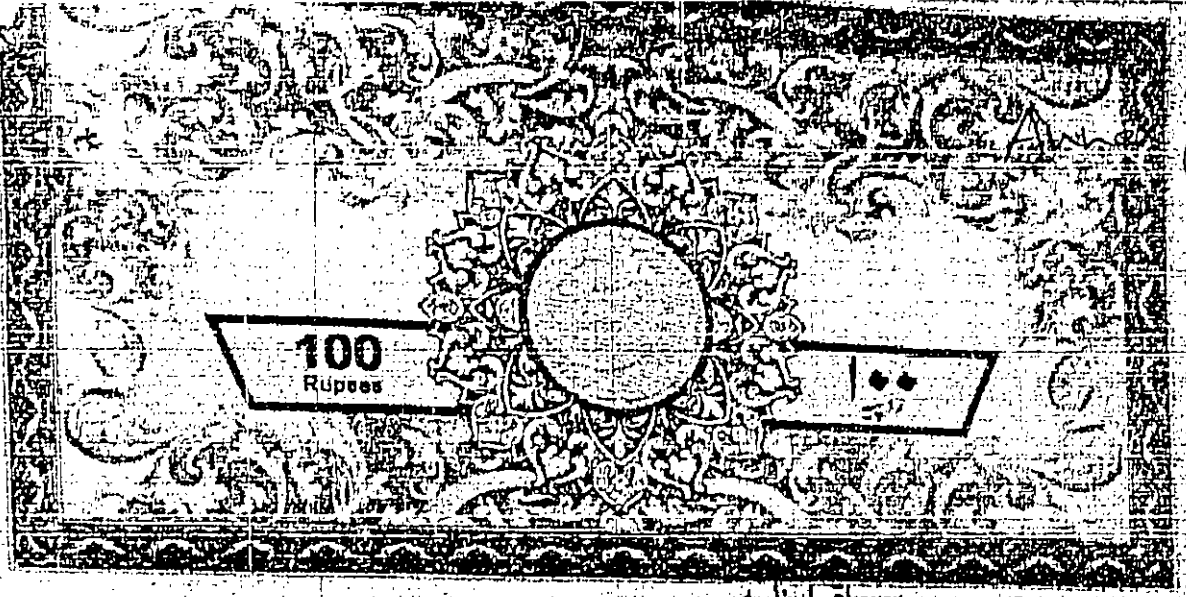
It is, therefore, respectfully prayed that the instant departmental appeal may kindly be accepted, the impugned order dated 31-05-2023 be set aside being based on extraneous considerations, mala fide, devoid of law and natural justice.

Appellant



**Zahoor Iqbal
(Ex-SUB Inspector)**

ATTESTED



اقرا نامہ

مکے چوہدری شہزاد احمد ولد چوہدری فیاض احمد سکنہ PMCHS مکان نمبر 02 سٹریٹ 06، سیکٹر E 11/2 اسلام آباد حال مختیار گلس روڈ مکان نمبر KCB-2-140A کوہاٹ کینٹ۔

- ۱۔ یہ کہ من مقرر ایک بیروں/اڈیزل پمپ کا مالک ہوں۔ جو کہ ملٹرم لٹلنگ اسٹیشن نزد کالج ٹاؤن ہنڈی روڈ کوہاٹ پر واقع ہے۔
- ۲۔ یہ کہ میں نے عرصہ پچھلے پانچ سال سے محکمہ پولیس ٹریننگ سنٹر کے ساتھ بیروں/اڈیزل اسروں فلٹرز انجن اسٹیل کا معاہدہ کیا تھا۔
- ۳۔ یہ کہ جو کہ مذکورہ معاہدہ سرکاری ریٹ کے مطابق مہیا کرتا رہا ہوں۔
- ۴۔ یہ کہ مذکورہ پچھلے معاہدہ محکمہ PTS کوہاٹ کے ساتھ ریٹیل کر کے مندرجہ ذیل شرائط پر مبنی ہے۔
 - (۱) قبل بیروں/اڈیزل وغیرہ سرکاری موجودہ ریٹ کے مطابق مہیا کریں گے۔ بجٹ دہری اور رقم نہ ہونے کی صورت میں تین ماہ تک قرض بیروں/اڈیزل وغیرہ مہیا کروں گا۔
 - (۲) یہ کہ سبب شدہ بیروں/اڈیزل وغیرہ کا رقم بذریعہ چیک PTS کوہاٹ سے معاہدہ ہر ماہ 10 تاریخ تک وصول کروں گا۔لہذا اقرار نامہ بذراغائی ہوش و حواس اور بلا جبر و اکراہ غیر کج محکمہ پولیس کوہاٹ سند تحریر کر دی۔

العبد
ذاری سیکٹر PTS کوہاٹ

العبد
چوہدری شہزاد احمد
14301-8211478-3

Handwritten signature and stamp of the witness, including a circular seal with text in Urdu and English.

ATTESTED

اقرار نامہ

منجہ چوہدری شہزاد احمد ولد چوہدری فیاض احمد سکسہ PMCHS مکان نمبر 02 سٹریٹ 06، سیکٹر 2E/11 اسلام آباد حال مختیار گل روڈ مکان نمبر KCB-2-140A کوہاٹ کینٹ۔

- i. یہ کہ من مقرر ایک پٹرول / ڈیزل پمپ کا مالک ہوں۔ جو کہ ملٹرم فلنگ اسٹیشن نزد کالج جاؤن پنڈی روڈ کوہاٹ پر واقع ہے۔
- ii. یہ کہ میں نے عرصہ پچھلے پانچ سال سے محکمہ پولیس ٹریننگ سنٹر کے ساتھ پٹرول / ڈیزل / سروس فلٹرز انجن آئل کا معاہدہ کیا تھا۔
- iii. یہ کہ جو کہ مذکورہ معاہدہ سرکاری ریٹ کے مطابق مہیا کرتا رہا ہوں۔
- iv. یہ کہ مذکورہ پچھلے معاہدہ محکمہ PTS کوہاٹ کے ساتھ ریبول کر کے مندرجہ ذیل شرائط پر مبنی ہے۔

1. قبل پٹرول / ڈیزل وغیرہ سرکاری موجودہ ریٹ کے مطابق مہیا کریں گے۔ بجٹ دیری اور رقم نہ ہو نے کی صورت میں تین ماہ تک قرض پٹرول / ڈیزل وغیرہ مہیا کر دوں گا۔

2. یہ کہ صرف شدہ ڈیزل / پٹرول وغیرہ کارتم بذریعہ چیک PTS کوہاٹ سے معاہدہ ہر ماہ 10 تاریخ نیک وصول کروں گا۔

لہذا اقرار نامہ بقائمی ہوش و حواس اور بلا جبر و اکراہ غیر مجن محکمہ پولیس کوہاٹ سنداً تحریر کر دی۔

العبد و سخط انگریزی
ڈائریکٹر PTS کوہاٹ

العبد و سخط انگریزی
چوہدری شہزاد احمد

14301-8211478-3

Attested to be true
Copy

Annex "R"

39

Phone No: 9211769



Office of the
Deputy Inspector General of Police
Internal Accountability
Khyber Pakhtunkhwa, Peshawar.

No. 1723-26/CPO/IAB, dated Peshawar the 21/08/2023

To: The Superintendent of Police,
Investigation Unit, CPO Peshawar.


The Director,
Police Training School,
Kohat.

Subject: **SUMMON**
Memo:

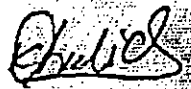
An enquiry against the following Police Officers is underway in IAB Office.

1. DSP Ibrahim Azhar SP Investigation CPO (the then Director PTS Kohat.
2. Zahoor Iqbal the then MTO PTS Kohat.

To proceed further in the enquiry, they may be informed attend this office on 23.08.2023 at 10:00 am.


(MUHAMMAD SALEEM)^{PSP}
Deputy Inspector General of Police,
Internal Accountability Branch
Khyber Pakhtunkhwa,
Peshawar.

CC:-
Manager Multazim Filling Station Kohat, to also attend the enquiry proceedings on the date and time please.


23-8-2023 at 12:00pm

Scanned with CamScanner

ATTESTED

Office of the
Deputy Inspector General Of Police
Internal Accountability
Khyber Pakhtunkhwa, Peshawar

Phone No: 9211769

No. 1723-24/CPO/IAB, dated Peshawar the 2/08/2023

To: The Superintendent of Police,
Investigation Unit, CPO Peshawar.

The Director,
Police Training School,
Kohat.

Subject: SUMMON

Memo:

An enquiry against the following Police Officers is underway in IAB Office.

1. DSP Ibrahim Azhar SP Investigation CPO (the then Director PTS Kohat.
2. Zahoor Iqbal the then MTO PTS Kohat.

To proceed further in the enquiry, they may be informed attend this office on 23.08.2023 at 10:00 am.

Sd/-

(MUHAMMAD SALEEM)^{PSP}

Deputy Inspector General of Police
Internal Accountability Branch
Khyber Pakhtunkhwa
Peshawar

CC:-

Manager Multazim Filling Station Kohat, to also attend the enquiry proceedings on the date and time please.

Attested to be true
Copy

بعدالت جناب سر سید بسیرا بیونلہ P کا ایسا
 طبعہ اقبال بنام گوہر بخش
 منجانب Appellant دعویٰ اجرم S.A
 تھانہ ایف آئی آر " " تاریخ " "

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بہ مقام لپٹا ہار کے لئے

امین الرحمن یوسف زئی و خالد خان مہمند

ایڈووکیٹس ہائی کورٹ

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برد عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکا ہونے کے لئے۔
 وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کرونگا اگر پیشی پر من مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور
 میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے کسی
 اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بزدور تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاوہ صدر مقام کچہری
 کے کسی اور جگہ سماعت ہونے یا بزدور تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار
 یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کوئل ساختہ
 برداختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجرائے
 ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرنے اور ہر قسم کا
 روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد تالی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ
 دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا قرتی یا گرفتاری قبل از اجراء
 ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ
 مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا ایئر مٹز کو بجائے اپنے یا اپنے ہمراہ
 مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور
 دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری نہیں تاریخ پیشی سے
 پہلے ادا نہ کر دے گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب
 موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ سندر ہے مورثہ _____ مضمون مختار نامہ من ایات اور
 اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

امین الرحمن یوسف زئی

ایڈووکیٹ ہائی کورٹ اینڈ فیڈرل شریعت کورٹ آف پاکستان

ایڈووکیٹ آئی ڈی نمبر: BC-10-7562

موبائل نمبر: 0321-9022964

شناختی کارڈ نمبر: 17301-5813582-3

جلال خان مہمند

ایڈووکیٹ ہائی کورٹ، پشاور

ایڈووکیٹ آئی ڈی نمبر: BC-18-1115

آفس: 3-A، پھلنی پلازہ، پارک ایونیو، یونیورسٹی ٹاؤن چوک

صعلاز اسٹریٹ حلالی

ایڈووکیٹ ہائی کورٹ، پشاور

BC-10-7562

فائل نمبر: 83-6034

BC-83-6034

14361-1694722-1

بعدالت جناب سروسٹریٹ بونلے K.P. الپشاہ

طہور اقبال نام گورنمنٹ

منجانب S.A. دعویٰ اجرم Appellant

تھانہ ایف آئی آر تاریخ

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی بمقام الپشاہ کے لئے

امین الرحمن یوسفزئی و خالد خان مہمند

ایڈوکیٹس ہائی کورٹ

کو بدین شرط وکیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو بروعدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بزرور تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے۔ اگر مقدمہ علاحدہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کھل ساختہ پرداخت صاحب موصوف مثل کردہ ذات خود منظور قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراء ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجرا کرانے اور ہر قسم کا روپیہ وصول کرانے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپردنالی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نامہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا ایئر سٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں۔ اور ایسے مشیر قانون کو ہر امر میں وہی اور ویسے ہی اختیارات حاصل ہوں گے۔ جیسے کہ صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ وہ صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا یہ مختار نامہ لکھ دیا کہ سند رہے مورخہ _____ مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

ATTESTED & ACCEPTED:

امین الرحمن یوسفزئی

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