

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Service Appeal No 4951/2021

SAWAR KHAN

.....Appellant.

VERSUS

PROVINCIAL POICE OFFICER KHYBER PAKHTUNKHWA and other

...Respondents

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DSP LEGAL
PESHAWAR

3/11/2023

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR.

Service Appeal No 4951/2021

SAWAR KHAN

.....Appellant.

VERSUS

PROVINCIAL POICE OFFICER KHYBER PAKHTUNKHWA and other


...Respondents

**SUBJECT: APPLICATION FOR SUBMISSION OF RECORD IN THE ABOVE
TITLE APPEAL**

R/SHEWETH;

1. That the above titled appeal is pending adjudication before this august tribunal which is fixed for hearing today on 06/10/2023.
2. That this august tribunal directed the respondents to submit proper record before this august tribunal.

It is, therefore, most humbly prayed that on acceptance of this application proper record is hereby submitted by the respondents which may kindly be accepted.


x DSP LEGAL
PESHAWAR

CHARGE SHEET

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I, Superintendent of Police, Headquarters, Capital City Police Peshawar, as a competent authority, hereby, charge that 06-officials mentioned in the attached list vide at annexure-D of Capital City Police Peshawar with the following irregularities.

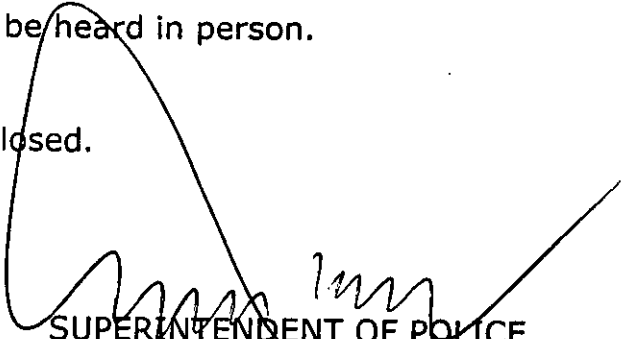
"During scrutinizing by committee constituted vide No.227-31/PA/CCPO dated 20.03.2020 to conduct Audit of A-I & B-I examination of 02-branches i.e OSI & CRC, you were found failed in A-I examination but you qualified lower school course in PTC Hangu. This amounts to gross misconduct on your part and is against the discipline of the force."

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

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

Intimate whether you desire to be heard in person.

A statement of allegation is enclosed.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

(2) 5

DISCIPLINARY ACTION

I, Superintendent of Police, Headquarters, Capital City Police Peshawar as a competent authority, am of the opinion that 06-officials mentioned in the attached list vide at annexure-D has rendered themselves liable to be proceeded against under the provision of Police Disciplinary Rules-1975

STATEMENT OF ALLEGATION

"During scrutinizing by committee constituted vide No.227-31/PA/CCPO dated 20.03.2020 to conduct Audit of A-I & B-I examination of 02-branches i.e OSI & CRC, they were found failed in A-I examination but they qualified lower school course in PTC Hangu. This amounts to gross misconduct on their part and is against the discipline of the force."

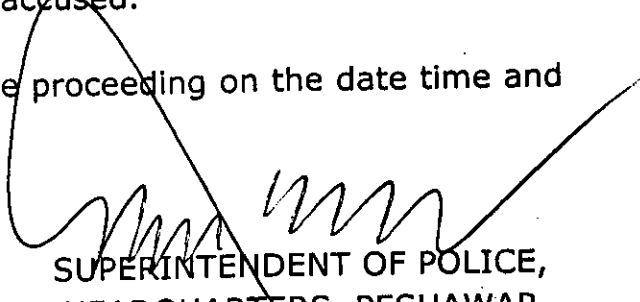
For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and following Officer appointed as Enquiry Officers.

i) **Mr. Gul Arif DSP Civil Secretariat**

ii) **Mr. Arshid Khan DSP Coordination**

2. The Enquiry Officer shall, in accordance with the provisions of the Police Disciplinary Rules, 1975, provide reasonable opportunity of hearing to the accused officer, record his finding within 30 days of the receipt of this order, make recommendations as to punishment or other appropriate action against the accused.

3. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 221 /E/PA, dated Peshawar the 25th /2020

1 _____ is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

1924 دوح الہ 2. Official concerned

30/9/20
30/9/20

4766 EF
5708
01/10/20

1866 FC
428
06/10/2020

3757
06/10/2020

Subject: INQUIRY OF POLICE OFFICIAL'S A1 FAILED CANDIDATES BUT THEY QUALIFIED THE LOWER COURSE IN PTC HANGU.

Memo: Please refer to your office Endst: No.221/E/PA dated 25/09/2020 on the subject cited above.

Allegations:-

That the LHC following were failed in A1 Examination and qualified the lower course from PTC Hangu the names are following:-

1. Naveed Ullah 4559.
2. Sawar Khan 1466/428/FRP/HQrs:.
3. Rooh Ullah 809/T/1924.
4. Qazi Fazal Dad 3751.
5. Fasil-Ud-Din 2612.
6. Shah Nawaz No.2171/4766.

Proceedings:-

To dig out the factual the above Police officials summoned appear before the undersigned charge sheets and summary of allegations was served upon on them. They are heard in person and they recorded their statement.

1. **Statement of Constable Naveed Ullah 5449:-**

The constable Naveed Ullah No.5449 recorded in his statement that he does not know about the entry of A1 in his service Roll. He qualified various promotion courses and he qualified the A1 and B1 examination on time. A1 Pass entry is present in his Service Roll therefore on this basis he applies for B1 examination but he failed and once again he submitted his form through OSI for B1 examination and again on second time he passed the B1 exam. If there is any mistake in his Service Roll. It is not my responsibility because I am not the Incharge of CRC Branch and the service Roll keeps under the Incharge of CRC Branch in his office. there is some mistake in my Service Roll why they send me for Lower Course. (Statement enclosed).

2. **Statements of Constable Sawar Khan 1866:-**

The Constable Sawar Khan No.1866 stated in his statement that he passed the A1 examination in year 2012. The entry is present in the service record. Therefore I submit form for the B-1 examination and he passed the examination in 2017. Who entry present in Service Roll. (Statement enclosed).

3. **Statement of Constable Rooh Ullah 809/T/1924:-**

The Constable Rooh Ullah No.809/T/1924 stated in his statement that he passed the A1 and B1 Exam by legal procedure and sent to Lower Course PTC Hangu. I do not know about the bogus entry in his Service Roll. (Statement enclosed).

4. **Statement of Constable Qazi Fazal Dad 3751:-**

The Constable Qazi Fazal Dad No.3751 stated that he passed the exam in 2013 and after qualifying the Lower Course he perform his duty in his district. (Statement enclosed).

5. **Statement of Constable Fasih-Ud-Din 2612:-**

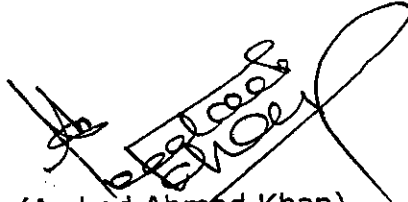
The constable Fasih-Ud-Din stated in his statement that he never checked his Service Roll or his result of A-1 exam. Once he checked his Service Roll in connection of GP fund purpose. He saw the A1 pass entry in his Service Roll. Therefore he submitted the form for B1 exam and Pass the exam of B1 in year 2018 and qualified Lower Course from Hangu Training College and now he is performing his duty in his district. (Statement enclosed).


6. **Statement of Constable Shah Nawaz 2171/4766:-**

The Constable Shah Nawaz 2171/4766 stated in his statement that he give examination of A1 in year 2013. My result announce late due to write wrong date of enlistment in his record. Which is wrote 2012 instead of 2009. When I clear the mistake they announce my result which is A-1 exam Passed. (Statement enclosed).

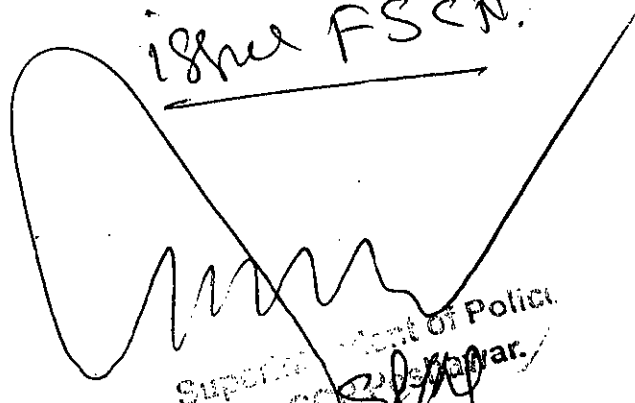
FINDING:-

After going through the charge sheet and summary of allegations and statements of the alleged officials and other material available on record the undersigned came to conclusion that Police officials were A1 Exam failed. Too much time gives to them to produce solid proof in the connection of A1 Pass result but they were failed in producing solid proof. The statements of the alleged officials were un-satisfactory. Only Constable Shah Nawaz produce A-1 Pass result by self which is sent to verification to PTC Hangu by through SP/HQrs: furthermore 05 Constable found guilty they are failed in A1 examination all 05 constables recommended for suitable punishment if so agree please. Furthermore, the matter of Constable Shah Nawaz No.2171/4766 after the receiving of verification of A-1 result will decide.


(Arshad Ahmad Khan)
Deputy Superintendent of Police,
Coordination CCP, Peshawar


(Gul Arif Khan)
Deputy Superintendent of Police
(Security), Civil Secretariat,
Peshawar.

No. 185 /R, Dated 12 / 11 /2020


Superintendent of Police
HQrs: CCP, Peshawar.

W/SP/Hqrs

(4)

FINAL SHOW CAUSE NOTICE

I Superintendent of Police, Headquarters, Capital City Police Peshawar, as competent authority, under the provision of Police Disciplinary Rules 1975 do hereby serve upon you, Constable HC Sawar Khan No. 422/126 the final show cause notice.

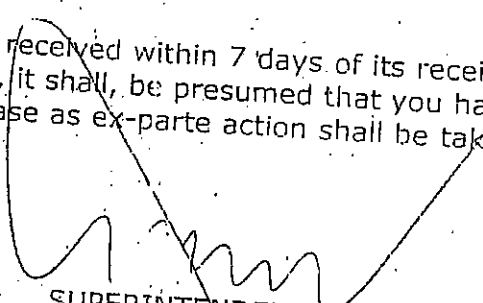
The Enquiry Officer, DSP Civil Secretariat & DSP Coordination, after completion of departmental proceedings, has recommended you for suitable punishment for the charges/allegations leveled against you in the charge sheet/statement of allegations.

And whereas, the undersigned is satisfied that you Constable HC Sawar Khan No. 422/126 deserve the punishment in the light of the above said enquiry report.

And as competent authority, has decided to impose upon you the penalty of minor/major punishment under Police Disciplinary Rules 1975.

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

2. If no reply to this notice is received within 7 days of its receipt, in 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.


SUPERINTENDENT OF POLICE,
HEADQUARTERS, PESHAWAR

No. 221 /PA, SP/HCRs: dated Peshawar the 3-12 /2020.

Copy to official concerned