

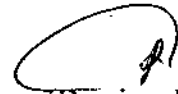
07.02.2023

Counsel for the appellant present. Umair Azam, Learned  
Additional Advocate General for the respondents present.

Former made a request for adjournment in order to  
prepare the brief. Adjourned. To come up for arguments on  
16.05.2023 before D.B.

SCANNED  
K. ST.  
Peshawar

  
(Fareeha Paul)  
Member (E)

  
(Rozina Rehman)  
Member (J)

19.05.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Saleem Stenographer for the respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. Copy of the same is handed over to the learned counsel for the appellant. Adjourned. To come up for rejoinder if any, and arguments on 18.07.2022 before D.B.

(Mian Muhammad)  
Member (E)

18.07.2022

Due to non-availability of Bench, case is adjourned to 15.09.2022 for the same as before.

15.09.2022

Junior to counsel for the appellant present.  
Reader

Muhammad Jan, learned District Attorney for respondents present.

Former submitted an application for adjournment; allowed. To come up for arguments on 28.11.2022 before D.B.

(Fareeha Paul)  
Member (E)

(Rozina Rehman)  
Member (J)

28/11/22

Deleted from list to come up for the on 7/2/23

08.11.2021

Junior to counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. Subject to all just and legal objections, this appeal is admitted for full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 02.03.2022 before the D.B.

Appellant Deposited  
Security Process Fee

8/11/21

  
Chairman

2-3-2022



Due to retirement of the Hon,ble Chairman the case is adjourned to come up for the same as before on 19.5.2022

  
Reader

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No.- 7408 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/09/2021	<p>The appeal of Mr. Habib-ur-Rehman presented today by Mr. Ashraf Ali Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: right;">1658-5</p> <p><i>[Handwritten notes in Urdu script follow, including 'Dus to...']</i></p>
2-		

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

Service Appeal No. 7408/2021

Habib ur Rehman.....Appellant

**VERSUS**

Govt of KPK.....Respondents

**APPLICATION FOR ADJOURNMENT**

**Respectfully Sheweth:**

1. That the above titled Appeal is pending adjudication before this Hon'ble Court and is fixed for today i.e 15.09.2022.
  
2. That the counsel for Appellant is busy before the Hon'ble Peshawar High court Abbottabad Bench, hence would not be able to appear and assist this Hon'ble Court on the date fixed.

**It is, therefore, respectfully prayed that on acceptance of this application, the titled Appeals may kindly be adjourned, convenient to this Hon'ble Tribunal.**

Appellant

Through

Dated 15.09.2022

Through Clerk

**ASHRAF ALI KHATTAK**  
Advocate Supreme Court of  
Pakistan

  
**HASSAN AHMAD**

0333 9531750

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 79082021

Ex- ASI,

Habib Ur Rehman S/o Rahim Ullah,

District Police Kohat

.....Appellant.

Versus

The Regional Police Officer,

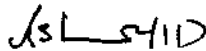
Kohat Region Kohat and others.....Respondent.

INDEX

S.N.	Description of Documents	Date	Annexure	Pages
1.	Memo of Service Appeal. +AFFIDAVIT			1-7
2.	Copy of charge sheet and statement of allegations	29-04-2021	A	8-9
3.	Copy of reply to charge sheet and statement of allegations		B	10
4.	Copy of inquiry report		C	11-12
5.	Copy of final show cause	28-05-2021	D	13
6.	Copy of reply to final show cause		E	14
7.	Copy of impugned order of respondent No.2	16-06-2021	F	15-16
8.	Copy of departmental appeal		G	17-23
9.	Copy of final impugned order	24-12-2020	H	24
10.	Wakalat nama			25

  
Appellant

Through



Ashraf Ali Khattak,  
Advocate,  
Advocate, Supreme Court.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. \_\_\_\_\_/2021

Ex- ASI,  
Habib Ur Rehman S/o Rahim Ullah,  
District Police 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 TRIBUNALS ACT, 1974 READ WITH SECTION 19 OF THE GOVERNMENT SERVANTS (EFFICIENCY & DISCIPLINE) RULES, 2011 AGAINST THE IMPUGNED FINAL ORDER OF RESPONDENT NO. 1 DATED 01-09-2021 THEREBY HE REJECTED THE DEPARTMENTAL APPEAL OF THE APPELLANT REFERRED AGAINST THE IMPUGNED ORDER OF RESPONDENT NO.2 DATED 16-06-2021, WHEREBY HE IMPOSED UPON THE APPELLANT MAJOR PENALTY OF REMOVAL FROM SERVICE WITH IMMEDIATE EFFECT.**

**Prayer:-**

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

1. Declare both the impugned orders dated 16-06-2021 of respondent No.2 and order dated 01-09-2021 of the respondent No.1 is illegal, unlawful and without lawful authority and set aside the same.
2. Direct the respondents to re-instate the appellant on his original position with all back benefits.
3. Any other relief which this Honorable Court deemed appropriate but not specifically asked for may also be granted.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:

1. That appellant was enrolled in the respondents' department w.e.from 20-06-2002. He has 19 years service at his credit and has

been awarded commendations certificates for his devoted service beyond the call of his duty.

2. That vide Charge Sheet and Statement of allegations dated 29-04-2021 appellant was charged with certain unusual allegations (Annexure-A). Appellant submitted reply to the charge sheet and statement of allegations and denied the charges (Annexure-B).
3. That an inquiry was conducted through DSP Headquarter namely Badsh Khan (Annexure-C) who though not recorded the statement of witnesses in presence of appellant with opportunity of cross examination, but still failed to collect any evidence to connect appellant with charged accusations. The Inquiry Officer exonerated the appellant from all leveled charges.
4. That appellant was served with final show cause (Annexure-D) on 28-05-2011 without providing him with copy of Inquiry Report. Appellant submitted reply to the final show cause (Annexure-E).
5. That appellant was removed from his service by respondent No.2 vide impugned order dated 16-06-2021 (Annexure-F) without calling him for personal hearing and without scrutinizing the material collected by the inquiry officer during inquiry proceeding and also without weighting the inquiry report; as to whether charges have been proved or otherwise.
6. That appellant being aggrieved from the impugned penal order of respondent No.2; preferred departmental appeal (Annexure-G) before the respondent No.1, who vide impugned final order dated 01-09-2021 (Annexure-H) rejected the same in violation of the mandate of Rule No.17 of the Govt: Servants (Efficiency and Discipline) Rules, 2011.
7. That appellant now being aggrieved from the impugned order of respondent No.2 dated 16-06-2021 and impugned final order dated 01-09-2021 of respondent No.1 and having no other remedy assails



the same through the this Service Appeal alias on the following grounds.

- A. That the respondents have not treated the appellant in accordance with law, rules and policy on the subjected and acted in violation of Article 4 and 10A 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. Mere allegation of commission of offence/misconduct and initiation of departmental disciplinary proceedings against a person would not ispo facto make him guilty, rather he would be presumed to be innocent and would have right to enjoy the presumption of innocence until proved through impartial inquiry proceedings with opportunity to defend himself against the allegation leveled against him. The impugned order has been passed without scrutiny of the available record, without any sort of evidence and without opportunity of defense, therefore cannot be clothed with validity and is liable to be interfered with by this Honorable Tribunal.
- B. That section 16 of the Civil Servant Act, 1973 provide that a civil servant is liable for prescribed disciplinary actions and penalties only through prescribed procedure. In instant case prescribed procedure has not been followed in its true letter and spirits.
- C. That though the inquiry has been conducted in the absence and at the back of appellant but even than the inquiry officer failed to bring on record an itoa of evidence which could connect the appellant with leveled charges. Inquiry Officer has exonerated the appellant from all leveled charges as evident from the inquiry report.
- D. The penal authority was under legal obligation to either file the inquiry proceedings being devoid of any incriminating evidence

or call for De novo inquiry in case he was not satisfied with inquiry proceedings or its findings. In the instant case, the penal authority without giving any reason as to why he was not agreed with the finding of inquiry report; straight away removed the appellant from his legal service.

E. That the well-known principle of law “ Audi altram Partem” has been violated. This principle of law was always deemed to have embedded in every statute even though there was no express specific or express provision in this regard.

....An adverse order passed against a person without affording him an opportunity of personal hearing was to be treated as void order. Reliance is placed on 2006 PLC(CS) 1140. As no proper personal hearing has been afforded to the appellant before the issuing of the impugned order, therefore, on this ground as well the impugned order is liable to be set aside.


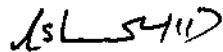
F. That the non provision of the inquiry report amounts to deprive a civil servant from confronting and defending himself from evidence that may go against him, which is against the provision of Article 10A of the Constitution of Pakistan, 1973. In the instant case copy inquiry report has been denied to the appellant, which fact is evident from the perusal of the final show cause notice.

G. That under the provision of Rule 14 of E & D Rule, 2011, the competent authority was under legal obligations to peruse the inquiry report and determine as to whether the inquiry has been conducted in accordance with prescribed procedure and whether the charge are proved or otherwise. The competent authority has made no such efforts and dismissed the appellant with a single stroke of pen, which is nullity in the eyes of law and liable to be interfered with by this Honorable Tribunal.

- H. 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 penalizing a 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)].
- I. 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.
- J. 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).
- K. 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.

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

**In view of the aforesaid explanation, it is humbly requested that the appellant may be allowed as prayed for above.**

  
Appellant  
Through   
Ashraf Ali Khattak  
Advocate,  
*Supreme Court of Pakistan*

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

SERVICE APPEAL No. \_\_\_\_\_ /2021

Ex- ASI,  
Habib Ur Rehman S/o Rahim Ullah,  
District Police Kohat .....Appellant.

Versus

The Regional Police Officer,  
Kohat Region, Kohat and others .....Respondents.

**AFFIDAVIT**

I, Ex- ASI, Habib Ur Rehman S/o Fahim Ullah, District Police 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 belief, and nothing has been concealed from this Hon'ble Tribunal.



Deponent

Anx-A

8



No. 2093-54/P.A.

Office of the  
District Police Officer,  
Kohat

Dated 29-4/2021

CHARGE SHEET

I, MR. SOHAIL KHALID, DISTRICT POLICE OFFICER, KOHAT, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you Offg: ASI Habib Ur Rehman Incharge PP Political Serai rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. That one Qaiser Khan s/o Mehdi Khan r/o Meri Colony complain against you that you had made a demand of Rs: 5,50,000/- regarding employment of his son in FIA out of which you have received Rs: 100,000/-. You neither complied with your illegal commitment nor returned the amount to the complainant.
- ii. That you have received Rs: 600,000/- from Ali Ahtisham for appointment of Sadiq Ullah in FIA as constable. Now Sadiq Ullah lodged a written complaint against you.
- iii. That you were called and heard in presence of both the complainant and you have admitted taking amount from both the persons. Thus you have indulged himself in illegal activities and committed gross professional misconduct.
- iv. That from the above, and your previous record you are ill-reputed.


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

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

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

4. A statement of allegation is enclosed.

**ATTESTED**

  
DISTRICT POLICE OFFICER,  
KOHAT 29/4



No. 2073-84/PA

Office of the  
District Police Officer,  
Kohat

Dated 25-4-2021

DISCIPLINARY ACTION

I, MR. SOHAIL KHALID, DISTRICT POLICE OFFICER, KOHAT as competent authority, am of the opinion that you Offg: ASI Habib Ur Rehman Incharge PP Political Serai 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 one Qaiser Khan s/o Mehdi Khan r/o Meri Colony complain against you that you had made a demand of Rs: 5,50,000/- regarding employment of his son in FIA out of which you have received Rs: 100,000/-. You neither complied with your illegal commitment nor returned the amount to the complainant.
- ii. That you have received Rs: 600,000/- from Ali Ahtisham for appointment of Sadiq Ullah in FIA as constable. Now Sadiq Ullah lodged a written complaint against you.
- iii. That you were called and heard in presence of both the complainant and you have admitted taking amount from both the persons. Thus you have indulged himself in illegal activities and committed gross professional misconduct.
- iv. That from the above, and your previous record you are ill-reputed.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations SOPD/HQS 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 25/4

No. 2073-84/PA, dated 25-4-2021.

- Copy of above to:-
1. SOPD/HQS IOT: :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
  2. The Accused official: with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

ATTESTED

## بحوالہ چارج شیٹ مورخہ 29/04/2021 معروض ہوں

1- یہ کہ من ASI کے خلاف شکایت کنندہ نے جو درخواست گزاری تھی، من سائل نہ ہی اس کو جانتا ہے اور نہ اسکے ساتھ کوئی تعلق واسطہ ہے دونوں درخواست کنندہ اس سلسلہ میں دفتر DSP ہیڈ کوارٹر اور تحریری بیانات دیئے کہ ہماری من ASI کیساتھ کوئی دخل اندازی نہیں ہے۔

2- یہ کہ درخواست کنندہ اپنی تحریری درخواست اور زبانی اور تحریری طور پر تحریر کر دی ہے، کہ ہم نے جس فریق کو رقم دی تھی وہ اس فریق نے واپس کر دی ہے اس میں سائل کی کوئی مداخلت نہیں ہے۔ سائل بے گناہ ہے

3- یہ کہ دونوں درخواست کنندہ اپنے درخواست گزار نے پر من ASI سے معذرت طلب کرتے ہیں

4- یہ کہ ہم درخواست کنندہ کا من ASI کیساتھ کوئی تعلق نہیں ہے اس لئے ہم کسی قسم کی قانونی کارروائی نہیں کرنا چاہتے ہیں اور ہم اپنی تحریری درخواست واپس لینا چاہتے ہیں، اور اپنی درخواست گزرنے پر معذرت خواں ہیں۔

لہذا استدعا ہے کہ بوجہات بالا من ASI حبیب الرحمان کیخلاف فائل شوکاژ نوٹس ہذا بلا مزید کارروائی داخل دفتر کئے جانے کا حکم صادر فرمایا جائے، من سائل تازیت دعا گو اور تابعدار رہونگا۔

  
حبیب الرحمان ASI متعینہ پولیس لائن کوہاٹ

  
ATTESTED



**DEPARTMENTAL ENQUIRY AGAINST ASI Habib Ur Rehman****Incharge PP Political Serai.**

The subject enquiry was referred to this office in the capacity as enquiry officer vide order of enquiry bearing endst: No.2093-94/PA dated 29.04.2021, to ascertain the alleged charge of misconduct on the part of above mentioned ASI with the following allegations; -

- i. ***That one Qaiser Khan s/o Mehdi Khan r/o Meri Colony complain against you that you had made a demand of Rs: 550,000/- regarding employment of his son in FIA out of which you have received Rs: 100,000/-. You neither complied with your illegal commitment nor returned the amount to the complainant.***
- ii. ***That you have received Rs: 600,000/- from Ali Ahtisham for appointment of Sadiq Ullah in FIA as constable. Now Sadiq Ullah lodged a written complaint against you.***
- iii. ***That you were called and heard in presence of both the complainant and you have admitted taking amount from both the persons. Thus you have indulged himself in illegal activities and committed gross professional misconduct.***
- iv. ***That from the above, and your previous record you are ill-reputed.***

The undersigned conducted an enquiry to find out the actual facts regarding the above mentioned allegations.

For scrutinizing the conduct of defaulter ASI Habib Ur Rehman was served with charged sheet and summary of allegations. he was summoned for personal hearing, recorded his statement, in his written reply of charge sheet and summary of allegations, he defended himself innocence. He stated reason that both the complainants namely Ali Ihtesham and Abdul Qadoos and Qaiser Khan s/o Mehdi Khan received their claiming amount he further stated in his written statement due to getting late their amount returning, both the applicant presented complaints again him.

During the inquiry to determine facts. All the concern branches OHC /SRC also summoned to furnish the detail service record of above defaulter ASI Habib Ur Rehman (copy annexed) according to the service record report, the said defaulter ASI enlisted in Police department on 20.07.2002 and awarded Major punishment 3 and minor 02 and still suspended, regarding the mentioned allegations. (copy annexed)

To validity of the statement of the above defaulter ASI Habib Ur Rehman was given complete legitimate opportunity to defend himself according to the law, rules and regulation as defaulter police officer. His reply of charge sheet found little satisfactory. While both the complainants Ali Ihtesham and Abdul Qadoos r/o Khattak Colony Mobile Number. 0334-8259919 and Qaiser Khan s/o Mehdi Khan Meri Colony Mobile Number. 0335-1996204 were properly summoned to this office, heard in persons. Both above mentioned complainant presented their written statements that they could not want to legal action against the said ASI because they have received their amount. defaulter ASI Habib Ur Rehman also summoned and appeared before the applicants, wherein applicants certified their statement before the defaulter ASI Habib Ur Rehman.(copy annexed)

During the course of inquiry another complaint received to undersigned against the defaulter ASI Habib Ur Rehman that he taking bribe

 **ATTESTED**

YTWL  
st enquiry of enquiry of charged persons; Mehdi A. and made his son in neither co. amount for

12

request of applicant regarding the bogus cheque but he nor chalk FIR neither returned amount, the said applicant also contacted his cell number 0332-9809425 but applicant mobile number is coming off continuously.

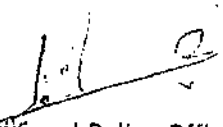
Foregoing in view the above facts, and thoroughly examine allegations and record I have come to conclusion that allegation against the said ASI could not be substantiated because no one come to front for giving solid evidence / written statement against purported ASI Habib Ur Rehman. Beside the complainants Ali Ihtesham and Abdul Qadoos r/o Khattak Colony Mobile Number. 0334-8259919 and Qaiser Khan s/o Mehdi Khan Meri Colony Mobile Number. 0335-1996204 presented their written statement that they could not want to legal action against purported ASI Habib Ur Rehman. (copy annexed) According to the secret probe defaulter ASI Habib Ur Rehman reported unfastened character.

**It is therefore; he is recommended for appropriated order please**

Inquiry report is enclosed with all relevant documents submitted for favour of perusal please.

(Enclosure ...17....)

No 364 PA-Reader Dated 27/05/2021

  
Sub-Divisional Police Officer,  
HQrs Kohat

  
**ATTESTED**



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-9260116 Fax 9260125

No. 2416 /PA dated Kohat the 28/5 /2021

**FINAL SHOW CAUSE NOTICE**

1. I, **Sohail Khalid, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, **Offg: ASI Habib Ur Rehman** 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. 2093-94/PA dated 29.04.2021.
- 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. *That one Qaiser Khan s/o Mehdi Khan r/o Meri Colony complain against you that you had made a demand of Rs: 5,50,000/- regarding employment of his son in FIA out of which you have received Rs: 100,000/-. You neither complied with your illegal commitment nor returned the amount to the complainant.*
- b. *That you have received Rs: 600,000/- from Ali Ahtisham for appointment of Sadiq Ullah in FIA as constable. Now Sadiq Ullah lodged a written complaint against you.*
- c. *That you were called and heard in presence of both the complainant and you have admitted taking amount from both the persons. Thus you have indulged himself in illegal activities and committed gross professional misconduct.*
- d. *That from the above, and your previous record you are ill-reputed.*

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.

**ATTESTED**

  
DISTRICT POLICE OFFICER,  
KOHAT

## جواب فائل شوکارنوٹس حبیب الرحمن ASI متعینہ پولیس لائن کوہاٹ

جناب عالی!

بحوالہ مشمولہ شوکارنوٹس موصولہ بحوالہ چٹھی انگریزی نمبر PA/2416 مورخہ 28-05-2021 ذیل معروض خدمت ہوں۔

- ۱۔ یہ کہ من ASI کے خلاف شکایت کنندہ نے جو درخواست گزاری تھی۔ من سائل نہ ہی کو جانتا ہے اور اور نہ اسکے ساتھ کوئی تعلق واسطہ ہے۔ دونوں درخواست کنندہ اس سلسلہ میں دفتر DSP ہیڈ کوارٹر بسلسلہ انکوائری پیش ہوئے۔ اور تحریر اور زبانی بیانات دیئے کہ ہماری من ASI کے ساتھ کوئی دخل اندازی نہیں ہے۔
  - ۲۔ یہ کہ درخواست کنندہ اپنی تحریری درخواست اور زبانی اور تحریری طور پر تحریر کر دی ہے کہ ہم نے جس فریق کو رقم دی تھی۔ وہ اس فریق نے واپس کر دی ہے۔ اس میں سائل کی کوئی مداخلت نہیں ہے۔
  - ۳۔ یہ کہ دونوں درخواست کنندہ اپنے درخواست گزار نے پر من ASI سے معذرت طلب کرتے ہیں۔ نقولات تحریری درخواست ہائے بعد انکوائری فائل رپورٹ وغیرہ لف بند ہیں۔
  - ۴۔ یہ کہ ہم درخواست کنندہ کا من ASI کے ساتھ کوئی تعلق نہیں ہے۔ اسلئے ہم کسی قسم کی قانونی کارروائی نہیں کرنا چاہتے ہیں۔ اور ہم اپنی تحریری درخواست واپس لینا چاہتے ہیں۔ اور اپنی درخواست گزار نے پر معذرت خواں ہیں۔
- لہذا استدعا ہے کہ بوجوہات بالا من ASI حبیب الرحمن کے خلاف فائل شوکارنوٹس ہذا بلا مزید کارروائی داخل دفتر کئے جانے کا حکم صادر فرمایا جائے۔ من سائل تازیت دعا گو اور تابعدار رہوں گا۔

HARIS

حبیب الرحمن ASI متعینہ پولیس لائن کوہاٹ

8/6/21

ATTESTED



Office of the  
District Police Officer,  
Kohat

Ph: #. 0922-9260116 Fax #. 0922-9260125

ORDER

This order will dispose of departmental proceedings conducted against Offg: ASI Habib Ur Rehman (hereinafter called accused official) under the Khyber, Pakhtunkhwa, Police Rules, 1975 (amendment 2014), on the below score of charges:-

- i. That one Qaiser Khan s/o Mehdi Khan r/o Meri Colony complain against him that he has made a demand of Rs: 5,50,000/- regarding employment of his son in FIA out of which he have received Rs: 100,000/-. He neither complied with his illegal commitment nor returned the amount to the complainant.
- ii. That he have received Rs: 600,000/- from Ali Ahtisham for appointment of Sadiq Ullah in FIA as constable. Now Sadiq Ullah lodged a written complaint against him.
- iii. That he was called and heard in presence of both the complainant and he has admitted taking amount from both the persons. Thus he, have indulged himself in illegal activities and committed gross professional misconduct.
- iv. That from the above, and his previous record he has ill-reputed.

SDPO HQrs, Kohat was appointed as enquiry officer to proceed against the accused official under the above score of charges and rules ibid. The enquiry officer filed report wherein he stated that he is ill-reputed. He also enclosed statement of complainants, wherein they disclosed that the amount has been returned by the accused official.

Final Show Cause Notice was served upon the accused official to which he filed reply but found unsatisfactory.

The accused official was called in O.R and heard in person, wherein he stated that he wants to returned the amount to the complainant and placed himself at the mercy of undersigned, but his version amounts to admission / confession of his illegal practice / corruption and misconduct.

Record gone through which indicates that the accused official being member of a disciplined department indulged himself in illegal activities, cheating / frauds with complainant, in garb of government employment and deceived them from valuable property. Besides above, similarly, complaint of one Muhammad Zubair is also received against the accused official. Furthermore, one of the complainant named Ihtisham Ali filed another complaint, wherein he disclosed that the accused official threatened him for dire consequences. Hence, the accused official misused his authority, earned bad name to a disciplined department and he is a stigma on Police. Hence, the charges leveled against the accused official are established beyond any shadow of doubt and his retention in department shall damage the image of Police.

*AS*  
TESTED

16

Therefore, in exercise of powers conferred upon me under the rules ibid I, Sohail Khaid District Police Officer, Kohat impose a major punishment of removal from service on accused Offg: ASI Habib Ur Rehman with immediate effect.

Announced  
14.06.2021

  
DISTRICT POLICE OFFICER,  
KOHAT

OB No. 421.  
Date 16-06-2021

No. 2671-74 PA dated Kohat the 16-06-2021.

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

1. Regional Police Officer, Kohat. .
2. District Police Officer, Karak for necessary action.
3. R.I/Reader/SRC/OHC/Pay Officer for necessary action.

  
DISTRICT POLICE OFFICER,  
KOHAT

  
**ATTESTED**

THE HONOURABLE DEPUTY INSPECTOR GENERAL OF POLICE  
KOHAT REGION KOHAT

APPEAL UNDER RULE 11 OF THE POLICE RULES 1975  
(AMENDED 2014) AGAINST IMPUGNED ORDER OF THE  
DISTRICT POLICE OFFICER KOHAT DATED 16-06-2021 VIDE  
WHICH THE APPELLANT WAS REMOVED FROM SERVICE  
WITHOUT ANY LEGAL JUSTIFICATION.

Respected Sir,

With great respect the appellant may be allowed to submit the following for your kind and sympathetic consideration;

Facts of the Case:

1. That appellant on 20-06-2002 had joined the Police Deptt. as constable.
2. That since enrolment of the appellant in the Police Deptt., he discharged his official work with dedication and zeal and zest.
3. That on account of his round the clock efforts, the appellant qualified the intermediate course in the year 2012 while the appellant was promoted to the rank of ASI in the year 2020.
4. That during more or less nineteen years service, the appellant has always served in accordance with law, merits and rules.
5. That during his service the appellant for his good official performance has earned a number of commendation certificates besides cash rewards.
6. That the appellant due to his exemplary service in the Police Deptt. has earned confidence to his worthy senior officer who used to

  
**ATTESTED**

appellant performed on all these assignments very successfully.

7. That not only the official circles but also all segments of the public life have shown satisfaction on the official performance of the appellant.
8. That during his service career the appellant has never been awarded major or minor punishment.
9. That unfortunately on account of some misunderstanding, the appellant was charge sheeted on the following grounds:-
  - i. That one Qaiser Khan complained against him that he has made a demand of Rs.5,50,000/- regarding employment of his son in FIA out of which he has received Rs.100000/-. He neither complied with his illegal commitment nor returned the amount to the complainant.
  - ii. That he have received Rs.600000/- from Ali Ihtisham for appointment of Sadiq Ullah in FIA as constable. Now Sadiq Ullah lodged a written complainant against him.
  - iii. That he was called and heard in presence of both the complainant and he has admitted taking amount from both the persons. Thus he has indulged himself in illegal activities and committed gross professional misconduct.
  - iv. That from the above and the previous record he is ill reputed.
10. That upon conclusion of the enquiry the appellant was awarded major punishment of Removal from service vide order bearing OB No.421 dated 16-06-2021.
11. That since enquiry was not conducted in accordance with law nor punishment order has fulfilled the principles of natural/codal justice therefore, the appellant has serious reservations over the impugned punishment order.
12. That following are some of the grounds of appeal among the other which may graciously be considered sympathetically.




Grounds of Appeal:

- A. That the impugned order of punishment is not in accordance with law, rules and justice, hence it is liable to be set aside.
- B. That all the allegations leveled against the appellant have not been proved. Hence no punishment can be awarded on the said allegations.
- C. That as far as the first allegation is concerned, the factual position is that the appellant has heard from some sources that a third person acted on his behalf and had entered in illegal bargaining on behalf of the appellant with the alleged effectee. When the appellant came to know about such an illegal and unethical act of the person the appellant had taken immediate action, because such an illegal and unethical act would ruin his service career coupled with his good reputation. The person involved in illegal bargain was forced to return the amount. Complainant Qaiser Khan vide his statement dt:21-5-2021 had withdrawn his application and requested that no action be taken against the appellant. Hence first allegation against the appellant totally went unproved and unsubstantiated.
- D. That regarding the second allegation, it is submitted that Ali Ihtisham vide his statement dt:21-5-2021 had requested that since the appellant has resolved the matter, therefore, he was not willing to proceed further with his complaint.  
 In this case too, the appellant was not involved but some ill wishers tried to damage reputation of the appellant. When the appellant came to know about the alleged issue, he immediately interfered and the person who acted on behalf of the appellant was directed to return the amount.
- E. That the third allegation is also not true and it is exaggerated one. The appellant has never admitted of receiving the amount form the

*Handwritten signature*  
ACCEPTED

persons mentioned in the impugned order for appointment the nominated person in the FIA.

- F. That allegation No. IV is also an exaggerated one. The worthy authority has not quoted single instance which could prove the appellant is an ill reputed person/ officer.
- G. That the word ill reputed is a very comprehensive word. The authority has to come with clear version that whether the appellant is a narcotic dealer or he is a gambler or he is an arms / ammunitions smuggler or he is in habit of receiving illegal gratification. This charge is vague and uncertain, hence this allegation is not an allegation against the appellant in the eyes of law. It is to be kept in mind that punishment can be only awarded when charge is specific and certain. Hence the punishment awarded to the appellant is defective and is of no legal effect on the rights of the appellant.
- H. That the enquiry officer, in his findings has not recommended any punishment against the appellant but inspite of this the competent authority awarded him one of the major punishment. Copy of the findings of the enquiry officer is enclosed.
- I. That if the competent authority was not agreed with the findings of the enquiring officer, he should have returned the enquiry with his remarks to the enquiry officer that he being not satisfied with his findings so it is to be conducted by another enquiry officer but unfortunately, the competent authority did not exercised such option. Hence the competent authority acted unilaterally and arbitrarily against the appellant which has vitiated the entire enquiry proceedings.
- J. That it is very clear that the appellant has got no involvement directly or indirectly is getting the illegal amount from different people for appointment in FIA but inspite of the fact, appellant was held

  
: 11/11/2011 11:11:11

responsible as a principal defaulter which is sheerly against the available record. Holding the appellant responsible without any iota of ~~...~~ justice has taken place against the appellant.

K. That the appellant is a poor person and he is a humble ASI. How he can claim that he could manage or facilitate the people to get employment in FIA. In addition if the appellant has claimed that he has approached / access to the high ups of the FIA, how people believed such a version without any verification. In the enquiry this important point is missing which has obviously not connected the appellant with the allegation being leveled against him. When the alleged access of the appellant was not verified then how they made payment for appointment in FIA. The appellant assures your goodself that he did not make any claim about his approach to the high ups, secondly, the appellant did not attract people to make payment in lieu of facilitating employment to their near and dear.

It is a hard reality that in Police Deptt: an official at the same time has good and bad wishers. Bad wishers are always in search of finding opportunity to damage him. In the case of the appellant bad wishers hatched conspiracy in order to ruin his good reputation and as well as his service career. They succeeded in doing so and created an atmosphere of misunderstanding which resulted in infliction of one of the major punishment.

L. That even the enquiry officer did not conduct enquiry in accordance with law/ rules. He has not summoned the appellant to cross examine the witnesses. He simply recorded statements of the witnesses and made them part of record. Such a practice is repugnant to the principles of law, justice, transparency and fair play.

*A*  
**ATTESTED**

- M. That a fact finding enquiry against the appellant was conducted by the worthy DIG Office Kohat and Ali Ehtisham who is complainant against the appellant and was also called but since the allegations were not substantiated therefore, the enquiry was ordered to be filed.
- N. That the enquiry officer did not associate the appellant with the enquiry which is mandatory. Hence, the spirit of law and justice was defeated hence the impugned order is not sustainable in the eyes of law.
- O. That the appellant has more or less 19 years service in the police deptt. The appellant did not involve himself in such like illegal and unethical activities. Hence on such unproved allegations no punishment whatsoever can be awarded to the appellant. The appellant assures your goodself that in future too he will not switch over to such illegal activities.
- P. That the punishment awarded to the appellant seems to be result of some misunderstanding. Such misunderstanding after submission of the instant appeal shall remove negative impression in the binds of his worthy officers regarding the appellant.
- Q. That Under 10-A of the constitution of Pakistan Independent, fair and transparent trial / enquiry is the fundamental right of the appellant but the authority by conducting the enquiry one sidedly, unilaterally and arbitrarily, in fact violated the fundamental right of the appellant which has legally vitiated the entire enquiry proceedings.
- R. That in the case of the appellant due process of law was not followed. At this score the enquiry and the impugned order became legally questionable.
- S. That the appellant maintains large family. The impugned order which is based on unproved and unsubstantiated allegations is likely to land

*A*  
ATTESTED

family of the appellant in a state of starvation and the appellant Allah forbid may face irreparable loss for the no fault on his part.

- T. That the appellant assures your goossel that he cannot even think to involve / indulge himself in such like illegal/unethical activities and in future too he will not involve himself in such like activities.
- U. That your goodself has got sources through which contention of the appellant and status of the allegations leveled against him can be verified. The appellant in that process too will prove to be a clean person.
- V. That if deemed proper the appellant may kindly be heard in person.

Prayer:

it is therefore, humbly requested that since the allegation leveled against the appellant have not been proved/ substantiated, enquiry officer in his findings did not held guilty the appellant, fact finding enquiry held by the worth DIG Office Kohat Region, also held the appellant not guilty and resultantly was filed because nothing was substantiated the process of law was not followed and the enquiry and the impugned order are not in accordance with law/ rules/ justice and fair play, therefore, by graciously accepting the instant appeal, impugned order of punished vide OB No. 421 dated 16-6-2021 may kindly be set aside and the appellant may be reinstated in service from the date of punishment with all back benefits. The appellant and his family will pray for your long life and prosperity.

Dated: 06-07-2021.

Yours Obediently,

*HABIB*

HABIB UR REHMAN

Ex-ASI

Cell No. 0334-5581845

*AB*  
**ATTESTED**

POLICE DEPTT:KOHAT REGIONORDER.

This order will dispose of a departmental appeal moved by Ex-ASI Habib-ur-Rehman of district Kohat, against the punishment order, passed by DPO Kohat vide OB No. 421, dated 16.06.2021 whereby he was awarded major punishment of Removal from Service on the following allegations:-

- i. That one Qaiser Khan s/o Mehdi Khan r/o Meri Colony complain against him that he has made a demand of Rs. 5,50,000/- regarding employment of his son in FIA out of which he received Rs. 1,00,000/-. He neither complied with his illegal commitment not returned the amount to the complainant.
- ii. That he have received Rs. 6,00,000/- from Ali Ahtisham for appointment of Sadiq Ullah in FIA as constable. Now Sadiq Ullah lodged a written complaint against him.
- iii. That he was called and heard in presence of both the complainants and he has admitted taking amount from both the persons. Thus he have indulged himself in illegal activities and committed gross misconduct.
- iv. That from the above, and his previous record he has ill reputed.

Comments as well as relevant record were requisitioned from DPO Kohat and perused. The appellant was also heard in person in O.R held in this office on 30.08.2021. During hearing the appellant did no advance any plausible explanation in his defense to prove his innocence.

Above in view, the undersigned reached to the conclusion that the appellant deceived the above named persons and did not return back the amount to them despite of the commitment made with the complainants, thus tantamount to gross professional misconduct. Therefore, his appeal being devoid of merits is hereby rejected.

Order Announced  
30.08.2021

*Mohammad Zafar Ali*  
(MOHAMMAD ZAFAR ALI) PSP  
Region Police Officer,  
Kohat Region.

No. 13768 /EC, dated Kohat the 1-08- 2021.

Copy to District Police Officer, Kohat for information and necessary action w/r to his office Memo: No. 9646/LB, dated 29.04.2021. His Service Record containing 02 Service Books, 01-Service Roll & Enquiry File is returned herewith.

*Mohammad Zafar Ali*  
(MOHAMMAD ZAFAR ALI) PSP  
Region Police Officer,  
Kohat Region.

ATTESTED

Khyber Pakhtunkhwa Service Tribunal  
Peshawar

(25)

بعدالت

Habib-Ur-Rehman - Appellant  
Vs  
D.I.G Kohat etc - Respondents

Appellant حسب التماس بنام  
موزعہ  
مقدمہ  
دعویٰ  
جرم

باعث تحریر آئندہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لہذا امر کیلئے اللہ تعالیٰ علیٰ صغیرنازل فرمائے  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار دیا گیا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل مگرانی 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 لانا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ  
پر داخلہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے ہوا وہ 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 سند ہے۔

Attested & Accepted  
Ashraf Ali Khan  
Advocate  
BC # 10-4605  
Cell # 0322-9931676

SECRET

المترقوم  
واہ العیب  
بمقام  
کے لئے منظور ہے۔

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7408/2021  
Habib ur Rehman  
Ex-ASI, District Kohat

..... Appellant

**VERSUS**

Regional Police Officer, Kohat & other

.... Respondents

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4.	Copy of complaint	B	06
5.	Copy of dismissal order vide No. 2671-74/PA dated 16.06.2021.	C	07
6.	Acceptance of Revision Petition and re-instatement of petition order passed by IGP, KP.	D	08

Deponent



P-1

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

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Service Appeal No. 7408/2021  
**Habib ur Rehman**  
Ex-ASI, District Kohat

..... Appellant

**VERSUS**

Regional Police Officer, Kohat & other

..... Respondents

**REPLY BY RESPONDENTS NO. 1 TO 2.**

**Respectfully Sheweth:-**  
**Preliminary Objections:-**

- i. That the appeal is not based on facts.
- ii. That the appeal is not maintainable in the present form.
- iii. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- iv. That the appellant is estopped to file the instant appeal by his own conduct.
- v. That the appellant has not come to this Honorable Tribunal with clean hands.
- vi. That the appellant has got no cause of action and locus standi to file the instant service appeal.

**FACTS:-**

1. Pertains to service record of appellant needs no comments.
2. Correct to the extent that charge sheet issued to the appellant on the account that one namely Qaiser Khan s/o Mehdi Khan r/o Meri Colony registered complaint against the appellant that he had made demand of 5,50,000/- regarding appointment of his son in FIA out of which he had received Rs. 100,000/-. Further added that second complaint also received on the basis that appellant received 600,000/- from one namely Ali Ihtesham for appointment of Sadiq Ullah in FIA as Constable. It is pertinent to mention here that appellant is ill reputed. Copies of complaints are **annexure A & B.**
3. DSP/ HQrs: Kohat was appointed as enquiry officer to proceed against the accused official under the above score of charges. The enquiry officer submitted report to the District Police Officer, Kohat wherein he stated that he is ill reputed. He also enclosed statement of complainants wherein they disclosed that the amount has been returned by the accused official.

4. Incorrect. Final show cause notice was served upon the accused official to which he replied but found unsatisfactory. Furthermore, he was called in orderly room and heard in person, wherein he stated that he wants to return the amount to the complainant and placed himself at the mercy of competent authority. He confessed of his illegal practice/ corruption and misconduct.
5. Appellant was held guilty for his misconduct and all the allegations leveled against the appellant stood proved without any shadow of doubt therefore, he was dismissed from service vide District Police Officer, Kohat office order No. 2671-74/PA, dated 16.06.2021, Copy as **annexure C**.
6. The departmental appeal against the dismissal order was rejected by the Regional Police Officer, Kohat on the grounds that appellant deceived the persons and did not return back the amount to them despite of the commitment made with the complainants. Copy of departmental appeal is **annexure D**.
7. The appeal of the appellant is not maintainable on the following Grounds.

**GROUND:-**

- A. Incorrect. The appellant was treated in accordance with law/ rules. Furthermore, no violation of Constitution of Islamic Republic of Pakistan, 1973 exist on part of answering respondents.
- B. Incorrect. All codal formalities were fulfilled during inquiry and orders were passed in accordance with law/ rules.
- C. Incorrect. As already explained in Para No. 3 & 4 of Facts that the appellant had bad reputation and enquiry officer recommended for appropriate order furthermore, he was heard in person during orderly room and he was provided every opportunity of self-defense but the reply of the appellant was found unsatisfactory.
- D. Incorrect. As already explained in preceding paras.
- E. Incorrect. As already explained in Para No. 4 of Facts.
- F. Incorrect. As already explained in Para No. 3 of Facts.
- G. Incorrect. All codal formalities were fulfilled during inquiry and orders were passed in accordance with law/ rules.
- H. Incorrect. As appellant confessed of his illegal practice/ corruption and misconduct during orderly room furthermore, he also wanted to return the money to the complainants.
- I. Incorrect. As already explained in preceding paras the appellant had bad ill reputation and he was corrupt employee of department on the basis of which he is not eligible to be reinstated into service.

- J. Incorrect. As already explained that appellant is not eligible to be reinstated into service as well as for back benefits.
- K. Incorrect. The appellant was dismissed from the service on the grounds that all charges leveled against the appellant stood proved in the departmental proceedings.
- L. The respondents may also be allowed to raise additional Grounds at the time of hearing of the instant service appeal.

**PRAYER:-**

Keeping in view the above stated facts and rules it is therefore humbly prayed that the appeal is not maintainable being devoid of merits hence, may kindly be dismissed with costs, please.

District Police Officer,  
Kohat  
(Respondent No. 2)

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

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

Service Appeal No. 7408/2021  
**Habib ur Rehman**  
Ex-ASI, District Kohat

..... Appellant

**VERSUS**

Regional Police Officer, Kohat & other

..... Respondents

**COUNTER AFFIDAVIT**

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

District Police Officer,  
Kohat  
(Respondent No. 26)

Regional Police Officer,  
Kohat  
(Respondent No. 27)

~~Regional Police Officer~~  
~~Kohat Region Kohat~~

صاحب  
علی احمد  
علی احمد

جناب محترم ڈی۔ پی۔ او  
کوٹلج نصیر پختون خواہ

جناب عالی!

نہایت ہی فوڈ بانہ اور شکر یہ کیساتھ گزارش کی جاتی ہے کہ آپ کی قابل قدر ذات نے مورخہ 28-07-2020 بروز بدھ کو پولیٹیکل جوگی کینٹ کوٹلج کے اخراج ASE حسب الزحمہ کے خلاف دھوکہ دہی کی بیماری درخواست نہ صرف سننی بلکہ اس پر فوری ایکشن لینے ہوئے اسکو Suspend کیا اور اسے بیماری سے 06 لاکھ رقم واپس کرنے کیلئے 06 روز کی مہلت ڈی۔ محترم جناب ڈی۔ پی۔ او صاحب میں نے آپ سے اس دن عرض کیا تھا کہ جناب یہ بندہ نہ صرف ہمارے لیے لوٹنے کے بعد ہمیں واپس نہ کرنے کا ظلم کر رہا ہے بلکہ ہمیں لگانا رکھتی رہے ہیں اور آپ کی قابل قدر ذات نے ہم سے وعدہ کیا تھا کہ اگر یہ دوبارہ آئے تو ہمیں ڈھکی دے تو مجھے اکثر اطلاع کرنا۔ سر آج اس نے پھر ایسا ہی کر یہ دہرایا بلکہ آج مورخہ 02 مئی 2020 بوقت 03:08pm ڈھکی کو اس نے مجمع کال کی اور مجھے دوبارہ سے ڈھکیا کر تم نے جو میری بے عزتی کی اور مجھے Suspend کرایا اب میں جتنا خرچہ کرونگا دوبارہ بحال ہونے کیلئے وہ بھی تم سے لوٹنا ذبردستی اور بے عزتی کا حساب اٹک لوں گا۔ جس پر میں نے اسکو جواب میں لپکا کہ ایک تو دھوکہ دہی کے ذریعے ہم سے 06 لاکھ روپے کھائے اور دوسرا الٹ ڈھکیاں بھی تم سن رہے ہیں تم سے۔ تو اس پر اس نے کہا کہ تمہیں اسکا جلد بتہ جیل جائیگا۔ اور اسی پر میرا تمہارے ساتھ Done ہو گیا اب تم جو مرضی کر لو۔

محترم ڈی۔ پی۔ او صاحب ہم انہائی عزیز لوگ ہیں ہمارے پاس صرف عزت ہے۔ جناب میں خود آرٹی سے لے کر Medical Board میں اور ہر روز گار بندہ ہوں جو صرف محنت مزدوری کرتے فکروالوں کا ہیٹ بال رہا ہوں اور گھر کا واحد کفالت والا ہوں۔ سر اس بندے سے مجھے جان و عزت کا فطرہ ہے اور میں ہر حال میں اس سے اپنے حق کے لیے واپس مانگ رہا ہوں کیونکہ میں اپنے بچوں اور بیمار والد اور والدہ کے حق حلال کارزق اس پر قربان کرنے کے حالات میں نہیں ہوں۔ جناب محترم ڈی۔ پی۔ او صاحب ہمیں آپ سے بہت سے امید ہے کہ آپ ہمارے ساتھ اتنی نا انصافی نہیں ہونے دینگے اور ہمیں بیماری رقم پر محنت اس ظالم پولیس افسر سے وصول کرینگے۔

محترم ڈی۔ پی۔ او صاحب آجکی اسکی کال کی اور ڈھکیوں کی کال ریکارڈنگ بھی میں نے کی ہے اور میرے پاس موجود ہے جو آپ خود بھی سن سکتے ہیں۔ شکر یہ آپکا انتہائی نا اہل ہمدرد۔

علی احمد  
سکنہ خٹک کالونی کوٹلج  
Mob = 0334-8259919

جنوبی پنجاب DPO ممبران کی فہرست

تعمیر خان وارہ میمنہ کی طرف سے دیئے گئے تمام دستاویزات کی فہرست

حسب امر عملی ASI حال آمدنات پورے دستاویزی و غیر دستاویزی

درخواست نمبر دارو اور کرنٹ برائے اضافہ شمول الیہ

جناب عالی!

ذیل امر متعلقہ ہے

(1) یہ کہ مشورہ الیہ بالذات کے سائل سے پیش کیا ملازمت کے سلسلے میں مبلغ 550,000 روپے کا مطالبہ کیا گیا اور اس کے لئے ایک نوٹس بھی جاری کیا گیا اور FIA میں بھی نوٹس کیا گیا

(2) یہ کہ مشورہ الیہ بالذات کے سائل سے پیش کیا ملازمت کے سلسلے میں مبلغ ایک لاکھ روپے کا مطالبہ کیا گیا اور اس کے لئے ایک نوٹس بھی جاری کیا گیا اور FIA میں بھی نوٹس کیا گیا

(3) یہ کہ مشورہ تقریباً چھ ماہ پہلے اس کے لئے نوٹس بھی پیش کیا گیا اور اس کے لئے ایک نوٹس بھی جاری کیا گیا اور FIA میں بھی نوٹس کیا گیا

(4) یہ کہ مشورہ الیہ بالذات کے سائل سے پیش کیا ملازمت کے سلسلے میں مبلغ ایک لاکھ روپے کا مطالبہ کیا گیا اور اس کے لئے ایک نوٹس بھی جاری کیا گیا اور FIA میں بھی نوٹس کیا گیا

(5) یہ کہ مشورہ الیہ بالذات کے سائل سے پیش کیا ملازمت کے سلسلے میں مبلغ ایک لاکھ روپے کا مطالبہ کیا گیا اور اس کے لئے ایک نوٹس بھی جاری کیا گیا اور FIA میں بھی نوٹس کیا گیا

لہذا استدعا ہے کہ مشورہ الیہ کا تقاضا یہ ہے کہ سائل کا رقم سائل کو دینے کا حکم صادر فرمائیں

تعمیر خان وارہ میمنہ 28-04-2021

مشورہ تعمیر خان وارہ میمنہ کی طرف سے دیئے گئے تمام دستاویزات کی فہرست

MOB:- 0335-1996204

[Signature]

ORDER.

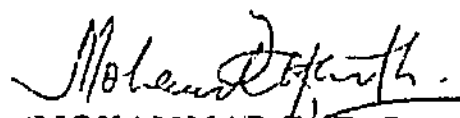
This order will dispose of a departmental appeal moved by Ex-ASI Habib-ur-Rehman of district Kohat, against the punishment order, passed by DPO Kohat vide OB No. 421, dated 16.06.2021 whereby he was awarded major punishment of Removal from Service on the following allegations:-

- i. That one Qaiser Khan s/o Mehdi Khan r/o Meri Colony complain against him that he has made a demand of Rs. 5,50,000/- regarding employment of his son in FIA out of which he received Rs. 1,00,000/-. He neither complied with his illegal commitment not returned the amount to the complainant.
- ii. That he have received Rs. 6,00,000/- from Ali Ahlsham for appointment of Sadiq Ullah in FIA as constable. Now Sadiq Ullah lodged a written complaint against him.
- iii. That he was called and heard in presence of both the complainants and he has admitted taking amount from both the persons. Thus he have indulged himself in illegal activities and committed gross misconduct.
- iv. That from the above, and his previous record he has ill reputed.

Comments as well as relevant record were requisitioned from DPO Kohat and perused. The appellant was also heard in person in O.R held in this office on 30.08.2021. During hearing the appellant did no advance any plausible explanation in his defense to prove his innocence.

Above, in view, the undersigned reached to the conclusion that the appellant deceived the above named persons and did not return back the amount to them despite of the commitment made with the complainants, thus tantamount to gross professional misconduct. Therefore, his appeal being devoid of merits is hereby rejected.


Order Announced  
30.08.2021

  
(MOHAMMAD ZAFAR ALI) PSP  
Region Police Officer,  
Kohat Region.

No. 137/28 /EC, dated Kohat the 1-08-2021.

Copy to District Police Officer, Kohat for information and necessary action w/r to his office Memo: No. 9646/LB, dated 29.04.2021. His Service Record containing 02 Service Books, 01-Service Roll & Enquiry File is returned herewith.

No. 137.

  
(MOHAMMAD ZAFAR ALI) PSP  
Region Police Officer,  
Kohat Region.

1371 - action  
1104

137/28



P-8  
Annex-D

**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 Ex-Offg: ASI Habib-ur-Rehman. The petitioner was removed from service by District Police Officer, Kohat vide OB No. 421, dated 16.06.2021 on the following allegations:-

- (i) That one Qaiser Khan s/o Mehdi Khan r/o Meri Colony complain against him that he had made a demand of Rs. 5,50,000/- regarding employment of his son in FIA out of which he received Rs. 1,00,000/-. He neither complied with his illegal commitment nor returned the amount to the complainant.
- (ii) That he had received Rs. 6,00,000/- from Ali Ahtisham for appointment of Sadiq Ullah in FIA as Constable. Now Sadiq Ullah lodged a written complaint against him.
- (iii) That he was called and heard in presence of both the complainants and he had admitted taking money from both the persons. Thus he had indulged himself in illegal activities and committed misconduct.
- (iv) As per his previous record, he has ill-reputed.

His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 13768/EC, dated 01.09.2021.

Meeting of the Appellate Board was held on 16.02.2022, wherein the petitioner was present and heard in detail.

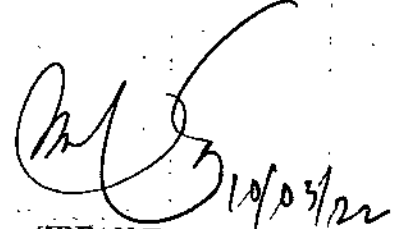
During hearing the petitioner denies charges. The inquiry officer did not find evidence against him. The complainants withdrew their complaints. The Board decided that his major punishment is hereby converted to minor punishment of forfeiture of one year approved service on grounds that he was carrying bad repute and admits to be in touch with people who take money from people for getting jobs and he also managed to influence them to return money when he was proceeded departmentally. The intervening period to be treated as leave without pay.

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

No. S/ 487-94 /22, dated Peshawar, the 11-03 /2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. One Service Roll, Three Service Books and one enquiry file of the named appellant received vide your office Memo: No. 17658/EC, dated 29.10.2021 is returned here 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-III, CPO Peshawar.
8. Officer concerned.

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



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 7408/2021  
Habib ur Rehman  
Ex-ASI, District Kohat

..... Appellant

Verdict

Regional Police Officer, Kohat & other

..... 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)