


FORM OF ORDER SHEET

Court of _____

Appeal No. 2274/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1-	01/11/2023	<p>The appeal of Mr. Kifayat Ullah presented today by Mr. Muhammad Asif Yousafzai Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. 2074/2023

Kifayatullah

V/S

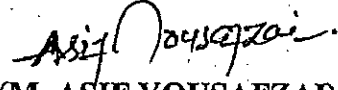
Police Deptt:

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APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
OF PAKISTAN.


SYED NOMAN ALI BUKHARI
ADVOCATE HIGH COURT


HILAL ZUBAIR
(ADVOCATE PESHAWAR)

Room No.FR-08, 4th Floor,
Bilour Plaza Peshawar Cantt:
Cell # 03339103240

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. _____/2023

Kifayat ullah (PASI) 179/P
Incharge PP Inqilab PS Inqilab, Peshawar

(APPELLANT)

VERSUS

1. The Central City Police Office (CCPO) Peshawar.
2. The senior superintendent of Police (operations) Peshawar.
3. The Superintendent of Police Saddar Division, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER DATED 16.06.2023,
WHEREBY THE MAJOR PENALTY OF DISMISSAL FROM
SERVICE WAS AWARDED TO THE APPELLANT AND
AGAINST THE REJECTION ORDER DATED 10.10.2023 ,
WHERE THE DEPARTMENTAL APPEAL OF THE
APPELLANT WAS REJECTED WITHOUT LEGAL
JUSTIFICATION.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS SERVICE APPEAL,
THE IMPUGNED ORDER DATED 16.06.2023, AND 10-10-2023
MAY KINDLY BE SET-ASIDE AND THE APPELLANT MAY
BE REINSTATED INTO SERVICE WITH ALL BACK AND
CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY,
WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND
APPROPRIATE THAT, MAY ALSO, BE AWARDED IN
FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed in the Police department, and performing their duty with entire satisfaction of his superior and never give a chance of complaint to his superior.
2. That the appellant was suspended vide order dated 13/02/2023 on the allegation of misusing of official authority. (Copy of the suspension order attached as annexure-A).

3. That the charge sheet and statement of allegation were served upon the appellant who duly replied by the appellant and denied all the allegations leveled against him. Copy of Charge sheet and statement of allegation & reply to charge sheet/statement of allegations are attached as Annex-B & C.
4. That thereafter, departmental inquiry was conducted on dated 02.03.2022 against the appellant without given any chance of cross examination to the appellant, wherein inquiry officer recommended major punishment. (Copy of the inquiry report is attached as Annexure-D).
5. That the show cause notice dated 10.03.2023 was served upon the appellant in which they decided to imposed the major penalty dismissal from service upon the appellant, which was properly replied by the appellant and denied all the charges level against him in detailed. (Copy of show cause notice and reply to show cause notice are attached as annexure-E & F).
6. That vide impugned order dated 16.06.2023, the appellant was awarded major penalty of "dismissal from service with immediate effect". The appellant being feeling aggrieved from the same, filed departmental appeal dated 26.06.2023 against the impugned order, which was rejected vide order dated 10.10.2023 whereby the department appeal of the appellant was rejected without legal justification. Hence the present appeal on the following grounds amongst other. Copy of order dated 16.6.2023 and departmental appeal dated 26.06.2023 and memo dated 10.10.2023, are attached as Annex-G , H & I.

GROUND:

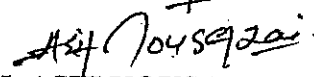
- A) That the impugned order dated 16.06.2023 is against the law, facts and norms of justice. Therefore, liable to be set-aside.
- B) That appellant has been condemned unheard has not been treated according to law and rules.
- C) That the opportunity of personal hearing and personal defence was not provided to the appellant, which is against the law hence the impugned order is void.
- D) That appellant has six years of service on his credit, so the penalty of removal from service is vary harsh which is passed in coalition of law and therefore the same is not sustainable in the eye of law.
- E) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on his score alone.

- F) That the appellant is performing their official duty, and it is the malafide intention of the high up to engaged the appellant in the cause common is against the law and norms of natural justices.
- G) That the impugned order was passed in violation of Article-10 of the Constitution of Islamic Republic of Pakistan wherein fair trial provided as a fundamental right to every citizen of Pakistan. Moreover the impugned order is also in violation of natural Justice and judgment of the Supreme Court of Pakistan.
- H) That the appellant has been condemned unheard and has not been treated according to law and rules.
- I) That neither the appellant was associated with the enquiry proceedings nor has any statement of witnesses been recorded in the presence of appellant. Even a chance of cross examination was also not provided to the appellant which is violation of norms of justice.
- J) That the appellant has not been treated under proper law despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- K) That the inquiry report shows the 11 will and make fair intentions of the high ups that inquiry was done under section 156(3)CRPC is totally wrong that section told us about the investigation in cognizable case, and where in the high ups are not investigating the case but engaging the appellant in wrong case which is totally the spirit of natural justice.
- L) That the opportunity of the cross examination was not provided to the appellant according to the judgment of superior courts (23 SCMR1135) which is the against the judgment of superior courts which is mentioned above.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.


APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT
OF PAKISTAN


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

& 
HILAL ZUBAIR
ADVOCATE PESHAWAR

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023


Kifayatullah

V/S

Police Deptt:

CERTIFICATE:

It is certified that no other service appeal earlier has been filed between the present parties in this Tribunal, except the present one.



DEPONENT

LIST OF BOOKS:

1. Constitution of the Islamic Republic of Pakistan, 1973.
2. The ESTA CODE.
3. Any other case law as per need.



(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

BEFORE THE KP SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2023

Kifayatullah

V/S

Police Deptt:

AFFIDAVIT

I, Kifayatullah (Appellant) do hereby affirm that the contents of this service appeal are true and correct, and nothing has been concealed from this honorable Tribunal.



DEPONENT



R

SUPERINTENDENT OF POLICE
SADDAR DIVISION, CAPITAL CITY POLICE, PESHAWAR
E-mail: readersp76@gmail.com Phone: 091-9330330
No. 481 /PA dated: 13/02 /2023


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6

ORDER

PASI Kifayat Ullah No. 179/P, Incharge PP Inqilab, PS Inqilab is hereby placed under suspension and closed to Police Lines with immediate effect on the charges of misuse of official authority.

Departmental proceedings shall be initiated against him separately.

OB No. 401
Dated: 10-02-2023


(Habib Khan)
Superintendent of Police
Saddar Division.

Copy to the:

- i. SSP Operations, Peshawar.
- ii. SDPO Saddar Circle.
- iii. A.D IT CCP, Peshawar.
- iv. EC-II Branch, CCP Peshawar.

CHARGE SHEET

(B)

7

1. Whereas I am satisfied that a further step is contemplated by the Police Rules 1975 as necessary & expedient.


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

3. Now therefore, as required by Rule 6 (1) of the said Rules, I, HAROON RASHID KHAN (JST PSH), PESHAWAR hereby charge you with the offence which while posted at Inqilab District Peshawar under Rule 5 (4) of the Police Rules 1975 on the allegations mentioned in the enclosed Summary of Allegations.

4. And I hereby direct you further under Rule 6 (1) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet as to why the proposed action should not be taken against you and also stating at the same time whether you desire to be heard in person.

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

6. Statement of Allegation is enclosed.


HAROON RASHID KHAN (JST PSH)
Senior Superintendent of Police
(Operations) Peshawar

No 231 /PA dated Peshawar the 17/03 2023

Copy of the above is forwarded to the Enquiry Officer for initiating proceeding against the above named officer.

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CHARGE SHEET

1. Whereas I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary & expedient.
2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.
3. Now therefore, as required by Rule 6(1) of the said Rules, I, HAROON RASHID KHAN (T.ST PSP), PSP, SSP Operations, Peshawar hereby charge you PASI Kifayat Ullah while posted at Inqilab District Peshawar under Rule 5 (4) of the Police Rules 1975 on the allegations mentioned in the enclosed Summary of Allegations.
4. And I hereby direct you further under Rule 6 (1) of the said Rules to put forth written defence within 7 days of the receipt of this charge sheet as to why the proposed action should not be taken against you and also stating at the same time whether you desire to be heard in person.
5. And in case your reply is not received within the specific period, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.
6. Statement of Allegation is enclosed.

HAROON RASHID KHAN (T.ST PST)

Senior Superintendent of Police
(Operations) Peshawar.

No. 231/PA dated Peshawar the 17.03/2023

Copy of the above is forwarded to the Enquiry Officer for initiating proceeding against the above named officer.

SUMMARY OF ALLEGATIONS

1. Lt Cdr Kashif Aftab Ahmad Abbasi, PSP, SSP/Operations Peshawar as competent authority, am of the opinion that PASI Kifayat Ullah No. 179/P while posted at I/C PP Inqilab District Peshawar has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission within the meaning of section 03 of the Khyber Pakhtunkhwa Police Rules, 1975.

STATEMENT OF ALLEGATIONS

- i) On 10.2.2023 at about 2130 hrs, it was informed by PASI Kifayat Ullah No. 179/P, I/C PP Inqilab that there are hand grenades with two persons in Islamic Health Clinic at Bazid Khel who are resisting to hand over to the local police. On the tip of the information, the SP Saddar alongwith SHO Inqilab rushed to the spot where the two persons while standing at PASI Kifayat were identified as Manzoor Ahmad s/o Ali Ahmed and Mazhar Ahmed s/o Sultan Muhammad who disclosed themselves as employees in the said clinic, whereas the hand grenades in a shopping bag were found on the table at clinic. PASI Kifayat stated that these hand grenades have been found in a bathroom of the said clinic as per information of respondent party. PASI Kifayat was informed that this is a disputed clinic but nevertheless he was adamant to lodge FIR against them without confirmation/verification which clearly shows that PASI Kifayat Ullah Incharge PP Inqilab was favoring the respondent party of above mentioned disputed clinic for ulterior intention or monetary benefits. Complainant Muhammad Suleman Sabir, owner of the disputed clinic preferred a complaint that they have dispute over the said clinic and PASI Kifayat Ullah I/C PP Inqilab is favoring his respondents namely Masood, Daud, Himayatullah, hence he made this false and baseless game to implicate them in a bogus case.
 - ii) Being a disciplinary force his this act is highly objectionable on his part and renders him liable for disciplinary proceedings under Police Rules, 1975.
2. For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations Mr. Malik Habib SP Saddar is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.
3. The Enquiry Officer shall in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.

(Lt Cdr @ KASHIF AFTAB AHMAD ABBASI) PSP
Senior Superintendent of Police
(Operations) Peshawar

بھائی

والد شوہار کو اس پر جاننا تھا کہ 220 دور 23/023 اور 220 دور 23/023 سے بیٹوں کو کون سا
 دور میں ہے کہ اس وقت بند - حطرت خان 6161 سے تعلق پر جو وہ تھا کہ اس
 دوران حضرت اطلاع دی کہ بازیر حیل گھاٹ پہاڑ اسدنی سے لیتا چلا گیا
 طاقت کماں عرف حقی اولاد باوجود سہ نکھار نے اسے سکنت میں لے کر
 دیا یہ پچھلے دور میں اولاد کو مدد نظر آئے تھے اور وہ پہلے پہل سے پہلے
 اور ان پھیلنے سکنت واقع بازیر حیل گھاٹ پر جو اب ہری پور تھا وہاں پر جو
 ہری پور تھا نے اسے نام سے پکارا اور اسے اولاد کو حیل گھاٹ سے کہا اور وہاں پر
 سلاخان جو کہ 24/25 سال تک رہا حیل آباد حیل گھاٹ کے نزدیک وہاں تک
 آگے سکنت کی تدبیر لینے پر گفت و شنید شروع کی اور اس کی سکنت اور
 پاک کی تدبیر سے صاحبان پر دو گناں کی جو کہ ہری پور سے دور تھا اس کے
 سکنت درجہ میں ایک بلکہ روم جو کہ پہلے تھا جب اس کے ساتھ ہری پور
 لیتی جا رہی تھی وہاں میں سے کھڑی تھی اس نے وہاں کو لے کر آگے خدا اللہ
 دیا کی لے کر لکھا ہے کہ کوشش کرنا لکھا ہے اس میں وہاں سے لے کر
 ہی تدبیر کی تھی تو اس کے خریں ہری پور میں تھے جس پر
 ہری پور کے گریڈ ہری پور کی صورت میں ہری پور کے ساتھ اور
 کردی جو کہ اس کی نسبت کو پیش نظر رکھنے کے لئے اس طرح اس کا
 صورت کو دی تھی جو کہ اس کا D.S.P. ہے جس سے اس میں اس طرح
 لیجئے کہ تمام تاریخ و واقعات جسے جو دیکھا جو کہ اس میں ہے
 اس کا D.S.P. ہے کہ ہری پور کے ساتھ اور ہری پور کے ساتھ
 ہری پور کے ساتھ اس کے لئے یہ تمام واقعہ ہے اس کے لئے
 کہ اس کا اور ہری پور کے ساتھ ہری پور کے لئے ہے اس کے لئے

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یہ معلوم تھا کہ اس وقت تک ہر دو گناں کے لیے یہاں سے کوئی چیز
 اور یہ وہ چیز بنا ہے جو کہ ہرے سے لے کر اور تمام
 یہاں کے لوگوں میں پھیلائی ہو۔ واقعہ یہاں کو لکھا ہے کہ وہاں سے
 S+H سے لے کر انتہی تک اس کے خلاف ایسی باتیں قائم کی
 گئی ہیں کہ ان تمام باتوں کے ساتھ ساتھ اس کے لیے ہر
 ممکنہ صورتوں سے اس کے خلاف اور اس کے خلاف اور اس کے خلاف
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کچھ اور بھی لکھا ہے کہ اس کے خلاف اس کے خلاف اس کے خلاف
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(B) (D)

SUPERINTENDENT OF POLICE
SADDAR DIVISION, CAPITAL CITY POLICE, PESHAWAR
E-mail: regidersp76@gmail.com Phone 091-9320330
No. 683 IPA, Dated 02/03/2023

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To: The Senior Superintendent of Police
Operations, Peshawar.

02/3/2023

Subject: DEPARTMENTAL ENQUIRY AGAINST PASI KIFAYAT ULLAH NO. 179/P

Memo: Please refer to your office dairy No. 220/PA, dated: 18.02.2023.

employees

Allegations:

According to statement of allegations/charge sheet, it was reported by SDPO Saddar that on 10.02.2023 at about 21:30 hrs. he was informed by PASI Kifayat Ullah No. 179/P, I/C PP Inqilab that there are hand grenades with two persons in Islamic Health Clinic at Bazid Khel who are resisting to hand over to the local Police. He along-with SHO Inqilab rushed to the spot where the two persons were in custody of PASI Kifayat were identified as Manzoor Ahmed s/o Ali Ahmed and Mazhar Ahmed s/o Sultan Muhammad who disclosed themselves as employees in the said clinic, where the hand grenades in a shopping bag were found on the table at clinic. PASI Kifayat stated that these hand grenades have been found in a bathroom of the said clinic as per information of respondent party. PASI Kifayat was informed that this is a disputed clinic but nevertheless, he was adamant to lodge FIR against them without confirmation verification, which clearly shows that PASI Kifayat Incharge PP Inqilab was favoring the respondent party of the above-mentioned disputed clinic for ulterior intention or monetary benefits. DD No. 20, dated: 10.02.2023, PS Inqilab is attached which is worth perused. Complainant Muhammad Salman Sabir, owner of the disputed clinic preferred a complaint that they have dispute over the said clinic and PASI Kifayat Ullah I/C PP Inqilab is favoring his respondents namely Masood, Daud, Hamayatullah, hence he made this false & baseless game to implicate them in a bogus case.

Proceedings:

- Charge sheet summary of allegations served upon delinquent official.
- He submitted reply to charge sheet and placed on file.
- Statements of all concerned recorded.
- CDR obtained.
- Relevant documents were perused.

Statement of PASI Kifayat Ullah:

PASI Kifayat Ullah denied the allegations leveled against him and stated that on the date time of occurrence, he received information during mobile patrolling from informer that Salma, alias Mullah s/o unknown r/o Gulbahar, owner of Islamic Health Clinic at Bazid Khel has placed hand grenades in the said clinic. On the tip of information, he conducted raid, where two persons namely Manzoor s/o Ali Ahmed and Mazhar s/o Sultan Muhammad R/o Faiz Abad Chitral were present. During search two hand grenades were recovered from a bathroom. Meanwhile, they both started resistance and tried to escape. SDPO Saddar was informed about the situation, he reached the spot and witnessed all the situation. Thereafter, he took both the mentioned persons along-with hand grenades to his office. Thus he



SUB-INSPECTOR OF POLICE
SADDAR DIVISION, CAPITAL CITY POLICE, PESHAWAR
E-mail: readersp76@gmail.com Phone 091-9330330

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No. _____ /PA, Dated _____ /2022

all the allegations leveled against him are false/baseless, as the mentioned persons have also been challaned to the Court u/s 107/151 Cr.P.C in the past. (annexed "A").

Statement of Muhammad Ali SDPO Saddar:

He stated that on 10.02.2023, as per information of PASI Kifayat Ullah, he along-with SHO Inqilab rushed to the spot where he was present in a disputed clinic/quarter whereas, the whole incident has already been incorporated in the daily diary vide entry No. 20, dated 10.02.2023 PS Inqilab in which PASI Kifayat Ullah and respondent party have been found guilty. (annexed "B")

Statement of SI Masood SHO Inqilab:

He stated that on the date/time of occurrence, PASI Kifayat Ullah informed about the presence of two hand grenades in Islamic Health Clinic at Bazid Khel. He along-with SDPO Saddar rushed to the spot where one Manzoor Ahmed and Mazhar Ahmed, employees of the said clinic were under custody of PASI Kifayatullah, whereas, hand grenades in a shopping bag were found on the table at clinic. PASI Kifayatullah stated that these hand grenades have been found in a bathroom of the said clinic as per information of respondent party. PASI Kifayat Ullah was informed that this is a disputed clinic. He called the respondent to verify the facts but he refused and was adamant to lodge FIR against them without confirmation/verification, which clearly showed that PASI Kifayat Incharge PP Inqilab was favoring the respondent party of the above-mentioned disputed clinic. (annexed "C")

Statement of SI Wajid Khan IO/PS Inqilab:

SI Wajid IO of inquiry vide DD No. 20, dated: 10.02.2023 PS Inqilab stated that PASI Kifayat has tried to implicate innocent citizen in an explosive case in connivance with respondent Masood, who is involved in heinous cases of PS Badaber and Inqilab. (annexed "D")

Statement of Complainant Muhammad Suleman Sabir:

Muhammad Suleman Sabir s/o Muhammad Zahoor r/o Hussain Abad Gulbahar, owner of disputed clinic stated that he has dispute over the said clinic with respondents Masood s/o Ismail, Masood s/o Ismail, and Himayatullah s/o Fazal Rabi, whereas PASI Kifayat Ullah /C PP Inqilab was favoring his respondents; hence he tried to implicate them in a false and concocted case of hand grenades. (annexed "E")

CONCLUSION:

After going through the statements of all the relevant officials, information report by SDPO Saddar and enquiry initiated vide DD No. 20 dated 10.02.2023 PS Inqilab. Whole episode revolves around the dispute over the ownership of a clinic which was previously owned by an Ahmadi doctor namely Dr. Bin Yamin, but after a target killing incident over the said doctor, he put the property for sale.



SUBSTANTIVE REPORT OF POLICE
SADDAR DIVISION, CAPITAL CITY POLICE, PESHAWAR
E-mail: readersp70@gmail.com Phone: 091 9330330

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No. _____ /PA, Dated _____ /2022

Mufti Muhammad Salman purchased the property and sell it to Mst: Qamar Banat who occupies the property at present and is running the Islamic Health Clinic and Masood is presently running the property while another person Masood s/o Ismail r/o Bazid Khel has also claim over the property. A civil case for the declaration of suit property is also pending adjudication before the competent court of law between Mufti Salman and Masood.

Masood r/o Bazid Khel has a tainted past record. He was arrested in two criminal cases vide FIR No. 01, dated 01-01-20217 u/s 17 (4) PS Badaber and FIR No. 660, dated 09.08.2022 u/s 506/127/452/148/149 PS Inqilab. Call data record of PASI Kifayat Ullah cell number 0331-5519289 confirms that he was in contact with Masood 0333-8586562. Apparently PASI Kifayat Ullah and Masood orchestrated the plan to plant grenades in one of the out-of-order washroom at Islamic Health Clinic and then police raiding the clinic and PASI Kifayat Ullah staging a flop drama before SHO and DSP Saddar. (CDR annexed "G")

FINDINGS:

What I have witnessed as supervisory officer of the Saddar Division during the whole enquiry proceedings, following finding have been concluded.

- I. Dr. Bin Yamin @ Qadyani doctor after attempt over his life, sold his clinic to Mufti Muhammad Salman who further sold it to Mst: Qamar Banat w/o Khwaja Feroz presently Hussian Abad Gulbahar, resident of Chitral. Mst: Qamar Banat is presently running the said clinic and Manzoor & Mazhar Sultan are her employees at clinic.
- II. Masood s/o Ismail r/o Bazid Khel, a notorious criminal and resident of the area in a desperate attempt to grab the land from Mst: Qamar Banat, tried to implicate his aforementioned employees in a concocted case in collusion with PASI Kifayat Ullah Incharge PP Inqilab.
- III. PASI Kifayat Ullah went to subject clinic and informed the employees of the clinic that he has called Mufti Salman to the clinic and that he will wait at the clinic for him. PASI Kifayat Ullah while moving around the clinic asked for washroom. Manzoor signaled PASI Kifayat Ullah to the washroom which was in use but, PASI Kifayat Ullah instead of going to the washroom, entered the adjacent washroom which was out-of-order because the commode was installed in Qibla direction.



SUPERINTENDENT OF POLICE
SADDAR DIVISION, CAPITAL CITY POLICE, PESHAWAR
Email: PCCP@pccp.com Phone: 091-9350390


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- IV. As soon PASI Kifayat Ullah entered the washroom, he asked Manzoor what is lying there in a shopping bag. Manzoor showed ignorance; Kifayat Ullah took the shopping bag and brought it into open, whereafter 02 grenades were found.
- V. PASI Kifayat Ullah informed SHO Inqilab & SDPO Saddar that he has found grenades in clinic and that Manzoor & Mazhar are resisting arrest. SHO & SDPO approached the spot and after inspecting the scene found it to be planted case, therefore, asked Kifayat Ullah that how he got the information upon which Kifayat Ullah at first kept mum but later said that Masood had informed him. DSP Saddar directed Kifayat to call Masood to spot which Kifayat Ullah denied and did not call him.
- VI. Matter being suspicious was put into enquiry u/s 156(3) vide DD# 20 dated 10.02.2023. Even after the whole flop drama Kifayat Ullah was adamant to write mumsilla and lodge FIR against innocent citizen only for some monetary benefits (Inquiry annexed "H")

RECOMMENDATIONS:

Penal laws of the land are meant to maintain law & order and to protect the lives and properties of citizens of this country, but PASI Kifayat Ullah tried to use the law to coerce an innocent citizen. We as Police officers have sworn to use our best judgment while dealing any matter and that in good faith. What PASI Kifayat Ullah did was in bad faith and for some ulterior motives. I am convinced after the enquiry proceedings that PASI Kifayat Ullah tried to implicate Manzoor and Mazhar in a concocted and fabricated case. He is found guilty of the charges and recommended for major punishment. Moreover, enquiry being conducted vide DD# 20 dated 10.02.2023 be finalized and a proper criminal case be registered against those who were involved in whole episode.


(Malik Habib Khan) E.O
Superintendent of Police,
Saddar Division



CE

showe 230
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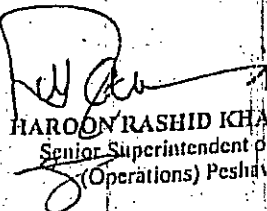
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE,
(OPERATIONS),
PESHAWAR
Phone. 091-9213054

No. 399 /PA

Dated Peshawar the 10-2-2023

FINAL SHOW CAUSE NOTICE
(Under Police Disciplinary Rules, 1975)

1. I, Senior Superintendent of Police, Operations, Peshawar as competent authority, under the Police disciplinary Rules 1975, do hereby serve you PAST Kifayat Ullah No. 175/P while posted at I/C PP Inqilab as follows:-
2. (i) That consequent upon the completion of enquiry committee conducted against you by SP Rural Peshawar, who found you guilty of the charges for which you were given the opportunity of personal hearing.
(ii) Ongoing through the findings and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the said officers; I am satisfied that you have committed the follow misconducts:
You have been found guilty of the charges already communicated to you by CPO office bearing No. 220/PA dated 18.02.2023.
3. As a result thereof I, as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules.
4. You are therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.
5. If no reply to this notice is received within 7-days of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
6. You are at liberty to be heard in person, if so wished.


HAROON RASHID KHAN (TST PSP)
Senior Superintendent of Police
(Operations) Peshawar

(16)

یہاں سے یہ لوگ نہیں گئے ہیں اور یہاں سے اور کوئی
یہ اپنی گولی کو اس گزیر کے ذریعہ کو جو اس وقت
ہو یہ صرف تھا کہ گناہ۔ اس جگہوں سے یہ اس وقت
گناہوں اور اس جگہوں سے اتفاق سے کہ اس وقت
الگو یہ تھا کہ اس وقت اس جگہوں سے



PAS Kifayat Khan 179 Police Line.
15-03-023



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

Order of PA

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ORDER

1. This office order will dispose of formal departmental proceedings against PASI Kifayat Ullah No. 179/P while posted as I/C PP Inqilab was placed under suspension and proceeded against departmentally vide this office No. 220/E/PA dated 18.02.2023. On allegations that he made false and baseless game to implicate them in a bogus case and is favoring his respondents namely Masood, Daud, Himsyat Ullah.

2. ~~Higher Police Officer~~ along with summary of allegation was issued against him and SP Sadder was appointed as Enquiry Officer, who submitted his finding, wherein he concluded that peace laws of the land are meant to maintain law and order and to protect the lives and properties of citizens of this country but PASI Kifayat Ullah tried to use the law to coerce an innocent citizen. We as police officer have sworn to use our best judgment while dealing any matter that too in good faith. What PASI Kifayat Ullah did was in bad faith and for some ulterior motives. In am convinced after the enquiry proceedings that PASI Kifayat Ullah tried to implicate Manzoor and Mazhar in a concocted and fabricated case. He is found guilty of the charges and recommended for major punishment. Moreover, enquiry being conducted vide DD No. 20 dated 10.02.2023 be finalized and a proper criminal case be registered against those who are involved in whole episode.

3. On receipt of the findings, Final Show Cause Notice was issued to the delinquent official who accordingly submitted his written reply. The same was perused and found un-satisfactory. He was also called in Orderly Room and heard in person but he could not defend himself.

4. Having gone through the enquiry file and other relevant record, the undersigned is fully satisfied that the delinquent official has committed a gross misconduct, which is proved beyond any shadow of doubt. Thus, he brought bad name to the police department. In circumstances, the undersigned being competent under law hereby awards PASI Kifayat Ullah No. 179/P the major punishment of dismissed from service with immediate effect.


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

No. 1245-CP PA dated Peshawar, the 16/02 2023.

Copy for information and necessary action to:-

1. The Capital City Police Officer Peshawar.
2. SsP Sadder, HQs CCP Peshawar
3. EC-II, EC-I, AS,
4. Pay Officer
5. FMC along with _____ pages for record.

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order 16-6-23

Appeal 26.6.23

90 days 24.9.23
3 days S.T. 23.10.23

TO

The CCPO Police Peshawar

Subject: Appeal Departmental

Sir,

The appellant submits as under;

1. That, appellant on 10-02-2023 at 21:30 hrs got information from a reliable source that there are two persons in Islamic Health Clinic at Bazid khel with hand grenades. The appellant with constable bakht ~~MANZOOR KHAN 6161~~ rushed to the spot and raided the said clinic. Two persons inside clinic revealed their names as Manzoor Ali s/o Ali Ahmad and Mazhar s/o Sultan Muhammad. On search of the said clinic two hand grenades were recovered from the bath room under some bricks. On recovery of hand grenades, both suspect started resistance, therefore, other police contingent was called in for back up. DSP Saddar reached on the spot who inspected/observed the factual circumstances of the incident. Both accused were then taken into custody by the SHO & DSP & brought to the office of the DSP Saddar, where the accused persons alleged that the raiding officer is in league with the opposite party who staged the whole incident to implicate them in a bogus FIR because the raided clinic was a bone of contention between two rival parties. SHO and SDPO Saddar did not listen to appellant version and paid heed to the accused statements. After superficial investigation, both accused were released and an illegale complaint report was initiated against the appellant without reason & evidence. The appellant was placed under suspension vide order OB No-401 dated 10-07-2023.

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2- After suspension, the appellant was issued charge sheet & statement of allegations and departmental enquiry entrusted to SP Saddar Circle. The appellant replied to the charge sheet and refuted the allegations. The enquiry officer without fulfilling codal formalities held guilty the appellant in a flimsy manner recommended for major punishment.

3- The competent authority on receipt of enquiry report, issued final show cause notice which was also duly replied by the appellant refuting the allegations. The competent authority as well as enquiry officer without providing personal hearing or associating the appellant into the enquiry acted unilaterally passing the dismissal order vide No 1045-50/PA dated 16-06-2023. Thus appellant being a commissioned officer of police force has been condemned unheard on the complaint of those who were liable to be prosecuted under the Pakistan Penal Code 1861.

4- that, the actions and inactions of department regarding the incident were against the provisions of CRPC, PPC, Police Act 2017 and Police Rules 1934 wherein detailed code of conduct and procedure regarding actions of Police officers is given.

5- that in the case of appellant, criminal statements were preferred instead of Police party on the spot which is against the norms of investigation as envisaged in the CRPC & Police Rules 1934. Even High Court cannot intervene in the investigations of a police officer conducting in accordance with law. But in the case of appellant, he was made accused in vice versa. Which is wonderful, colourful and against the law/rules and norms of justice.

6- whatever the appellant done during the course of duty was in good faith, in accordance with law and considering it to be the right way, therefore, action against the appellant is too harsh, unillateral, arbitrary and thus not tenable in the eyes of law.

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Keeping in view as above, being an educated, trained commissioned officer of the force, submit my departmental appeal to the appellate authority for review of the order vide No 1045-50 / PA dated 16-06-2023 in best interest of justice. The appellant kindly be reinstated in service & seniority may be restored.

SUBMITTED FOR PERSONAL AND ONLY PLEASE

Yours Obediently

PASI Kifayat ullah 179/P

Contact: 0333 4741684



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210989 Fax: No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by Ex-P/ASI Kifayat Ullah No. 179/P, who was awarded the major punishment of "dismissal from service" under KP PR-1975 (amended 2014) by SSP/Operations, Peshawar vide order No. 1045-50/PA, dated 16.06.2023.

2- Brief facts leading to the instant appeal are that the defaulter P/ASI while posted as I/C PP Inqilab was proceeded against departmentally on the charges that it was informed by the defaulter P/ASI that there were two persons alongwith hand grenades in the Islamic Health Clinic at Bazid Khel who were resisting to hand over grenades to the local police. On the tip of information, SP Saddar, Peshawar alongwith SHO PS Inqilab rushed to the spot where two persons in custody of the defaulter P/ASI were identified as Manzoor Ahmad and Mazhar Ahmad, who disclosed themselves as employee of the said clinic, whereas hand grenades were found in a shopping bag on the table of the clinic. Moreover, the defaulter P/ASI stated that these hand grenades were found in the bathroom of the disputed clinic and lodged FIR against Manzoor Ahmad and Mahzar Ahmad without verification and favoring the responding party for ulterior motives.

3- He was issued Charge Sheet and Summary of Allegations by SSP/Operations, Peshawar. SP/Saddar, Peshawar was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer after conducting departmental enquiry submitted his findings in which he was recommended for major punishment. The competent authority in light of the findings of the Enquiry Officer issued him Final Show Cause Notice to which he replied. However, his reply was found unsatisfactory and hence, awarded the major punishment of dismissal from service.

4- He was heard in person in Orderly Room. During personal hearing, he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Therefore, his appeal for setting aside the punishment awarded to him by SSP/Operations, Peshawar vide order No. 1045-50/PA, dated 16.06.2023, is hereby rejected/filed.

"Order is announced"

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 3491-97 /PA, dated Peshawar the 10 /10/2023

Copies for information and necessary action to the:-

1. SSP/Operations Peshawar.
2. SP/Saddar Peshawar.
3. AD/IT CCP Peshawar.
4. EC-II, AS & Pay Officer & FMC along with complete Fouji Missal.
5. Official concerned.

(22)

VAKALATNAMA

NO. _____ /2023

IN THE COURT OF Service Tribunal Peshawar

Kifayatullah

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt

(Respondent)
(Defendant)

I/we, Kifayatullah

Do hereby appoint and constitute M. Asif Yousafzai, Advocate Supreme Court of Pakistan & Syed Noman Ali Bukhari, Advocate High Court & Hilal Zubair Advocate to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

Dated _____ /2023


(CLIENT)

ACCEPTED

Asif Yousafzai
(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
OF PAKISTAN.
(BC No. 10-7327)

& Noman Ali Bukhari
(S. NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,

Hilal Zubair
& Hilal Zubair
HILAL ZUBAIR
Advocate

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell No. 0302-5548451

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