

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 584/2016

Date of Institution ... 17.05.2016

Date of Decision ... 30.08.2017

Abid ur Rehman S/o Fazle-e- Haq,
R/o Village Musa Kilay, Charsadda,
Ex-Acting DSP, Police Line, Peshawar ... (Appellant)

VERSUS

1. Inspector General of Police, Peshawar. ... (Respondents)
And 2 others.

ARBAB SAIF-UL-KAMAL
Advocate

For appellant.

MR. MUHAMMAD ADEEL BUTT,,
Addl. Advocate General

For respondents.

MR. NIAZ MUHAMMAD KHAN,
MR. AHMAD HASSAN

CHAIRMAN
MEMBERJUDGMENT

NIAZ MUIHAMMAD KHAN, CHAIRMAN.- Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant was compulsorily retired by the impugned order dated 12.02.2016 against which he filed departmental appeal on 01.03.2016 which was not responded to and then the appellant filed the present appeal before this Tribunal on 17.05.2016.

ARGUMENTS

3. The learned counsel for the appellant argued that the present appeal though is pre-mature for certain reasons but in view of the judgment reported as 2005

SCMR 890 such pre-mature filing of appeal is not fatal for the case provided that the time required is completed during pendency of the appeal. The learned counsel for the appellant while arguing on factual side submitted before the court that basically there was a complaint filed by some person against the appellant which was submitted to the Provincial Police Officer, Khyber Pakhtunkhwa Peshawar. That the enquiry was marked by an S.P namely Muhammad Afzal to himself with malafide intentions where upon he appointed an enquiry officer who gave his report in favour of the appellant. That immediately thereafter the Provincial Police Officer served a charge sheet and statement of allegations upon the appellant and levelled some six charges against the appellant without referring to the charge mentioned in the earlier complaint. That the appellant submitted reply to the said charge sheet in detail and thereafter enquiry committee was appointed who submitted its report and found the appellant guilty. The learned counsel for the appellant assailed the whole proceedings on the ground that majority of the charges leveled against the appellant in the charge sheet were of general character and proof of all those charges are not based on specific evidence rather some secret enquiries were made the basis of the guilt of the appellant. That under the settled due process the enquiry committee should have examined the concerned witnesses regarding each charge by giving opportunity of cross examination to the appellant. That none of the above requirements have been fulfilled. That even the appellant was examined on the basis of a questionnaire which was not on oath. That service record of the appellant is unblemished rather excellent as he has been awarded many commendation certificates, cash rewards and on one occasion he was recommended for a Civil Award. That no adverse entry is available against the appellant in his ACRs. That the first enquiry report was in favour of the appellant and it was the same Muhammad Afzal, SP who managed to issue the charge sheet to the appellant as he was posted as PSO to the PPO at the relevant time. The learned counsel for the appellant relied upon certain judgments of the superior courts including PLD 1989 Supreme Court 335 in support of his arguments. That dismissal order must be based

on evidence. He relied on another judgment reported as 2008 PLC (C.S) 1249 in support of his contention that whenever any civil servant is discharged for disproportionate source of income or leaving beyond his available means, no punishment can be awarded without conducting formal enquiry. He generally argued that fact of the present disciplinary proceedings were such which warranted holding of a thorough enquiry keeping in view the elements of due process.

4, On the other hand, the learned Addl. Advocate General argued that the strict application of rule of evidence is not the requirement of law and an enquiry officer need not follow the method of recording the statement of a person by a regular court or a Tribunal established under the law, therefore, the manner of recording the statement of the appellant by the enquiry officer in question and answer form, would not render the statements inadmissible in evidence. In this regard he relied upon a judgment reported as 2005 SCMR 1802 wherein, inter alia, the same argument was supported and that even formal oath is not necessary in disciplinary proceedings. That this judgment has been followed by this Tribunal in many decisions and he also pressed into service one of such decision bearing No. 3050/2010 dated 16.12.2013 which judgment was upheld by the august Supreme Court of Pakistan in Civil Petition No. 260/2014, dated 09.04.2014. The learned AAG further argued that when the questionnaire was put before the appellant he disclosed certain facts against himself which falls within the definition of admission and there was no need of any enquiry qua the admitted facts. That under rule-3 (c) of the Police Rules 1975 if a civil servant is considered to be reasonably corrupt due to his own belonging or belonging of any of the dependents then burden shifted to him to rebut the same and it is not for the authority to provide proof of such admitted facts. He further argued that after giving final show cause notice to the appellant along with enquiry report the appellant was required to submit reply but he did not submit any reply rather he relied upon the reply submitted to the enquiry officer, in reply to the charge sheet and statement of allegations. That in the enquiry report many new facts were alleged (proved or not proved) and the appellant was required to defend himself

against those charges in his reply which itself is sufficient for the guilt of the appellant.

CONCLUSION.

5. The earlier enquiry report conducted on the basis of a complaint was admittedly a fact finding enquiry whereby the enquiry officer did not recommend initiation of disciplinary proceedings and the department did not initiate proceedings accordingly. The charge sheet and statement of allegations issued afresh has got no nexus with the earlier complaint of the enquiry proceedings as the charge sheet contained some new charges against the appellant.

6. Coming to the fulfillment of the elements of due process, we are to see that whether the accused was given the chance of reply, personal hearing, copy of enquiry report, final show cause notice and examination of witnesses (if any, examined by the enquiry committee) and right to cross examine those witnesses. If we see the record all these steps have been duly carried out. The only missing step is non examination of witnesses and then rights to cross examine the witnesses. It is an admitted canon of law of evidence that even before the forum where the general law of evidence is applicable with full force there is no need of any proof of admitted facts. And the burden of proof vacillates stage wise according to the shifting of burden of proof. It is also an admitted principle of law of evidence that there are two types of burdens i.e. Probative Burden and Tactical Burden. Probative burden is always on the person who alleges something against another person which include the prosecution and department in the present case. But tactical burden keeps on shifting as the case progresses. The probative burden of all these charges were on the department to have been discharged. If we go from charges No. 1 to 5 there is no admission on the part of the appellant right from the first day up to the end, therefore, it was the probative burden of the department to have proved the charges No. 1 to 5 by producing some reliable evidence but it appears that no reliable evidence has been brought in support of charges No. 1 to 5 nor any witness has been

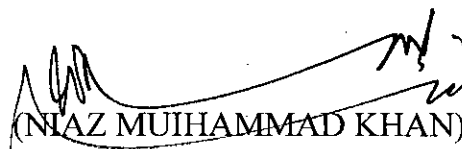
examined. Reliance on secret enquiry is never a valid method of proof. Nevertheless the burden of charge No. 6 regarding corruption shifted to the accused on the ground that when some details of property were brought forth to the accused in the questionnaire the tactical burden shifted to him to give full account of all those properties and it could not be left to the department. The reason is that apart from the principle of law of evidence discussed above Rule 3 (c) of Police Rules, 1975 says that the accused shall give reasonable account of his sources. But when the enquiry report and also in the final show cause notice, the detail about his property was given, the appellant did not reply the same at all and relied upon his reply to the charge sheet but in the charge sheet there was no mention of his those properties. Non submission of reply to the final show cause notice and enquiry report is another admission on the part of the appellant qua charge No. 6 only.

7. Coming to the issue of questionnaire it may be kept in mind that the appellant was not examined as witness against himself because no person can be a witness in his favour or against himself unless he volunteers for the same. This examination of the appellant was not as a witness but an examination in his personal hearing which is different from the examination as witness. In this respect charge sheet may be looked into in which it was written ^{UA} ~~that~~ whether the appellant wanted to be heard in person to which he replied in his reply and requested for personal hearing. During his personal hearing some martial was put before him which he could not reasonably answer or account for nor did he put any reply to the enquiry report or final show cause notice as mentioned above. So far as the role of Muhammad Afzal S.P is concerned, it was the burden of the appellant to have proved his malice or malafide but he evaded the questions regarding involvement of any official in his reply in the questionnaire. The judgment relied upon by the learned counsel for the appellant on the point that dismissal should be made on the basis of evidence or disproportionate sources should be made basis of penalty when a formal enquiry is conducted. Evidence does not mean the statement of witnesses only when facts are admitted or otherwise proved or when burden is shifted to other

side who cannot discharge his tactical burden. The formal enquiry has been conducted and it cannot be said that in each and every case the examination of witnesses, as discussed above is must. The witnesses were only to be examined when the committee deemed it appropriate regarding those facts which were not admitted or regarding which there was no documentary evidence and in Police Rules, 1975 it has clearly been mentioned that the enquiry officer shall enquire into the charges and **may examine** such oral or documentary evidence in support of the charge. [In Rule 6 (2) the word "may" shows that there is no need of examination of witnesses in each and every case as held by this Tribunal above that for charges No. 1 to 5 it was necessary for the enquiry officer to have examined the witnesses (despite the use of the word "may") as the discretion given to any authority is not be exercised capriciously but judiciously and if the circumstances of a case warrant that proof should be procured through witness then the word "may" become "shall" and vice versa for the authority exercising the discretion. The service record and awards etc. have no bearing on specific charge when proved or admitted.

8. The nutshell of the above discussion is that charges No. 1 to 5 have not been proved against the appellant and charge No. 6 is proved against the appellant and there is no reason for upsetting the impugned order. The appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.


(AHMAD HASSAN)
MEMBER


(NAZ MUIHAMMAD KHAN)
CHAIRMAN

ANNOUNCED

30.08.2017

584/16

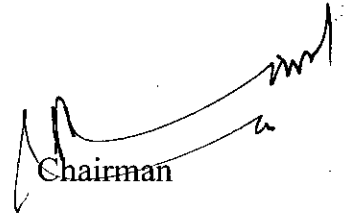
30.08.2017

Appellant alongwith counsel and Addl. Advocate General alongwith Suleman, Reader for the respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, this appeal is dismissed. Parties are left to bear their own costs. File be consigned to the record room.



Member



Chairman


ANNOUNCED

30.08.2017

13. 25.07.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG alongwith Mr. Abdur-Rahman, Inspector for the respondent present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 18.08.2017 before D.B.

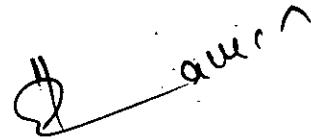

(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

18.08.2017

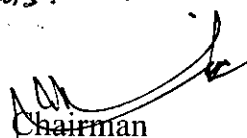
Junior counsel for the appellant present. Mr. Suleman, Reader alongwith Mr. Ziaullah, Deputy District Attorney for the respondents present. Junior counsel for appellant seeks adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 20.11.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

18.08.2017

Appellant submitted an application for fixation of the case before Mr. Ahmad Hassan, Learned Member and also for early hearing. To come up for arguments on 30.08.2017 before the D.B in which Mr. Ahmad Hassan, learned Member will sitting. *notices be issued to the respondents.*


Chairman

25.05.2017

Appellant alongwith his counsel present. Mr. Abdur Rehman, Inspector and Mr. Suleman, Reader with Mr. Kabirullah Khattak, Assistant AG for the respondents also present. The relevant record mentioned in order sheets dated 28.02.2017 and 20.04.2017 has not been produced. Last opportunity is given to representative of the respondent-department namely Abdur Rehman, Inspector to produce the relevant ACR pertaining to the year 2010 till 2015 alongwith service book of the appellant on the next date positively otherwise, costs will be imposed on the respondents. To come up for record and arguments on 19.07.2017 before D.B.

(GUL ZEB KHAN)
MEMBER

MA
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

19.07.2017


Appellant in person present. Mr. Abdur Rehman, Inspector (legal) alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Record submitted. The same is placed on record. Due to strike of the bar learned counsel for the appellant is not available today. Adjourned. To come up for arguments on 25.07.2017 before D.B.

(Gul Zeb Khan)
Member

M
(Muhammad Amin Khan Kundi)
Member

28.02.2017

Appellant with counsel and Mr. Usman Ghani, Sr.GP alongwith Mr. Salman Khan, H.C for respondents present. Arguments partly heard. Learned counsel for the appellant submitted that during the period in which the appellant has been charged to be involved in malpractice, the respondent department has given good ACR's. Since Synopsis of ACR's for the said period is not before the Tribunal, therefore the respondent-department is directed to produce all the synopsis of the ACR's of different periods as mentioned in the charge sheet. To come up for such record and further arguments on 20.04.2017 before D.B.



(AHMAD/HASSAN)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMER

20.04.2017

Counsel for the appellant present. Mr. Muhammad Suleman, Head Constable alongwith Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Record mentioned in the previous order sheet dated 28.02.2017 not produced by the respondents. The respondents are directed to produce the same positively on the next date of hearing. To come up for record and arguments on 25.05.2017 before D.B.


(Ahmad Hassan)
Member


(Muhammad Amin Khan Kundi)
Member

19.10.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Rejoinder submitted which is placed on file. To come up for arguments on 1-12-16.


(PIR BAKHSH SHAH)
MEMBER


(ABDUL LATIF)
MEMBER


01.12.2016

Counsel for the appellant and Mr. Salman Khan, HC alongwith Addl. AG for respondents present. The D.B is incomplete due to relinquishment of charge by Judicial Member. To come up for arguments on 3.2.17.


Member

03.02.2017

Counsel for the appellant and Mr. Usman Ghani, Sr. GP alongwith Salman Khan, H.C for respondents present. Learned Sr.GP requested for adjournment. To come up for arguments on 28.02.2017.


(Ashfaque Taj)
Member

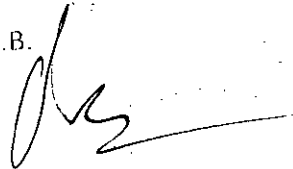

(M. Aamir Nazir)
Member

11.07.2016

Appellant Deposited
Security & Process Fee

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal, the appellant has impugned order dated 12.2.2016 vide which major penalty of compulsorily retirement from service was imposed on the appellant. Against the impugned order, the appellant filed departmental appeal on 1.3.2016 which was not responded within statutory period hence the instant appeal.

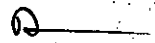
Since the instant appeal is within time and matter requires further consideration of this Tribunal therefore, the same is admitted for regular hearing. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 22.7.2016 before S.B.



Member

22.07.2016

Appellant with counsel and Mr. Falak Nawaz, DSP (legal) alongwith Additional AG for the respondents present. Representative of the department informed that comments have been submitted for obtaining signature of the officers concerned which will be done soon. He requested for adjournment. Request is accepted. Last opportunity given for submission of written reply/comments for 17.08.2016 before S.B.

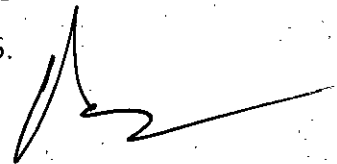


MEMBER

17.08.2016

Appellant in person and Mr. Salman, HC alongwith Addl. AG for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing on 19.10.2016.

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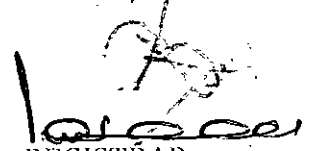



Member

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 584/2016

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	01/06/2016	<p>The appeal of Mr. Abid-Ur-Rehman resubmitted today by Mr. Saadullah Khan Marwat 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>
2	02-5-16	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>06-6-16</u></p> <p style="text-align: right;"> CHAIRMAN</p>


This is an appeal filed by Mr. Abidur Rehman today on 17/05/2016 against the order dated 12.02.2016 against which he preferred/made departmental appeal/ representation on 01.03.2016 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

- 1- Annexures of the appeal may be attested.
- 2- Memorandum of appeal may be got signed by the appellant.

No. 829/ST,

Dt. 18/5/2016


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

*Resubmitted after maturity
of the appeal.*

ky

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

S.A No. 584 /2016

Abid ur Rehman

Versus


I.G.P & others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Appeal		1-3
2.	Commendations Certificates,	"A"	4-18
3.	Application, 14.07.2015	"B"	19-20
4.	Fact Finding Enquiry, 24.07.2015	"C"	21-22
5.	Charge Sheet,	"D"	23-24
6.	Reply to Charge Sheet	"E"	25-26
7.	Statement of Good Conduct,	"F"	27-35
8.	Final Show Cause, 02.02.2016	"G"	36
9.	Reply to Show Cause, 8.2.16	"H"	37
10.	Impugned Order, 12.02.2016	"I"	38-39
11.	Representations, 01.03.2016	"J"	40-48

Dated: 16.05.2016

Through

Appellant

(Saadullah Khan Marwat)
Advocate
21-A Nasir Mansion,
Shoba Bazaar, Peshawar.
Ph: 0300-5872676
0311-9266609

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWARS.A No. 584/2016

Abid ur Rehman S/o Fazl-e-Haq,
R/o Village Musa Kilay, Charsadda,
Ex-Acting DSP, Police Line, Peshawar. Appellant

Versus

1. Inspector General of Police, Peshawar.
2. Chief Secretary, KP, Peshawar.
3. Secretary, Government of KP, Home
Department, Peshawar. Respondents

**K.P. Province
Service Tribunal**

Diary No. 497

Dated 17-5-2016

⇔ <=> ⇔ <=> ⇔ <=> ⇔ <=> ⇔

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 1226/15, DATED 12.02.2016
OF R. NO. 1 WHEREBY MAJOR PUNISHMENT OF
COMPULSORY RETIREMENT FROM SERVICE FOR NO LEGAL
REASON.**

⇔ <=> ⇔ <=> ⇔ <=> ⇔ <=> ⇔

Respectfully Sheweth:

1. That on rendering for more than 27 years unblemished service to the Police Department, appellant was awarded with dozens of commendation certificates, cash prizes worth 50 thousand, excellent ACRs, etc. (Copies as annex "A")
2. That on 14.07.2015, M/S Habib Ullah and Aman Ullah submitted application before R. No. 1 against appellant regarding dispute over a shop with Rehman Ullah, being partner in the disputed shop. (Copy as annex "B")
3. That enquiry into the aforesaid complaint was initiated by Sub-Divisional Police Officer, City-I, CCP, Peshawar wherein report was submitted to Superintendent of Police, CCP, Peshawar that appellant has no role in the said matter as from his statement, it was crystal clear that he is neither stock holder nor has any other interest in the disputed shop. He only wanted to resolve the dispute between the parties as jirga.

However, appellant was directed not to interfere in the said matter. Thereafter, the matter was closed vide enquiry report dated 24.07.2015. (Copy as annex "C")

Re-submitted to-day
and filed.

17/5/16
Registrar

17/5/16

4. That after the lapse of about 3 months, appellant was served with charge sheet along with statement of allegations, leveling seven charges against him. The said charge sheet was replied by denying the allegations with cogent reasons mentioned therein. (Copies as annex "D" & "E")
5. That subsequent enquiry into the matter was initiated but appellant was neither associated with the same nor he was afforded opportunity of cross examination over witness(s), being mandatory.
6. That various dignitaries submitted applications, affidavits in favour of appellant that his role and performances was up to the standard during service. (Copies as annex "F")
7. That on 02.02.2016, appellant was served with final show cause notice regarding the aforesaid allegations without supply of the enquiry proceedings, being mandatory which was also replied in the aforesaid manner. (Copies as annex "G" & "H")
8. That on 12.02.2016, major penalty of compulsory retirement from service was imposed upon appellant for no legal reason. (Copy as annex "I")
9. That on 01.03.2016, appellant submitted representation before R. No. 2 for reinstatement in to service but in vain. (Copy as annex "J")

Hence this appeal, inter alia, on the following grounds:-

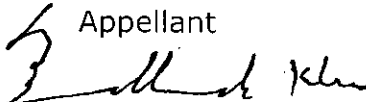
GROUND S:

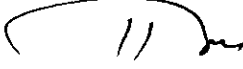
- a. That as is evident from the spotless service of appellant ranging for about 3 decades, he not only earned excellent ACRs, commendation certificates, cash prizes but also served the department to the best of his ability and without any complaint.
- b. That there was a dispute over the shop between the parties and appellant has no concern with the same but to save the parties from taking any adverse action, mediation was made between them to solve the matter.
- c. That when appellant was declared innocent in the first enquiry report, there was no need of subsequent enquiry on the same charges and that too when no reason of disagreement with first enquiry was given for holding of the subsequent enquiry.


- d. That the allegations leveled in the charge sheet were of general nature and has no concern with the reality.
- e. That as per law and Articles of the Constitutions of Islamic Republic of Pakistan, no one can be booked time and again for one and the same cause.
- f. That beside the aforesaid fact, Ehtesab Commission, KP has also issued notice in this respect, meaning thereby that appellant has been made escape goat for no legal reason.
- g. That behind the matter, hidden hands are promoting their ill will and nefarious designs as appellant has made altercation with PSO of worthy I.G.P, namely Muhammad Afzal, the then SP City.
- h. That no reason, whatsoever, was given in the charge sheet making deviation from the report of Sub-Divisional Police Officer, City-I, CCP, Peshawar in letter dated 24.07.2015.
- i. That the act of R. No. 1 in the subject matter, is totally based on ulterior motive and personal grudge.

It is, therefore, most humbly prayed that on acceptance of the appeal, order dated 12.02.2016 of R. No. 1 be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Dated: 16.05.2016

Through  Appellant
Saadullah Khan Marwat


Arbab Saif-ul-Kamal

& 
Arshad Fareed,
Advocates,

4

A

North West Frontier Province Police



Commendation Certificate

CLASS I

Granted by

MUHAMMAD AKBAR KHAN HOTI

Inspector General of Police, N.W.F.P. KHYBER PAKHTUNKHWA.

INSP: ABID UR REHMAN SHO BADABER.

To

Son of

District

PESHAWAR

in Recognition of

FOR HIS GOOD PERFORMANCE OF DUTY.

Dated / /20

(MUSAMMAD AKBAR KHAN HOTI)
Inspector General of Police
KHYBER PAKHTUNKHWA/PESHAWAR.

Handwritten signature and initials on the right margin.

Deputy Inspector General of Police
Mordun Region, Mordun
Mordun Region, Mordun



DATED _____

O.B. NO. _____

In Recognition of _____

District _____

Son of _____

TO _____

DEPUTY INSPECTOR GENERAL OF POLICE
MARDAN REGION MARDAN.

Mr. _____

Granted by _____

Class II

Commendation Certificate



NORTH WEST FRONTIER PROVINCE POLICE

5



CLASS II

This certificate is awarded to

Instructor:

M. Abid-ul-Rehman S/O

R/o _____

For his good performance in Case PIR 1019, dt 17.11.2011

U/S 324/353, 175 5 EXP. AC 13.10.7-ATA PS

In recognition of his valuable services
with Case No. 15007- Co.

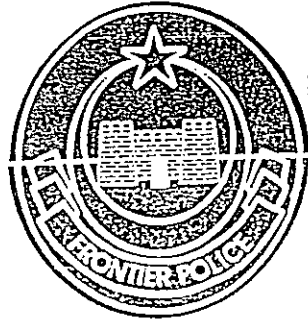


O.B. NO. _____

DATED _____

CHIEF
CITY POLICE
PESHAWAR.

[Signature]



CLASS II

This certificate is awarded to

Mr. SHO ABID-UR-REHMAN S/O _____

R/o CAPITAL CITY POLICE PESHAWAR.

In recognition of his valuable services

Cash Reward Amounting to Rs. 3000/-

vide JGP sanction No. 12859-71/B-3 dated 9/9/2010



O.B. NO. _____

DATED _____

[Signature]
for CAPITAL CITY POLICE
PESHAWAR.



CLASS II

This certificate is awarded to

Mr. ABID UR REHMAN INSP: SHO PS B/MARI S/O

R/o FOR HIS EXCELLENT PERFORMANCE

WITH CASH REWARD RS:5000/-

In recognition of his valuable services

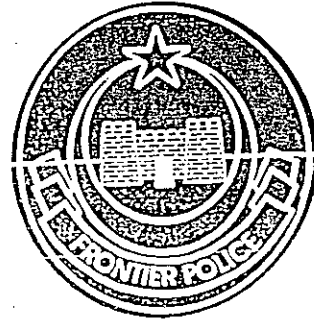


O.B. NO. 3290

DATED 29.9.2010

[Signature]
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

9



CLASS II

This certificate is awarded to

M. SHO ABID-JUR-REHMAN S/O

R/o CAPITAL CITY POLICE PESHAWAR.

*In recognition of his valuable services
Cash Reward Amounting to Rs. 5000/-*

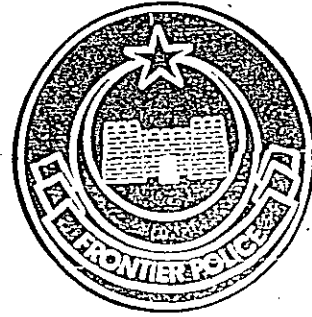


O.B. NO. 3290

DATED 29/9/2010

[Signature]
for CAPITAL CITY POLICE
PESHAWAR.

10/



CLASS II

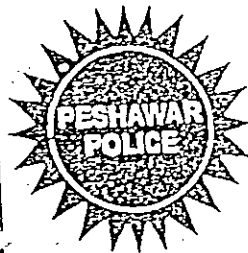
This certificate is awarded to

M. Inspector Ahsan Khan S/O _____

R/o Sha Saqland

In recognition of his valuable services

Cash Reward Amounting to Rs. 3000/-



O.B. NO. 495

DATED 7/2/2011

[Signature]
CAPITAL CITY
PESHAWAR
POLICE

1870

20



CLASS II

This certificate is awarded to

M. [Signature] S/O

R/o for his efficient performance of official duty.

with cash reward of Rs. 5000/-

In recognition of his valuable services



O.B. NO. 2616

DATED 13-7-2011

[Signature]
CAPITAL CITY POLICE OFFICER,
29/6 PESHAWAR.

12

(Commendation certificate)

23030
21-12-11

From : The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

To : The Capital City Police Officer,
Peshawar.

No. 14489 /B-III, dated Peshawar the 21/12/2011.

Subject: COMMENDATION CERTIFICATE CLASS-I

Memo: Please refer to your office letter No.18917/EC, dated 10.12.2011
on the subject cited above.

Commendation Certificate Class-I in r/o Inspector: Abid ur
Rehman SHO of Police Station Badaber, duly signed are sent herewith for
record, please.

3. ①

JAVED KHAN
Budget Officer,
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Sec-II
For M/air P

RECEIVED

POLICE
PAR.

13

OFFICE OF THE
SUPERINTENDENT OF POLICE, CANTT,
CAPITAL CITY POLICE, PESHAWAR.
No. 1969-1R, DT: 28-08/2012.

Insp: Abid ur Rehman
SHO Sarband
Peshawar.


Subject: CRIME REPORT IN EID DAYS.

Memo:

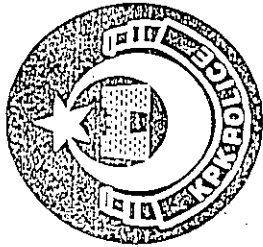
During Eid days it was observed with pleasure that crime against property was at an all time low, especially House robbery and street crime.

This has been achieved through your dedicated supervision and efforts of your team.

Well done and keep it up!


SUPERINTENDENT OF POLICE,
CANTT, PESHAWAR.

CAPITAL CITY POLICE PESHAWAR



COMMEMORATION CERTIFICATE

Class II
is awarded to

Mr. _____ Insp: Abid-ur-Rehman SHO PS Sarband

R/O _____

In Recognition of _____

His excellent performance during campaign against POs from
01.09.2012 to 15.09.2012 with cash reward Rs.2000/- (2nd Position)

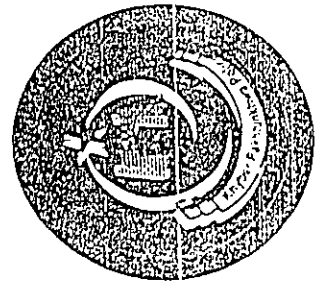
DATED _____

CAPITAL CITY POLICE OFFICER
PESHAWAR

141

Amree - c

Pakhtunkhwa Police



Khyber

Commendation Certificate

CLASS:

Granted by

Inspector General of Police, Khyber Pakhtunkhwa

MR ABID UR REHMAN ACTING DSP

To

Son of

District

PESHAWAR

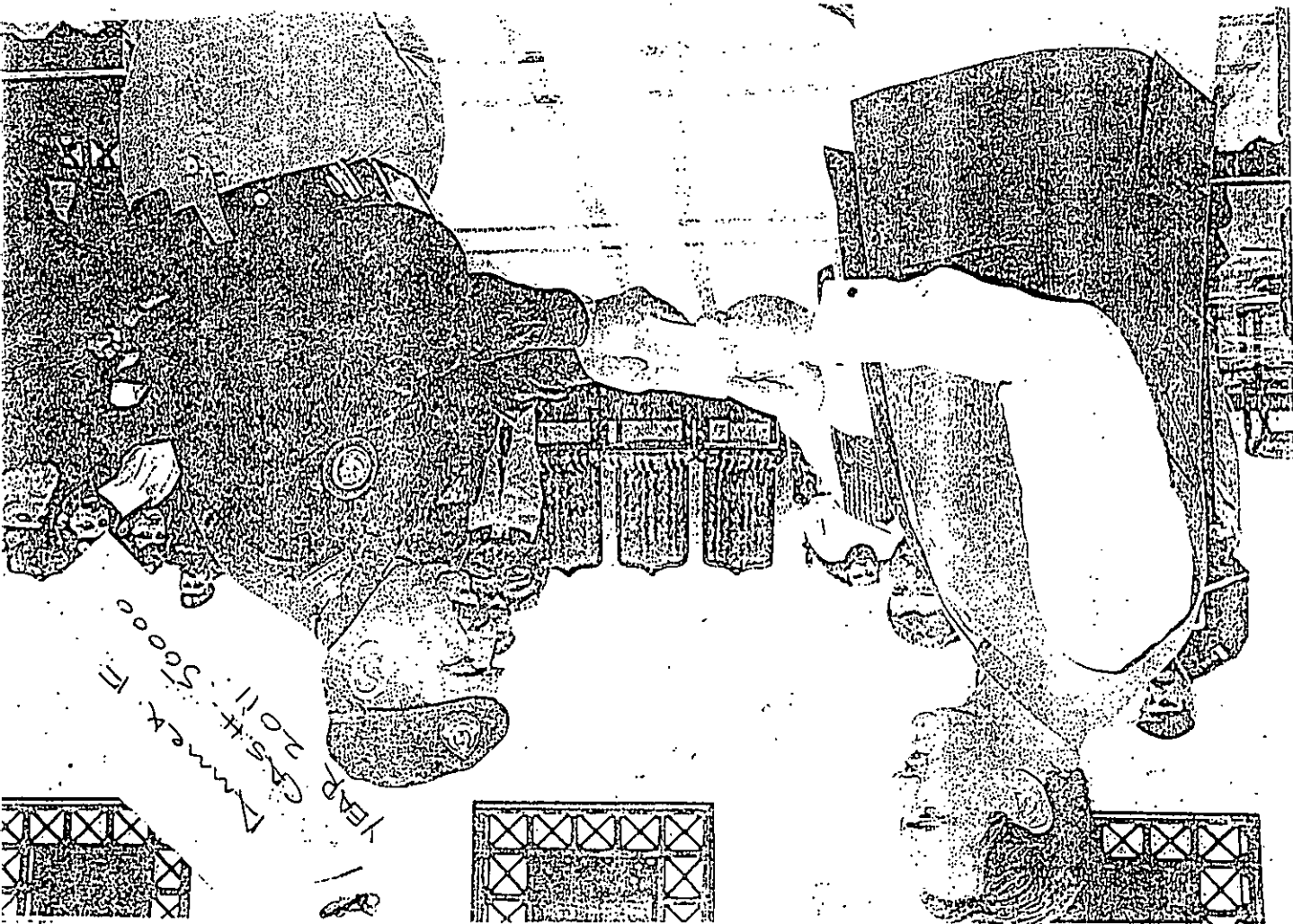
in Recognition of
CASE FIR NO. 622 DATED 23.2.2014 U/S 324/353/7ATA PS BADABER

Dated 25/09/2014

Inspector General of Police
KHYBER PAKHTUNKHWA PESHAWAR

15





18

12 2013 12:12 FAX 0919210927

PPO KPK PESHAWAR

28-11-13

001

9916639

From : The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

To : The Section Officer (Cabinet),
Govt. of Khyber Pakhtunkhwa,
Admn. Department,
Peshawar.

No. S/ 6046 /13, dated Peshawar the 28/11 /2013.

Subject : RECOMMENDATION OF CIVIL AWARDS INDEPENDENCE
DAY 14TH AUGUST, 2014.

Memo :

Please refer to your office letter No. SOC (E&AD) 12 - 17 / 2014 /
Vol - III / Awards, dated 26.11.2013.

The proforma annexure-I alongwith English & Urdu Citation (Both
hard and soft) in r/o following recommendees are sent herewith as desired please:-

1. Mr. Shah Nawaz Khan, Acting DSP Operations / Elite Force CCP, Peshawar.
2. Constable Wajid Ali, (Martyred) CCP, Peshawar.
3. SI Haji Saad Ullah Khan, District Bannu.
4. ASI Arshadullah Khan, District Bannu.
5. SI Abdul Hameed Khan, District Bannu.
6. Constable Saeed Rehman, District Bannu.
7. ASI Amirangzeb (Martyred), District Buner.
8. Inspr: Abid-ur-Rehman, CCP, Peshawar.

Enc: 1 DVD

No. S/ 6047 /13.

Copy of above is forwarded to the Section Officer (Police), Govt. of
Khyber Pakhtunkhwa, Home & TA's Deptt: Peshawar for information w/r to his office letter
No. SO (Police) / HD / 11 - 1 / 2012 / Vol - VI, dated 22.11.2013.

(SYED FIDA HASSAN SHAH)
AIG / Establishment,
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

(SYED FIDA HASSAN SHAH)
AIG / Establishment,
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Attester
/

3/10/07

19/07

[Handwritten signature]

Director of the Under-Secretary's Office

5.5.2007 (Newspaper)

2007

1. ~~Director~~ Director of the concerned

2. ~~Director~~ Director (the parent of the concerned)

3. ~~Director~~ Director (the parent of the concerned)

0300 5965582

4. ~~Director~~ Director (the parent of the concerned)

C

21

24-7-15

From The Deputy Superintendent of Police,
City-I, CCP, Peshawar.

To The Superintendent of Police,
City, CCP, Peshawar.

No. 3676 /ST, dated Peshawar, the 24 / 07 / 2015.

Subject:- FACT FINDING ENQUIRY COMPLAINT AGAINST ABID UR REHMAN DSP CHAMKANI.

Please refer to your Office Memo: No.6509/PA, dated 22-7-2015(attached in original).

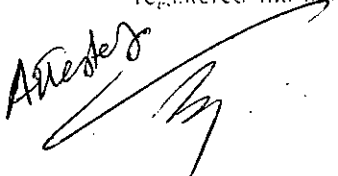
Enquiry into the matter has been conducted, the following were summoned, full opportunity for hearing were given to them. They were heard and their statements were recorded.

1. Abid-ur-Rehman DSP/Chamkani. (His statement is attached as annexure "A").
2. Haji Amanullah s/o Azam Gul r/o Shaheen Muslim Town (applicant). (His statement is attached as annexure "B")
3. Niamat Gul Khan S/O Muhammad Gul R/O Chowk Nasir Khan. (Original owner of the landed property). (His statement is attached as annexure "C")
4. Zulfiaqar Ahmad S/O Nisar Ahmad r/o Chowk Nasir Khan witness of the bargaining of the said landed property. (His statement is attached as annexure "C")
5. Rehmanullah S/O Abdus Sattar r/o outside Al-Khidmat Hospital Mohallah Nishtar Abad Hashtnagri Son-in-law of applicant and Partner of the landed property. (His statement is attached as annexure "D")
6. Ghulam Nabi S/O Gul Akbar Mohallah Chinigran Chowk Nasir Khan occupant of the upper storey of the Bala Khana. (His statement is attached as annexure "E").
7. Malik Zahoor Elahi President Kocho Bazar, Peshawar (His statement is attached as annexure "F").

The following related persons are not available reportedly they are abroad to Saudi Arabia for Umra Shareef:-

1. Abdul Gaffar (brother of Rehman Ullah)s/o Abdul Sattar r/o outside Al-Khidmat Hospital Mohallah Nishtar Abad Hashtnagri.
2. Zamin Gul s/o Gulistan r/o Chari Banda p/o Khas Kahai, T & Distt: Hangu.

Facts of the enquiry are that applicant Haji Amanullah and Rehmanullah are closed relatives. Applicant Haji Aman Ullah is a father-in-law of Rehman Ullah. They both purchase about one Marala landed property consisted by a shop with upper storey (Bala Khana) situated at Chowk Nasir Khan from one Niamat Gul s/o Muhammad Gul r/o Chowk Nasir Khan on Rs. 40,20,000. The applicant Amanullah registered the landed property of his share on his name while Rahman Ullah registered his share on the name of his elder brother namely Abdul Gaffar s/o Abdpul Sattar r/o

Attested


outside Al-Khidmat Hospital Mohallah Nishtar Abad Hashtnagri. Since one year the applicant given the said shop on rent Rs.20,000 per month without the permission of Rehmanullah Partner of applicant in which a Tea shop is running. The allaged person Rehman Ullah (son-in-law of applicant) demanded share in the rent of Tea Shop but the applicant pretend him. Lastly on 25-3-2015 he sold his share landed property on one Zamin Gul S/O Gulistan R/O Charai Banda P.O. Khas Tehsil & District Hangu and Agreement deed was written between Rehman Ullah and Zamin Gul (Photocopy attached as Annexure "G"). Rehmanullah demanded the vacation of the Shop from applicant Amanullah father-in-law of Rehman Ullah. The applicant promised that he will vacate the tea shop and "Bala Khana" in the month of Ramzan. In the month of Ramzan when the demand of Rehmanullah was not fulfilled he locked the Shop and "Bala Khana". After one hours the applicant along with occupant of "Bala Khana" Ghulam Nabi S/O Gul Akbar r/o Mohallah chinigeran Chowk Nasir (who is a friend of original owner Niamat Gul and is living in the Upper Storey, "Bala Khana" of the said landed property since 25 Years) broken the locks and occupied the landed property again. The applicant also came to P.P Kachehri Gate for lodging report about the matter. In the meantime, Rehmanullah called to Abid-ur-Rehman DSP/Chamkani who is a closed friend of Rehmanullah. Abid-ur-Rehman DSP/Chamkani reached to P.P Chowkyadgar as Jirga member where some elders of the vicinity together as Jirga members but the matter was not patch up, some hot words were exchanged between the parties and hence the present complaint in hand against Abid-ur-Rehman DSP/Chamkani.

Besides this. Abid-ur-Rehman DSP/Chamkani having no role in the said matter as from the statement, it is crystal clear that he is neither stake holder in the disputed shop nor have any other interest. He is the only friend of Rehman Ullah and he want to solve the dispute between the near relatives as Jirga Member.

However, Abid-ur-Rehman DSP/Chamkani was intercepted that do not interfere in the said matter.

Submitted please.

(Enclosed:27 Sheets.)

SUB-DIVISIONAL POLICE OFFICER,
CITY-I, CCP PESHAWAR



D

23

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

CHARGE SHEET

I, Nasir Khan Durrani, Inspector General of Police, Khyber Pakhtunkhwa, Peshawar as Competent Authority, under Khyber Pakhtunkhwa Police rules 1975 (amended 2014) hereby charge you Mr. Abid-ur-Rahman the then Acting SDPO/Katlang now closed to CPO (under suspension) as follows:-

- i. That you while posted as SHO of Police Stations Sarband, Chamkani, Badhber, Mattani, Hayatabad, Paharipura Peshawar and SDPO/Chamkani Circle were in league and mixed up with smuggler and criminals including kidnapers and extortionist.
- ii. That you utilized the services of Ismail Special Police Force Official for collecting money from smugglers and kidnapers.
- iii. That you are carrying a stinking reputation being involved in immoral activities.
- iv. That you have links with the anti social elements and provide them support.
- v. That you have a very loose and unprofessional command as a police officer which has degraded the image of police amongst general public.
- vi. That you have a persistent reputation of being corrupt.

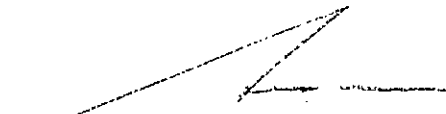
By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules 1975 and have rendered yourself liable to all or any of the penalties specified in the said Rules.

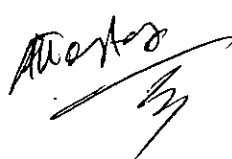
You are therefore, directed to submit your written defense within seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer/Committee.

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

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

A statement of allegation is enclosed.


(NASIR KHAN DURRANI)
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.





24

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

DISCIPLINARY ACTION

I. Nasir Khan Durrani, Inspector General of Police, Khyber Pakhtunkhwa Peshawar being Competent Authority, am of the opinion that Mr. Abid-ur-Rahman the then Acting SDPO/Katlang (under suspension) now closed to CPO have rendered himself liable to be proceeded against, as he has committed the following acts of omissions/commissions within the meaning of the Khyber Pakhtunkhwa Police Rules 1975.

STATEMENT OF ALLEGATIONS

- i. That he was while posted as SHO of Police Stations Sarband, Chamkani, Badhber, Mattani, Hayatabad, Paharipura Peshawar and SDPO/Chamkani Circle was in league and mixed up with smuggler and criminals including kidnapers and extortionists.
- ii. That he has utilized the services of Ismail Special Police Force Official for collecting money from smugglers and kidnapers.
- iii. That he carries a stinking reputation being involved in immoral activities.
- iv. That he has links with the anti social elements and provide them support.
- v. That he has a very loose and unprofessional command as a police officer which has degraded the image of police amongst general public.
- vi. That he has a persistent reputation of being corrupt.

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

For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, an Inquiry Committee consisting of the following Officers of Khyber Pakhtunkhwa is constituted under Police Rules 1975.

- i. Dr. Ishtiaq Ahmad Marwat, RPO/Kohat.
- ii. Mian Naseeb Jan, SP/E & I, CPO.

The Inquiry Committee/officer (s) shall, in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the accused officers, record and submit its finding within 07 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused officer.

Attache's
[Signature]

(NASIR KHAN DURRANI)
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

E

25

-1-16¹

To

The worthy Members,
The Inquiry Committee
constituted by the Competent Authority
vide letter No. _____

Subject: Reply to Charge Sheet dated

Respected Sir,

That the charges leveled against me are baseless, result of some biased and prejudicial misinformation and hence I wholesale deny the same and explain my position as follows:-

General explanation:

1. That I feel much mentally disturbed rather shocked to learn about the allegations as mentioned in the Charge Sheet and cannot reconcile the same as on the one hand (i) I have not received a single adverse ACR throughout my long service career of 27 years with "A plus" reports; (ii) not ever punished departmentally with even a minor penalty; (iii) having no single bad entry in my service record; (iv) having earned Commendation Certificates, Gold Medal 2010, Rs.50,000/- Cash Award 2011, recommended for QPM Award 2013-2014 (v) ambushed and critically injured by militants, and I have been blamed for something worst I ever thought of on the other.
2. That may I also submit with regret that a few officers in the Police Department are highly inimical towards me for the reasons totally unknown to me, who have conveyed certain baseless, ill-founded accusations against me to the worthy IGP and thus caused the instant proceedings by twisting the situation against me. In this regard, I will fully explain the same alongwith evidence in my defence at the opportune time.

Charge-wise explanation:

1. Regarding Charge (i), may I explain that I have never remained SHO at Police Station Chamkani while I remained as SHO at other Police Stations but during my stay at such stations, no one ever raised any sort of complaint whatsoever against me nor any of my immediate bosses had ever made any complaint against me rather my performance had always been appreciated by the high-ups during such times. The charge of being in-league with smugglers and criminals etc. is a totally false and has nothing to do with reality on the ground.
2. Charge (ii) regarding Ismail Special Police Force official is also incorrect and I also deny the same. When I was posted as SDPO Saddar Circle and seriously injured in an attack by the militants at Frontier Road, I choiced him in my Security Squad due to his being an ex-Army personnel and there was no other object behind such choice.
3. Charge No.(iii) is sweeping, ambiguous and without any basis and therefore, the same is also denied. There has been no such complaint whatsoever from any

Arif Ali
3

quarter against me.


4. Charge No.(iv) is also baseless. While posted at the Police Stations Badaber, Sarband, Mattani and Mathra, the areas known for the militants, I had taken decisive steps against the anti-social elements and eliminated many miscreants from the surface of the soil and have personally lodged F.I.Rs against the militants by names and as a result of my successful operations against the militants I had become their arch enemy and therefore was numerous times attacked by them and was once critically injured in one ambush (Press-Clipping attached as *Annex:-A*). Moreover, I have established Riaz Shaheed and Manzoor Shaheed Police Posts at Sarband after clearing those areas from the militants with successful operations/battles.
5. Charge No.(v) is also incorrect. I performed my duty always considering the same as a Jihad and maintained the image of the Department with my utmost efficiency, competency and bravery. My service has always been appreciated by the general public. I also submit the statements of the respectable elders of the localities where I remained as SHO and I also request the Inquiry Committee to examine those elders in my defence to clarify my position. (Statements of the elders are attached as *Annex:-B*).
6. Charge No.(vi) is also ambiguous, generalized and sweeping in nature and has nothing to with the reality as is reflected from the statements

At the end I will add that having a brilliant service record of my performance available with the Department vide Commendation letters (*Annex:-C*) and particularly during my past 04 years service, on account of such outstanding and un-matched performance, I have been recommended for the *Pakistan Police Medal, Quaid-e-Azam Police Medal---* (*Annex:-D*) and similar other Medals have been awarded to me by the senior Officers. Moreover, the former Chief Minister, Khyber Pakhtunkhwa has also awarded me *Gold Medal* (*Annex:-E*) and Cash Award of Rs.50,000/- (*Annex:-F*) on account of my best performance.

7. That I also request for personal hearing.

In wake of the explanation offered hereinabove, I request that the charges leveled against me may kindly be withdrawn and I may be exonerated therefrom.

Yours faithfully


Abid-ur-Rahman
 Inspector/ASDPO, Katlang,
 Mardan
 Presently CPO, Peshawar

Dated: ___/01/2016



27

F

11-1-76



Arbab Jehan Dad Khan

Chairman DDAC/MPA-PK-9

Ph: (091) 9211464 Cell: 0345-9017171

D.O.No: _____

Dated: _____

جناب عالی!

ڈی۔ ایس۔ پی عابد الرحمان ایک مخلف اور نڈر
پولیس افسر ہے۔ سماج دشمن عناصر سے خلاف اپنے
دوران تصنیاتی بہر پور کارروائی کی ہے۔ اور علاقہ میں
امن برقرار رکھنے میں اہم کردار ادا کیا ہے۔

میں بحیثیت ایم۔ پی۔ اے پی۔ سے 9 ڈی۔ ایس۔
پی عابد الرحمان کی کارکردگی سے بھلا مطمئن اور خوش

ہوں۔

Aj

ARBAB JEHAN DAD KHAN
Chairman DDAC/MPA-PK-9
Peshawar

11-1-2016

Arbab



ضاب عالی:

میں ارباب اور نزیب خان حقیقاً بیان کرتا

ہوں کہ عابد الرحمن صاحب ڈی۔ ایس۔ جی، چکنی آبی

ایما ڈار اور مرزا شامی پولیس اسٹریٹ اور انھوں نے

ضاب عالی

کھانہ چینی میں بیتا ایما دست گزارا ہے۔

ارباب اور نزیب خان دار ارباب محمد نزیب خان

سندھ برادری

Aamir Zaib Khan

17301-8480494-1

Mob # 0300-9591417

Aamir Zaib Khan

District Council Member

UC-69 Wadpagga

عامر زب خان

Aamir Zaib Khan

17301-1372876-1

29



Aamir Zaib Khan

District Council Member / UC-69 Wadpagga

Cell: 0314-7959517



Ref

Date 11.01.2016.

ضابطہ عالی:
مزارش ہے کہ علامہ الرحمن D.S.P نے علاقہ
تھانہ چکنی میں قضا کی وقت گراوا سے جہرام دے
ضائع اور علاقہ میں اس نام کر کے ہے
پلیڈی کردار ادا کیا ہے اور بحیثیت پولیس افسر
نہایت نڈر پولیس افسر ہے اور اپنے کردار تمام ملک ہے

Aamir Zaib Khan

District Council Member

UC-69 Wadpagga

عامر زب خان

17301-1372816-1

11-1-16

ضاب عالی! درج ذیل عابد الرحمن صاحب SH10 تقاضہ پیراڑی کو روک
 این ڈیٹر ایماندار اور مدرس شناس لوگس افسر
 سے اور دستوں کے خلاف میں اجاڑت
 گزارا ہے۔

Rab Nazim

RAB NAWAZ KHAN KHALIL
 NAZIM

Neighborhood Sikandar Town
 Ward No. 25, UC-9, Peshawar.

11/1/16

17307-6354324-7
 03005934437-



میں ملک شاہ نواز ناظم ساری پورہ مخالفہ حلف
 بنا کر تیار کرے عابد الرحمن سابقہ SHO

کھانا ساری پورہ سے آ کر سرحد کے دوران
 سماج دشمن عناصر اور لبرلزم پیش کرنے

کے رپورٹ کا زوالی ہے تحریک اور اہلکاروں کی
 آفس ہے۔ اور کسی اور امرت کوہ سے بھی

کھلے میں آج ہے اور تمام سے جیسے راپڈ میں
 رہا ہے اور پھر نئے کارڈ بنا ہے

Shah Nawaz

HAZIM
 MALIK SHAH NAZIM
 Bahari Pura Khalsa 1

11/11/2016

32

الحاج ملک اشتیاق اہوان (جنرل کونسلر)

یونین کونسل 71 ویچ کونسل 229 شرباغ

جناب عالی!

عابد الرحمن (SHO) سابقہ پھاڑی پورہ ایماندار
پولیس افسر ہے۔ اور علاقے سے جرائم پیشہ افراد کی مخالف مرکزی کردار
ادا کیا ہے۔ یہ ایک فرض شناس افسر ہے

الحاج ملک اشتیاق اہوان جنرل کونسلر
0332-7220610

تاریخ 11/11/16

سی

جناب عالی

ہم ذیل معززین علاقہ لغمان نرسنگ ہسپتال میں اسٹریٹجی کا ایڈمنسٹریٹر

2012 اور 2013 میں مقامی میڈیکل سوسائٹی میں راجہ جعفر صاحب

2014 میں SPP صدر سرجن لیبیا تریا جے۔ اس وقت

علاقہ میں دیپت گری کابینہ اور تھا۔ انڈیا کا ایڈمنسٹریٹر نے بہترین

ڈیوٹی کا اظہار کیا تھا۔ اسٹیٹ کی بیماری سے ڈیوٹی انجام دی جسکی وجہ

سے علاقہ میں حکومت کی رٹ قائم ہوئی تھی اور اس وقت

سٹیٹ گریڈ اور اس کے لیبیا تریا کا ایڈمنسٹریٹر ہے

کے شرفیوں اور معززین اس کے اخلاق اور ڈیوٹی سے اسٹیٹ

متاثر اور مطمئن تھے۔



530

1 حاجی نیاز محمد صاحب ٹاؤن فور میڈیکل سوسائٹی حوالہ نمبر 8585247-0307

2 محمد ریاض صاحب ڈسٹرکٹ کونسل کونسلر حوالہ نمبر 5952098-0300

3 شرف اللہ صاحب سینیٹریل ویلج کونسل کونسلر حوالہ نمبر 9044363-0300
MUSHARAF KHAN
Nazim (Village Council)
Hurizai Badaber Mera

4 اسلم احمد بن سینیٹریل ویلج کونسل کونسلر حوالہ نمبر 9039807-0300
Islamuddin Nazim
Village Council Badaber
Hurizai Badaber Mera

5 غضنفر علی خان سابق میڈیکل سوسائٹی حوالہ نمبر 5837778-0300

6 راجہ جعفر صاحب علاقہ میں کونسلر حوالہ نمبر 5985465-0300
7 حاجی سہیل احمد صاحب ڈسٹرکٹ کونسلر حوالہ نمبر

PRINCIPAL
ITTEHAD WELFARE
ORGANIZATION
BADABER



خلیل اصلاحی کمیٹی پشاور

Khalil Welfare Committee Peshawar

آفس _____ رجسٹریشن نمبر _____ تاریخ _____

حیاء عالی

میرٹھن میں سہ ماہی مجلس ساکن نویدہ بانیاں نے خلیفہ بیان
 کو تیار کیا اور حاجی شاد بیگم صاحبہ نے وقت بوقت کھانا پکانا اور
 1450 روپے کی سرانجام دے دیا تھا۔ اس وقت سے اسرات
 نے لقمہ کھانا اور علاوہ قلم سے کھانا پکانا اور
 اس نے علاوہ کھانا کھانے کا کھانا کھانا اور
 طریق سے اس نے زہری لقمہ کھانا کھانا اور
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0313-9815757	0300-9003055	0314-9170772	0345-9031250	0300-5881100	0321-9

آئیے مل کر اپنے علاقوں سے دشمنوں کا خاتمہ کریں اور ایک خوشگوار ماحول پیدا کریں اپنے لئے اپنے آئے والے اگلے کے لئے۔ شکریہ

جناب عالی

سیم صفر زمین علاقہ اس بات کی تصدیق کرتے ہیں کہ غائبہ الز

2010 اور 2012 میں دو دفعہ کفالت کریم میں SHo

ریا ہے۔ اس وقت سریندر علاقہ میں دہشت گردی

کا بہت زور تھا۔ عابد الرحمن دوران ڈپٹی سب

کارنامے سرانجام دیئے اس کی کارروائی سے سیم بہت

مطمئن اور اور خوش تھے۔ اور علاقہ کے عوام سے

دوران ڈپٹی سب تعاون کیا۔ سیم SHo ملک کے

بہت مشہور اور ادا کرتے۔ دوران ڈپٹی عابد

الرحمان کے دو چوٹی بھی بنائی جو دہشت گردی غالب

کرنے کے لئے بہت کارآمد ثابت ہوئی۔ چوکیوں

کے نام ریاض شہید۔ اور منظور حسین ہے۔

(1) افتخار احمد علی صوبائی پریس میں ATM دائر البیس بلوچین

کے

(2) دیار خان کوٹلہ PC 59 سریندر

(3) حبیب اللہ ولد محمد فرید خان سابقہ سربراہ ڈیڑا

Mohib Ali

Ali Akbar



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

No. S/ 889 /16, Dated Peshawar the 02/02/2016.

FINAL SHOW CAUSE NOTICE

1. WHEREAS, you Abid-ur-Rahman, Inspector while posted as SDPO/Katlang Mardan, committed gross misconduct as defined in Police Rules 1975 (amended 2014), resultantly you were Charge Sheeted and enquiry committee is constituted under Police Rules 1975 and RPO/Kohat and SP/E & I CPO were appointed as enquiry committee.

You were proceeded against departmentally on charges that you as SHO of Police Stations your general reputation are not good, rather reported to be involved in corrupt practices for miniting money.

2. WHEREAS, an enquiry was conducted and the enquiry committee finalized the proceedings and provided full opportunities of defence to you including personal hearing. The Enquiry Committee concluded that the subject enquiry has probe through different sources. The charges leveled and the allegations framed as per charge sheet against you stands proved.

3. AND WHEREAS, on going through the finding and recommendation of Enquiry Officers, the material placed on record and other connected papers including your defence before the said Enquiry Committee, I am satisfied that you have committed gross misconduct and guilty of the charges leveled against you as per charge sheet/ statement of allegations conveyed to you vide S/245/16, dated 08.01.2016.

4. NOW THEREFORE, I, Nasir Khan Durrani, Inspector General of Police, Khyber Pakhtunkhwa as Competent Authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "Dismissal from Service" under Police Rules-1975 (amended in 2014)

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

(NASIR KHAN DURRANI)
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

INSPECTOR ABID-UR-RAHMAN,
Presently posted in CPO
(the then SDPO/Katlang Mardan)

Abid-ur-Rahman

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To

The Worthy I.G.P.
KPK, Peshawar.

Subject: Final Show Cause Notice

REPLY TO FINAL SHOW CAUSE NOTICE

Respected Sir,

Ref. Final Show Cause Notice No.889/16 dated 02.02.2016 on the subject noted above.

I have submitted comprehensive reply in January, 2016 with regard to the charge sheet and statement of allegations before the Enquiry Committee. The same shall be treated as reply to the Final Show Cause Notice too. (Copy attached).

I request my honour to close/ set aside all the proceedings against me and exonerate me from the baseless charges.

Thanking you sir in anticipation.

Yours obediently,

Seem
Inspector Abid-ur-Rehman
Presently posted in CPO
the then SDPO/ Katlang Mardan

Dated: 08.02.2016

DY NO - 514/16 1199
8/2/2016 20/12

Abid-ur-Rehman



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

No. S/ 1226 /15, Dated Peshawar the 12-02/2016.

ORDER

This order is passed to dispose of departmental proceedings initiated against Inspector Abid-ur-Rhman the then Acting SDPO/Katlang Mardan.

Inspector Abid-ur-Rahman presently under suspension was charge sheeted under the Khyber Pakhtunkhwa Police rules 1975 (amended 2014), as under:-

- i. That he while posted as SHO of Police Stations Sarband, Chamkani, Badliber, Mattani, Hayatabad, Paharipura Peshawar and as SDPO/Chamkani Circle was in league and mixed up with smuggler and criminals including kidnappers and extortionist.
- ii. That he utilized the services of an official of the Special Police Force namely Ismail for collecting money from smugglers and kidnappers.
- iii. That he is carrying stinking reputation being involved in immoral activities.
- iv. That he has links with the anti social elements and also in habit of providing support to them.
- v. That he has a very loose and unprofessional command which has degraded the image of police amongst general public.
- vi. That he has a persistent reputation of being corrupt.

A secret report regarding his integrity of Inspector Abid-ur-Rahman (Ex-SDPO/Chamkani and currently SDPO Katlang) was received which is reproduced below:-

"Inspector Abid ur Rahman is working on acting charge as SDPO Katlang Mardan. The officer, during his previous postings has remained as SHO of Police Stations Sarband, Chamkani, Badliber, Mattani, Hayatabad, Paharipura in Peshawar and later on was appointed as SDPO Chamkani Circle in 2014. During the above postings, the officer used to take huge amount of money from cloth, cattle, timber and liquor smugglers. His links with kidnappers and extortionists have also been reported during his posting in Peshawar.

It has also been reported that he had kept his private gunners for collecting monthlies from the outlaws/smugglers. Ismail Special Police Force Official has been his "Kar-e-Khas" in this regard.

Reportedly his moral integrity during his posting in Peshawar was not intact and was fond of wine and women and used to attend gatherings with the leading smugglers of Sarband and smugglers used to call him as "angel".

During his current posting in Mardan, no complaint of moral or financial corruption has been reported and is taking interest in his duties"

For conducting probe into the allegations leveled against Inspector Abid-ur-Rahman an Enquiry Committee consisting of Dr. Ishtiaq Ahmad Marwat, RPO/Kohat and Mian Naseeb Jan, SP/ E& I, CPO was constituted. The Enquiry Committee besides conducting enquiry regarding the above allegations also probed through secret sources. The enquiry committee after conducting enquiry concluded that:-

- i. He has purchased an expensive apartment in Askari-II Peshawar Cantt: in the year 2011.
- ii. Purchased more than 100 Kanal agricultural lands in Musa Kaley Charsadda in different years/places in his and wife name.
- iii. Also have purchased a precious and expensive plot in Qazi Kaley Peshawar.
- iv. His sons/daughters are studying in an expensive educational institute's i.e Peshawar Model School and Rasim School System and their monthly fees as admitted by him is more than Rs. 20000/- per month.

Atterker

- v. The alleged sale deed in his wife name seems to be attempting to whiten the black money as no specific description of property i.e Khata, Khasra and Moza is mentioned in the deed.
- vi. He is living beyond his known source of income.
- vii. An enquiry is also under process against him in Provincial Ehtisab Commission as admitted by him-self.
- viii. Besides above, the reputation of accused officer was verified through Special Branch Peshaswar, which indicates that during his posting at various stations he used to collect monthlies from smugglers.
- ix. Probe through other secret sources, the general reputation of the accused officer is not good, rather reported to be involved in corrupt practices for minting money.

After conclusion of the enquiry that proved the allegations, Final Show Cause Notice was issued to the accused officer. He furnished reply to the Final Show Cause Notice but his reply was found unsatisfactory.

In his reply the accused officer only mentioned his services but refused to answer the main allegations of corruption. In the light of finding of the enquiry committee and report from secret sources, Inspector Abid-ur-Rahman, the then Acting DSP Katlang Mardan is held ^{guilty} of the charges leveled against him. Therefore I, **Nasir Khan Durrani Inspector General of Police Khyber Pakhtunkhwa** being Competent Authority hereby impose punishment of compulsory retirement on Inspector Abid-ur-Rahman with immediate effect.

Order announced.

(NASIR KHAN DURRANI)
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. S/1227-42/16,

Copy of the above is forwarded to the:

1. All Additional Inspectors General of Police Khyber Pakhtunkhwa.
2. Regional Police Officer, Mardan.
3. Capital City Police Officer, Peshawar.
4. The DIG/Headquarters, Khyber Pakhtunkhwa, Peshawar.
5. District Police Officer, Mardan.
6. The Accountant General of Khyber Pakhtunkhwa Peshawar.
7. AIG/Establishment CPO Peshawar.
8. PSO to IGP/Khyber Pakhtunkhwa, CPO.
9. PRO CPO Peshawar.
10. Office Supdt: E-I, CPO Peshawar.
11. Accountant CPO.

Arrested
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To

The worthy Chief Secretary,
Government of Khyber Pakhtunkhwa
Civil Secretariat, Peshawar

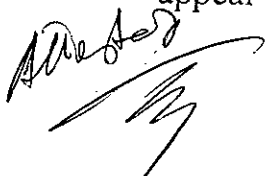
Received
2016
1-3-16

Subject: Departmental appeal against the office order No.1226/15 dated 12.02.2016 passed the Provincial Police Officer, Khyber Pakhtunkhwa whereby the appellant was imposed upon major penalty of Compulsory retirement.

Respected Sir,

With due respect I have the honour to submit this Departmental Appeal for your kind consideration and favourable action on the following facts and grounds:

1. That the appellant has put in more than 27 years outstanding service in the Police Department and during his service he was appreciated from time to time on account of his efficient, diligent performance and awarded with dozens of Commendation Certificates, Cash Prizes worth 50 thousand, good ACRs etc.
2. That on the basis of a frivolous and vexatious complaint of Habibullah and Amanullah against the appellant, an inquiry was initiated by the Sub-Divisional Police Officer, City-I, CCP, Peshawar. After a detailed inquiry, the report was submitted wherein it was found that appellant had no role in the matter as the appellant was neither stakeholder nor had any interest in the disputed shop. He only wanted to resolve the dispute between the parties as Jirga.
3. That the complainant then filed an application before the KP Ehtisab Commission but meanwhile, the appellant was also issued Charge Sheet and Statement of Allegations which was duly replied, the allegations were denied wholesale and appellant also explained his position and moreover, numerous respectable elders of the areas where appellant had remained posted submitted written statements/affidavits in support of the honest and straightforward performance of duties rendered by appellant.
4. That subsequently an inquiry was initiated at the back of the appellant and without associating him with the inquiry proceedings and affording him a fair chance of defence and personal hearing, the Inquiry Report was submitted holding the appellant guilty of the charges and recommending major penalty for appellant.
5. That then appellant was issued Show Cause Notice without supplying the copy of the Inquiry Report which too was replied in detail but vide impugned order No.1226/15 dated 12.02.2016 appellant was imposed upon the major penalty of compulsory retirement, therefore, this departmental appeal is submitted inter-alia on the following grounds:-



Grounds:

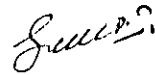
- A. That the charges leveled against the appellant are false, concocted, based on misleading and malafide wrong and ill-founded information, therefore the order under challenge is not according to law, justice and fair-play and thus needs reconsideration by your good-self in the best interest of justice as well as good-governance.
- B. That the Inquiry Officers failed to dig out the ground realities and actual facts which led to the institution of complaint against the appellant. Moreover, the inquiry proceedings have not been conducted in accordance with the prevailing Rules particularly Rule-6 of the Khyber Pakhtunkhwa Police Rules-1975. The appellant has not properly been associated with the inquiry proceedings and afforded an opportunity for clarification/explanation of the alleged charges. Accordingly, the report submitted is based on mis-findings and resultantly not competent to support the penalty muchless major.
- C. That as per Rule 16.25 of the Police Rules 1934, a Police Officer called upon to answer a charge of misconduct must be given every reasonable opportunity of proving his innocence but unfortunately the appellant has been deprived of a fair chance of proving his innocence which has resulted into the imposition of major penalty.
- D. That the Inquiry Report clearly and squarely confirms the fact that the Inquiry Committee has failed to gather oral or documentary evidence in support of the charge what to speak of offering an opportunity to the appellant to produce his defence oral and documentary. Not a single witness has been examined nor any piece of documentary evidence was collected by the Inquiry Committee as per the requirement of Rule-6 of the KP Police Rules-1975 read with Rule-16.25 of the Police Rules-1934.
- E. That the findings of the Inquiry Report are fairly based on hearsay and support has been taken from speculations, surmises and conjunctures rather than any tangible, solid and cogent material which reveals that the inquiry findings were pre-determined, pre-decided hence unlawful.
- F. That the Inquiry Committee also failed to trace the genuine sources of the assets nor allowed the appellant to explain the same but directly jumped to the conclusion declaring the assets as through unlawful means. Moreover, the Charge Sheet does not contain the charge of alleged assets but the Inquiry Committee of their own included the same which is also beyond the scope of the charge sheet.
- G. That the so called declaration of corruption or corrupt practices alleged against the appellant and subsequently found by the Inquiry Committee is in stark contradiction and tussle with the service record of the appellant spreading over a period of 27 years wherein no such allegation was ever

raised nor any single complaint was previously filed against him. All the ACRs granted to the appellants by the superior senior Police Officers are the well-established evidence of the neat, clear and the impeccable service record of appellant. The report of the inquiry is belied/falsified by the departmental record and service history of the appellant.

- H. That the proceedings and punishment are quite premature, untimely inasmuch as the Khyber Pakhtunkhwa Ehtisab Commission has also started inquiry into the charges.
- I. That the appellant also requests for personal hearing.

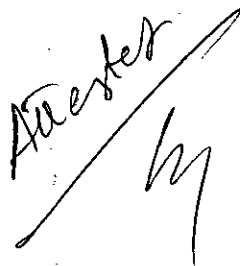
It is, therefore, humbly requested that on acceptance of this departmental appeal, the office order No.1226/15 dated 12.02.2016 may graciously be appealed and set aside and the appellant may kindly be reinstated into service with all back benefits.

Yours faithfully



Abid-ur-Rehman
Ex-SDPO,
Katlang, Mardan

Dated: 1 /02/2016



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Be No-163338

To

The Secretary,
Government of Khyber Pakhtunkhwa,
Homes & Tribal Affairs Department,
Civil Secretariat, Peshawar.

One
3-3-2016

Subject: Departmental appeal against the office order No.1226/15 dated 12.02.2016 passed the Provincial Police Officer, Khyber Pakhtunkhwa whereby the appellant was imposed upon major penalty of Compulsory retirement.

Respected Sir,

With due respect I have the honour to submit this Departmental Appeal for your kind consideration and favourable action on the following facts and grounds:

1. That the appellant has put in more than 27 years outstanding service in the Police Department and during his service he was appreciated from time to time on account of his efficient, diligent performance and awarded with dozens of Commendation Certificates, Cash Prizes worth 50 thousand, good ACRs etc.
2. That on the basis of a frivolous and vexatious complaint of Habibullah and Amanullah against the appellant, an inquiry was initiated by the Sub-Divisional Police Officer, City-I, CCP, Peshawar. After a detailed inquiry, the report was submitted wherein it was found that appellant had no role in the matter as the appellant was neither stakeholder nor had any interest in the disputed shop. He only wanted to resolve the dispute between the parties as Jirga.
3. That the complainant then filed an application before the KP Ehtisab Commission but meanwhile, the appellant was also issued Charge Sheet and Statement of Allegations which was duly replied, the allegations were denied wholesale and appellant also explained his position and moreover, numerous respectable elders of the areas where appellant had remained posted submitted written statements/affidavits in support of the honest and straightforward performance of duties rendered by appellant.
4. That subsequently an inquiry was initiated at the back of the appellant and without associating him with the inquiry proceedings and affording him a fair chance of defence and personal hearing, the Inquiry Report was submitted holding the appellant guilty of the charges and recommending major penalty for appellant.
5. That then appellant was issued Show Cause Notice without supplying the copy of the Inquiry Report which too was replied in detail but vide impugned order No.1226/15 dated 12.02.2016 appellant was imposed upon the major penalty of compulsory retirement, therefore, this departmental appeal is submitted inter-alia on the following grounds:-

Attested
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Grounds:

- A. That the charges leveled against the appellant are false, concocted, based on misleading and malafide wrong and ill-founded information, therefore the order under challenge is not according to law, justice and fair-play and thus needs reconsideration by your good-self in the best interest of justice as well as good-governance.
- B. That the Inquiry Officers failed to dig out the ground realities and actual facts which led to the institution of complaint against the appellant. Moreover, the inquiry proceedings have not been conducted in accordance with the prevailing Rules particularly Rule-6 of the Khyber Pakhtunkhwa Police Rules-1975. The appellant has not properly been associated with the inquiry proceedings and afforded an opportunity for clarification/explanation of the alleged charges. Accordingly, the report submitted is based on misfindings and resultantly not competent to support the penalty muchless major.
- C. That as per Rule 16.25 of the Police Rules 1934, a Police Officer called upon to answer a charge of misconduct must be given every reasonable opportunity of proving his innocence but unfortunately the appellant has been deprived of a fair chance of proving his innocence which has resulted into the imposition of major penalty.
- D. That the Inquiry Report clearly and squarely confirms the fact that the Inquiry Committee has failed to gather oral or documentary evidence in support of the charge what to speak of offering an opportunity to the appellant to produce his defence oral and documentary. Not a single witness has been examined nor any piece of documentary evidence was collected by the Inquiry Committee as per the requirement of Rule-6 of the KP Police Rules-1975 read with Rule-16.25 of the Police Rules-1934.
- E. That the findings of the Inquiry Report are fairly based on hearsay and support has been taken from speculations, surmises and conjunctures rather than any tangible, solid and cogent material which reveals that the inquiry findings were pre-determined, pre-decided hence unlawful.
- F. That the Inquiry Committee also failed to trace the genuine sources of the assets nor allowed the appellant to explain the same but directly jumped to the conclusion declaring the assets as through unlawful means. Moreover, the Charge Sheet does not contain the charge of alleged assets but the Inquiry Committee of their own included the same which is also beyond the scope of the charge sheet.
- G. That the so called declaration of corruption or corrupt practices alleged against the appellant and subsequently found by the Inquiry Committee is in stark contradiction and tussle with the service record of the appellant spreading over a period of 27 years wherein no such allegation was ever


Accepted
M

raised nor any single complaint was previously filed against him. All the ACRs granted to the appellants by the superior senior Police Officers are the well-established evidence of the neat, clear and the impeccable service record of appellant. The report of the inquiry is belied/falsified by the departmental record and service history of the appellant.

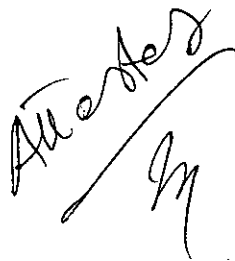
- H. That the proceedings and punishment are quite premature, untimely inas much as the Khyber Pakhtunkhwa Ehtisab Commission has also started inquiry into the charges.
- I. That the appellant also requests for personal hearing.

It is, therefore, humbly requested that on acceptance of this departmental appeal, the office order No.1226/15 dated 12.02.2016 may graciously be appealed and set aside and the appellant may kindly be reinstated into service with all back benefits.

Yours faithfully


Abid-ur-Rehman
Ex-SDPO,
Katlang, Mardan

Dated: 1 /02/2016



To

The worthy Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Subject: Departmental Review against the order No.1226/15 dated 12.02.2016 whereby the petitioner was imposed upon major penalty of Compulsory retirement.

Respected Sir,

With due respect I have the honour to submit this Departmental Review for your kind consideration and favourable action on the following facts and grounds:

1. That the petitioner has put in more than 27 years outstanding service in the Police Department and during his service he was appreciated from time to time on account of his efficient, diligent performance and awarded with dozens of Commendation Certificates, Cash Prizes worth 50 thousand, good ACRs etc.
2. That on the basis of a frivolous and vexatious complaint of Habibullah and Amanullah against the petitioner, an inquiry was initiated by the Sub-Divisional Police Officer, City-I, CCP, Peshawar. After a detailed inquiry, the report was submitted wherein it was found that petitioner had no role in the matter as the petitioner was neither stakeholder nor had any interest in the disputed shop. He only wanted to resolve the dispute between the parties as Jirga.
3. That the complainant then filed an application before the KP Ehtisab Commission but meanwhile, the petitioner was also issued Charge Sheet and Statement of Allegations which was duly replied, the allegations were denied wholesale and petitioner also explained his position and moreover, numerous respectable elders of the areas where petitioner had remained posted submitted written statements/affidavits in support of the honest and straightforward performance of duties rendered by petitioner.
4. That subsequently an inquiry was initiated at the back of the petitioner and without associating him with the inquiry proceedings and affording him a fair chance of defence and personal hearing, the Inquiry Report was submitted holding the petitioner guilty of the charges and recommending major penalty for petitioner.
5. That then petitioner was issued Show Cause Notice without supplying the copy of the Inquiry Report which too was replied in detail but vide impugned order No.1226/15 dated 12.02.2016 petitioner was imposed upon the major penalty of compulsory retirement, therefore, this departmental review petition is submitted inter-alia on the following grounds:-

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Grounds:

- A. That the charges leveled against the petitioner are false, concocted, based on misleading and malafide wrong and ill-founded information, therefore the order under challenge is not according to law, justice and fair-play and thus needs review by your good-self in the best interest of justice as well as good-governance.
- B. That the Inquiry Officers failed to dig out the ground realities and actual facts which led to the institution of complaint against the petitioner. Moreover, the inquiry proceedings have not been conducted in accordance with the prevailing Rules particularly Rule-6 of the Khyber Pakhtunkhwa Police Rules-1975. The petitioner has not properly been associated with the inquiry proceedings and afforded an opportunity for clarification/explanation of the alleged charges. Accordingly, the report submitted is based on mis-findings and resultantly not competent to support the penalty muchless major.
- C. That as per Rule 16.25 of the Police Rules 1934, a Police Officer called upon to answer a charge of misconduct must be given every reasonable opportunity of proving his innocence but misfortunately the petitioner has been deprived of a fair chance of proving his innocence which has resulted into the imposition of major penalty.
- D. That the Inquiry Report clearly and squarely confirms the fact that the Inquiry Committee has failed to gather oral or documentary evidence in support of the charge what to speak of offering an opportunity to the petitioner to produce his defence oral and documentary. Not a single witness has been examined nor any piece of documentary evidence was collected by the Inquiry Committee as per the requirement of Rule-6 of the KP Police Rules-1975 read with Rule-16.25 of the Police Rules-1934.
- E. That the findings of the Inquiry Report are fairly based on hearsay and support has been taken from speculations, surmises and conjunctures rather than any tangible, solid and cogent material which reveals that the inquiry findings were pre-determined, pre-decided hence unlawful.
- F. That the Inquiry Committee also failed to trace the genuine sources of the assets nor allowed the petitioner to explain the same but directly jumped to the conclusion declaring the assets as through unlawful means. Moreover, the Charge Sheet does not contain the charge of alleged assets but the Inquiry Committee of their own included the same which is also beyond the scope of the charge sheet.
- G. That the so called declaration of corruption or corrupt practices alleged against the petitioner and subsequently found by the Inquiry Committee is in stark contradiction and tussle with the service record of the petitioner spreading over a period of 27 years wherein no such allegation was ever raised nor any single complaint was previously filed against him. All the

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ACRs granted to the petitioners by the superior senior Police Officers are the well-established evidence of the neat, clear and the impeccable service record of petitioner. The report of the inquiry is belied/falsified by the departmental record and service history of the petitioner.

- H. That the proceedings and punishment are quite premature, untimely inas much as the Khyber Pakhtunkhwa Ehtisab Commission has also started inquiry into the charges.
- I. That the petitioner also requests for personal hearing.

It is, therefore, humbly requested that on acceptance of this departmental review, the office order No.1226/15 dated 12.02.2016 may graciously be reviewed and set aside and the petitioner may kindly be reinstated into service with all back benefits.

Yours faithfully

Abid-ur-Rehman
Abid-ur-Rehman
Ex-SDPO,
Katlang, Mardan

Dated: 1 /02/2016

Received on
 Office of the PWC KPK, Peshawar
 01-03-2016
 By No. 874/16

Abid-ur-Rehman
by

بعدالت جناب سرسٹریٹریٹل صوبہ سرحد پشاور

منجانب ایڈوائس

عابد الرحمان بنام محکمہ لوہیں وغیرہ

دعوی اپیل

باعث شکریہ اینکہ

مقررہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے اسعد احمد خان سرور نے ایڈوائس ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعویٰ اور درخواست ہر قسم کی تقدیق اور اس پر دستخط کرانے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور تیسویں نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ منکدر کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام روزہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

المزقوم 15/5/16

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

العبد

العبد

العبد
Seena

11
Sayed the Khan
سعد اللہ خان مرقت
ایڈوائس
ارباب سٹیف انکال
ایڈوائس

عابد الرحمان

من رویتہ تازہ
ایڈوائس
ارشد مراد ایڈوائس

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 584/2016

Abid ur Rehman.....(Appellant)

Versus

Government of Khyber Pakhtunkhwa Chief Secretary, Civil Secretariat,
Peshawar and others..... (Respondents)

Subject:- COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth!

Preliminary Objections:-

- a) The appeal has not been based on facts.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder and mis-joinder of necessary parties.
- d) The appellant is estopped to file the appeal.
- e) The appeal is barred by law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1. Incorrect, appellant while posted as SHO of various Police Stations of Peshawar and as SDPO of Police circles allegedly committed corruption by joining hands with smugglers anti social elements and accumulated wealth beyond his known sources. Enquiry committee has given the details of property acquired by appellant through corrupt means and he also failed to produce any proof before the enquiry committee with regard to legitimacy of the property. Copy of the findings of enquiry committee containing details of property required through is enclosed as **Annexure-A**.
2. Incorrect, the impugned order has not been based on the complaint of Habibullah and Amanullah rather the same was based on open and secret enquiry findings conducted in pursuance of charge sheet issued to appellant.
3. Incorrect, as explained in reply to Para-2 that appellant was not proceeded against departmentally in pursuance of complaint of Habibullah and Amanullah but the accumulations of wealth beyond his known sources and involvement in corruption were behind the departmental proceedings initiated against appellant.
4. Correct to the extent of issuance of charge sheet to appellant, however, reply submitted by appellant in response to charge sheet was not found satisfactory and plausible.

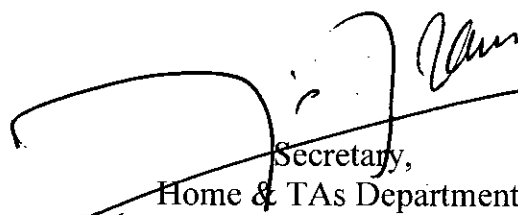
5. Incorrect, appellant was associated in the enquiry proceedings. He was cross-examined by the committee wherein he failed to substantiate the legitimacy of property purchased by him. Appellant joined service in Police department as constable and he admitted that he is living in luxurious flat purchased at rate of 45 lac and his children are students of expensive educational institutions. Copy of statement of appellant is enclosed as **Annexure-B**.
6. Incorrect, the said persons being well wishers of appellant have submitted affidavit in his favour. Appellant was charged for accumulating wealth through illegal means and acquiring property beyond his known sources.
7. Correct appellant was served with final show cause notice and his reply was found unsatisfactory.
8. Incorrect, impugned order is just, legal and speaking one. The order has been based on sound reasons and grounds.
9. Incorrect, According to Rule 11(c) of NWFP (KPK) Police Rule 1975 the appeal shall lie to the officer one step higher than the one who passes the original order provided that in case of orders passed by IGP only a review petition can be filed before the same authority. Appellant submitted representation before wrong forums and ignorance of law is no excuse. Respondent No. 3 sought comments of Respondent No. 1 on the representation of appellant and reply was submitted vide this office letter No. 2581/16 dated 31.03.2016 wherein the above rules were quoted. Copy of the letter is enclosed as **Annexure-C**. The appeal of appellant is not sustainable on the given grounds..


GROUND:-

- A. Incorrect, appellant was in league with anti social elements and smugglers and concealed his involvement in corruption and corrupt practices. The property acquired by appellant as detected by the enquiry committee is the ample proof of his involvement in corruption and accumulation of wealth through illegal means.
- B. Incorrect, appellant has been punished for acquiring property disproportionate to his known sources and living beyond his known sources.
- C. Incorrect, appellant has wrongly referred to enquiry proceedings which have got no concern with the departmental proceedings initiated against appellant which culminated in passing the impugned order.

- D. Incorrect, the allegations were specific and the enquiry committee reported that the bulk of the allegations leveled in the charge sheet were proved.
- E. Incorrect, appellant was charge sheet and he submitted reply in response to the charge sheet wherein he did not plead that he was earlier proceeded against on the basis of same charges.
- F. Incorrect, departmental and criminal proceedings are distinct in nature and both can go side by side. The proceedings initiated by Ehtesab Commission are criminal in nature. Furthermore, the notice of Ehtesab Commission further establishes the departmental charge.
- G. Incorrect, regular departmental enquiry was conducted through committee headed by the most senior officer and appellant failed to establish the mala-fide on the part of committee or any other Police officer. Furthermore, this contention of appellant is afterthought as he has not taken this ground in his reply to charge sheet.
- H. Incorrect, as explained above that the present departmental proceedings were initiated against appellant on charges of his involvement in corruption and corrupt practices. These proceedings were not the outcome of complaint submitted by Habib Ullah and Amanullah.
- I. Incorrect, the impugned order has been passed bona-fidely and appellant failed to point out any mala-fide on the part of respondent No.1 or any other Police officer.

It is therefore, prayed that the appeal of appellant may be dismissed with costs.


Secretary,
Home & TAs Department,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 2 & 3)


Inspector General of Police
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR.

Service Appeal No. 584/2016

Abid ur Rehman.....(Appellant)

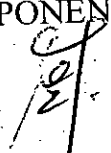
Versus

Government of Khyber Pakhtunkhwa Chief Secretary, Civil Secretariat, Peshawar
and others..... (Respondents)

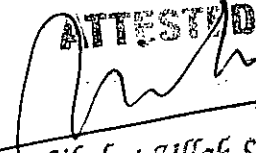
AFFIDAVIT

I, Falak Nawaz AIG Legal CPO, Peshawar do here by solemnly
affirm on oath that the contents of accompanying comments on behalf of
Respondents are correct to the best my knowledge and belief. Nothing has been
concealed from this Honorable Tribunal.

DEPONENT


Falak Nawaz,
AIG/Legal
14203-2060203-5

ATTESTED


Mian Sibghat Ullah Shah
Advocate
OATH COMMISSIONER
High Court Peshawar

17-08-2016



DEPARTMENTAL ENQUIRY AGAINST ABID-UR-REHMAN A/SDPO KATLANG MARDAN (PRESENTLY UNDER SUSPENSION CLOSED TO CPO)

(2)

ENQUIRY REPORT / FINDINGS

On receipt of charge sheet alongwith statement of allegations against Abid-ur-Rehman acting SDPO Katlang Mardan, now under suspension, closed to CPO vide No. S/243-44/16 dated 08.01.2016, proper departmental proceedings were initiated against the accused officer.

The charge sheet and statement of allegations were served upon the accused officer accordingly.

The charges framed against the accused officer by the competent authority are reproduced as under:-

- i. That you while posted as SHO of Police station Sarband, Chamkani, Bdhber, Mattani, Hayatabad, Paharipura Peshawar and SDPO/Chamkani Circle were in league and mixed up with smugglers and criminals including kidnappers and extortionist.
- ii. That you utilized the services of Ismail Special Police Force official for collecting money from smugglers and kidnappers.
- iii. That you are carrying a stinking reputation being involved in immoral activities
- iv. That you have links with the anti social elements and provide them support.
- v. That you have a very loose and unprofessional command as a Police officer which has degraded the image of police amongst general public.
- vi. That you have a persistent reputation of being corrupt.

The accused officer submitted reply to the charge sheet wherein he denied all the allegations leveled against him. He was personally heard and cross-examined in detail. He purchased a luxury apartment in Askari-II Peshawar and more than 100 Kanals land, regarding these purchases, he was asked about his source of income to which he produced a copy of alleged sale deed wherein his wife was given Rs. 35 Lacs by her brothers as inheritance share.

A copy of declaration of income in assets for the year 2015 was obtained which indicates that he purchased apartment, plot and agriculture land amounting Rs. 3,02,31,246/- (more than 3 Crores). (Copy annexed).

3
Regarding collection of money from smugglers etc through ASI Muhammad Ismail (Ex: serviceman) he denied the allegations and stated he is serving with him as a gunman.


ASI Muhammad Ismail Ex: serviceman was examined, who denied the allegations, but admitted that he is serving with accused officer as a gunman.

CONCLUSION

- He has purchased an expensive apartment in Askari-II Peshawar Cantt: in the year 2011.
- Purchased more than 100 Kanal agricultural land in Musa Kaley, Charsadda in different years / places in his and wife name.
- Also have purchased a precious and expensive plot in Qazi Kaley, Peshawar
- His sons / daughters are studying in an expensive educational institutes i.e Peshawar Model School and Rasim School System and their monthly fees as admitted by him is more than Rs. 20000/- per month.
- The alleged sale deed in his wife name seems to be attempt to whiten the black money as no specific description of property i.e Khata, Khasra and Moza is mentioned in the deed.
- He is living beyond his known source of income.
- An enquiry is also under process against him in Provincial Ehtisab Commission as admitted by himself.
- Besides above, the reputation of accused officer was verified through Special Branch Peshawar, which indicates that during his posting at various stations he used to collect monthlies from smugglers.
- Probe through other secret sources, the general reputation of the accused officer is not good, rather reported to be involved in corrupt practices for minting money.

The allegations framed against him stand proved.

Submitted please.


(MIAN NASIB JAN)
Superintendent of Police
E.O


(DR. ISHTIAQ AHMAD MARWAT)
Regional Police Officer,
Kohat Region (E.O) 22/11/2016

To

7-8

The worthy Members,
The Inquiry Committee
constituted by the Competent Authority

Subject: REPLY TO CHARGE SHEET

Respected Sir.

That the charges leveled against me are baseless, result of some biased and prejudicial misinformation and hence I wholesale deny the same and explain my position as follows:-

General explanation:

1. That I feel much mentally disturbed rather shocked to learn about the allegations as mentioned in the Charge Sheet and cannot reconcile the same as on the one hand (i) I have not received a single adverse ACR throughout my long service career of 27 years with "A plus" reports; (ii) not ever punished departmentally with even a minor penalty; (iii) having no single bad entry in my service record; (iv) having earned Commendation Certificates, Gold Medal 2010, Rs.50,000/- Cash Award 2011, recommended for QPM Award 2013-2014 (v) ambushed and critically injured by militants, and I have been blamed for something worst I ever thought of on the other.
2. That earlier, ones Habibullah and Amanuallah had filed an application leveling certain allegations against me to the then SP City, Peshawar now PSO to worthy IGP. On the basis of the said application an inquiry was conducted through Gul Nawaz Khan, DSP City, Peshawar. After detailed inquiry, the Inquiry Officer gave finding in my favour and hence the complaint was dropped. Thereafter, the said Habibullah and Amanullah filed the same complaint before the Khyber Pakhtunkhwa Ehtisab Commission. The Commission also started inquiry into the matter and sent a letter to the worthy IGP for appointment of the focal person to join the inquiry. As soon as the letter from the Ehtisab Commission was received in the office of the worthy IGP, the instant proceedings were launched. May I also submit with regret that a few officers in the Police Department are highly inimical towards me for the reasons totally unknown to me, who have conveyed certain baseless, ill-founded accusations against me to the worthy IGP and thus caused the instant proceedings by twisting the situation against me. In this regard, I will fully explain the same alongwith evidence in my defence at the opportune time.

Charge-wise explanation:

1. Regarding Charge (i), may I explain that I have never remained SHO at Police Station Chamkani while I remained as SHO at other Police Stations but during my stay at such stations, no one ever raised any sort of complaint whatsoever against me nor any of my immediate bosses had ever made any complaint against me rather my performance had always been appreciated by the high-ups during such times. The charge of being in-league with smugglers and criminals etc. is a totally false and has nothing to do with reality on the ground.
2. Charge (ii) regarding Ismail Special Police Force official is also incorrect and I also deny the same. When I was posted as SDPO Saddar Circle and seriously injured in an attack by the militants at Frontier Road, I choiced him in my Security

Squad due to his being an ex-Army personnel and there was no other object behind such choice.

3. Charge No.(iii) is sweeping, ambiguous and without any basis and therefore, the same is also denied. There has been no such complaint whatsoever from any quarter against me.
4. Charge No.(iv) is also baseless. While posted at the Police Stations Badaber, Sarband, Mattani and Mathra, the areas known for the militants, I had taken decisive steps against the anti-social elements and eliminated many miscreants from the surface of the soil and have personally lodged F.I.Rs against the militants by names and as a result of my successful operations against the militants I had become their arch enemy and therefore was numerous times attacked by them and was once critically injured in one ambush (Press-Clipping attached as *Annex:-A*). Moreover, I have established Riaz Shaheed and Manzoor Shaheed Police Posts at Sarband after clearing those areas from the militants with successful operations/battles.
5. Charge No.(v) is also incorrect. I performed my duty always considering the same as a Jihad and maintained the image of the Department with my utmost efficiency, competency and bravery. My service has always been appreciated by the general public. I also submit the statements of the respectable elders of the localities where I remained as SHO and I also request the Inquiry Committee to examine those elders in my defence to clarify my position. (Statements of the elders are attached as *Annex:-B*).
6. Charge No.(vi) is also ambiguous, generalized and sweeping in nature and has nothing to with the reality as is reflected from the statements

At the end I will add that having a brilliant service record of my performance available with the Department vide Commendation letters (*Annex:-C*) and particularly during my past 04 years service, on account of such outstanding and un-matched performance, I have been recommended for the *Pakistan Police Medal, Quaid-e-Azam Police Medal---* (*Annex:-D*) and similar other Medals have been awarded to me by the senior Officers. Moreover, the former Chief Minister, Khyber Pakhtunkhwa has also awarded me *Gold Medal* (*Annex:-E*) and Cash Award of Rs.50,000/- (*Annex:-F*) on account of my best performance.

7. That I also request for personal hearing.

In wake of the explanation offered hereinabove, I request that the charges leveled against me may kindly be withdrawn and I may be exonerated therefrom.

Yours faithfully

Seems

Abid-ur-Rahman
Inspector/ASDPO, Katlang,
Mardan
Presently CPO, Peshawar

Dated: ___/01/2016

XXX. A. U. Rehman
(By Enq Committee)

XXX

س۔ آئیے جو کچھ نہیں جواب دے کر بیٹھے اس کے بعد وہ کچھ ضرور اپنی رائے لکھ کر لے جاتا ہے؟
 ج۔ ضروری نہیں کہ وہ جواب دے کر بیٹھے۔ مگر ضرور لکھ لے اور ان کے ذہنی
 عبادت بنانا پر مجھے بدنام کیا ہے۔

س۔ کون افسران ہیں آپ نام بتا سکتے ہیں؟
 ج۔ ایسے کئی تھے وہ افسران سینئر جو سب پر تعینات تھے اور میرے لیے ضرور یہ مشورت یہاں لکھی تھی

س۔ وہ بعد بنا دیا ہے اور کبھی وہ افسران کے حریف تھے؟
 ج۔ دو افسران نے مجھے کافی گلوچ دی تھی جبکہ ایک افسر کے رشتہ دار کے کمر الفجر ہاؤس بنا
 اس دم سے ہو سکتا ہے وہ مجھ سے ناراض ہیں۔

س۔ آپ کے حریف ہو یا کسی اور کی بات نہیں ہی انکو اسی میں رہیں ہے آپ کیا کہتے ہیں؟
 ج۔ یہ انکو اسی ضرور ہو سکتا ہے اور جب اللہ تعالیٰ ستم کوئی در خواست نہیں کرے گا

س۔ آپ کو احتیاج کیسے لے جو پروفرم دیا ہے پیش کریں۔
 ج۔ اب شک میں نے جو اب جمع نہیں کر رہا $25 \frac{1}{16}$ جس میں صلیب لگائی ہے

س۔ کیا آپ کے والد زندہ ہیں اور کتنے بھائی ہیں؟
 ج۔ میرے والد فضل حق زندہ ہیں۔ ہم 7 بھائی اور 4 بہن ہیں جو کہ شادی شدہ ہیں

س۔ آپ کے بھائی کیا کام کرتے ہیں؟
 ج۔ بڑا بھائی جن رانج BA ہے 8/10 سال سعودیہ رہا اب گاؤں میں 3 سال سے رہتا ہے
 مگر رہا ہے۔ دوسرا خالد میٹرک پاس ہے 10/12 سال سے سعودیہ میں ہے۔ تیسرا ایس
 الراجحی ٹی ٹی (M) میں گھر ناماؤں میں ہے۔ محمد احمد جن F.C سے دیکھا کرتا ہے اور
 کرنا ہے جبکہ بھائی فصیح الراجحی سعودیہ رہا جن ایچ سی میں ملحق ہے

س۔ آپ کے کتنے چچا ہیں؟
 ج۔ 3 چچا ہیں

س۔ آپ کے دادا کے نام کتنی زین ہے؟

ج۔ تقریباً 27 قبریں ہیں۔ 18 قبریں انتقال اور 9 قبریں شکارا ہے۔
 سے 7 قبریں یہ رہا کے بعد ہیں ہیں۔

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۱ ایک تینے بیٹے اور بیٹیاں ہیں ؟
۲ بیٹے اور ۳ بیٹیاں ہیں۔

۳ کیا تعلیم حاصل کر رہے ہیں ؟
۴ بیٹیاں آٹھویں کلاس اور ۲ بیٹے ۵ تا ۵ میں پڑھ رہے ہیں اور باقی سکول میں جبکہ ایک بیٹی
۵ اسکیم سکول سسٹم میں زیر تعلیم ہیں۔

۶ پتہ اور ماڈل سکول میں آیا ہے نہیں؟

۷ بیٹوں کی 3800 روپیہ اور بیٹے کے 3600 روپیہ ٹرانسپورٹ چارج 500 روپیہ
جبکہ ایک بیٹی کی 3000 روپیہ مانا ہے۔

۸ آپ یہ نہیں کس طرح manage کرتے ہیں جبکہ ایک کمرے میں کچھ بچے شغل ہے؟

۹ میری تنخواہ کے علاوہ میری بیوی کو لیا بھون نے 35 لاکھ روپیہ اپنی جائیداد کے حصے سے
دیا تھا جس سے 30 لاکھ روپیہ میں نے اپنے ایک دوست کے پاس رکھ کر بیرون ملک
جا رہا رکھنے دیا ہے۔ جس میں ہر ماہ مجھے ایک لاکھ روپیہ منافع آتا ہے۔ اس سے
میں دیگر maintain کرتا ہوں۔

۱۰ اس کا ایک پاس کیا ثبوت ہے ؟

۱۱ اصل حال میرے پاس ثبوت نہیں ہے بلکہ اس میں پیش کر سکتا ہوں۔

۱۲ ایک دادا کی جائیداد سے لکھ بھون کو کوئی حصہ ملا ہے ؟

۱۳ ایک لکھ بھون فوت ہوئی ہے اسکو جائیداد کے حصے کی رقم دی گئی جبکہ ایک
لکھ بھون کو حصہ نہیں دیا گیا۔

۱۴ ایک بیوی کی کوئی اور ہیں ہے اور جو کچھ بھون نے جائیداد کا حصہ دیا ہے ؟

۱۵ میری بیوی کی ایک ہیں ہے جو ابھی تک بھون نے حصہ نہیں دیا

۱۶ ایک رہائش کہاں ہے ؟

۱۷ میں عسکری II پتہ اور میں فلپائن میں رہائش رکھتا ہوں۔

۱۸ یہ فلپائن کس کا ہے ؟

۱۹ میرا ذاتی ہے ۱۱۰ میں صنف 5 ہا لاکھ روپیہ میں خریدتا تھا۔

۲۰ اس کے علاوہ کوئی اور جائیداد جو اپنے خریدتا ہوں؟

۲۱ جی ہاں خریدتا ہے۔ فٹنڈ ہے اور میری بیوی کو بھی دیا ہے۔

(Handwritten signature)

(Handwritten signature)

- س۔ آنسو صلیق ہے کہ سر ماروں ملدزم کا نڈاد وغیرہ ضروری سے عقدرت کا سنا کرنا لگتا ہے
- س۔ مگر اس کے باوجود اپنے اور بچوں کے نام پر جان نڈاد ضروری کیوں ؟
- س۔ میرے دوستی بہرہ میں ہیں اور ایک عیال میں لگا۔ چونکہ میں لوہیں میں ملدزم ہوں اور جان نڈاد کی بہتر صفاتوں کو سیکھا ہوں اس لیے اپنے نام پر ضروریوں اور میرا دین کے ساتھ زیادہ سگاڑوں ہے اس لیے جان نڈادوں کا جو بہتر اعتقاد ہے
- س۔ یہ درست ہے کہ اپنے حسی ہلکے چار سداہ میں ہی اور اپنی ضروریوں سے ؟ چونکہ 50 ضروریوں کیوں کے نام ہے ؟
- س۔ ہاں 23/24 ضروریوں مختلف قلیوں پر ضروریوں جن میں کچھ بیسج دیں اس صورت میں جان نڈاد لگتا ہے۔
- س۔ اپنے جان نڈاد کیوں بھی کیا چھوڑیں ؟
- س۔ کیونکہ جان نڈاد ریاضت کی مدد سے آتی ہے اس لیے بھی۔
- س۔ کتنے روپے ؟ جان نڈاد اپنے جان نڈاد کیوں ؟ اور ایک ؟
- س۔ 2000 میں بیسج 3 لاکھ 65 روپیہ جان نڈاد کیوں جو 2009/2010 میں 10 لاکھ روپیہ جان نڈاد جو کہ بعد میں ایک کمر وٹ ایک لاکھ روپیہ میں ضرورت ہو گیا
- س۔ یہ درست ہے ضروریوں کیوں سے بچے کیلئے اہل ضروری جان نڈاد میں لگتا ہے
- س۔ میں نے حق شفع کے خوف سے اہل ضروری جان نڈاد کیا
- س۔ یہ کیسے ممکن ہے کہ آپ نے یہ جان نڈاد جان نڈاد کیا جبکہ آپ اپنے جان نڈاد کو موجود ہے جس کے جان نڈاد ضروریوں کو شفع کا ذکر کیسے ؟
- س۔ چونکہ جو جان نڈاد میں نے ضروریوں اور حاضرہ میں دوسرے جان نڈاد کے حاضرہ میں سے ملنے لگے۔ اس لیے بیسج رقم جان نڈاد کیا
- س۔ آپ کی کتنے بینک اکاؤنٹ لگائے ہیں کیا ہیں ؟
- س۔ میرا ایک ہی بینک اکاؤنٹ نیشنل بینک چار سداہ میں ہے
- س۔ یہ درست ہے کہ آپ نے MeB اور دوسرے N.B میں ہی اکاؤنٹ کیوں ؟
- س۔ نہیں ہے اور نہ ہی میری بیویوں کا اکاؤنٹ لگتا ہے

15/10/2010

س۔ کیا یہ درست ہے کہ سگری آ کے بعد میں آپ ایک دوسرا فلیٹ
میں ہے جو آپ نے اس دوسرے کے نام پر فلیٹ بنا دیا ہے

ج۔ یہ فلیٹ ہے ایک فلیٹ کے علاوہ دوسرا کوئی فلیٹ نہیں ہے

س۔ آپ نے کہا آپ کو یہ نامی و کثیرہ سکھڑوں اور فیر ایم پیسٹریا عمر کے ساتھ
فیر اسم ہیں ؟

ج۔ میں کسی کو یہ سکھڑ و کثیرہ کو نہیں جانتا یہ سکھڑ ہے

س۔ آپ کہاں آگے رہتے ہیں یا کچھ دیکھو ؟

ج۔ عمرہ مشترکہ ہے جبکہ ہا کھائی ایک گورنر اور حلفہ گورنر کے ساتھ رہتے ہیں

س۔ آپ یہاں کون سے گورنر ایک سنٹرل ہے یا نہیں ؟

ج۔ ایک سنٹرل نامی اس پر ایک گورنر ہے

س۔ یہ درست ہے فلیٹ اور فیر کثیرہ جائیداد (رزرویشن) کے علاوہ بیٹا اور عین
آپنے اور جائیداد لیں فیر ہیں ؟

ج۔ قاضی فکے میں ۱۰ حصہ بلڈنگ فیر بہا ہے جس کی قیمت کا لاکھ ۵۰ ہزار روپے
۱۰ لاکھ کروا رہا ہے۔ یہ فیر میں نے تمام جائیداد Delclamation فارم میں
دیکھا ہے۔

س۔ جو حالت آئیے بتائی، انتقال پیش کر سکتے ہیں ؟

ج۔ اس وقت میرے پاس انتقال کی نقل نہیں ہے

س۔ آپ جہاں ہی تعلیمات رہے ایسا میں نامی Serule
ج۔ یہ درست ہے ؟

ج۔ جہاں میں رہا وہ بہتر میں نہیں ہوا۔ تو اس کے بعد میں حفاظت کیلئے ایسا میں کو
اپنے ساتھ گنڈر رکھا کہو ٹکڑہ آری سے رہنا ٹکڑہ اور میں حفاظت
بہتر رہنے سے کہہ سکتا ہوں۔

س۔ آپ یہ الزام ہے کہ آپ مذکورہ ایسا میں کے دارالہم سکھڑوں کے رقم رکھنے کے ساتھ
ج۔ یہ ٹکڑہ ہے جو مذکورہ سے رہنا ٹکڑہ میں حفاظت کیلئے گنڈر رکھا

امین

XXXXX
25/



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

No. S/ 2581/16 dated Peshawar, the 31 / 03 / 2016.

To: - The Section Officer (Com/Enq)
Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department

Subject:- DEPARTMENTAL APPEAL AGAINST THE OFFICE ORDER NO. 1226/15 DATED 12.02.2016 PASSED BY THE PROVINCIAL POLICE OFFICER, KHYBER PAKHTUNKHWA WHEREBY THE APPELLANT WAS IMPOSED UPON MAJOR PENALTY OF COMPULSORY RETIREMENT.


Memo:-

Reference your office memo No. SO (Com/Enq)/HD/Pol-O/Appeal/2015 dated 14.03.2015, on the subject noted above.

According to Rule 11(c) of NWFP (KPK) Police Rule 1975 the appeal shall lie to the officer one step higher than the one who passes the original order provided that in case of orders passed by IGP only a review petition can be filed before the same authority.

In view of the above statutory rules, the appeal of appellant may be filed please.

e/c


AIG/Legal,
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 584/2016



Abid Ur Rehman

versus

IGP & Others

REJOINDER

Respectfully Sheweth,

PRELIMINARY OBJECTION

All the 06 preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why the appeal is not based on facts, not maintainable, bad for mis and non-joinder of parties, estoppel, barred by limitation and unclean hands.

ON FACTS

1. Not correct. The so called allegations regarding corruption, association with smugglers, anti-social elements and wealth beyond his known source is without proof. The inquiry committee also based allegations on assumption and presumption. No notice was given for the alleged allegations to appellant to show proof of the charges before the case in hand.
2. Not correct. The matter regarding open and secret inquiry was not independent but has brought on surface for the first time in the subject matter.
3. Not correct. The Para of the appeal is correct. Rest of the Para regarding wealth and corruption has been replied in Para No 2, above. Being private dispute of shops, appellant was directed not to interfere in the said matter. Inquiry report was closed on 24-07-2015
4. Admitted correct by the respondents regarding issuance of charge sheet and submission of reply.

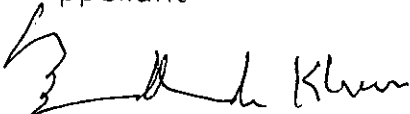
5. Not correct. Page 9 attached with the reply is question answer over appellant by the department and not the cross examination over the witness(s) of appellant.
6. Not correct. The Para of the appeal is correct regarding affidavits tendered in favor of appellant by the locals.
7. Admitted correct by the respondents regarding issuance of final show cause notice and reply there to.
8. Not correct regarding penalty of compulsory retirement from service.
9. Not correct. The Para of the appeal is correct regarding submission of representation before the authority. The representation was made to the competent authority.

GROUND S:

All the grounds of the appeal are legal and correct while that of the reply are illegal and incorrect. The same are again adopted.

As for as proceedings initiated in Ehtesab Commission against appellant is the ample proof of malafide of the respondents as no one can be legally prosecuted time and again on one and the same cause, because from the action of respondents it is not clear as to whether action/proceedings against appellant of the department was correct or that of the Ehtesab Commission.

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

Appellant
Through 
Saadullah Khan Marwat
Advocate,

Dated: 19.10.2016

AFFIDAVIT

I, Abid ur Rehman appellant do hereby solemnly affirm and declare that contents of the **Appeal & rejoinder** are true and correct to the best of my knowledge and belief while that of reply of respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

DEPONENT

Before the Chairman, Service Tribunal, KPIC, Peshawar.

Khyber Pakhtunkhwa
Service Tribunal

Appeal NO 584/16

Dist. No. 683

Dated 18-08-2017 vs

Police.

Abid ur Rehman

Put up to the court with
relevant appeal.

~~12/8/17~~
Application for fixing of appeal in one of the
bench consist of Honorable Member Mr Ahmad Hussain

the appeal has already been part heard.

Maybe fixed as
referred to
18/8/17
Respectfully Sheweth,

- 1- That the above mentioned case/appeal is pending adjudication in the honorable tribunal which was fixed today i.e. 18/8/17 before the member bench which to adjourn to 20/8/17 for proceedings.
- 2- That the appeal in question was part heard previously by member bench consist of ^{Mr} Amir Nazir and Mr Ahmad Hussain and after arguments the bench requested the files of the appellate which were later on submitted to the bench.
- 3- That it is in the interest of Justice, that the appeal be fixed before any bench consist of Mr Ahmad Hussain as he was already heard the appeal at length along with Mr Amir Nazir who is by now transferred from the tribunal.

It is therefore most humbly requested

That the appeal in question may kindly
be fixed before any bench consisting of
Honorable member Mr Ahmad Hussain and
a ~~short~~ early date be fixed for hearing
as the appellant is badly suffering and the
studies of children of the appellant are
also affected due to the impugned order questioned
in the subject appeal.

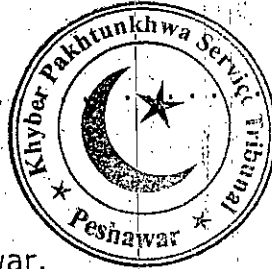
Appellant
Sd/-
Abdul Rehman.

Through
Abdul Sufikhan
Advocate, Peshawar.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 584/2016

Abid ur Rehman S/o Fazl-e-Haq,
R/o Village Musa Kilay, Charsadda,
Ex-Acting DSP, Police Line, Peshawar.



Appellant

Versus

**K.P. Province
Service Tribunal**
Diary No. 497
Dated 17-5-2016

1. Inspector General of Police, Peshawar.
2. Chief Secretary, KP, Peshawar.
3. Secretary, Government of KP, Home Department, Peshawar. Respondents

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, 1974
AGAINST OFFICE ORDER NO. 1226/15, DATED 12.02.2016
OF R. NO. 1 WHEREBY MAJOR PUNISHMENT OF
COMPULSORY RETIREMENT FROM SERVICE FOR NO LEGAL
REASON.**

⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄⇄

28.02.2017

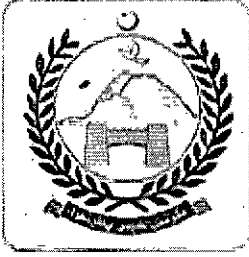
Appellant with counsel and Mr. Usman Ghani, Sr.GP
alongwith Mr. Salman Khan, H.C for respondents present. Arguments
partly heard. Learned counsel for the appellant submitted that during
the period in which the appellant has been charged to be involved in
malpractice, the respondent department has given good ACR's. Since
Synopsis of ACR's for the said period is not before the Tribunal,
therefore the respondent-department is directed to produce all the
synopsis of the ACR's of different periods as mentioned in the charge
sheet. To come up for such record and further arguments on
20.04.2017 before D.B.

Certified to be true copy
EX-AMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Sdf
(AHMAD HASSAN)
MEMBER

Sdf
(MUHAMMAD AMIR NAZIR)
MEMBER

Date of Presentation of Application 8-3-17
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**KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

No. 2088 /ST Dated: 14/9/2017

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281
Fax:- 091-9213262


To,

The Inspector General of Police,
Government of Khyber Paktunkhwa,
Peshawar.

Subject: - **JUDGMENT IN APPEAL NO. 584/2016, ABID UR REHMAN.**

I am directed to forward herewith a certified copy of judgment dated 30/08/2017 passed by this tribunal on the above subject for strict compliance.

Encl: as above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR