

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1873/2023

Amjad Saeed

Ex-Constable No.90

..... Appellant

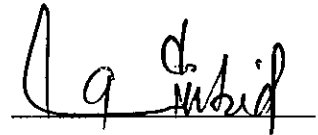
VERSUS

Deputy Inspector General of Police,
Kohat Region Kohat & others

..... Respondents

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Deponent

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
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Service Appeal No. 1873/2023
Amjad Saeed
Ex-Constable No.90

..... Appellant

VERSUS

Deputy Inspector General of Police,
Kohat Region Kohat & others

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9646

Dated 1-12-23

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1 & 2.

As per report of DPO Karak:-


(SAJJAD AHMAD)PSP
(District Police Officer, Karak)

Respectfully Sheweth:-

Preliminary Objections:-

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appellant is stopped by his own conduct to file the instant appeal.
- iv. That the appeal is bad in eyes of law and not maintainable.
- v. That the appellant has not approached the honorable Tribunal with clean hands.

Facts:-

1. Correct to the extent of his appointment in police department.
2. Correct, the appellant alongwith other accused was directly charged in case FIR No.540 dated 27.10.2022 u/s 324,353,427/34 PPC/17-AA police station Yaqoob Khan Shaheed Karak. Copy of FIR as **annexure-A.**
3. Incorrect, the appellant bail petition was dismissed by the Additional Session Judge Tehsil Takht-e-Nasrati, Karak as there were sufficient incriminating materials were available on the file to connect the accused / appellant with the commission of offence. Copy of bail application as **annexure-B.**
4. Incorrect, proper Charge Sheet & Statement of Allegation was issued to the appellant and SDPO Banda Daud Shah was appointed as enquiry officer to ascertain the conduct of delinquent police official. The appellant was found guilty of the charges by the enquiry officer. The appellant was afforded an opportunity of personal hearing but the appellant failed to advance any plausible reply in his defence. He was dismissed from service vide OB No.639, dated 01.12.2022. Copy of Charge Sheet, finding report of enquiry officer and dismissal order as **annexure-C, C-1 & C-2.**
5. The appellant was reinstated by the appellate authority subject to the conducting of de novo enquiry. The appellant was reinstated into service and subsequently

awarded punishment of compulsory retirement from service having a lenient view upon the appellant family vide OB No.267, dated 06.07.2023. Copy of appellate authority order vide No.1806/EC, dated 08.02.2023, finding report of denove enquiry and order of compulsory retirement as annexure-D, D-1, D-2.


6. Reply already submitted in para-5 above.
7. The appellant departmental appeal was rejected by the appellate authority being devoid of merit. Copy of order as annexure-E.
8. Incorrect, the appellate authority dealt the departmental appeal of the appellant in accordance with the law & rules.
9. The appellant plea is not maintainable in law, liable to be dismissed on the following ground.

Grounds:

- A. Incorrect, the appellant was dealt in accordance with law & rules.
- B. Incorrect, the enquiry officer conducted enquiry fairly and transparently in accordance with the Police Efficiency and Disciplinary Rules-1975 and found the appellant guilty of the charges.
- C. Incorrect, the charges leveled against the appellant were proved beyond any shadow of doubt by the enquiry officer in the first stage of dismissal and subsequently on the basis of denove enquiry proceedings.
- D. Reply already submitted in paras 4 & 5 of facts above.
- E. Incorrect, the enquiry conducted by the enquiry officer and the orders passed by the respondent No.1 & 2 are in accordance with the law & rules.
- F. Incorrect, the appellant badly failed to prove his innocence during course of enquiry nor produced any solid proof / eye witnesses in his defence.
- G. Incorrect, criminal proceedings and departmental proceedings against a public servant are entirely different is one relates to the enforcement of criminal liability and the other is concerned with the service discipline. Reliance is placed on 2023 PLC (CS) 555.
- H. The respondents may also be allowed to advance an additional ground at the time of arguments.

Prayer:-

In view of the above, it is humbly prayed that the appeal contrary to facts, law & rules, devoid of merits and not maintainable may graciously be dismissed with costs, please.


(SAJJAD AHMAD)PSP
District Police Officer,
Karak
(Respondent No.2)


(SHER AKBAR)PSP, S.ST
Regional Police Officer,
Kohat
(Respondent No.1)

IN THE COURT OF ZAHID KARIM KHALIL
Additional Sessions Judge, Karak at Takht-e-Nasrati

B.A No.678/4 of 2022

Amjad Saeed etc vs. The State etc

Order---03
11.11.2022

Accused/petitioners, namely, Amjad Saeed s/o Zar Badshah and Muhammad Yasir s/o Rasool Badshah both r/o Khada Banda, Tehsil Takht-e-Nasrati District Karak, charged case FIR # 540, dated 27.10.2022 u/s 324/353/427/34 PPC/17-AA of Police Station YKS Takht-e-Nasrati, District Karak, have approached this Court for grant of post-arrest bail.

2. Learned counsel for accused/petitioners and Mr. Zafran Ullah learned Dy.PP for State present. Record received.

3. Arguments heard and record perused.

4. It is surfaced from record that the accused/petitioner Amjad

Saeed, who is serving police constable, alongwith accused/petitioner Muhammad Yasir was chased by the police party and in the process they attempted at the lives of police officials and official vehicle got damaged, however, their effort for escape was spoiled by the police and they were arrested and from the motorcar bearing # AVM-986/Sindh huge quantity of arms and ammunition as well as six fake number plates and one pair of police uniform were recovered. The mode and manner in which the accused/petitioners were arrested speak about their high handedness. More so, one of the accused/petitioner is a serving police official and he

Deputy Supdt: of
HQRS, Karak

was taking advantage of his position by attempting to smuggle a huge quantity of arms and ammunition, however, their attempt was spoiled by the police. At the moment sufficient incriminating material is available on file to connect the accused/petitioners with the commission of offence. Furthermore, the offence with which the accused/petitioners are stand charged, falls in the restrictive clause of section 497 Cr.P.C. Enlarging the accused/petitioners on bail would encourage the likeminded people to repeat the offence, hence, the Court is not inclined to release the accused/petitioners on bail, resultantly the Bail Petition is, hereby, dismissed

5. File be consigned to record room after necessary completion and compilation.

Announced:
11.11.2022

(ZAHID KARIM KHAN) ASJ, Karak at Fakht-e-Nasrati

Attested
Deputy Supdt: of Police
HQRS, Karak

CHARGE SHEET

I, KHAN ZEB, District Police Officer, Karak, as a competent authority, hereby charge you Constable Amjad Saeed No. 90 (suspended) Police Lines Karak as follows:-

"You Constable Amjad Saeed No. 90 have directly been charged/involved in case FIR No. 540 dated 27.10.2022 u/s 324, 353, 427, 17AA, 34 PPC PS Yaqoob Khan Shaheed. Moreover, you Constable Amjad Saeed No. 90 were indicated for stopping at Nakabandi but you Constable on seeing the Police party, speed up your vehicle and reached to place of occurrence at Lakarki turn wherein you Constable hit and tried to damage the Govt: Vehicle as a result of which the Police party strategically arrested you with other co-accused namely Muhammad Yasir s/o Rasool Badshah r/o Khada Banda and registered the aforementioned FIR and recovered 02-Kalashnikov, 01-Kalakov, 01-Repeater, 34-Pistol, 14100-Rounds, and 71-Magazines alongwith the Police uniform. This is quite adverse on your part and shows your malafide intention and willful breach in the discharge of your official obligations. This act on your part is against service discipline and amounts to gross misconduct."

1. By the reason of your commission/omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt: of Khyber Pakhtunkhwa, Police Department, you have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid

2. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer SPPD. A. D. Shah is hereby appointed for the purpose of conducting enquiry.

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

3. Intimate whether you desire to be heard in person.

4. A statement of allegation is enclosed.




District Police Officer, Karak

1431/B
31-10-22

FINDINGS

Kindly this is in response to your good Office Charge Sheet No. 162/Enq dated 31.10.2022, issued to Constable Amjad Saeed No. 90 (Suspended) Police Lines Karak with the following allegations.

STATEMENT OF ALLEGATIONS

That Constable Amjad Saeed No. 90 has directly been charged in case FIR No. 540 dated 27.10.2022 u/s 324, 353, 427 17AA, 34 PPC PS Yaqoob Khan Shaheed. Moreover, Constable Amjad Saeed No. 90 was indicated for stopping at Nakabandi but Constable on seeing the Police party, speed up his vehicle and reached to place of occurrence at Lakarki turn wherein Constable hit and tried to damage the Govt: Vehicle as a result of which the Police Party strategically arrested him with other co-accused namely Yasir s/o Rasool Badshah r/o Khada Banda and registered the aforementioned FIR and recovered 02-Kalashnikov, 01-Kalakov, 01-Repeater, 34-Pistol, 14100-Rounds, and 71-Magazines along-with the Police uniform. This is highly adverse on his part and shows his malafide intention, malpractices, and willful breach in the discharge of his official obligations. This act on his part is against service discipline and amounts to gross misconduct.

Thus the undersigned was appointed as an enquiry Officer to dig out the real facts.

ENQUIRY PROCEEDING.

During the course of an enquiry, the accused FC Amjad Saeed No. 90 written statement has been brought from the Central Jail Karak (Enclosed). In which he divulges that he is behind the bar in central jail Karak and cannot provide any proof against him which should be made as a part of an enquiry, Further he will face the Court on charges leveled against him in order to meet justice. Moreover, he was serving as a driver constable in Police Station Karak that's why due to his duty he was implicated in this case.

CONCLUSION.

After going through all the available records the undersigned reached to the conclusion that Constable Amjad Saeed No. 90 has not provided any kind of proof against himself, and being part of the discipline force it is quite adverse on his part that he is involved in criminals activities which imposed a bad image of Police force in general public, which is not only a shameful act but also a source of embarrassment for the entire Police force, therefore being involved in criminals activities and damaging the Govt: property the accused Constable Amjad Saeed No. 90 found guilty and he is recommended for Major punishment, please.



Sub. Divisional Police Officer,
B.D Shah, Karak.

(21)

Respected Sir,

Reference attached F/A

It is submitted that Findings Report of the Enquiry Officer Mr. Irfan Khan, SDPO B.D.Shah on the departmental enquiry against Constable Amjad Saeed No. 90 (suspended) Police Lines Karak at F/B.

Submitted for perusal and further order, please.

[Signature]
Enquiry Clerk

W/DPO

*Issue his dismissal
order.*

[Signature]
District Police Officer
(Karak)
01/12/22

[Signature]

OB-NO 639
dt 01/12/22

[Signature]

ORDER

(22)

This Order will dispose off the departmental enquiry against **Constable Amjad Saeed No. 90 (suspended)** of this district Police.

Constable Amjad Saeed No. 90 has directly been charged/involved in case FIR No. 540 dated 27.10.2022 u/s 324, 353, 427, 17AA, 34 PPC PS Yaqoob Khan Shaheed. Moreover, Constable Amjad Saeed No. 90 was indicated for stopping at Nakabandi but the said Constable on seeing the Police party, speed up his vehicle and reached to place of occurrence at Lakarki turn wherein Constable hit and tried to damage the Govt: Vehicle as a result of which the Police party strategically arrested him with other co-accused namely Muhammad Yasir s/o Rasool Badshah r/o Khada Banda and registered the aforementioned FIR and recovered 02-Kalashnikov, 01-Kalakov, 01-Repeater, 34-Pistol, 14100-Rounds, and 71-Magazines along-with the Police uniform. This is highly quite adverse on his part and shows his malafide intention, malpractices, and willful breach in the discharge of his official obligations. This act on his part is against service discipline and amounts to gross misconduct.

He was issued Charge Sheet and Statement of Allegations. **Mr. Irfan Khan, SDPO B.D.Shah** was appointed as Enquiry Officer to conduct proper departmental enquiry against him and he was directed to submit findings in the stipulated time.

The Enquiry Officer reported that Constable Amjad Saeed No. 90 has not provided any kind of evidence and being a part of the discipline force, it is quite adverse on his part to involve in criminal activities which impacts a bad image of the Police force in the general public. It is a shameful act as well as a source of embarrassment for the entire Police force. Therefore, being involved in criminal activities and damaging the Govt: property, the E.O recommended him for an award of major punishment.

Keeping in view the above available record and facts on file, the perusal of enquiry papers, and recommendations of the Enquiry Officer, he is found guilty of the charges. He is a stigma on the Police Force. Being a member of the discipline Force, his involvement in criminal activities and damaging the Govt: property stigmatize the Police department. His further retention in Police Force is no more required. Therefore, in the exercise of the power conferred upon me, I, **KHAN ZEB Mohmand**, District Police Officer, Karak, as competent authority under Police Rules 1975 (amended in 2014), hereby impose major punishment of dismissal from service upon defaulter Constable Amjad Saeed No. 90 with immediate effect.

OB No. 639
Dated 01/12/2022

District Police Officer, Karak

✓

POLICE DEPTT:

District Police Officer Karak
Diary...791.....R/K
Dated: 17/02/23.....

KOHAT REGION


ORDER.

This order will dispose of a departmental appeal moved by Ex: Constable Amjad Saeed No.90 of Karak district Police against the punishment order, passed by DPO Karak vide OB No. 639 dated 01.12.2022 whereby he was awarded major punishment of **dismissal from service** on the allegations of his direct involvement in criminal case vide FIR No. 540, dated 27.10.2022, U/S 324, 353, 427, 17-AA, 34, PPC PS Yaqoob Shaheed district Karak.

Comments as well as relevant record were obtained from DPO Karak and perused. He has 02 good & 04 bad entries to his credit. He was also heard in person in orderly room held in this office on 31.01.2023. During hearing, the appellant contended that the enquiry has not been conducted in a proper manner and denied the allegations leveled against him. The enquiry has not been conducted in a proper manner and de-novo enquiry is required to be conducted to meet the ends of justice.

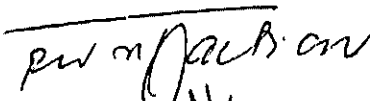

DPO Karak is, therefore, directed to conduct de-novo departmental enquiry by completing all codal formalities. Therefore, in exercise of powers conferred upon the undersigned under Police Rules 1975, amended 2014 Rules, Section 11(2), the order of 'dismissal from service' is hereby set aside and the appellant is re-instated in service subject to the conduct of denove enquiry only. The enquiry should be conducted and concluded within the prescribed period and must not be prolonged to give undue favour to the alleged accused.


Order Announced
31.01.2023


(DAR ALI KHAN) PSP
Region Police Officer,
Kohat Region.

No. 1806 /EC, dated Kohat the 2/02 /2023.

Copy to District Police Officer, Karak for information and necessary action w/r to his office Memo: No. 5799/EC, dated 28.12.2022. His Service Record is returned herewith.

EC.


District Police Officer
Karak


(DAR ALI KHAN) PSP
Region Police Officer,
Kohat Region.

ڈپٹی پرنسپل آف پولیس ہیڈ کوارٹر

No: 171 HQ PA

dated 14.03.2023

جناب ڈسٹرکٹ پولیس آفیسر صاحب کرک

De-Novo انکوائری برخلاف کنشیل احمد سعید نمبر 90

جناب عالی

بجانب:-

عنوان:-

فائلنگ رپورٹ

الزامات:

بحوالہ مشمولہ De-Novo انکوائری آرڈر نمبر 109 مورخہ 20.02.2023 جاریہ جناب ڈسٹرکٹ پولیس آفیسر صاحب کرک میں الزامات لگائے ہیں کہ آپ کنشیل احمد سعید نمبر 90 مقدمہ عدالت 540 مورخہ 27.10.2022 جرم PPC/17AA/324/353/427/34 تھا نہ یعقوب خان شہید میں برادر راست ملزم نامزد ہے۔ مزید آپ کنشیل احمد سعید نمبر 90 تاکہ بندی پولیس نے روکنے کا اشارہ کیا لیکن آپ کنشیل نے پولیس پارٹی کو دیکھتے ہی گاڑی کو ادر تیز کیا اور جائے وقوعہ (کڑکی موڑ) پر پہنچ کر آپ کنشیل نے سرکاری گاڑی کو ٹرپ لگائی۔ نقصان رسائی کی کوشش کی جس کے نتیجے میں پولیس نے نہایت حکمت عملی سے آپ کے ساتھ شریک دوسرے ملزم نسیم محمد یاسین ولد رسول بادشاہ سکندھ حد بانڈہ کو گرفتار کر کے جس کے خلاف مقدمہ با درج رجسٹر کیا گیا ہے اور آپ کے قبضے سے 02 عدد کلاشنکوف، ایک عدد کلاکوف، ایک عدد روپے، 34 عدد پستول، 1400 کارٹوس اور 71 میگزین ہمراہ پولیس یونٹ نام برآمد کئے گئے۔ یہ سب چھ آپ کے کارسٹار میں بدھتی، بددیانتی، جان بوجھ کر فرارگی کی خلاف ورزی ظاہر کرتی ہے اور اس بابت زبردستی کی انکوائری افسر مقرر کیا گیا ہے۔

الزام علیہ کا

موقف:

انکوائری کے سلسلے میں الزام علیہ کنشیل کو طلب کر کے زبانی سنا اور تحریری بیان دیکر جو کہ ہمراہ لف انکوائری ہے۔ مزید اس بابت SHO سابقہ تعینز تھا نہ YKS حکیم خان، ہمراہ دیگر پولیس پارٹی LHC عمر فاروق نمبر 471، کنشیل ایران شاہ نمبر 384، کنشیل عاطف اللہ نمبر LHC.914، آمان اللہ نمبر 62، کنشیل ذعفران اللہ نمبر 5407 اور ذرا نیور کنشیل صادق آیان نمبر 365 کو طلب کر کے زبانی سنے گئے اور تحریری بیانات دیکر جو کہ لف ہمراہ انکوائری ہے۔ مزید انکوائری کے سلسلے میں OII تھا نہ YKS سب انسپکٹر احمد جتان، محرر تھا نہ YKS بسطا اللہ نمبر 190/LHC اور ملنگ سرکاری قیوم خان تعینز پولیس انسپکٹر کو طلب کر کے زبانی سنے گئے اور تحریری بیانات دیکر جو کہ ہمراہ لف انکوائری ہے۔

نتیجہ

انکوائری:

دوران انکوائری جملہ بیانات، متعلقہ ریکارڈ، خفیہ معلومات، ملاحظہ مثل مقدمہ، ملاحظہ سرورس ریکارڈ الزام علیہ کنشیل اور چارج شیٹ میں لگائے گئے الزامات کا باریک بینی سے ملاحظہ کیا گیا۔ حقائق تک پہنچنے کی بھرپور کوشش کی تاکہ انصاف کے تقاضے پورے کئے جاسکے جس سے زبردستی اس نتیجے پر پہنچا کہ جائے وقوعہ کے روز یعنی مورخہ 27 10 2022 کو پولیس پارٹی ہمراہ SHO تھا نہ YKS نے دوران تاکہ بندی بمقام زنی خورہ چوک میں آسمیری کلہ تاحت نصرتی روڈ پر مشکوک موٹر کار کو روکنے کا اشارہ کیا لیکن موٹر کار روکنے کے بجائے مزید تیز کر دیا۔ پستول پارو نے تعاقب کرتے ہوئے موٹر کار سوار کو بار بار با آواز بلند روکنے کا کہا لیکن اس نے گاڑی کو نہ روکا۔ جب لکڑی موٹر پٹرول پمپ پر اسکو یقین ہو گیا کہ آگے نکلنا ممکن نہیں تو اپنی گاڑی کو نہایت تیزی سے موڑ کر سرکاری گاڑی کو ٹکر ماری جس سے پک اپ سرکاری نقصان رسیدہ ہوئی۔ پولیس پارٹی نے حق حفاظت خود اختیاری کے تحت گاڑی پر فائرنگ بھی کی جس سے موٹر کار کا پچھلا دیوار مار لگ کر پھٹ گیا اور گاڑی بے قابو ہو کر گڑے میں گر گئی جس سے گاڑی کو نقصان پہنچا اور نقصان رسیدہ گاڑی سے دو کسان تیزی سے نکل کر بھاگ رہے تھے جس کو پولیس پارٹی نے حکمت عملی سے قابو کر دیا۔ ملزمان نے اپنے نام احمد سعید ولد زور بادشاہ اور محمد یاسر ولد رسول بادشاہ سا کسان حد بانڈہ بتلایا۔ دوران تماشائی موٹر کار کی پچھلی سیٹ سے ہماری مقدار میں اسلحہ و ایونیشن جو کہ FIR، ڈی، مقبوضگی میں تحریر کئے گئے ہیں ہمراہ موٹر کار نمبر AXR-579 سندھ برنگ کالا اور ایک عدد پولیس وردی برآمد کر کے ملزمان بالا کے خلاف مقدمہ عدالت نمبر 540 مورخہ 27 10 2022 جرم SHO تھا نہ کرک نے پولیس انسپکٹرز کو دیا تھا اور بحوالہ نمبر 04 روز نامہ 27 10 2022 پولیس انسپکٹر کرک میں غیر حاضر ہے۔ جملہ بیانات، مراسلہ فرد مقبوضگی، ایف آئی آر، نقشہ موقع، بیان تفتیشی آفیسر، آرمر رپورٹ، ملنگ سرکاری رپورٹ، تفتیش مقدمہ، ملاحظہ مثل مقدمہ اور دیگر شواہد، بیانات، مقبوضات سے نتیجہ اخذ کیا جاتا ہے کہ الزام علیہ کنشیل کا پولیس پارٹی کے روکنے کے اشارے پر نہ روکنا اور گاڑی کو بھاگ کر لیا جانا اور سرکاری گاڑی پر موٹر کارٹ کرنا، اور گاڑی مذکورہ سے تیز رفتاری سے پناہ اسلحہ و ایونیشن اور پولیس یونٹ نام برآمد ہوا اور سرکاری ڈیوٹی سے غیر حاضر ہونا واضح طور پر الزام علیہ کنشیل کی جرم بالا میں ثابت ہونا ظاہر کرتی ہے۔ دوران جرم انکوائری، فیصلہ الزام علیہ کنشیل بیان کیا کہ قبل ازین وہ سابقہ ڈی پی او کرک متیقن اللہ وزیر کے ساتھ بطور ڈیوٹی رتھینا تھا اور اس دوران حکیم خان ایس ایچ او کی انکوائریاں چل رہی تھی اور حکیم خان کو شبہ تھا کہ وہ ان سے خفاست سازش کر رہا ہے لہذا اب موقع پا کر اس نے مجھے پھنسا یا ہے۔ الزام علیہ کنشیل کا یہ الزام حقیقت سے کوسوں دور اور حقائق کے برعکس ہے۔ مقدمہ الزام علیہ کنشیل اور... یہ مزید خفاست مقامی عدالت سے خارج ہو چکی ہے اور اب دونوں ملزمان کی خفاست پشاور ہائی کورٹ میں پیش کی ہے اور مقدمہ عدالت میں زیر سماعت ہے۔

کرکہ انکوائری سے ثابت ہون ہے کہ الزام علیہ کنشیل ہمراہ دوسرے شریک ملزم جرم بالا میں ثابت ہے اور دوران انکوائری الزام علیہ اس بابت اپنی دفنانی اب سن ہی میں کوئی شواہد پیش نہ کیا اور زبردستی کو مطمئن نہ کر سکا۔ الزام علیہ کنشیل کا حشیت مہر ایک؛ پہلری فورس اس قسم کے گھناؤنے جرم میں ملوث ہونا، پولیس وردی کا اس مقبوضہ سے تیز رفتاری سے فرار، اس مرض کا ملانہ پھینسا سے کرنا ہے اور زور پولیس فورس اس مرض کے پھیلانے کا سبب بن جائے جس سے معاشرے میں امن وامان کے بجائے بگاڑی یہی ہوا۔ پیش فرم میں یہ سبب اس قسم کی کوئی جہیز ان کا... ہونا کی طور مناسب نہیں۔ لہذا الزام علیہ کنشیل کا یہ فعل مہرہ مناسب و قانونی نہیں خلاف ورزی اور پولیس کے لیاہ میں اسلحہ مقبوضہ... یہ کنشیل کے خلاف لگے گئے الزامات حقیقت پہنچی ہے یہ یک جہ ثابت ہوتے ہے۔ لہذا حشیت بالا افسر مناسب احکامات کی سلاش کی جاتی ہے۔ رپورٹ مرتب ہو کر گردش ہے۔

ذاتی ایس پی ہیڈ کوارٹر کرک

ذاتی ایس پی ہیڈ کوارٹر کرک

ORDER

This Order will dispose off the *de-novo* departmental enquiry initiated against Constable Amjad Saeed by the order of the W/RPO Kohat Region Kohat vide Order Endst: No 1806/EC dated 08.02.2023.

Facts are that Constable Amjad Saeed No. 90 has directly been charged/involved in case FIR No. 540 dated 27.10.2022 u/s 324, 353, 427, 17AA, 34 PPC PS Yaqoob Khan Shaheed. Moreover, Constable Amjad Saeed No. 90 was indicated for stopping at Nakabandi but the said Constable on seeing the Police party, speed up his vehicle and reached to place of occurrence at Lakarki turn wherein Constable hit and tried to damage the Govt: vehicle as a result of which the Police party strategically arrested him with other co-accused nameily Muhammad Yasir s/o Rasool Badshah r/o Khada Banda and registered the aforementioned FIR and recovered 02-Kalashnikov, 01-Kalakov, 01-Repeater, 34-Pistol, 14100-Rounds and 71-Magazines alongwith the Police uniform. This is highly quite adverse on his part and shows his mala fide intention, malpractices, and willful breach in the discharge of his official obligations. This act on his part is against the service discipline and amounts to gross misconduct.

He was issued Charge Sheet and Statement of Allegations. Mr. Irfan Khan, the then SDPO B.D.Shah was appointed as Enquiry Officer to conduct proper enquiry against him and to submit his findings within the stipulated time.

The Enquiry Officer reported that Constable Amjad Saeed No. 90 has not provided any kind of proof against himself and being part of the discipline Force, it is quite adverse on his part that he involved in criminals activities which imposed bad image of Police in general public which is not only shameful act but also a source of embarrassment for the entire Police department. Therefore, being involved in criminal activities and damaging the Govt: property accused Constable Amjad Saeed No. 90 is found guilty and the E.O recommended him for major punishment.

Keeping in view the above available record and facts on file, from the perusal of enquiry papers, and recommendations of the Enquiry Officer, he is found guilty of the charges and he was awarded major punishment of dismissal from service with immediate effect.

Upon which, the said Constable approached and submitted appeal for his reinstatement wherein the W/RPO vide his office order quoted above reinstated him subject to the conduct of *de-novo* enquiry only by completing all codel formalities.

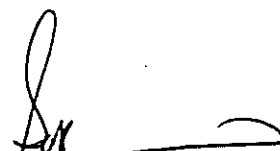
As per directions, the *de-novo* departmental enquiry was initiated and Mr. Nazir Khan, the then SDPO Karak was appointed as Enquiry Officer to conduct *de-novo* departmental enquiry in the light of aforementioned order against Ex-FC Amjad Saeed No. 90 and submit findings report within the stipulated time.



The Enquiry Officer reported that accused Constable is indulged in the aforesaid crime and during the course of enquiry, he failed to provide any cogent reason in his defense. Being a member of discipline Force, his involvement in the criminal activities, use of official uniform, and create hurdles in peaceful atmosphere, his retention in the Police Force, cause defamation to the Police Force. His involvement in smuggling of weapons is against the service discipline and amounts to gross misconduct. Therefore, the allegations leveled against him are proved.

In view of the above position explained above, perusal of findings report and adopted all legal and codal formalities, and recommendations of the Enquiry Officer, he is found guilty of the charges. However, putting lenient view upon his family, he is awarded major punishment of compulsory retirement from service with immediate effect.

OB No. 267
Dated 06/07/2023



District Police Officer, Karak
A

OFFICE OF THE DISTRICT POLICE OFFICER, KARAK

No. 0768 /Enq, Karak the dated 06/07/2023.

Copy of above is submitted to the Regional Police Officer, Kohat Region Kohat w/r to his office order quoted above for favour of information, please.




District Police Officer, Karak
A

ORDER.

This order will dispose of the departmental appeal preferred by Ex-Constable Amjad Saeed No. 90 of Karak district Police against the order of District Police Officer, Karak whereby he was awarded major penalty of compulsory retirement from service vide OB No. 267, dated 06.07.2023. Brief facts of the case are that the appellant was awarded major punishment of dismissal from service vide DPO Karak OB No. 639, dated 01.12.2022 on the allegations of his involvement in a criminal case vide FIR No. 540, dated 27.10.2022 U/S 324, 353, 427, 34 PPC, 17-AA PS Yaqoob Khan Shaheed. Moreover, 02 Kalashnikov, 01-Kalakov, 01-Repeater, 34-Pistol, 4100-Rounds and 71-Magazines alongwith Police uniform were also recovered from his possession. The appellant preferred a departmental appeal before this forum, which was conditionally accepted and he was reinstated into service by the then Regional Police Officer, Kohat vide order Endst: No. 1806/EC, dated 08.02.2023 for the purpose of conducting denove enquiry.

Proper denove departmental enquiry proceedings were initiated against him and SDPO Banda Daud Shah Karak was nominated as Enquiry Officer. The appellant was served with Charge Sheet and Statement of Allegations. The Enquiry Officer after fulfillment of codal formalities submitted his findings wherein the appellant was found guilty of the charges leveled against him.

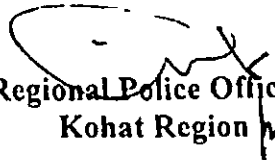
Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances, the delinquent officer was awarded major punishment of compulsory retirement from service by the District Police Officer, Karak vide OB No. 267 dated 06.07.2023.

Feeling aggrieved from the order of District Police Officer, Karak, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 29.08.2023. During personal hearing the appellant denied the allegations leveled against him. However, he could not advance any plausible justification in his defense to prove his innocence.

From the perusal of enquiry file and relevant record, it is patently clear that the appellant has been directly nominated in the above mentioned criminal case. Moreover, huge cache of illegal arms and ammunition have been recovered from his possession. By involving himself in criminal activities, the delinquent officer has rendered himself unfit for retention in a disciplined Law Enforcing Agency. The allegations leveled against the delinquent officer have been established beyond any reason of doubt.

Keeping in view the above, I, Sher Akbar, PSP S.St, Regional Police Officer, Kohat, being the appellate authority, do not find any justification, whatsoever, to interfere with the order passed by the DPO Karak. Hence, the instant appeal is hereby rejected, being devoid of merits.

Order Announced
29.08.2023


Regional Police Officer,
Kohat Region ✓

No. 9373-74/EC, Dated Kohat the 31/8/2023

Copy forwarded to District Police Officer, Karak for information and necessary w/r to his office Memo: No. 3126/EC, dated 07.08.2023. His Service Record is returned herewith.

2. ✓ Ex Constable Amjad Saeed No.90 of District Karak.



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1873/2023

Amjad Saeed

Ex-Constable No.90

..... Appellant

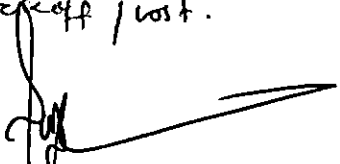
VERSUS


Deputy Inspector General of Police,
Kohat Region Kohat & others

..... Respondents


AFFIDAVIT

We the respondents do hereby affirm on oath that the contents of comments prepared in response to the above titled Service Appeal are true and correct to best of our knowledge and belief. *It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off / lost.*


(SAJJAD AHMAD) PSP
District Police Officer,
Karak
(Respondent No.2)


(SHER AKBAR) PSP, S.ST
Regional Police Officer,
Kohat
(Respondent No.1)

ATTESTED


Azmat Ali Adil
Notary Public
Jinnah Complex Peshawar
01-12-2023

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1873/2023
Amjad Saeed
Ex-Constable No.90

..... Appellant

VERSUS

Deputy Inspector General of Police,
Kohat Region Kohat & others

..... Respondents

Mr. Waqar Ahmad incharge legal of this District Police is hereby authorized to submit comments and any other documents on behalf of the undersigned in the titled above Service Appeal before the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar.


DISTRICT POLICE OFFICER,
KARAK