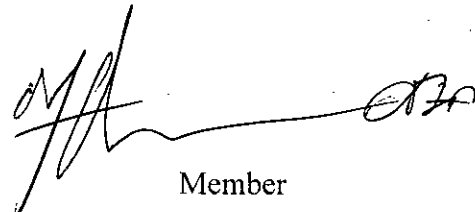


01.11.2016

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Counsel for the appellant submitted an application for withdrawal of the instant appeal with the permission to file a fresh one. Application is allowed and the appeal is dismissed as withdrawn. File be consigned to the record room.

A handwritten signature in black ink, consisting of several stylized, overlapping strokes, positioned above the word "Member".

Member

ANNOUNCED:  
01.11.2016

08.06.2016

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as ASI when dismissed from service on the allegations of mis-conduct vide impugned order dated 03.02.2016 where-against departmental appeal was preferred on 10.2.2016 which was not responded and hence the instant service appeal on 08.06.2016.

That neither enquiry in the prescribed manners conducted nor any opportunity of hearing afforded to the appellant.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 24.08.2016 before S.B.

Chairman

24.08.2016

Counsel for the appellant and Addl. AG for respondents present. Appellant is directed to deposit security and process fee within seven days, thereafter notices be issued to the respondents for written reply/comments on 01.11.2016 before S.B.

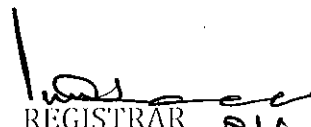

Appellant Deposited  
Security & Process Fee

Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 619/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08/06/2016	<p>The appeal of Mr. Hamza Ali Khan presented today by Mr. Muhammad Asif Yousafzai 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 8/6/2016.</p>
2-	13-6-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>15-6-16</u></p> <p style="text-align: right;"> CHAIRMAN</p>

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 619 /2016

Harm Za Ali Khan

V/S


Police Deptt:


**I N D E X**

S.No.	Documents	Annexure	Page No.
1.	Memo of Appeal	-----	1-4
2.	Copy of statement of allegation	-A-	5
3.	copy of charge sheet	-B -	6
4.	copy of reply to charge sheet	-C-	7-10
5.	Copy of inquiry report	-D-	11-13
6.	copy of application	-E-	14-15
7.	Copy of order dated: 3.2.2016	-F-	16
8.	Copy of departmental appeal	-G-	17-19
9.	Copy of Cell no documents	-H-	20-21
10.	Copy of RTI application	-I-	22-24
11.	Vakalat Nama	-----	

**APPELLANT**

THROUGH:

  
(M.ASIF YOUSAFZAI),

  
(TAIMUR ALI KHAN),

  
&  
(Syed Noman Ali Bukhari)  
(ADVOCATES, PESHAWAR)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR**

APPEAL NO. 619 /2016

Hamza Ali Khan, Ex-ASI  
PS Ghazni  
Khel Lakki Marwat.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 593

Dated 8-6-2016

.....(Appellant)

**VERSUS**

1. The Provincial Police Officer, KPK Peshawar.
2. Deputy Inspector General of Police Bannu Region-1.
3. District Police Officer Bannu.

.....(Respondents)

**APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 3.2.2016 WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM THE SERVICE AND NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN STATUTORY PERIOD OF 90 DAYS.**

**PRAYER:**

**THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 3.2.2016 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.**

Filed to-day

*Asad*  
Registrar

8/6/16

## **RESPECTFULLY SHEWETH:**

### **FACTS:**

1. That the appellant was serving as ASI in a police department and also has good service record throughout.
2. That the charge sheet and statement of allegation was served upon appellant. The appellant properly replied to the Charge sheet and denied all the allegations. **(Copy of statement of allegation, charge sheet and replied are attached as Annexure- A, b & C)**
3. That the inquiry was conducted against the appellant and gave his recommendation that the allegation level against the accused police officer ASI Hamza are Proved. **(Copy of departmental Inquiry was attached as Annexure-D).**
4. That the appellant filed an application to regional police officer against the inquiry report that the inquiry was not conducted properly which is against the law and rules, therefore may be proper inquiry may be conduct and give opportunity to appellant to defend himself but despite that request and without final show cause notice, the impugned order was passed against the appellant. **(Copy of application is attached as Annexure-E).**
5. That without final show cause notice, on dated 3.2.2016, the impugned order was issued wherein the major penalty of dismissal from service was imposed on the appellant under Police Rules 1975. **(Copy of order is attached as Annexure-F).**
6. That the appellant preferred departmental appeal against the order dated 3.2.2016 which is un-responded with in statutory period of 90 days till date. **(Copy of Departmental appeal is attached as annexure-G).**
7. That now the appellant come to this august Tribunal on the following grounds amongst others.

## → **GROUND:**

- A) That the impugned order dated 3.2.2016 is against the law, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the allegations mentioned in the charge sheet fully explained in reply to charge sheet as well as before inquiry officer. But despite that harsh view was taken and major penalty was imposed.
- C) The charge sheet served upon the appellant not signed by RPO which is gross illegality.
- D) The allegation mentioned in the charge sheet not proof beyond shadow of doubt which is necessary for imposing major penalty.
- E) That the enquiry report is silent about statement of complainant about money matter which is necessary, that clearly shows the malafide intention of the appellant.
- F) That neither the appellant was associated with the enquiry proceedings nor has any statement of witnesses been recorded in the presence of appellant. Even a chance of cross examination was also not provided to the appellant which is violation of norms of justice.
- G) That the appellant filed an application to regional police officer against the inquiry report that the inquiry was not conducted properly which is against the law and rules, therefore may be proper inquiry will be conduct and give opportunity to appellant to defend himself but despite that request and without final show cause notice, the impugned order was passed against the appellant which is against the law and rules.
- H) That according to superior's courts judgment regular inquiry is most and mandatory before imposing major punishment. Moreover the show cause notice was served to the appellant on 3.12 2014 and imposed major punishment of compulsory retirement on 5.12.2014 without providing any chance defense to the appellant.

- I) That the statement of witness not recorded in the presence of the appellant not opportunity provided to the appellant to cross examined the witness which is against the law and rules.
- J) That the cell no. given in the inquiry report is not correct and wrongly referred which shows malafide intention. The documents regards cell no is attached as **Annexure-H**.
- K) That the penalty of dismissal from service is very harsh and not commensurate with the guilt and the appellant is well qualified and trained and belongs to poor family being the young police officer deserves lenient future.
- L) That the appellant has 20 year service with good record and without Adverse ACR, penalty of dismissal from service is very harsh which is passed in violation of law and, therefore, the same is not sustainable in the eyes of law.
- M) That there is no CDR record is available thus inquiry officer's allegation/report is baseless and based on malafide intention.
- N) The appellant was not given final show cause notice which is necessary requirement as per relevant rules and thus the illegal order was passed.
- O) That the appellant has not been treated accordance with law, fair played justice, despite he was a civil servant of the province, therefore, the impugned order is liable to be set aside on this score alone.
- P) In the case of the appellant I.G is not competent authority for appellant thus the penalty authority is nullity in the eyes of law.
- Q) Even no inquiry report was provided which effected the defense right of the appellant . The attached report was provided through RTI. (**Application to RTI is attached as Annexured-I**)
- R) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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



**APPELLANT**

Hamza Ali Khan

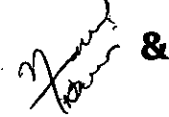
THROUGH:



**(M.ASIF YOUSAFZAI),**



**(TAIMUR ALI KHAN),**

 &

**Syed Noman Ali Bukhari  
(ADVOCATES, PESHAWAR)**

(S) (A)

STATEMENT OF ALLEGATIONS.

I, **Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu** as competent authority, am of the opinion that **ASI Hamz Ali Khan PS: Ghazni Khel, Lakki District Police** has rendered himself liable to be proceeded against as he committed the following misconduct within the meaning of disciplinary rules-1975 (amendment vide NWFP Gazette 27<sup>th</sup>: January-1976)

SUMMARY OF ALLEGATION.

- That you ASI Hamz Ali Khan, posted as PS: Ghazni Khel, District Lakki have taken a zero-meter Motor-cycle CD/70 from one Sher Aslam s/o Sher Dil Azam r/o Tajazai District Lakki and he was made free for narcotics.
- That you had taken Rs. 100000/- from PO Salah-ud-Din s/o Hayau-ud-Din PS: Naurang during raid of the local police on the house of deceased Yasin Wahab r/o Tajazai, District Lakki.
- That you have taken some goods from the case property vehicles.
- That you were collecting weekly from the narcotics paddlers in the areas of Ghazni Khel and adjacent areas in a Private vehicle of one Ali Marjan alias Majoo s/o Mohammad Azam r/o Khero Khel, District Lakki.
- That you have taken Rs. 10000/- from one Shoib s/o Rafiullah r/o Tajazai District, Lakki during a music programme in his hotel.

For the purpose of scrutinizing the conduct of the said accused w/r to the above allegations **DSP-HQr-Bannu** is appointed as Enquiry Officer.

The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc: and findings within 25-days after the receipt of this order.

The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

  
✓ **Regional Police Officer,**  
**Bannu Region, Bannu.**

No. 3658-60 IEC 27/12/15  
Copy to :-

27/12/15

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar for favour of information.
2. The District Police Officer, Lakki for information.
3. The Enquiry Officer.

  
**Regional Police Officer,**  
**Bannu Region, Bannu.**

(11)      (6)      (B)

CHARGE SHEET

**WHEREAS**, I am satisfied that a formal inquiry as contemplated in the N.W.F.P. Police Rules, 1975 is necessary and expedient.

**AND WHEREAS**, I am of the view that the allegation, if established would call for a Major penalty as confined in Rules 4-1 (b) of the aforesaid Rules.

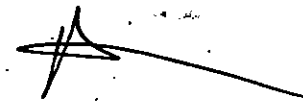
**NOW THEREFORE**, as required by Rule 6-1 (a) of the aforesaid Rules, **I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu** charge you **ASI Hamza Ali Khan PS: Ghazni Khel, Lakki District Police** for misconduct on the basis of summary of allegations appended herewith.

**AND WHEREAS**, I direct you further under the Rule (6-1) b of the aforesaid rules to put in a written defense within 07-days of the receipt of this charge sheet as to why a Major punishment as defined in Rule 4-1 (b) should not be awarded to you. Also state at the same time whether you desire to be heard in person or not.

In case your reply is not received within the prescribed period without sufficient reasons it would be presumed that you have no defense to offer and an ex-parte action will be taken against you.

  
✓ **Regional Police Officer,  
Bannu Region, Bannu.**

04/12/15



دفعہ 70  
فہرست کتابیں جس میں آئیں اور یہ ہیں

جواب خارج شدہ

حصوں

صاحب عالی

سائل دین عرض کرتا ہے۔

یہ کہ سائل حکم لکھیں میں بطور سماجی بھرتی ہو کر اچھا کارگر رہا گا کیا بنا  
پر نسبت ASI ترقی کے منازل طے کرتے ہوئے ایک ہی  
اسی ASI کے عہدے پر مختلف چھاتہ جات میں ڈیوٹی سر انجام  
دے رہا ہوں۔

یہ کہ سائل کا جان تسائی ڈیوٹی سے سائل کے احسان بلا قوس  
اور کھیا کھیا سائل کے خلاف خارج شدہ کے الزامات میں سے کسی  
ان الزام کی کھیا شکایت نہیں کی ہے جس سے واضح ہے کہ سائل  
نے ہمنہ ملزبان / شریک کے خلاف بطریق احسن کا روالا لیا ہے  
اور شریک کے ساتھ کسی قسم کے ردال کا نہیں رکھے ہیں۔  
خارج شدہ کے الزامات کے بارے میں کوئی ٹھوس شہادت رکاز

رہیں لگائی گئی ہیں اور جملہ الزامات کسی ایسے عہدہ کے خلاف سے اب  
صاف صاف کے نوٹس میں لگائی گئی ہیں۔ جس کے سائل کے ساتھ دل بردی  
ہوگی یا سائل کے ایسے روالا سے مالوں سے لگا یا سائل کو کسی شریک  
ہوایم یہ عہدہ کا سفارش کا ہوگا جو سائل نے ٹھکرالی ہوگا۔

الزام بڑا کے بارے میں گزرا ہے کہ سائل کو علم ہو گیا کہ ملزبان  
بڑا خاوند دلا دار خان بڑے مطیع الرحمن دلا عبد العظیم کمان تاجیر  
چندر کرہ جوڑ سائل کے CD 70 پر نسبت کا جلتا بھرتا کاروبار کرتا ہے۔

مصلحت کو صحیح جان کر میں لوہیں آج سے ہم بار بار لوہیں سے خبر لیں  
 چھاپہ رزلی کر کے آڑھہ تاجہ رزلی میں ڈرہ روڈ پر ملزبان والا ہوٹل سائیکل والا  
 پر موجود باکر چائہ ملائی لالی جاوید کے قبضہ سے ستر گرام جیسے جیکہ مطیع الرحمن  
 کے قبضہ سے ستر گرام برآمد ہوئی اس پر مقدمہ نمبر ۱۵۸ کے گمان کے خلاف مقدمہ نمبر  
 308 حرم 21/5/87 جرم 4 آرٹیکل درج ذیل تھانہ عمرانی فیمل کمانڈو ملزبان  
 میں ہوٹل سائیکل تھانہ لے آئے۔ ملزبان یا کسی اور شخص سے ہوٹل سائیکل سے  
 بارے میں کسی قسم کی کاغذات نہیں لیں نہیں گا جسکو صاحب نہایت SHO  
 صاحب تھانہ پہاڑ کھڑا کیا SHO صاحب گویاں شوانہ جیہ تک تذکرہ ہوٹل سائیکل  
 کا ثابت کوئی بھی کاغذات نہ لائے ہوٹل سائیکل تھانہ میں کھڑا رہے گا۔ یہ دو ملزبان  
 جن سائل نے تیرا مسلم حاجی شخص سے نہیں کھڑی ہے بلکہ ملزبان یا لہ سے کھڑی ہے  
 تذکرہ ہوٹل سائیکل تھانہ میں رکارڈ پر موجود ہے۔ جسکا تصدیق SHO  
 تھانہ سے کر سکتے ہیں۔

انراجم نمبر 2 کے بارے میں گزارش ہے کہ ملزبان لیں وہاں اور صلح اللہ  
 جو کہ یہ تمام زمانہ ضرورت تھی اور کافی قریب میں لوہیں کو مطلوب ہے  
 میں پر چھاپہ رزلی کر کے ملزبان ہے لوہیں بار بار پر خائیرنگ شروع کی  
 لوہیں نے بھی قاطب حور اندیا کی حوالی خائیرنگ شروع کیں جو خائیرنگ  
 کا تبادلہ کافی دیر تک جاری رہا خائیرنگ سے ملزبان پر ولد عبدالرشید کے  
 تاجہ رزلی کو زخمی حالت میں جسکے قبضہ سے کلہ سٹنکوف ہم المولیس

برآمد ہوئی اس پر مقدمہ نمبر 349 حرم 24/5/88 جرم 374-353-148-149  
 1544

تھانہ عمرانی فیمل اور اسکے ساتھ یہ تمام جرم اسی کی صلح اللہ  
 بھی وقوع پر قیام کرتے ہوئے گرفتار ہوا جسکے خلاف بھی مقدمہ درج کیا گیا

ARRESTED

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اس کاروائی پر میرے سمیت بارٹی ڈسکریٹری کے ساتھ جو قدرتی انصاف سے  
 قدر ایک لاکھ روپے کے بارے میں الزام سہرا سرمد ہے اور اس بارے  
 میں آپ نے کیا کا سالہ ریڈر، قنات خان اور جوہر دافعہ  
 اور اس سے قدر کرو ایک لاکھ روپے کے بارے میں معلومات کرنے کا اندیشہ  
 میں نے نہ کسی قسم کا رقم نہ لایا ہے اور نہ الیہ علیہ کا حق کا سدھ سکتا ہے  
 الزام بند 3 کے بارے میں گزارش ہے کہ میں نے نہ کبھی حال قدر کارٹوں

6

سے کسی قسم کا رقم نہ لایا ہے یا سہارا لکلا ہے اور نہ سدھ سکتا ہوں  
 قدر گزار ہے کہ مال قدر کارٹوں اس سال 5140 / خرچہ جہاں کا  
 ڈائریکٹ جوئل اور ڈگری میں ہوتے ہیں اسکو کوئی بھی دوسرا لوگ اس  
 مال قدر نہیں لگا سکتا۔ اس سلسلے میں خرچہ قائمہ اور 5140 اس سے

خرچہ کی بیانات رہے ہیں جو کہ جواب دہ ہے کیا جاتا ہے  
 الزام بند 4 کے بارے میں گزارش ہے کہ تم میں علیہ حال نامی شخص کو  
 ہوتا ہوں نہ رابطہ کیا ہے نہ کسی قسم کی نسبت فرشتوں اور  
 سے دھولا گیا ہے کیا ہم نے نسبت فرشتوں اور عالم سے افراد کے خلاف  
 گھبرائے کر کے زندہ خلاف کاروائیاں کر کے انہوں کو جیل کا ڈھانچہ  
 دافعہ دافعہ ہے

7

الزام بند 5 گزار ہے یہ الزام بھی من گھڑت اور بے بیاد ہے  
 میری تھنالی قنات میں اس سہرا کے علاوہ کسی دوسرے سہرا میں بھی  
 کسی قسم کی حوزہ کا پروگرام نہ ہوا ہے اور نہ ہی الیہ علیہ سکتا ہوں  
 اور الزام سہرا سرمد ہے الیہ علیہ کے کرنے کو سہرا قائمہ کے 5140 کو

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اور بعد میں DSP کو علم ہوتا ہے اگر البتہ فعل ہو یا کو لکھنا P/5440  
صاحبان اپنے خلاف کالوں کا روال کرتا۔


ہیاب عالی! خود بنا کر گزار رہے کہ یہاں الزامات کو مد نظر رکھتے ہوئے  
اگر میرے خلاف کوئی شخص قریبی یا دورانی بیان دے گا ہف آراں  
ہوں تو انکے بیانات میری موجودگی میں لئے جائے اور ان پر مجھے کو سائل  
انڈیا ری آفیر جرم کا حق حق قرار کھائے۔

استدعا ہم میں سائل پر گائے الزامات لکھ کر  
میرے خلاف ہاؤس  
ملا تھریہ کا رائل داخل دفتر قرار کھائے۔

الکارت

16.12-015  
قریب

جنرل علیخان آئی سی سی  
مظفر لدین ٹکائو

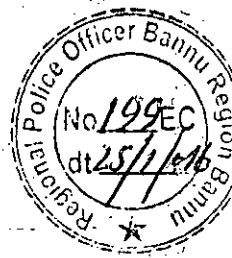
  
03339742480  
03489291061

ATTESTED



C 10

(11)



From: The Superintendent of Police,  
Investigation, Bannu.

To: The Regional Police Officer,  
Bannu Region, Bannu.


No: 257 /Dated Bannu, the 25/1 /2016.

Subject: FINDING OF DEPARTMENTAL ENQUIRY AGAINST ASI HAMZALI.

Memo: Kindly refer to your Memo No. & dated Nil on the above subject.

The Finding report against ASI Hamzali conducted by the undersigned is submitted herewith for kind perusal and favour of further order please.

EC  
25/1/16

  
Superintendent of police,  
Investigation, Bannu.

ATTESTED  




— — (12)

FINDINGS.

ASI Hamza Ali while posted at PS Ghazni Khel, District Lakki Marwat has been charged for the commissions of following misconducts within the meaning of Police Rules-1975 amended vide NWFP Gazette 27<sup>th</sup> January, 1976.

- That he while posted at PS Ghazni Khel District Lakki Marwat have taken a zero meter Motor Cycle CD/70 from one Sher Aslam s/o Sher Dil Azam R/O Tajazai District Lakki and he was made free for Narcotics.
- That he had taken one Lac from PO Salah-ud-Din s/o Hayu-ud-Din PS Naurang during raid of the Local Police on the house of deceased Yaseen Wahab r/o Tajazai District Lakki.
- That he has taken some goods from the case property vehicle.
- That he was collecting weekly from the Narcotics peddlers in the area of PS Ghazni Khel and adjacent areas in a private vehicle of one Ali Marjan alias Majoo s/o Mohammad Azman r/o Hero Khel District Lakki.
- That he has taken Rs.10,000/- from one Shoib s/o Rafi Ullah r/o Tajazai District Lakki Marwat during a music program in his hotel.

The enquiry was marked to the DSP/HQrs, Bannu. The accused police officer submitted application before the W/RPO, Bannu Region, Bannu that the enquiry conducted by the DSP/HQrs has not followed the rules/law. The Worthy RPO, Bannu Region, Bannu noted remarks "pl conduct the said enquiry" and handed over to the undersigned for re-probe of the allegations leveled against the accused Police Officer.

To probe into the allegations the undersigned perused all the recorded statements, relevant records and secretly enquired the background of the accused police officer. The undersigned summoned the accused police officer and recorded his statement and cross opportunity has been given and recorded cross questions & answers. SHO Haider Ali and MHC Farid Ullah No. 222 of PS Ghazni Khel, Lakki Marwat were summoned and recorded their statements, they were given cross opportunity and recorded cross question & answers. Short brief are given below:

STATEMENT OF SHO HAIDER ALI SHAH & MHC FARID ULLAH NO. 222 OF PS GHAZNI KHEL DISTRICT LAKKI MARWAT.

They stated in their statement that during their postings at PS Ghazni Khel, no complaint against the accused Police Officer was received. MHC further stated that all the case properties are in his custody and it is impossible to take goods from the vehicles anyone. The SHO admitted in his statement during cross examination that Mir Aslam is drug narcotics seller in the limits of PS Ghazni Khel, Lakki Marwat. Yasin Wahab is the cousin of Salahudin s/o Hiya-u-din and he was wanted in more than 34 cases. Salahudin is also wanted to the local Police u/s 324/353 PPC.

STATEMENT OF ACCUSED POLICE OFFICER ASI HAMZA ALI PS GHAZNI KHEL.

He stated that he has submitted detail written reply on 16.12.2015 of the charge sheet and he did not want to change in the previous reply. He further stated that the allegations leveled against him are baseless and requested for the filing of charge sheet. The undersigned crossed examined the accused officer, according to CDR report the owner of Mobile Nos. 0343-9994925 & 0348-9378208 have contacted with him and Drug Transporter Zarwali, when it was asked from him that the owners of the said numbers has paid communication role with him and drug transporter, the accused police officer had no sufficient answer of the question. In further cross examination the said accused police officer had no sufficient proof to deny the allegations.

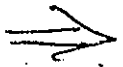
**TESTED**  
/s/

CONCLUSION.

Keeping in view the above facts, circumstances, recorded statements and perusal of relevant records and during the cross examination the undersigned reached to the following conclusions:


1. Statement of the accused Police Officer Hamza Ali is not satisfied and during the cross examination he did not prove his innocence.
2. In cross examination about the CDR it was dig out that accused Police Officer ASI Hamzali and narcotics peddler Zarwali had middle men in contacts, whose had contact with the accused Police Officer and narcotics peddlers, it means that middle persons (companions) of narcotics peddler had remained contact with the accused Police officer. In this regard he had no sufficient answer.
3. According to the statement of SHO Haider Ali Shah and cross examination about the allegation leveled against the said accused Police Officer, SHO admitted in his cross examination that Mir Aslam & Sher Alsam are drug narcotics peddlers. ✓
4. SHO also added that Yasin Wahab is the cousin of Salahudin s/o Hiya-u-din wanted in more than 34 cases and Salahudin is also wanted to the local Police u/s 324/353 PPC. Later on the said notorious PO Yasin Wahab was murdered during encounter.
5. In one side SHO & MHC rejected that allegations leveled against the accused Police Officer, but in the other side in cross examination they were not known about the suspension of the accused Police Officer, their statements are unsatisfactory.
6. The accused Police Officer showed himself the SHO of PS Ghazni Khe and he was dealt all matters as he was SHO of the said PS.
7. In secret information it was dig out that reputation of the accused Police Officer is also unsatisfactory.

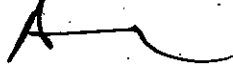
RECOMMENDATION.



In view of the above conclusion the allegations leveled against the accused Police Officer ASI Hamzali are **proved.**

Submitted please.

  
 Superintendent of Police,  
 Investigation, Bannu.

**ATTESTED**  


- ① یہ کتابیں ہیں جن میں ASHO اور دیگر اداروں کے بارے میں معلومات مل سکتی ہیں۔
- ② یہ کتابیں ہیں جن میں طبی اور طبی عملوں کے بارے میں معلومات مل سکتی ہیں۔
- ③ یہ کتابیں ہیں جن میں طبی اور طبی عملوں کے بارے میں معلومات مل سکتی ہیں۔
- ④ یہ کتابیں ہیں جن میں طبی اور طبی عملوں کے بارے میں معلومات مل سکتی ہیں۔
- ⑤ یہ کتابیں ہیں جن میں طبی اور طبی عملوں کے بارے میں معلومات مل سکتی ہیں۔

یہ کتابیں ہیں جن میں طبی اور طبی عملوں کے بارے میں معلومات مل سکتی ہیں۔

ASHO اور دیگر اداروں کے بارے میں معلومات مل سکتی ہیں۔

طبی اور طبی عملوں کے بارے میں معلومات مل سکتی ہیں۔

①

ATTACHED

EC  
R. M. J. / J. J.  
15/16

Handwritten signature and text, possibly including "F. J." and "R. M. J. / J. J."

Handwritten signature or initials.

Handwritten signature and text, possibly including "R. M. J. / J. J."

14/16

13

ORDER.

My this order will dispose off the departmental proceedings initiated against ASI Hamza Ali, PS: Ghazni Khel, District Lakki on account of the following omission:-

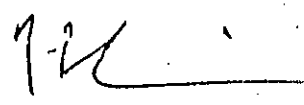
- That he, ASI Hamz Ali Khan, posted as PS: Ghazni Khel, District Lakki have taken a zero-meter Motor-cycle CD/70 from one Sher Aslam s/o Sher Dil Azam r/o Tajazai District Lakki and he was made free for narcotics.
- That he had taken Rs. 100000/- from PO Salah-ud-Din s/o Hayau-ud-Din PS: Naurang during raid of the local police on the house of deceased Yasin Wahab r/o Tajazai, District Lakki.
- That he have taken some goods from the case property vehicles.
- That he was collecting weekly from the narcotics paddlers in the areas of Ghazni Khel and adjacent areas in a Private vehicle of one Ali Marjan allas Majoo s/o Mohammad Azam r/o Khero Khel, District Lakki.
- That he has taken Rs. 10000/- from one Shoib s/o Rafiullah r/o Tajazai District, Lakki during a music programme in his hotel.

The said Police Officer was charge sheeted based upon statement of allegations and SP/Invest Bannu was appointed as Enquiry Officer. The Enquiry Officer conducted proper departmental enquiry under Police Rules 1975 and submitted his findings, wherein the aforementioned charges against the said delinquent Police Officer have been proved without any shadow of doubt.

The enquiry proceedings were thoroughly perused and the officer concerned heard in orderly room on 29.1.2016.

Therefore, I, Muhammad Tahir PSP, Regional Police Officer, Bannu Region, Bannu in exercise of the powers vested in me, after thoroughly perusal the record/proceedings and hearing the Police Officer in orderly room on 29.1.2016 came to the conclusion that order of Major punishment is required to be imposed upon him, being held guilty of the allegations by the Enquiry Officer as well as un-satisfactory hearing for showing himself innocent with the undersigned. Hence, the delinquent Police Officer is hereby dismissed from service.

Order announced.

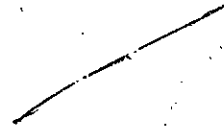
  
(Muhammad Tahir)PSP  
Regional Police Officer,  
Bannu Region, Bannu.

No. 357 /EC, dated. 03/2/2016. 03/2/16-

Copy to :-

- The District Police Officer, Lakki.

**ATTESTED**  


  
(Muhammad Tahir)PSP  
Regional Police Officer,  
Bannu Region, Bannu.

To,

The Provincial Police officer  
Khyber Pakhtunkhwa Peshawar.

Subject: REPRESENTATION AGAINST THE ORDER OF WORTHY RPO  
BANNU VIDE NO. 357 DATED 03/02/16 THROUGH WHICH  
THE PETITIONER WAS DISMISSED FROM THE SERVICE.

Respected Sir,

The petitioner Prayed as under:-

1. That Detail facts and figures pertaining to the departmental proceedings have been advanced by the petitioner in shape of reply to the charge sheet as well as during the course of statement to the inquiry officer but the inquiry officer has altogether ignored the real facts and recommended the petitioner for major penalty. In the inquiry proceedings petitioner was hold responsible for the charges mentioned in the charge sheet but a single statement recorded by the EO has not brought charges home to the petitioner.
2. That the inquiry officer has in haphazard manner submitted his finding ignoring the real facts because nothing has been brought on record during the course of inquiry connecting the defaulting officer with the charges. The authority has also ignored the real facts of the inquiry proceedings and blindly relied upon the finding of inquiry officers against the spirit of law. As per the finding of the EO, the petitioner has hold responsible but the EO has not mention in the inquiry proceeding the evidence connecting the accused with the charges rather all the statements recorded by the EO negates the version of inquiry proceedings and the authority has also not considered the statements of the witnesses recorded by the EO during the course of passing the impugned order.
3. According to the procedure of inquiry and dicta of Superior courts, the inquiry officer and the authority are bound to based upon their finding on solid reasons connecting the accused with the charges without breaking any channels but in my case, a single iota of evidence is not available on record connecting me with the charges but even then I have been dismissed from the service without any fault. The major penalty is justified when someone commits the fault willfully regarding any responsibility shouldered upon the officer by the authority but a single instant has not been quoted with proof showing my connection with the criminals or has got any linkage with the miscreants.
4. That the inquiry officer has not brought on record any solid evidence connecting me that I have got zero meter motor cycle CD-70 from one Sher Asiam s/o Dil Azam r/o Taja Zai District Lakki and he was made free for narcotics, rather if record of PS is consulted I have taken

Supdt. Secy

AS/ET/ab

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against the narcotics sealers and possessor. A single evidence is not available in the inquiry proceedings regarding the obtaining of the said motor cycle but even then the EO has not mentioned the source and connection of myself with the said charges and what I had been stated in my reply to the charge sheet and statement before the EO, the inquiry officer has not established any relation of myself with the said miscreants. I have got no linkage with any criminal's activities. Even a single thing is not available in inquiry proceeding showing that I have facilitated any criminals activities in the illaqa. The authority has also agreed with the enquiry officer without any reason and rebutting my statement and grounds taken in the charge sheet.

5. That the RPO Bannu while passing an order of dismissal has not consulted the record according to the procedure of inquiry because my duty and act cannot lead toward major penalty. The charges regarding obtaining of one lacs rupees from PO Salahudin is also not proved through any evidence as well as the charges of taking some goods from the case property, collecting money weekly from narcotics paddlers in the area of Ghazni khel and also taking of rupees 10000/- from one shoab against me.
6. That for the establishment of the charges it was incumbent upon the inquiry officer to summons the above persons for statements and providing an opportunity to the defaulting officer for cross examination upon them but a single witness has not been summoned for the said purpose and without their examination during the course of inquiry, the declaring of the petitioner as guilty of the charges is against the spirit of justice.
7. According to the dicta of superior courts, officer/official should be hold responsible for major penalty when the charges are proved against the officer without any shadow of doubt but in my case nothing is available on record regarding the proof of charges but even then I have been dismissed from the services.
8. That the statement of concern SHO of PS Ghazni khel has also been thrown to dustbeen regarding declaring all the vehicles in the police stations in ok condition. Furthermore the case property in the PS is not under control of ASHO but under the control of SHO and Muharar of the PS.
9. That actually the DPO lakki has made a video from one PO Arab Khan of Taja Zai and he was compelled to narrate some allegations against me but the same has not been mentioned in the charge sheet. Furthermore it is worth mentioning here that I have demolish the house of the said PO and also brought so many articles from his house which got annoyed the said

**ADMITTED**

PO against me and utilization of such video against me is against the spirit of service.

- 10. That during the course of my posting at PS Ghazni Khel, I have taken sever action against the miscreants /criminals and from my action the criminals and miscents were annoyed. The SHO of the PS can best judge the character of his subordinate and no such complaint has been made by any SHO against me.
- 11. That the reasons and the ground mentioned by me in the reply to the charge sheet and statement before the EO has not been rebutted either by the EO or by the authority while passing the impugned order which is mandatory as per the decision of service tribunal.
- 12. That a single charge mention in the charge sheet has not been proved against me during the course of inquiry proceedings and the charges not proved in the inquiry proceedings, officer/officials can not be held responsible for other charges.
- 13. That throughout my service I have performed my duty for bringing good name to police department as evident from my service record and have not committed any blunder /fault which is against the spirit of police rules.
- 14. That I am a poor man having the responsibility of large family and the service is my only bread earning. Any action on the basis of charge sheet will ruined my life. Being the police officer I know my bound and cannot dare to commit not only this laxity but any other too. I have performed my duty honestly and devotedly.

PRAYER:-

Keeping in view the above, it is requested that the order of RPO NO. 357 DATED 03/02/2016 may be set-aside and the petitioner may be re-instated in to the service from the date of dismissal. I may also be heard in person.

Office of the PPS, Peshawar  
 (Secretariat)  
 By: No. 562/16  
 11-2-16

Yours obedient

Hamza Ali Khan  
Ex: ASI PS Ghazni  
Khel Lakki Marwat

10.2.16

3339742480

**ATTESTED**  
A



- charge sheet not signed by RPO which is gross illegality.
- no proof beyond shadow of doubt.
- cell no. given in inquiry report not correct and wrongly referred.
- No fault at all.
- No statement of complaint about money taken.
- 20 years service with good record and without Adverse ACRs.
- No proper inquiry conducted.
- No CDR record available, thus I/O/Officer allegations/report are baseless.
- None of the charge proved beyond shadow of doubt.
- not dealt in accordance with norms of justice.
- No final show cause notice given nor personal hearing provided.
- D.I.G. <sup>not</sup> Competent authority for appellant.
- Thus penalty order is nullity in eyes of law.
- Even no inquiry report was provided, which affected defense rights of appellant. The attached report was provided through R.T.I.

- 
- PPO - Peshawar.
  - RPO, Bannu.
  - DPO Lahore.

(9)

'H'

(20)

923439994925

محمد علی خان

NIC: 1120103470359

Gender: مرد

NIC Expiry: 30-09-2017

Identity Mark: بائیں طرف مائیں پر نشان زخم

FatherName: سلطان خان

DOB: 06-12-1966

Present Address: ڈاک خانہ حیات خیل، حیات خیل، تحصیل لکی مروت، ضلع لکی مروت

Permanent Address: ڈاک خانہ حیات خیل، حیات خیل، تحصیل لکی مروت، ضلع لکی مروت



923489378208

بخت بی بی

NIC: 1120198211842

Gender: عورت

NIC Expiry:

Identity Mark: کوئی نہیں

FatherName: فضل داد

DOB: 01-01-1955

Present Address: حسن خیل، ڈاک خانہ تاجہ زئی، دولت تاجہ زئی، تحصیل/ضلع لکی مروت

Permanent Address: حسن خیل، ڈاک خانہ تاجہ زئی، دولت تاجہ زئی، تحصیل/ضلع لکی مروت



Attested

*Ammy*

26/12/05

27/12/05

ATTESTED

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SI Hamza

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923441985369	6
923443131015	1
923446196345	3
923448561370	2
923448980858	1
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923489140597	8
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923489274335	3
923489316389	1
923489377541	4
923489378208	9
923489419572	10

ATTACHED

Anshu

DSP/HQ  
27/12/015

(10)

211

Zarwali Drug transporter

03435255332	1
03439341180	3
03439994925	22
03445079020	7
03445812130	2
03449079144	1
03449358721	5
03459855062	1
03461850002	26
03467347368	1
03468156181	2
03469175857	1
03469735779	2
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3449867500	7
3450562772	3
3450949594	6
923339763797	5
923349027059	3
923400092153	1
923400953778	1
923439994925	1
923449867500	4
923450562772	4
923450949594	27



I

GOVERNMENT OF KHYBER PAKHTUNKHWA  
RIGHT TO INFORMATION COMMISSION  
7<sup>th</sup> Floor, Tasneem Plaza, Near Benevolent Fund Building,  
6th Saddar Road, Peshawar  
Email: [complaints@kpsti.gov.pk](mailto:complaints@kpsti.gov.pk)  
Ph: 92-91-9212643  
Fax: +92-91-9211163

No: RTIC/AR/1-1857/16/3049-5  
Dated: 09<sup>th</sup> March, 2016

To

The Regional Police Officer (RPO) / PIO,  
Police Department,  
Bannu.

Ref:

HAMZA ALI KHAN VS. POLICE DEPARTMENT, BANNU

Subject:

COMPLAINT AGAINST NON-SUPPLY OF INFORMATION BY POLICE DEPARTMENT,  
BANNU (COMPLAINT NO: 01857)

Memo:

- Complainants Mr. Hamza Ali Khan had filed a request with your Department on 04/02/2016. You have failed to respond to the request within the timeline fixed by the Right to Information Act, 2013, and hence he has approached this Commission with the subject complaint under the Law. (Copy attached)
2. You are directed to provide complete and relevant information to the complainant within ten working days of the receipt of this letter, under intimation to RTI Commission.
  3. In case, you need any clarification/guidance in the matter, you are required to contact this Commission within five working days of the receipt of this letter on phone No. 091-9212643, e-mail: [complaints@kpsti.gov.pk](mailto:complaints@kpsti.gov.pk) or fax No. 091-9211163, so that the provision of information within fifteen working days is ensured.
  4. In case the information is not supplied, you are directed to attend this Commission on 31/03/2016 to give reasons for the failure on your part.
  5. Failure to comply with the above would compel this Commission to make resort to the punitive clauses of the Law.

**ATTESTED**

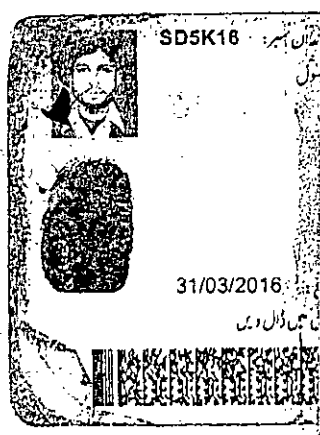
Copy to:-

Mr. Hamza Ali Khan (Complainant)

Assistant Registrar  
Right to Information Commission,  
KPK, Peshawar.

Assistant Registrar  
RTI-Commission, KPK

Assistant Registrar  
Right to Information Commission,  
KPK, Peshawar.



خدمت جناب رائٹ ٹو انفارمیشن (RTI) جی اے سی!

تذراش جسٹس سائل EX-Asi سٹریٹریٹ سے تعلق رکھتا ہے۔

سائل 2/2016 کو جناب RPO سے یوں بھیج کر ایک تحریری درخواست کی تھی۔ جس میں سائل RPO سے اپنے خلاف کیے ہوئے انکوائری کے تصدیق شدہ کا بیورو کے تقوالت مائل تھے۔ ابھی تک کوئی کارروائی نہیں ہوئی۔

میں نے درخواستیں ارسال کی ہیں۔  
انکوائری کی تمام تقوالت فراہم کی جائے۔  
RTI Act 2013 کے تحت ہے

Date: 07/03/16

الغازی

حضرت علی خان Asi مال برعاست شدہ کیلئے پیکر

03339742480

Right to Information Commission	
Government of FPK	
No.	1612
Date	07-3-16
By	7/c

ATTESTED

خدمتِ خدا - سائنس کی آخیر ترین دستوں پر مشتمل ہے

(26)

خدا تعالیٰ!

مخبروں سے کہیں کہیں سائنس کو آگے بڑھانے کا

نہ تو کوی سے سرعامت کیا ہے۔

بزرگوار خواہت استدعا ہے کہ میں سائنس کو

تمام انکو ایٹمی کے کاموں سے دھندلے کی توجہ کالی تقدیر

شہدہ دے دینے کے احکامات صادر فرمائیں

سائنس و ٹیکنالوجی

04-02-16

الغافل

سائنس جڑہ علیہا ASI والی درخواست شہدہ

*[Signature]*

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In report for  
ach.

*[Signature]*  
03/16

only order copy  
15540

*[Signature]*  
03/16

E/c  
Pl. want services in  
avoidance with  
rules. I

ATTESTED  
*[Signature]*

28

# VAKALAT NAMA

NO: \_\_\_\_\_/20

IN THE COURT OF SERVICE TRIBUNAL PESHAWAR

HAMZA ALI KHAN (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

POLICE DEPTT (Respondent)  
(Defendant)

I/We HAMZA ALI KHAN

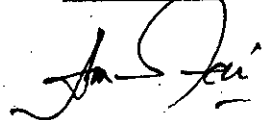
Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

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

Dated 8-6-2016

  
\_\_\_\_\_  
( CLIENT )

ACCEPTED

  
**M. ASIF YOUSAFZAI**  
Advocate

**M. ASIF YOUSAFZAI**  
Advocate High Court,  
Peshawar.

**OFFICE:**  
Room No.1, Upper Floor,  
Islamia Club Building,  
Khyber Bazar Peshawar.  
Ph.091-2211391-  
0333-9103240

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**Appeal No.619/2016**

Hamza Ali Khan, Ex-ASI  
PS Ghazni Khel,  
Lakki Marwat

..... Appellant

**Versus**

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & others.

..... Respondents

**PARA WISE COMMENTS / REPLY ON THE ABOVE SUBJECT SERVICE APPEAL ARE SUBMITTED BY THE RESPONDENTS NO.1, 2 & 3.**

**Preliminary Objections**

1. That the appeal of appellant is badly time-barred.
2. That the appeal is not maintainable in its present form.
3. That the appellant has concealed the actual facts from the Honorable Tribunal.
4. That the appeal is bad in law due to non-joinder and mis-joinder of unnecessary parties.
5. That the appellant has approached the Honorable Tribunal with unclean hands.
6. That the appellant has got no cause of action and locus-standi to file the instant appeal.
7. That the appellant has been estopped by his own conduct.

**OBJECTIONS ON FACTS:**

**Respectfully Sheweth**

1. Pertains to record. Hence no comments.
2. Pertains to record. Hence no comments.
3. Correct. Needs no comments.
4. Incorrect. The enquiry was conducted according to law/rules and proper opportunity was provided to the appellant.
5. Incorrect. There is no need to issue Final Show Cause Notice under Police Rules 1975 therefore, after proper enquiry and recommendation of enquiry officer the impugned order dated 03.02.2016 was issued.
6. Pertains to record. Hence no comments.
7. That the appellant has got no cause of action to file instant appeal.



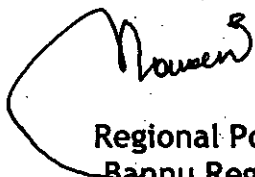
### OBJECTIONS ON GROUNDS

- A. Incorrect. The impugned orders dated 03.02.2016 is quite legal and was issued after proper/thorough probe/findings/recommendations of the inquiry officer.
- B. Incorrect. All codal formalities were adopted and legal opportunities were provided, hence punishment was awarded after proper departmental proceedings where the charges proved beyond any shadow of doubt.
- C. Pertains to record. Hence, no comments.
- D. Incorrect. In light of all connected evidence, the allegations leveled in statement of allegations were found proved and the competent authority awarded him major punishment of dismissal from service.
- E. Incorrect. The then RPO Bannu has awarded punishment according to law/rules. His contacts with PO Salah-ud-Din also proved through CDR.  
**(Copy of CDR is annexed as annexure "A")**.
- F. Incorrect. All relevant Police officers i.e SHO, MHC etc were summoned by the Enquiry Officer alongwith the appellant and cross opportunity was provided.
- G. Incorrect. The appellant was properly charge sheeted based upon statement of allegations and properly probed by the enquiry officer, the allegations were proved and the competent authority awarded him major punishment of dismissal from service.
- H. Incorrect. The appellant was properly charge sheeted based upon statement of allegations and properly probed by the enquiry officer according to law/rules in light of all connected evidence. The appellant was provided opportunity of personal hearing for self defense but he failed to rebut the allegations leveled against him.
- I. Incorrect. All charges were thoroughly investigated by the Enquiry Officer. On question by the Enquiry Officer during cross examination about CD-70 Motorcycle given to him by Sher Aslam (Narcotics Peddlers), the appellant lip tightened and has no defence about his innocence. The competent authority has also confirmed the charges through secret sources and when the charges established after that he was awarded major punishment of dismissal from service.
- J. Incorrect. The then RPO Bannu has awarded punishment according to law/rules. His connections with PO Salah-ud-Din also proved through CDR.
- K. Incorrect. He was awarded punishment according to law/rules.
- L. As replied in above Para.

- M. Incorrect. The inquiry officer properly probed the matter, recorded statements of all concerned Police Officials and CDR also obtained.
- N. Incorrect. There is no need of issuance of final show cause notice as per Police Rules 1975.
- O. Incorrect. The appellant was properly charge sheeted based upon statement of allegations and properly probed by the Enquiry Officer according to law/rules. In light of all connected evidence, the allegations were found proved and the competent authority awarded him major punishment of dismissal from service.
- P. Incorrect. The Inspector General of Police, KPK is competent /appellate authority when a punishment awarded by the Regional Police Officer.
- Q. Incorrect. Enquiry report was provided to the appellant and he was extended full opportunity of defence.
- R. That the respondents also seek permission to raise additional grounds and proof at the time of arguments.

**Prayer:-**

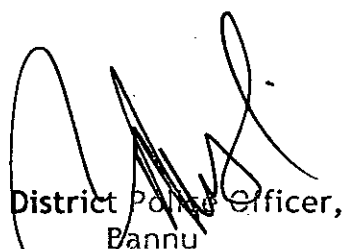
Therefore, it most respectfully submitted before this Honourable Service Tribunal that the present Service Appeal filed by Ex-ASI Hamza Ali Khan may very graciously be dismissed with cost.



Regional Police Officer,  
Bannu Region, Bannu  
(Respondent No.2)



Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)



District Police Officer,  
Bannu  
(Respondent No.3)

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**Appeal No.619/2016**

Hamza Ali Khan, Ex-ASI  
PS Ghazni Khel,  
Lakki Marwat

..... **Appellant**

**Versus**

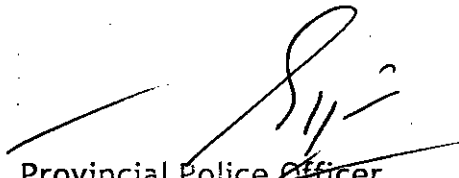
The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & others.

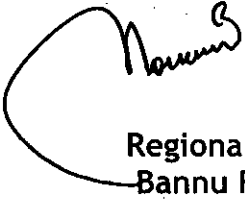
..... **Respondents**

**AUTHORITY LETTER.**

Mr. Muhammad Farooq Khan, Inspector Legal, is hereby authorized to appear before the Honourable Service Tribunal, Khyber Pakhtunkhwa, Peshawar on behalf of the Provincial Police Officer, KPK & Others in the above cited Appeal.

He is authorized to submit and sign all documents pertaining to the present Petition.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar  
Respondent No.1

  
Regional Police Officer  
Bannu Region, Bannu  
Respondent No.2

  
District Police Officer  
Bannu  
Respondent No.3