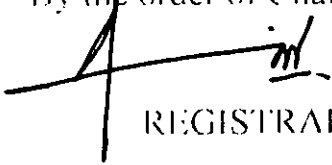


# FORM OF ORDER SHEET

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

**Appeal No. 95/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	08/01/2024	<p>The appeal of Mr. Shakir Ahmad presented today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Parcha Peshi is given to counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR**

95  
SERVICE APPEAL NO.  /2024

Shakir Ahmad

V/S


Police Department

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3.	Copy of order dated 12.12.2022	A	07
4.	Copies of charge sheet <i>Statement of allegation, application</i> and reply to charge sheet	B,C&D	08-11
5.	Copy of inquiry report	E	12-13
6.	Copies of show cause notice and reply to show cause notice	F&G	14-16
7.	Copy of order dated 20.02.2023	H	17
8.	Copies of departmental appeal, order dated 12.04.2023, revision and order dated 22.12.2023	I,J,K&L	18-33
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THROUGH:

APPELLANT

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT  
03339390916

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

SERVICE APPEAL NO. 95 /2024

Shakir Ahmad, Ex-IHC No. 401,  
Kot Police Lines, Hangu.

(APPELLANT)

VERSUS

1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region, Kohat.
3. The District Police Officer, Hnagu.

(RESPONDENTS)

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APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974  
AGAINST THE ORDER DATED 20.02.2023, WHEREBY  
THE APPELLANT WAS DISMISSED FROM THE  
SERVICE AND AGAINST THE ORDER DATED 12.04.2023,  
WHEREBY THE DEPARTMENTAL APPEAL OF THE  
APPELLANT WAS REJECTED FOR NO GOOD GROUNDS  
AND AGAINST THE ORDER DATED 22.12.2023,  
WHEREBY THE REVISION OF THE APPELLANT WAS  
ALSO REJECTED FOR NO GOOD GROUNDS.

**PRAYER:**

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE  
ORDER DATED 20.02.2023, 12.04.2023 AND 22.12.2023 MAY  
PLEASE BE SET ASIDE AND THE APPELLANT MAY  
KINDLY BE REINSTATED INTO SERVICE WITH ALL  
BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER  
REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT  
AND APPROPRIATE THAT MAY ALSO BE AWARDED IN  
FAVOUR OF APPELLANT.

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(2)

**RESPECTFULLY SHEWETH:**  
**FACTS:**

1. That the appellant was appointed in the respondent department as Constable in the year 2004 and has completed all his due training and since his appointed the appellant has performed his duty with devotion and honesty, whatsoever, assigned to him and no complaint has been filed by his superiors regarding his performance.
2. That the appellant was working as IHC at Police Station Bilyamina and was transfer to Kot Police Lines Hangu through an order dated 12.12.2022, however, the in-charge of Kot did not want to handover charge to the appellant on which the appellant went to the office of respondent No.3 on 08.02.2023 and told him that the in-charge of Kot police lines did not give him charge of the post on which the respondent No.3 directed to the appellant to take over charge as Incharge Wardi Godom and when the appellant asked for proper order in this respect respondent No.3 become annoyed and suspended the appellant and directed him to put off his built on which the appellant put off his built and the respondent No.3 put him in Quarter Guard. **(Copy of order dated 12.12.2022 is attached as Annexure-A)**
3. That charge sheet along with statement of allegations were issued to the appellant on 08.02.2023 and DSP city was appointed as inquiry officer. The appellant submitted application on 10.02.2023 in which he showed non confidence on the inquiry officer and requested that his inquiry may be assigned to other inquiry officer, however, no action has taken on his application and he submitted his reply to same inquiry officer (DSP City) from the quarter guard on 13.02.2022 in which he denied the allegations and also mentioned in that reply that he has no confidence on the inquiry officer. **(Copies of *charge sheet*, *Statement of allegations*, *Application* and reply to charge sheet are attached as Annexure-B,C&D)**
4. That on the basis of above baseless allegation, inquiry was conducted against the appellant by biased inquiry officer in which no opportunity of defence was provided to the appellant as neither statement were recorded in the presence of the appellant nor gave him opportunity of cross examination, as the appellant was in quarter guard at the time of inquiry proceeding, but despite of one sided, inquiry officer found him guilty on presumption basis and submitted inquiry report on 13.02.2023. **(Copy of inquiry report is attached as Annexure-E)**
5. That final show cause notice was issued to the appellant on 13.02.2023, which was replied by the appellant from the quarter guard on 19.02.2023 in which he again denied the allegations and mentioned in his reply that he has been kept in quarter guard from 08.02.2023 for no fault and also mentioned that he filed an application to change the inquiry officer as he has no confidence on the inquiry officer (DSP

City) nominated in the statement of allegation, but his request was turn down and no opportunity of defence was provided by the inquiry officer to him during the inquiry proceeding. **(Copies of show cause notice and reply to show cause notice are attached as Annexure-F&G)**

6. That on the basis of baseless allegations and without conducting regular inquiry by impartial inquiry officer to dig out the reality about the allegations, the appellant was dismissed from service by the respondent No.3 vide order dated 20.02.2023. **(Copy of order dated 20.02.2023 is attached as Annexure-H)**
7. That the appellant being aggrieved from order dated 20.02.2023 filed departmental appeal on 06.03.2023, which was rejected on 12.04.2023 for no good grounds. Then the appellant filed revision on 18.04.2023, which was also rejected on 22.12.2023 for no good grounds. **(Copies of departmental appeal, order dated 12.04.2023, revision and order dated 22.12.2023 are attached as Annexure-I,J,K&L)**
8. That the appellant has no other remedy except to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

**GROUNDS:**

- A) That the orders dated 20.02.2023, 12.04.2023 and 22.12.2023 are against the law, rules, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That no proper and regular inquiry was conducted against the appellant because no proper opportunity of defence was provided to the appellant as neither statements were recorded in the presence of the appellant nor gave him opportunity of cross examination, which is violation of law and rules and as such the impugned orders are liable to be set aside.
- C) That the appellant has field application to change the inquiry officer as he has no confidence on the inquiry officer (DSP City) nominated in the statement of allegations, but despite that no action has taken on his application and the inquiry was conducted against the appellant by that inquiry officer on which he shown non confidence, which is against the norms of justice and fair play.
- D) That when the appellant was transfer to Kot Police Lines Hangu vide order dated 12.12.2022, however the in-charge of Kot did not want to handover charge to the appellant on which the appellant went to the office of respondent No.3 on 08.02.2023 and told him that the in-charge of Kot police lines did not gave charge of the post on which

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the respondent No.3 directed to the appellant to take over charge as Incharge Wardi Godom and when the appellant asked for proper order in this respect, respondent No.3 became annoyed and suspended the appellant and directed him to put off his built on which the appellant put off his built and the respondent No.3 put him in Quarter Guard, which shows that the appellant did not commit any misconduct and was punished for no fault on his part.

- E) That the appellant was dismissed from the service only on the basis when he was told by the respondent No.3 that on his transfer to Kot Police Line Hangu he did not want to hand over charge to him on which the respondent No.3 directed the appellant to take over charge as Incharge Wardi Godom and as Incharge Godom is a responsible post, therefore, the appellant asked for proper order in this respect on which respondent No.3 became annoyed and dismissed him from service only on this minor issue which is the miscarriage of justice as the appellant has about 19 years unblemished service record.
- F) That the charge sheet was issued to the appellant on 08.02.2023 which was replied by the appellant on 13.02.2023 and on the same day i.e 13.02.2023, the inquiry officer submitted his report and on the same day i.e 13.02.2023 show cause notice was also issued to the appellant which was replied by the appellant on 19.02.2023 and on the next day he was dismissed from service, which means that no justice has been done in the case of the appellant and he was made a victim of such a hurriedly taken decision against the appellant.
- G) That respondent No.3 (DPO Hangu) was the complainant in the case of the appellant and was also proceeded against the appellant by him and it is a well recognized principle that nobody can be judge in his own case but in the case of the appellant the complainant and the judge is the same person, which is not permissible under the law.
- H) That the appellant was in quarter guard during the whole inquiry proceeding, then how is it possible that regular and proper inquiry was conducted against the appellant in which he was properly associated with the inquiry proceeding and has been treated in accordance with the rules?
- I) That the appellant denied the allegation in both his reply to charge sheet and show cause and justice demands that proper and regular inquiry should be conducted against the appellant by an impartial inquiry officer to dig out the reality whether the allegations leveled against the appellant are true or not, but in the case of the appellant inquiry was conducted by a biased inquiry officer in a slipshod manner just to punish the appellant at any cost, which is not permissible under the law.
- J) That the opportunity of proper defense was not provided to the appellant, which is against the spirit of Article 10-A of the Constitution.

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- K) That the appellant has been condemned unheard and has not been treated according to law and rules.
- L) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that on the acceptance of this appeal, the order dated 20.02.2023, 12.04.2023 and 22.12.2023 may please be set aside and the appellant may kindly be reinstated into service with all back and consequential benefits. Any other remedy which this Honorable Tribunal deems fit and appropriate that may also be awarded in favour of appellant.

**APPELLANT**  
Shakir Ahmad

THROUGH:

**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT**

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

SERVICE APPEAL NO. \_\_\_\_\_/2024

Shakir Ahmad

V/S

Police Department

**AFFIDAVIT**

I, Shakir Ahmad, Ex-IHC No. 401, Kot Police Lines, Hangu, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.

  
**DEPONENT**



POLICE DEPARTMENT

ORDER

DISTRICT HANGU

The following lower subordinates of this district police are hereby transferred/ posted noted against each with immediate effect:-

S#	Name & Rank	From	To
1.	IHC Shakir Ahmad No. 401	PS Bilyamina	I/C Kot ✓
2.	LHC Ilyas No.09	Police Line	Bandoqi Post ✓
3.	LHC Haider Abbas No.479	Police Line	Display Operator Traffic Warden
4.	FC Alam Saeed No.612	Pay Branch	Police Line
5.	FC Nabi Ur Rehman No.197	Pay Branch	Police Line
6.	FC Hussain Ahmad No.20	RW Branch	Police Line
7.	LHC Faiz Ullah No.564	PAL Office	Police Line
8.	LHC Najeeb Ullah No.765	PAL Office	Police Line
9.	FC Rifaqat Ali No.553	PAL Office	Police Line
10.	FC Murtaza No.526	PAL Office	Police Line

OB No. 629

Dated 12/12/2022





OFFICE OF THE  
DISTRICT POLICE OFFICER,  
HANGU

Tel No. 0925-623878 & Fax No. 0925-620136  
Email: dpohangu8@gmail.com

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CHARGE SHEET

1. MR. ASIF BAHADER, PSP, DISTRICT POLICE OFFICER, HANGU, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you, IHC Shakir Ahmad No. 401 while posted as I/C Kot Police Lines, Hangu rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975:-

- i. Whereas, you, IHC Shakir Ahmad No.401 while posted as Incharge Kot Police Lines, Hangu have acted disobedient and indiscipline manner before the undersigned on 8<sup>th</sup> February, 2023 thus, you were placed under suspension & closed to Police Lines, Hangu vide this office OB No. ...<sup>90</sup>...dated 08.02.2023.
- ii. As such there is zero tolerance for indiscipline police officers/officials.
- iii. You being a member of disciplined force of the police department had acted indiscipline manner, ill attitude, disinterest, negligence and professional gross misconduct on your part which cannot be tolerated.

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

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

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

4. A statement of allegation is enclosed.

  
DISTRICT POLICE OFFICER,  
HANGU



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
HANGU

Tel No. 0925-623878 & Fax No. 0925-620135  
Email: dpohangu8@gmail.com

**DISCIPLINARY ACTION**

I, **MR. ASIF BAHADER, PSP, DISTRICT POLICE OFFICER, HANGU**, as competent authority, am of the opinion that you, **IHC Shakir Ahmad No. 401** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

- i. Whereas, you, IHC Shakir Ahmad No.401 while posted as Incharge Kot Police Lines, Hangu have acted disobedient and indisciplin manner before the undersigned on 8<sup>th</sup> February, 2023 thus, you were placed under suspension & closed to Police Lines, Hangu vide this office OB No. ...90...dated 08.02.2023.
- ii. As such there is zero tolerance for indisciplin police officers/officials.
- iii. You being a member of disciplin force of the police department had acted indisciplin manner, ill attitude, disinterest, negligence and professional gross misconduct on your part which cannot be tolerated.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations DSP city is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,  
HANGU**

No. 42 /EC, dated 08/02 /2023.

Copy of above to:-

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

\*\*\*\*\*

۱۰ - عالی

10

گزارش ہے کہ من درجہ ڈیپارٹمنٹ کے ذریعہ  
 علاج تھریپسٹ کے پاس ہونے پر انکوٹری تھریپسٹ DSP کے ساتھ  
 ہوئی ہے۔ چونکہ تھریپسٹ DSP کے ساتھ ذاتی  
 معاملات کی بنا پر ان سے التماس کی تو وہ تھریپسٹ  
 کے ساتھ تھریپسٹ کے ساتھ تھریپسٹ کے ساتھ  
 تھریپسٹ کے ساتھ تھریپسٹ کے ساتھ  
 تھریپسٹ کے ساتھ تھریپسٹ کے ساتھ

10 (23) 02

ڈیپارٹمنٹ کے ساتھ تھریپسٹ کے ساتھ  
 تھریپسٹ کے ساتھ تھریپسٹ کے ساتھ  
 تھریپسٹ کے ساتھ تھریپسٹ کے ساتھ

10 (23) 02

File

D (11) (10)

صبا - عالی :-

1. بحوالہ حراج شیٹ نمبری 42/EC جاریہ صبا - DPO صاحب کا

08-02-23

موضوع صورتیوں کہ جن سائل پر لگائے گئے

الزامات بمطابق حراج شیٹ غلط اور بے بنیاد ہیں

2. یہ کہ حراج شیٹ میں اسی درجہ میں انسپکٹر الٹنگ DPO

سٹی کو ونگو ایمری ایمری قرار دیا ہے جس سے من

سائل کو کوئی لائق کی توقع نہیں ہے اس

سلسلے میں سائل نے تحریری درخواست بند کو ایمر

مگارد ریٹ سوسٹی بند ایمر 1111 اور سائل بند ایمر ان

بالہ کو بھیجی گئی۔ الزامات غلط ہے۔

وہ صبراً بیان ہے

شمارہ 401 / 144

بندر کو ایمر مگارد

Sir

Sir Forwarded

*[Signature]*

Ri Line (#)

13 - 02 - 23

Police Lines  
Hangu

Forwarded. Plz.

*[Signature]*

DSP Head Quarter  
Hangu

13-02-23

انٹوائری بر خلاف IHC شاہراہ نمبر 401 متعینہ انچارج کورٹ پولیس لائن ہنگو۔

جناب مالی

بحوالہ چارج شیٹ نمبری EC/42 مورخہ 08.02.2023 دفتر جناب DPO صاحب ہنگو، انٹوائری بر خلاف IHC شاہراہ متعینہ انچارج کورٹ پولیس لائن محروض خدمت ہوں کہ چارج شیٹ ہڈا میں مذکورہ IHC پر ذیل الزامات لگائے گئے ہیں۔  
الزام:-

آب IHC شاہراہ نمبر 401 متعینہ انچارج کورٹ پولیس لائن ہنگو مورخہ 08.02.2023 کو زبردستی کے ساتھ دوران پیشی انتہائی غیر اخلاقی و غیر ذیلین رویہ کے مرتکب ہوئے۔ جس کے بعد آب کو بحوالہ OB نمبر 90 مورخہ 08.02.2023 کو معطل کر کے پولیس لائن کھڑا کیا گیا۔  
جس کا آب کو معلوم ہے کہ کلک پولیس میں غیر ذیلین حرکت ناقابل برداشت ہے۔  
انٹوائری پراسس:-

اس سلسلے میں محرز پولیس لائن سے قصور وار IHC کو بعض تلمیذ کرنے بیان طلب کرنے کی خاطر رابطہ کر کے جو کہ گویاں ہوا کہ قصور وار IHC مورخہ 08.02.2023 سے بحکم جناب DPO صاحب بند کوارٹر گا رہے۔ اطلاع کے پیش نظر پولیس لائن جا کر IHC شاہراہ کو کہہ دیا کہ وہ اپنا بند پاپا کو کوارٹر گا رہے اور نقل چارج شیٹ حوالہ کر کے جس سے الزامات کے بابت تحریری بیان لیا گیا۔ اور کراس سوالات بھی کئے گئے۔

سینئر کلرک DPO آفس ہنگو عنایت حسین نے حسب طلبی دفتر ہڈا پیش آ کر اپنا تحریری بیان پیش کیا جو لفٹ رپورٹ ہڈا ہے۔  
جشنید خان Pasi متعینہ RI پولیس لائن ہنگو نے حسب طلبی دفتر ہڈا پیش آ کر اپنا تحریری بیان پیش کیا جو لفٹ رپورٹ ہڈا ہے۔  
حیدر خان HC متعینہ OHC ڈیوٹی DPO نے حسب طلبی دفتر ہڈا پیش آ کر اپنا تحریری بیان ہمراہ پوسٹنگ چارٹ IHC شاہراہ احمد پیش کیا جو لفٹ رپورٹ ہڈا ہے۔

سٹیک مین تنویر نمبر 614 نے حسب طلبی دفتر ہڈا پیش آ کر اپنا تحریری بیان پیش کیا جو لفٹ رپورٹ ہڈا ہے۔  
پرسنل کنٹرولر DPO صاحب کلسٹیل اعجاز نے حسب طلبی دفتر ہڈا پیش آ کر اپنا تحریری بیان پیش کیا جو لفٹ رپورٹ ہڈا ہے۔

شاہراہ IHC:-

نے بیان کیا کہ اس پر لگائے گئے الزامات بمطابق چارج شیٹ غلط اور بے بنیاد ہیں۔

یہ کہ چارج شیٹ میں امجد حسین انسپکٹر آئنگ SDPO سٹی کو انٹوائری آفیسر مقرر کیا ہے۔ جس سے اس کو کوئی انصاف کی توقع نہیں ہے۔ اس سلسلے میں اس نے تحریری درخواست کوارٹر گا رہیں ہوتے ہوئے بذریعہ دفتر لائن افسران بالا کو بھجوائی تھی۔ الزامات غلط ہے۔  
سینئر کلرک عنایت حسین:-

نے بیان کیا کہ مورخہ 08.02.2023 کو وہ جیل سے دستخط کرانے ڈاک جناب DPO صاحب کے دفتر میں موجود تھا کہ DPO صاحب نے بذریعہ رزٹور IHC شاہراہ کو دفتر طلب کیا۔ بدوران پیشی جناب DPO صاحب نے IHC شاہراہ کو حکم کیا کہ آپ انچارج وردی گودام کا چارج سنبھالو میں آپ کو انچارج کورٹ سے انچارج وردی گودام ٹرانسفر کیا ہے۔ جس پر شاہراہ نے جواب DPO صاحب کو کہا کہ وہ اپنی سیٹ بطور انچارج چلانے کی اہلیت رکھتا ہے۔ اگر اسے کورٹ سے تبدیل کرنا ہے تو وہ انچارج وردی گودام نہیں جائے گا بلکہ دوسرے ضلع کو ہاٹ یا کرک تبدیل کیا جائے۔ جناب DPO صاحب نے شاہراہ کو مخاطب ہو کر کہا کہ آپ تھانہ دوآب میں حاضری کرو۔ شاہراہ نے دوبارہ انکار کر کے کہا کہ مجھے پھر FRP تبدیل کرو۔ بالاخر شاہراہ نے خود اپنی مرضی سے سیٹ اتار کر DPO صاحب کے سامنے میز پر رکھ دیا۔ اور کہا کہ دو مزید پولیس کی نوکری نہیں کرنا چاہتا ہے۔ DPO صاحب نے شاہراہ کو IHC کے قول و فعل کو دیکھتے ہوئے اسے کہا کہ شاہراہ کو کوارٹر گا رہیں بند کرو۔ اور ساتھ ہی گھنٹی بجا کر رزٹور وارڈ گنرا اعجاز کو طلب کر کے کوارٹر گا رہیں ڈالنے کا حکم دیا۔

نے بیان کیا کہ مورخہ 08.02.2023 کو اردلی روم تھا۔ جو نجی اردلی روم ختم ہوا وہ آفس جناب DPO صاحب سے باہر آیا تو IC اسے کہا کہ جناب DPO صاحب کے نوٹس میں لاؤ کہ کوٹ انچارج شا کر پیش ہونا چاہتا ہے۔ اس نے جناب DPO صاحب کے نوٹس میں لا کر جناب DPO صاحب نے پیش ہونے کی اجازت دے دی۔ اس نے شا کر IHC کو جناب DPO صاحب کو پیش کیا۔ اور وہ باہر آ گیا۔ چند منٹ بعد جناب DPO صاحب نے دوبارہ اسے طلب کیا اور ساتھ ہی گنرا اعجاز کو طلب کیا۔  
کسٹومرز کی نمبر 614:-

نے بیان کیا کہ مورخہ 08.02.2023 کو وہ انتظار گاہ جناب DPO آفس میں موجود تھا کہ اس دوران IHC شا کرنے آ کر جناب DPO کو پیش ہونے کو کہا جس پر سٹیک میں تو میرا احمد نے IHC شا کر کے باہر جناب DPO صاحب کے نوٹس میں لایا۔ جناب DPO صاحب نے پیش ہونے کی اجازت دے کر جناب DPO صاحب کو پیش ہوا۔ چند منٹ بعد DPO صاحب نے تیل بجا کر اسے طلب کیا۔ اندر جا کر DPO صاحب کے میز پر بیٹھ پڑا تھا۔ ہو کہ DPO صاحب نے اسے ہلٹ اٹھانے کا کہا اور مزید حکم دیا کہ IHC شا کر کو ذرا کوارٹر گارڈ میں بند کر دو۔ جس پر اس نے RI پولیس لائن کو بذریعہ فون IHC شا کر کو کوارٹر گارڈ لے جانے کے متعلق اطلاع کیا۔  
PASI جیڈی خان RI پولیس لائن:-

نے بیان کیا کہ اس کو بذریعہ اعجاز گنرا DPO صاحب اطلاع موصول ہو کر دفتر جناب DPO صاحب آ کر OHC کے ساتھ ڈسکس ہو کر جو شا کر IHC حسب انجام جناب DPO صاحب کو رٹ گارڈ بندش کا حکم ہو کر جسکو احکام کی تعمیل میں بند کوارٹر گارڈ کہا گیا۔ تقلمد بابت معطلی اور بندش کوارٹر گارڈ نافذ ہوا ہے۔  
OHC حیدر خان OHC:-

نے بیان کیا کہ مورخہ 08.02.2023 کو IHC شا کر احمد نے جناب DPO صاحب کے روبرو خود پیش کی ہے۔ اس پیشی کے متعلق IHC مذکورہ نے اسے کسی قسم کی تحریری درخواست بابت جائز عرض معروض جمع نہیں کیا ہے۔  
اصل حقائق:-

جناب والدہ

لگائے گئے الزامات میں حسب ضابطہ انکوائری شروع کر کے قصور وار IHC شا کر کو کوارٹر گارڈ پولیس لائن جا کر کوارٹر گارڈ کے اندر بیان لیا جا کر قصور وار IHC نے اپنے بیان میں لگائے گئے الزامات کی تردید کی۔ دوران کراس قصور وار IHC نے یہ بات تسلیم کی کہ وہ پولیس رولز باب 10 فقرہ 14 اردلی روم کی خلاف ورزی کرتے ہوئے ڈائریکٹ جناب DPO صاحب کو پیش ہوا۔ اور دوران پیشی قصور وار IHC نے SRC عنایت حسین کی موجودگی میں جناب DPO صاحب کے جائز حکم ماننے سے انکار کیا۔ اور من پسند تعیناتی انچارج کوٹ کیلئے دباؤ ڈالنے کی کوشش کرتا رہا۔ اور من پسند تعیناتی نہ ملنے کی صورت میں اپنا بیٹ اتار کر جناب DPO صاحب سے برخواستگی کی استدعا کی۔

یہاں یہ امر بھی قابل ذکر ہے قصور وار IHC کے پوسٹنگ کے متعلق فراہم کئے گئے ریکارڈ کے مطابق قصور وار IHC نے اپنی زیادہ تر سروس منظور نظر سیٹوں یعنی Pay برانچ میں تقریباً 06 سال، MTO تقریباً 05 سال، OHC نو DPO صاحب تقریباً 09 ماہ تعینات رہا ہے۔ جبکہ GD ڈیوٹی محض چند ماہ کے عرصہ پر مشتمل ہے۔ پوسٹنگ چارٹ لف رپورٹ ہذا ہے۔

محشیت ڈسپلن فورس ممبر جناب DPO صاحب کے جائز حکم کی تعمیل نہ کرنا اور بغیر اجازت جناب DPO صاحب کے سامنے اپنا بیٹ اتار کر یہ پرکھنا اور ڈیوٹی سے انکار Gross Misconduct کے زمرے میں آتا ہے۔ مذکورہ محشیت ڈسپلن فورس ممبر خود کو قانون سے مبرا بھی سمجھتا ہے۔ لہذا ایسا انکوائری سے ثابت ہوتا ہے کہ قصور وار IHC شا کر احمد State کے مفاد میں نہیں ہے بدین وجہ قصور وار IHC کو Major Punishment دینے کی سفارش کی جاتی ہے۔

سب ڈیوٹی پولیس افسر ایٹکو  
E/O



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
HANGU

Tel: 0925-623878 Fax 0925-620135

No 17 /EC dated Hangu the 13 /02/2023

**FINAL SHOW CAUSE NOTICE**

1. I, Asif Bahader, (PSP), District Police Officer, Hangu as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, IHC Shakir Ahmad No.401 while posted as I/C Kot Police Lines, Hangu as follow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer in which you have given full opportunity of hearing, but you failed to submit any reasonable response in your self defence and recommended you for awarding a major punishment vide his office finding No. 309/SDPO City, Hangu dated 13.02.2023.
- ii. From going, through the finding and recommendations of the inquiry officer, the material on record and other documentary proof including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

- i. Whereas, you, IHC Shakir Ahmad No.401 while posted as Incharge Kot Police Lines, Hangu have acted disobedient and indiscipline manner before the undersigned on 8<sup>th</sup> February, 2023 thus, you were placed under suspension & closed to Police Lines, Hangu vide this office OB No.90, dated 08.02.2023.
  - ii. As such there is zero tolerance for indiscipline police officers/officials.
  - iii. You being a member of disciplined force of the police department had acted indiscipline manner, ill attitude, disinterest, negligence and professional gross misconduct on your part, which cannot be ignored.
2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules *ibid*.
3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.
4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.
5. The copy of the finding of inquiry officer is enclosed.

  
DISTRICT POLICE OFFICER,  
HANGU



توابع سٹوکار ٹورس نمبری 17/ع 13-02-2023 جاریہ ضابطہ عالی

سیدہ حورہ صدیقہ بیگم

1) جن سائل حورہ  $08 \frac{02}{023}$  سے آپ جن ضابطہ عالی کے علم سے سیدہ حورہ کو 13 ویں گڈ رول ٹورس لائن سیدہ بیگم جو 19  $02$  تک ٹورس 12، 13 ویں بکسر کسی طرح سرائے سیدہ کا کوئی طور پر صدمہ نہ ہو گا۔

2) سائل نے حورہ  $10 \frac{02}{023}$  سیزس کو آرڈر ڈاؤن ریٹے ہوئے کارڈ سٹریٹ وائل کنڈ لے گا تو یہی دیکھو اسٹیٹس ہے۔ جن سائل SDR سے انسٹیٹیوٹ 131 صحت کسٹو ساکنے ادوار کیم سے بطور انکوائری رخصتہ انصاف کی کو تو تم نہیں اور اسٹریٹ کا بھی۔ یہاں کسی دوسرے رخصتہ کو انکوائری رخصتہ حورہ کی جڑ ہے۔  
تو جن سائل کی درخواست بطور آرڈر ڈاؤن ریٹے۔ جسکا نتیجہ سائل کے انکوائری رخصتہ نے تو کو آرڈر ڈاؤن ریٹے کالعدم ہے کسی صفائی کا جو حورہ، بلکہ یہاں کے مطابق سائل کو نہ لکھ لکھ کی یاداش میں دیکھو کہ سائل کا حورہ رخصتہ آیا۔  
جو غلط اور انصاف کے مطابق نہیں ہے۔

3) جن سائل نے سائل کو یہی بیان میں لکھا تھا کہ سائل نے سنا ہے اور سائل پر لکھا ہے کہ اس کا بیان غلط اور سبب بنا ہے۔ اور یہی کہ سیدہ بیگم کی بنا پر خرابی کا پتہ بنا جا رہا ہے۔

4) سائل کو انصاف کی کو تو تم نہیں ہے۔ سائل اپنا انصاف ضابطہ عالی پر چھوڑے گا۔

- توبت عطا لیا گیا اور اس سے پہلے اس کی توبت کی تھی۔  
 اس کی توبت کی ہے اور اس سے پہلے اس کی توبت کی تھی۔  
 ۵۸۰۲ اور اس کا حساب ہے۔ اور اس کا حساب ہے۔  
 اس کی توبت کی ہے اور اس سے پہلے اس کی توبت کی تھی۔  
 اس کی توبت کی ہے اور اس سے پہلے اس کی توبت کی تھی۔

(5) جن سے اس کا اہتمام کیا گیا ہے۔ اس کا اہتمام ہے۔

۱۹ ۰۲  
 ۵۲۳

اس کا اہتمام ہے۔ اس کا اہتمام ہے۔

اس کا اہتمام ہے۔ اس کا اہتمام ہے۔



H (17)

**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
HANGU**

Tel: 0925-623878 Fax 0925-620135

**ORDER**

This order is passed on the departmental enquiry initiated against IHC Shakir Ahmad No. 401 while posted as I/C Kot Police Lines, Hangu under the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014).

Brief facts of the case are as under:-

- i. Whereas, IHC Shakir Ahmad No. 401 while posted as Incharge Kot Police Lines, Hangu has acted disobedient and indisciplinable manner before the undersigned on 8<sup>th</sup> February, 2023 thus, he was placed under suspension & closed to Police Lines, Hangu vide this office OB No.90, dated 08.02.2023.
- ii. As such there is zero tolerance for indisciplinable police officers/officials.
- iii. He being a member of disciplined force of the police department had acted indisciplinable manner, ill attitude, disinterest, negligence and professional gross misconduct on his part which cannot be ignored.

He was served with Charge Sheet and statements of allegations vide this office No. 32/EC, dated 08.02.2023, to which he submitted his reply to the DSP, City Hangu, who was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of enquiry, the Enquiry Officer submitted finding report vide No. 309/S.P.O dated 13.02.2023, in which the accused IHC Shakir Ahmad No. 401 was summoned and heard in person by providing full opportunity of hearing, but he failed to submit any reasonable response in his self defence thus, held him guilty for the charges leveled against him and recommended to be awarded him a major punishment. Subsequently, Final Show Cause Notice was issued to him vide this office No. 17/EC, dated 13.02.2023, to which he submitted his reply on 19.02.2023 and found it satisfactory as well.

Keeping in view of above and having gone through available record, the undersigned has arrived at the conclusion that accused IHC Shakir Ahmad No. 401 being a member of disciplined force had ambit the police rules by dropping the police belt on the undersigned desk in anger by flouting/violating the legal orders, disobedient, committed gross misconduct, irregularities, irresponsibility and non-professionalism, which indicates that he is not interested to serve further. Moreover, in these circumstances his retention in Police Department is burden on public exchequer, therefore, I, Asif Bahader, (PSP), District Police Officer, Hangu in exercise of the powers conferred upon me under the Rules find, dispense with general proceedings and he is hereby dismissed from service with immediate effect.

Order Announced.  
OB No. 120  
Dated 20/02/2023

**DISTRICT POLICE OFFICER,  
HANGU**

**OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.**

- No. 3238-46 EC, dated Hangu, the 20/02/2023  
Copy of above is submitted to the Regional Police Officer, Kohat Region, Kohat for favour of information, please.  
2. Pay Officer, EC, Reader & OIC for necessary act.

**DISTRICT POLICE OFFICER,  
HANGU**

THE HONORABLE DEPUTY INSPECTOR GENERAL OF POLICE  
KOHAT REGION KOHAT

I (18)

DEPARTMENTAL APPEAL UNDER RULE 11 OF THE POLICE  
RULES 1975 (AMENDED 2014) AGAINST THE ORDER OF  
THE WORTHY DISTRICT POLICE OFFICER HANGU DATED  
20-02-2023 VIDE WHICH THE APPELLANT WAS DISMISSED  
FROM SERVICE WITHOUT ANY LEGAL JUSTIFICATION.

Respected Sir,

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

Facts of the Case:

1. That appellant was enrolled as Constable in the year 2004.
2. That soon after his enrolment as constable the appellant efficiently and whole heartedly started serving the Police Department.
3. That the appellant due to his efficiency and hard work, had qualified A1, B1, Lower College Course and intermediate courses from the PTC Hangu.
4. That the appellant has always served the Police Deptt: in accordance with law, rules and merits.
5. That due to the qualities displayed by the appellant his officers posed confidence in him and the appellant was assigned a number of risky and sensitive duties which he accomplished very successfully.
6. That the appellant has always obeyed not only law, rules but also command of his officers in letter and spirit.
7. That due to his good work, and satisfactory official performance, the appellant has earned a number of commendation certificates besides cash rewards.

8. That during service, the appellant has never provided opportunity to his officers to lodge any complaint against the appellant. (19)
9. That unfortunately, while serving as incharge Kot Police Lines Hangu, the appellant was served with charge sheet and summary of allegation on 08-02-2023 wherein it was alleged that "While posted as incharge Kot Police Lines Hangu have acted disobedient and indiscipline manner before the undersigned on 8<sup>th</sup> February 2023, then he was placed under suspension and closed to Police Lines Hangu vide this office OB No.90 dated 08-02-2023".
10. That the appellant submitted proper reply to the Charge Sheet, wherein the allegation was denied and the appellant claimed that he is innocent but submissions of the appellant were neither looked in nor the same were rebutted by the Worthy Competent Authority.
11. That ultimately, vide order dated 20-2-2023, the appellant was dismissed from service with immediate effect. (Copy of the impugned order is enclosed)
12. That the impugned punishment order is open to be called in question because there are a number of legal and factual discrepancies/loop poles exist in the said order.
13. That following are some of the grounds of appeal among the other:

**Grounds of Appeal:**

1. That the impugned order of dismissal of the appellant from service dated 20-2-2023 is not in accordance with law, facts and rules, hence it is liable to be set aside and the appellant deserve to be reinstated in service.
2. That from record, it transpires that the fate of the appellant was decided in hap hazard and hurried manner for the reasons best known to the concerned.

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3. That it is very much in evidence that the alleged occurrence took place on 08-2-2023 while charge sheet was also issued on the same date.
  4. That surprisingly, charge sheet to the appellant was issued on 08-2-2023 to which the appellant replied on 13-2-2023 and the enquiry officer completed the so-called enquiry on the same date i.e. 13-2-2023, Final Show Cause Notice was issued to which the appellant replied on 19-2-2023 and just on the following day i.e. 20-2-2023, the appellant was dismissed from service.
  5. That nineteen years long service of the appellant in the police deptt. was brought to an end within twelve days.
  6. That from the quick and prompt action of the concerned one can infer that the competent authority was bent upon to punish the appellant at any cost.
  7. That the appellant is at loss to understand that what was the logic behind expeditions disposal of enquiry? However, bad rat from such an unnecessary quick steps taken against the appellant can be smelled.
  8. That there is famous proverb that "Justice hurried is justice buried". Hence in view of the said proverb one can safely say that no justice was done in case of the appellant and he was made victim of such a hurriedly taken decision against the appellant.
  9. That such a hurriedly taken decision against the appellant is against all norms of law and justice because law and justice demands that defaulter shall be given fair and proper opportunity to prepare his defence and he must exercise his right of defence at full strength, but in case of the appellant right of preparing his defence and exercising his right of defence were arbitrarily taken away thus in view of such circumstances the so-called enquiry coupled with impugned decision

amounts to miscarriage of justice. Thus the impugned order is not sustainable in the eyes of law.

10. That Article 10-A of constitution of Pakistan has guaranteed that transparent, fair and independent trial/enquiry would be conducted against the accused / defaulter. The said Article of the constitution has declared that fair trial is the fundamental right of the accused / defaulter. By going through the enquiry one can form an opinion that the enquiry and the impugned punishment order have infringed the fundamental right of the appellant, thus at this score too such a legally defective order is not sustainable in the eyes of law.
11. That over and above, our seared Islamic Law has also stressed that no matter if 99 guilty persons are acquitted but one innocent person shall not be awarded punishment.
12. Under the Islamic Law, doing injustice to someone not only invite wrath and anger of Allah in this world but also in the next world. Thus keeping in view golden spirit of Islam regarding justice, impugned order of punishment needs to be revived so that the appellant may receive solid and genuine justice.
13. That the appellant is absolutely innocent. He has not done anything illegal which could call for taking such an extreme step.
14. The appellant while appearing before the worthy DPO Hangu in a very polite and humble manner asked that predecessor of the appellant was not delivering charge of the Kot. At this the Worthy DPO Hangu told the appellant that he was suspended with immediate effect. The appellant in compliance with the order in a very respectable manner put his belt on the desk lying before the Worthy DPO Hangu. From a trivial and negligible matter, it has been made a root cause of dismissal of the appellant.

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15. That the appellant is a law abiding person. Throughout his 19 years service he has remained obedient to his Seniors and always complied with their order in letter and spirit. In this case the appellant obeyed order of the Worthy DPO Hangu and immediately surrendered belt after pronouncement of suspension by him.
  16. Till to date, the appellant is of the view that the appellant has not flouted order of the Worthy DPO Hangu. He immediately obeyed to the order which needs not to be a matter of annoyance against the appellant.
  17. That during his 19 years service in the Police Deptt., there is no single instance which could show disobedience on the part of the appellant.
  18. That the alleged incident is an un-witnessed occurrence. In spite of the fact that the so many officials were present in the DPO office Hangu but nobody was attracted to the spot. So much so the security guards deputed for the security of the Worthy DPO Hangu have no knowledge about the alleged incident.
  19. That the Worthy DPO Hangu went to the extent that vide DD No.20 dated 08-2-2023, the appellant was directed to be confined in the Quarter Guard. For such an un-witnessed, flimsy, suspicious and doubtful act, there was no need to confine the appellant in Quarter Guard. Ill will against the appellant can be gauged from this fact as well.
  20. That the Worthy DPO Hangu in the charge sheet has not described nature of the alleged disobedience and indiscipline attitude on the part of the appellant.

It is the generally recognized principle that in order to enable defaulter to prepare his defence, charge sheet and statement of allegation must be clear, unambiguous and to the point. However, in



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the case of appellant both the charge sheet and statement of allegations are ambiguous and uncertain.

21. That another important aspect of the case against the appellant is that in the instant case complainant is the DPO Hangu and Judge is also the DPO Hangu.

It is well recognized universal principle that nobody can be a judge in his own case. In the instant enquiry/incident both the complainant and judge is DPO Hangu.

22. That since complainant is DPO Hangu therefore, fairplay and justice demanded that he should not be a judge in his case. It was appropriate for him to either kept pending the instant enquiry till his transfer and would left its fate to his successor or to have himself requested the Worthy RPO Kohat for transfer of the enquiry to some other DPO or to have handed over the enquiry to SP Investigation being equivalent in powers with the DPO under the Police Rules 1975. However, unfortunately the Worthy DPO Hangu did not exercise any of the aforesaid options, hence the appellant has been materially affected resulting injustice to the appellant.

23. That the enquiry officer was also biased to the appellant. He conducted one sided and unilateral enquiry.

He did not record evidence of any witness in presence of the appellant nor the appellant was provided opportunity to cross examine any witness.

24. That the enquiry officer also conducted and finalized the enquiry in hand in hap hazard manner. He finalized it within five days. Thus here too the appellant was made victim of injustice. The enquiry is therefore, of no legal consequence and no punishment what-so-ever can be awarded on the basis of such a legally defective enquiry.

25. That appellant is innocent and he has been punished for no fault on his part. The appellant assures your good-self that the appellant has never displayed misconduct or insubordination or indiscipline on his part.

26. That the appellant is a poor person, he looks after a large family. Salary is the only source of income. If he is deprived of the said source, his entire family will land in starvation and Allah forbid he may not face irreparable loss.

27. That if deemed proper the appellant may kindly be heard in person.

Prayer:

It is therefore, prayed that the enquiry against the appellant and the impugned order of dismissal being unilateral, one sided, flimsy, colorful, capricious, legally defective and unsustainable in the eyes of law may kindly be set aside and the appellant may kindly be reinstated in service with all back benefits in the interest of law, justice and fair-play. The appellant will pray for your long life and prosperity for this act of kindness.

Yours Obediently,

Dated: 06-03-2023.

Shakir Ahmed  
(Ex-IHC No.401)  
S/o Noor Shah Gul  
R/o Village Darband,  
Tehsil & District Hangu.  
P.S. City.  
Cell No. 0333-9673813.

ORDER.

J 25

This order will dispose of a departmental appeal preferred by Ex-IHC Shakir Ahmed No. 401 of Hangu district Police against the order of District Police Officer, Hangu, whereby he was awarded major punishment of dismissal from service vide OB No. 120, dated 20.02.2023.

The appellant was proceeded against departmentally on the allegations of indiscipline and disobedient attitude with DPO / Hangu. He was issued with Charge Sheet & statement of allegations and DSP City Hangu was appointed as enquiry officer. After completion of enquiry proceedings, he was found guilty of the charges leveled against him.

Feeling aggrieved from the order of District Police Officer, Hangu, the appellant preferred the instant appeal. Comments as well as service record of the appellant were requisitioned and perused. He was also summoned and heard in person in Orderly Room held in this office on 11.04.2023. During hearing, the appellant did not produce any solid and cogent reasons in his defense to prove his innocence.

Keeping in view the above, I, Sher Akbar, PSP S.St Regional Police Officer, Kohat, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.

  
Regional Police Officer,  
Kohat Region

No. 4406 IEC,

Dated Kohat the 12 / 4 / 2023 //

Copy forwarded to District Police Officer, Hangu for information and necessary w/r to his office Memo: No. 1504/LB, dated 13.03.2023. His Service Record is returned herewith.

\*\*\*\*\*

K (26) 738/SB  
Secret  
731016

THE HONORABLE INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTONKHWA, PESHAWAR

Subject: - REVIEW PETITION

Respected Sir,

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

Facts of the Case:

1. That appellant was enrolled and Constable in the year 2004.
2. That soon after his enrolment as constable the appellant efficiently and whole heartedly started serving the Police Department.
3. That the appellant due to his efficiency and hard work, had qualified A1, B1, Lower College Course and intermediate courses from the PTC Hangu.
4. That the appellant has always served the Police Deptt: in accordance with law, rules and merits.
5. That due to the qualities displayed by the appellant his officers posed confidence in him and the appellant was assigned a number of risky and sensitive duties which he accomplished very successfully.
6. That the appellant has always obeyed not only law, rules but also command of his officers in letter and spirit.
7. That due to his good work, and satisfactory official performance, the appellant has earned an number of commendation certificates besides cash rewards.

~~Handwritten signature and date~~

650 / 23  
1-6 / 23

8. That during service, the appellant has never provided opportunity to his officers to lodge any complaint against the appellant.
9. That unfortunately, while serving as incharge Kot Police Lines Hangu, the appellant was served with charge sheet and summary of allegation on 08-02-2023 wherein it was alleged that "While posted as incharge Kot Police Lines Hangu have acted disobedient and indisciplin manner before the undersigned on 8<sup>th</sup> February 2023, then he was placed under suspension and closed to Police Lines Hangu vide this office OB.No. 90 dated 08-02-2023".
10. That the appellant submitted proper to the Charge Sheet, wherein the allegation was denied and the appellant claimed that he is innocent but submissions of the appellant were neither looked in nor the same were rebutted by the Worthy Competent Authority.
11. That ultimately, vide order dated 20-02-2023, the appellant was dismissed from service with immediate effect. (Copy of the impugned order is enclosed)
12. That the impugned punishment order is open to be called in question because there are a number of legal and factual discrepancies/loop holes exist in the said order.
13. That the departmental appeal of petitioner was rejected by Deputy Inspector General of Police Kohat Region Kohat vide order dated 12-04-2023, (Copy enclosed)
14. That following are some of the grounds of appeal among the other:

**Grounds of Appeal:**

1. That the impugned order of dismissal of the appellant from service dated 20-02-2023, is not in accordance with law, facts and rules, hence it is liable to be set aside and the appellant deserve to be reinstated in service.
2. That from record, it transpires that the fate of the appellant was decided in hap hazard and hurried manner for the reasons best known to the concerned.

3. That it is very much in evidence that the alleged occurrence took place on 08-2-2023 while charge sheet was also issued on the same date.
4. That surprisingly, charge sheet to the appellant was issued on 08-2-2023 to which the appellant replied on 13-2-2023 and the enquiry officer completed the so-called enquiry on the same date i.e. 13-2-2023, Final Show Cause Notice was issued to which the appellant replied on 19-2-2023 and just on the following day i.e. 20-2-2023, the appellant was dismissed from service.
5. That nineteen years long service of the appellant in the police deptt: was brought to an end within twelve days.
6. That from the quick and prompt action of the concerned one can infer that the competent authority was bent upon to punish the appellant at any cost.
7. That the appellant is at loss to understand that what was the logic behind expeditions disposal of enquiry? However, bad rat from such an unnecessary quick steps taken against the appellant can be smelled.
8. That there is famous proverb that "Justice hurried is justice buried". Hence in view of the said proverb one can safely say that no justice was done in case of the appellant and he was made victim of such a hurriedly taken decision against the appellant.
9. That such a hurriedly taken decision against the appellant is against all norms of law and justice because law and justice demands that defaulter shall be given fair and proper opportunity to prepare his defence and he must exercise his right of defence at full strength, but in case of the appellant right of preparing his defence and exercising his right of defence were arbitrarily taken away thus in view of such circumstances the so-called enquiry coupled with impugned decision

amounts to miscarriage of justice. Thus the impugned order is not sustainable in the eyes of law.

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10. That Article 10-A of constitution of Pakistan has guaranteed that transparent, fair and independent trial/enquiry would be conducted against the accused / defaulter. The said Article of the constitution has declared that fair trial is the fundamental right of the accused / defaulter. By going through the enquiry one can form an opinion that the enquiry and the impugned punishment order have infringed the fundamental right of the appellant, thus at this score too such a legally defective order is not sustainable in the eyes of law.
11. That over and above, our seared Islamic Law has also stressed that no matter if 99 guilty persons are acquitted but one innocent person shall not be awarded punishment.
12. Under the Islamic Law, doing injustice to someone not only invite wrath and anger of Allah in this world but also in the next world. Thus keeping in view golden spirit of Islam regarding justice, impugned order of punishment needs to be revived so that the appellant may receive solid and genuine justice.
13. That the appellant is absolutely innocent. He has not done anything illegal which could call for taking such an extreme step.
14. The appellant while appearing before the worthy DPO Hangu in a very polite and humble manner asked that predecessor of the appellant was not delivering charge of the Kot. At this the Worthy DPO Hangu told the appellant that he was suspended with immediate effect. The appellant in compliance with the order in a very respectable manner put his belt on the desk lying before the Worthy DPO Hangu. From a trivial and negligible matter, it has been made a root cause of dismissal of the appellant.

15. That the appellant is a law abiding person. Throughout his 19 years service he has remained obedient to his Seniors and always complied with their order in letter and spirit. In this case the appellant obeyed order of the Worthy DPO Hangu and immediately surrendered belt after pronouncement of suspension by him.

16. Till to date, the appellant is of the view that the appellant has not flouted order of the Worthy DPO Hangu. He immediately obeyed to the order which needs not to be a matter of annoyance against the appellant.

17. That during his 19 years service in the Police Deptt., there is no single instance which could show disobedience on the part of the appellant.

18. That the alleged incident is an un-witnessed occurrence. In spite of the fact that the so many officials were present in the DPO office Hangu but nobody was attracted to the spot. So much so the security guards deputed for the security of the Worthy DPO Hangu have no knowledge about the alleged incident.

19. That the Worthy DPO Hangu went to the extent that vide DD No.20 dated 08-2-2023, the appellant was directed to be confined in the Quarter Guard. For such an un-witnessed, flimsy, suspicious and doubtful act, there was no need to confine the appellant in Quarter Guard. Ill will against the appellant can be gauged from this fact as well.

20. That the Worthy DPO Hangu in the charge sheet has not described nature of the alleged disobedience and indiscipline attitude on the part of the appellant.

It is the generally recognized principle that in order to enable defaulter to prepare his defence, charge sheet and statement of allegation must be clear, unambiguous and to the point. However, in



the case of appellant both the charge sheet and statement of allegations are ambiguous and uncertain.

21. That another important aspect of the case against the appellant is that in the instant case complainant is the DPO Hangu and Judge is also the DPO Hangu.

It is well recognized universal principle that nobody can be a judge in his own case. In the instant enquiry/incident both the complainant and judge is DPO Hangu.

22. That since complainant is DPO Hangu therefore, fairplay and justice demanded that he should not be a judge in his case. It was appropriate for him to either kept pending the instant enquiry till his transfer and would left its fate to his successor or to have himself requested the Worthy RPO Kohat for transfer of the enquiry to some other DPO or to have handed over the enquiry to SP Investigation being equivalent in powers with the DPO under the Police Rules 1975. However, unfortunately the Worthy DPO Hangu did not exercise any of the aforesaid options, hence the appellant has been materially affected resulting injustice to the appellant.

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Prayer:

It is therefore, prayed that the enquiry against the appellant and the impugned order of dismissal being unilateral, one sided, flimsy, colorful, capricious, legally defective and unsustainable in the eyes of law may kindly be set aside and the appellant may kindly be reinstated in service with all back benefits in the interest of law, justice and fair-play. The appellant will pray for your long life and prosperity for this act of kindness.

Yours Obediently,

Shakir Ahmed  
(Ex-IHC No.401)  
S/o Noor Shah Gul  
R/o Village Darband,  
Tehsil & District Hangu.  
P.S. City.  
Cell No. 0333-9673813.



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

433

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-IHC Shakir Ahmad No. 401. The petitioner was awarded the major punishment of dismissal from service on the allegations of indiscipline & disobedient attitude with DPO Hangu. The Appellate Authority i.e. RPO Kohat rejected his appeal vide Order Endst: No. 4406/EC, dated 12.04.2023.

Meeting of Appellate Board was held on 12.12.2023 wherein petitioner was heard in person. The petitioner contended that he is innocent.

Perusal of enquiry papers revealed that the allegations leveled against the petitioner has been proved. The petitioner failed to submit any cogent reason in his self-defense. The Board sees no ground and reasons for acceptance of his petition, therefore, his petition is hereby rejected.

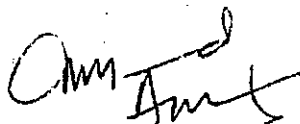
Sd/-

AWAL KHAN, PSP  
Additional Inspector General of Police,  
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 2993-98 /23, dated Peshawar, the 22-12- /2023.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat. Service Record alongwith Fuji Missal of the above named Ex-IHC received vide your office Memo: No. 6134/EC, dated 05.06.2023 is returned herewith for your office record.
2. District Police Officer, Hangu.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IG/P/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: I-IV CPO Peshawar.

  
(MUHAMMAD AZHAR) PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

**VAKALAT NAMA**

NO. \_\_\_\_\_/2023

IN THE COURT OF KP Service Tribunal, Peshawar

Shakir Ahmad

(Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Police Department

(Respondent)  
(Defendant)

I/We, Shakir Ahmad


Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT**, 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 \_\_\_\_\_/2023

  
(CLIENT)

**ACCEPTED**

  
**TAIMUR ALI KHAN**  
*Advocate High Court*

**BC-10-4240**  
**CNIC: 17101-7395544-5**  
**Cell No. 03339390916**