

BEFORE THE KHYBER PAKHTUNKHWA SERVICE

TRIBUNAL PESHAWAR.

Khyber Pakhtunkhwa
Service Tribunal

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10887

Service Appeal No.451/2022

Diary No. 10887

Dated 22-1-2024

Asif Khan

Dated 22-1-2024 ... (Petitioner)

Versus

Provincial Police Officer and others

... (Defendants)

INDEX

S.No	Particular of the documents	Annexure	Page
1.	Show Cause Notice		1
2.	Charge Sheet		2
3.	Statement of Allegation		3
4.	Show Cause Reply		4
5.	Asif khan Statement		5
6.	SHO Wana Statement		6
7.	Finding Report , SDPO Wana		7
8.	DPO SWTD Office Order		8
9.	Para wise Comments		9
10.	Office Order RPO		10
11.	Departmental Appeal to PPO		11
12.	Application to PPO		12.13
13.	Revision Petition		14
14.	Affidavit		15
15.	IGP Office Order		16
16.	FIR No. 48		17
17.	Peshawar High Court DIK Bench Judgment		18

Dated: ____/12/2023.

M

K. J. Malik
Superintendent of Police -
Your Humble Respondent
SWTD
12/01-2953532-9

SHOW CAUSE NOTICE

1. SHAUKAT ALI District Police Officer, South Waziristan Tribal District As Competent Authority Under Khyber Pakhtunkhwa Police Rules 1975 with Amendments- 2014. You SI Asif rendered yourself to be liable to be proceeded under Khyber Pakhtunkhwa, Police Rules 1975 for the following misconduct that:-

According to report you SI Asif while posted as Traffic Police Wana confiscated Hasheesh from the position and sold instead of giving it in Police Custody/Deposited to relevent Department for which you were placed under Suspension and closed to Police Line for Departmental Proceeding this shows your inefficiency, lack of interest in discharge of your responsibilities thus liable to be taken under consideration under Khyber Pukhtunkhuwa Police Rule 1975 Amendments 2014.

2. That by reason of above, as sufficient material is placed before the under designed. Therefore, it is decided to proceed against you in general police proceeding without aid of enquiry Officer
3. That the misconduct on your part is prejudicial to good order of discipline in the Force .
4. That your retention in the Police Force will amount to encourage inefficient and unbecomming of good Police Officers
5. That by taking cognizance of the matter under enquiry, the underdesigned as Competent Authority under the said rules Proposes stern action against you by awarding one or more of the kind punishment as provided in the rules.
6. You are, therefore called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhuwa, Police Rules 1975 for the misconduct referred to above.
7. You should submit your reply to this show cause notice within 07 days of the receipt of the notice failing which an ex-parte action shall be taken against you.
8. You are therefore directed to inform the underdesigned that you which to be heard in person or not.
9. The Grounds of action are mentioned vide above.

(SHAUKAT ALI)
District Police Officer
South Waziristan Tribal District

Received
[Signature]

[Signature]
Superintendent
SWTD

[Signature]
(سید مرجان خان)

SWTD وانا SDPO

رپورٹ مرتب ہو کر لزارا ہے۔

2
A

CHARGE SHEET.

WHEREAS, I, am satisfied that a formal enquiry contemplated under Khyber Pakhtunkhwa Police Rules 1975 with amendment 2014 is necessary and expedient.

AND WHEREAS, I am of the view that the allegation(s) if established would call for a Major Penalty including Dismissal From Service as defined in Rules (4) (i) (b) of the aforesaid Rules.

AND THEREFORE, as required by Police Rules 6 (a) of the aforesaid Rules, I, Mr. SHAUKAT ALI, District Police Officer South Waziristan Tribal District being a competent authority hereby charge you SI Asif with the misconduct on the basis of statement of allegation attached to this Charge Sheet.

AND hereby direct you further under rule 6(b) of the said rules to put in written defence within Seven (7) days of receipt of this Charge Sheet as to why the proposed action should not be taken against you and also state that the same time whether you wish to heard in person or otherwise.

In case your reply is not received within the prescribed period, without sufficient cause, it would be presumed that you have not defense to offer and ex-parte action proceedings will be initiated against you.

(SHAUKAT ALI)
District Police Officer
South Waziristan Tribal District

Alleged
K. J.
South Waziristan Police
Investigation SWTD

(سید مرجان خان)


SWTD وانا SDPO

رپورٹ مرتب ہو لوزارتس ہے۔

STATEMENT OF ALLEGATION.

According to report you SI Asif while posted as Traffic Police at Wana Bazar confiscated Hasheesh from the position and sold instead of giving it in Police Custody/Deposited to relevant Department for which you were placed under Suspension and closed to Police Line for Departmental Proceeding this shows your inefficiency, lack of interest in discharge of your responsibilities thus liable to be taken under consideration under Khyber Pakhtunkhwa Police Rule 1975 Amendments 2014.


Hence the statement of Allegation.

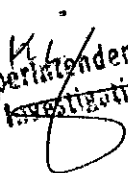

(SHAUKAT ALI)
District Police Officer
South Waziristan Tribal District


No. 806 IPA, Dated SWTD the 02/04 /2020.

Copy to the:-

1. Mr.Said Marjan Head Quarter DSP is nominated an Enquiry Officer for initiating proper departmental proceeding against the defaulter under Provision of KPK Police Rules 1975 and submit findings report within stipulated period as per prescribed rules.
2. SI Asif with the direction to appear before the Inquiry Officer on the date, time and venue fixed by the Inquiry Officer for the purpose of enquiry proceedings.


(SHAUKAT ALI)
District Police Officer
South Waziristan Tribal District

Attested

Superintendent of Police
Investigation SWTD


(سید مرجان خان)

SWTD وانا SDPO

رپورٹ مرتب ہو کر گزارش ہے۔

محترم جناب DP O صاحب سائیکو وزیرستان ٹریبونل ڈیرہ گنداپہ

جناب عالی -

گزارش ہے کہ بحوالہ شوکاژ نوٹس جواباً قصروہن ہوں۔ کہ میں ایک ٹریفک سٹاف واخ میں تعینات تھا۔ اور اپنی ڈیوٹی پر موجود تھا۔ کہ خاص سواری کی خفیہ اور مصدقہ انفارمیشن پر صوفیہ 08⁰³/₂₀₂₀ کو صبحی عمر سکند انگور آڈا سے بارہ کلوگرام چرس برآمد کی۔ اور عمر منڈورن کو تھویل میں بنا۔ تو منڈورن سواری آگاہ کیا۔ کہ اس برآمدگی کو خفیہ لکھا جائے۔ اور SHOW نہ کریں۔ تو 3/2 دن بعد منشیات کی بڑی تعداد جس میں ایک ڈرام آئس اور 150 کلوگرام چرس شامل ہے۔ کی برآمدگی ممکن ہو سکتی ہے۔ تو من آی اور ہمراہ لکائی نے مشورہ کیا۔ کہ اگر دوسری برآمدگی ہوگی۔ تو ڈیرہ اسماعیل خان رینج Range کی بہت بڑی کامیابی ہوگی۔ جس سے پولیس کی نیک نامی ہوگی۔ اس وجہ سے 12 کلوگرام چرس کی برآمدگی کے بارے خاصوٹی لکھی گئی۔ اور صوفیہ 03/2020 کو آخر ان مال کے اہکام ملنے پر 12 کلوگرام چرس SH0 ٹھکانہ رانہ عثمان خان کے حوالے کر دی۔ جو ریکارڈ ڈیرہ موجود ہے۔

عالی جاہ۔ درج بالا امور کے پیش نظر ہر قسم کا اعتبار دینے کو تیار ہوں۔ کہ اس میں من آی نے صرف بڑی کارروائی کے حصول کیلئے وقتی طور پر خاموشی رکھی۔ اس میں میری اور میرے عملہ کی کوئی بد دینیاتی شامل نہ ہے۔ جملہ حالات کے پیش نظر پولیس کی بڑی کارروائی کے ذریعے نیک نامی حاصل تھا۔ اس ضمن میں نہ تجربہ کاری اور قانون سے ناواقفیت کا عنصر ہو سکتا ہے۔ لیکن کسی قسم کی بددیانتی شامل نہ ہے۔

اسی صفائی میں ہر قسم کا اعتبار دینے کو تیار ہوں۔ استدعا ہے۔ کہ شوکاژ نوٹس داخل دفتر فرمایا جاوے۔

دستی آی ایف خان

(سید مرجان خان)

SDPO وانا SWTD

Attest
Ki / uach
Superintendent of Police
Investigation SWTD

رپورٹ مرتب ہو کر تیار ہے۔

بیان از میں آصف آک حال پولیس لائن جنوبی دربرستان میانہ کی
جناب عالی! قبل از میں جناب کی طرف شکوہ گزار لوٹس من آک کے فلا
جاری ہوا تھا جس پر من آک نے جواب اندر معیار حاصل کیا جو آپ کے
کی طرف چارج شیٹ الیکیشن جاری ہوا ہے
جواباً معروض ہوں!

کہ مورخہ 03/08 کو مسمی عمر سکندر انگر واڑہ سے 12 کلو جس برآمد کی
اور اسی جس برآمد ہونے والے شخص سے معلومات ہوئی کہ مزید بھی 100 کلو
جس اور ایک ڈرم آئس برآمد ہو سکتی ہے لیکن فی الحال اس کو سینہ راز
میں رکھا جائے۔ مزید جس برآمدگی اور آئس جسے خطرناک ڈرگ کیڈ
ہم نے دن رات اپنی محنت جاری رکھی تاکہ مزید برآمدگی سے ہو سکے اور حکم
پولیس کا نام روشن ہو سکے اور علاقہ بڑی تباہی سے بچ سکے۔

چونکہ ہم ٹرین نہیں ہیں اور حکم پولیس کی پروفیشنل ٹریننگ اب تک
ہم نہیں حاصل کر چکے ہیں اور نہ ہی ہم کیس کی نوعیت جانچ سکے جس میں ہم کو
فوری طور پر افسران بالا کو بتانا چاہیے تھا لیکن اللہ گواہ ہے اس میں
ہماری کوئی بد نیتی شامل نہیں تھی اور نہ ہی کسی قسم کی لالچ تھی کیونکہ مورخہ 03/08
کو ہم نے مذکورہ جس عثمان SHO کے حوالے کر دی تھی۔

لیکن پھر بھی من سائل اپنی کوتاہی پر پشیمان ہے اور ان ٹرین ہونے
کے باعث مزید کوتاہی کا موقع نہیں دلتا اور سائل نے جناب سے معافی
چاہتا ہے اور امید ہے کہ آجناب ہمیں معاف کر دیں گے۔
سائل تاحیات دعا گو رہے گا۔

Attest
K. J. ...
Superintendent of Police
Investigation SWTD

العارض
ASHT
آصف (آک)

(سید مر جان خان)

SWTD وانا SDPO

رپورٹ مرتب ہو کر گزارش ہے۔

فائنڈنگ رپورٹ انکوائری برخلاف SI آصف خان متعینہ ٹریفک سٹاف وانا بازار SWTD-

جناب عالی:-

بحوالہ چارج شیٹ معہ سمری آف ایگیشنز نمبر مورخہ 02.04.2020، مجاریہ جناب ڈسٹرکٹ پولیس آفیسر صاحب SWTD، انکوائری برخلاف SI آصف خان متعینہ ٹریفک سٹاف وانا بازار SWTD، جو کہ بغرض انکوائری مجھے مارک کی گئی انکوائری عمل میں لاتے ہوئے معروض ہوں کہ

انکوائری کے سلسلے میں مذکورہ SI کو طلب کیا جا کر سنا گیا جس نے بیان کیا کہ مورخہ 08.03.2020 کو اسکی ٹریفک ڈیوٹی وانا بازار میں لگائی گئی تھی۔ جو کہ اسے بذریعہ سوسر مصدرتہ اطلاع موصول ہوئی۔ کہ مسی عمر سکندہ انکور اڈہ بڑی مقدمہ میں چرس سرنگنگ کرنے کی کوشش کر رہا ہے۔ جس پر مذکورہ SI معہ دیگر وزیر زادہ SI، کنسٹیبل شیخ قانون (ٹریفک ڈیوٹی پر معمور) نے مذکورہ شخص سے منشیات 12 کلو قبضہ کر کے بعدہ مورخہ 10.03.2020 کو SHO عثمان خان تھانہ وانا کو حوالہ کی ہے۔ مذکورہ نے خود کو بے گناہ بتلایا۔ (بیان لف قابل ملاحظہ ہے)

جناب والا:-

در حقیقت حالات واقعات کچھ یوں ہیں کہ مذکورہ SI آصف خان ٹریفک ڈیوٹی پر وانا بازار میں موجود تھا جہاں پر SI وزیر زادہ جنرل ڈیوٹی، کنسٹیبل شیخ قانون ٹریفک ڈیوٹی پر موجود تھے کہ اسی دوران بذریعہ مخبر اطلاع موصول ہوئی کہ مسی عمر نامی شخص بڑی مقدار میں منشیات سمگل کرنے کی کوشش کر رہا ہے۔ جسکو بعدہ تینوں اہلکاروں نے ملکر حراست میں لیتے ہوئے اس سے تقریباً 25 کلو گرام چرس برآمد کی جو کہ انفارمیشن کے مطابق پڑوسی ملک افغانستان کی پیک شدہ معلوم ہوئی ہے۔ جو کہ برمطابق وزن کہیں زیادہ بھی ہو سکتی تھی۔ اسی طرح مسی عمر سے مذکورہ بالا ملازمان نے 25 ہزار روپے نقد بھی قبضہ کر کے ہتھیائے۔ متذکرہ بالا ملازمان نے اسی دوران خاموشی اختیار کی اور اس بڑی کاروائی سے متعلق آفسران بالا کو آگاہی نہ دی۔ دراصل مذکورہ ملازمان رقم اور منشیات کو ہڑپ کرنے کی کوشش میں تھے۔ تاہم اس بابت بعدہ آفسران بالا کے نوٹس میں آنے پر متذکرہ بالا ملازمان نے کافی پس و پیش کے بعد مورخہ 10.03.2020 کو ساڑھے دس کلو چرس SHO عثمان خان تھانہ وانا کو حوالہ کی۔ حالانکہ متذکرہ بالا ملازمان اپنے بیان میں 12 کلو چرس کی حوالگی کا ذکر کرتے ہیں۔ جو کہ SHO عثمان خان کے بیان کے مطابق ساڑھے دس کلو چرس حوالہ کی گئی ہے۔

جناب عالی:-

اتنی بڑی مقدار میں منشیات کی برآمدگی اور مذکورہ بالا SI آصف خان معہ دیگر ملازمان کی طرف سے ہڑپ کرنے کی کوشش بعید از قیاس ہے۔ پولیس فورس جو کہ مذکورہ جرائم کے انسداد کیلئے بنائی گئی ہے اگر وہی پولیس اہلکاران از قسم کی کوتاہی اور منشیات فروشی کے دھندے میں ملوث ہو جائیں۔ تو اسکا محکمہ پولیس پر کتنا اثر پڑے گا۔ اور اس سے مزید فورس میں موجود اہلکاران کیا اثر لیں گے۔ اس سے ہم بہ خوبی واقف ہیں۔ مذکورہ SI آصف خان معہ دیگر ملازمان پر و فیشنل نہیں ہیں۔ لیکن ایک فورس میں نوکری پر معمور اہلکار اپنی ماہوار تنخواہ لینے اور منشیات ہڑپ کرنے پر تو سمجھتا ہے۔ تاہم قانونی کاروائی و گرفتاری سے متعلق ناواقفیت کا اظہار کرتا ہے۔ جو کہ یہ بات بعید از قیاس ہے۔ انکوائری سے مذکورہ SI آصف خان کو گناہ گار پاتے ہوئے مذکورہ کو Major Punishment دیے جانے کے ساتھ ساتھ Criminal Proceedings شروع کئے جانے کی سفارش کی جاتی ہے۔ مزید حکم آنجناب افضل ہو گا۔ اسقدر انکوائری رپورٹ مرتب ہو کر گزارش ہے۔

(سید مرجان خان)

SWTD وانا SDPO

A U E S T E D
Kij
Superintendent of Police
Investigation SWTD



OFFICE OF THE
DISTRICT POLICE OFFICER,
SOUTH WAZIRISTAN TRIBAL DISTRICT.

Page 2/2

No. 853-58 / PA/SWTD

Dated 7/5/2020

ORDER

This order is passed today on 07-05-2020 to dispose of departmental proceedings initiated against Constable (Sub Inspector) Asif Khan Belt No. 384 (under suspension) while posted as Traffic Staff Wana Bazar South Waziristan Tribal District.

Sub Inspector Asif Khan presently under suspension and closed to Police Line SWTD was charge sheeted under the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) on the score of the following allegations:-

That you are posted in Traffic Police at Wana Bazar confiscated Hasheesh from the position and sold instead of giving it in Police Custody/Deposited to relevant Department which shows your inefficiency, lack of interest in discharge of your responsibilities.

For conducting probe into the allegations leveled against Sub Inspector Asif Khan an enquiry of Mr. Said Marjan DSP Wana was constituted. The enquiry officer found the officer guilty as **Sub Inspector Asif Khan has confiscated Hasheesh in large amount and sold it instead of giving it in police custody, which creates bad image of Police Force the enquiry officer recommended him for major punishment alongwith criminal Proceeding.**

In the light of findings/recommendations of the Enquiry Officer and available record against Sub Inspector Asif Khan, I, **Shaukat Ali, District Police Officer, South Waziristan Tribal District** being competent authority, hereby imposes the major punishment "**Dismissal from service**" and a proper case FIR u/s 9(D)CNSA shall be registered by local police with immediate effect.

Order announced.

(SHAUKAT ALI)
District Police Officer,
South Waziristan Tribal District

Endst: No. & date even.

Copy of the above is forwarded to the:-

1. Worthy Regional Police Officer, D I Khan Region for favour of information.
2. Deputy Superintendent of Police, Wana.
3. Accountant, EC, OASI for information and necessary action.
4. SHO PS Wana for further necessary actiton.
5. Officer concerned.

Attested
Kiy wach
Superintendent of Police
Investigation SWTD

(SHAUKAT ALI)
District Police Officer,
South Waziristan Tribal District



OFFICE OF THE
DISTRICT POLICE OFFICER,
SOUTH WAZIRISTAN TRIBAL DISTRICT.

No. 853-58 / PA/SWTD

Dated 7/5/2020

ORDER

This order is passed today on 07-05-2020 to dispose of departmental proceedings initiated against Constable (Sub Inspector) Asif Khan Belt No. 384 (under suspension) while posted as Traffic Staff Wana Bazar South Waziristan Tribal District.

Sub Inspector Asif Khan presently under suspension and closed to Police Line SWTD was charge sheeted under the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) on the score of the following allegations:-

That you are posted in Traffic Police at Wana Bazar confiscated Hasheesh from the position and sold instead of giving it in Police Custody/Deposited to relevant Department which shows your inefficiency, lack of interest in discharge of your responsibilities.

For conducting probe into the allegations leveled against Sub Inspector Asif Khan an enquiry of Mr. Said Marjan DSP Wana was constituted. The enquiry officer found the officer guilty as Sub Inspector Asif Khan has confiscated Hasheesh in large amount and sold it instead of giving it in police custody, which creates bad image of Police Force the enquiry officer recommended him for major punishment alongwith criminal Proceeding.

In the light of findings/recommendations of the Enquiry Officer and available record against Sub Inspector Asif Khan, I, Shaukat Ali, District Police Officer, South Waziristan Tribal District being competent authority, hereby imposes the major punishment "Dismissal from service" and a proper case FIR u/s 9(D) CNSA shall be registered by local police with immediate effect.

Order announced.

(SHAUKAT ALI)
District Police Officer,
South Waziristan Tribal District

Endst: No. & date even.

Copy of the above is forwarded to the:-

1. Worthy Regional Police Officer, D I Khan Region for favour of information.
2. Deputy Superintendent of Police, Wana.
3. Accountant, EC, OASI for information and necessary action.
4. SHO PS Wana for further necessary action.
5. Officer concerned.

Attested
Kuj
Superintendent of Police
Investigation SWTD

(SHAUKAT ALI)
District Police Officer,
South Waziristan Tribal District



OFFICE OF THE
DISTRICT POLICE OFFICER,
SOUTH WAZIRISTAN TRIBAL DISTRICT.

5
Page No. 2
B

No. 853-58 / PA/SWTD

Dated 7.5.2020

ORDER

This order is passed today on 07-05-2020 to dispose of departmental proceedings initiated against Constable (Sub Inspector) Asif Khan Belt No. 384 (under suspension) while posted as Traffic Staff Wana Bazar South Waziristan Tribal District.

Sub Inspector Asif Khan presently under suspension and closed to Police Line SWTD was charge sheeted under the Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) on the score of the following allegations:-

That you are posted in Traffic Police at Wana Bazar confiscated Hasheesh from the position and sold instead of giving it in Police Custody/Deposited to relevant Department which shows your inefficiency, lack of interest in discharge of your responsibilities.

For conducting probe into the allegations leveled against Sub Inspector Asif Khan an enquiry of Mr. Said Marjan DSP Wana was constituted. The enquiry officer found the officer guilty as Sub Inspector Asif Khan has confiscated Hasheesh in large amount and sold it instead of giving it in police custody, which creates bad image of Police Force the enquiry officer recommended him for major punishment alongwith criminal Proceeding.

In the light of findings/recommendations of the Enquiry Officer and available record against Sub Inspector Asif Khan, I, Shaukat Ali, District Police Officer, South Waziristan Tribal District being competent authority, hereby imposes the major punishment "Dismissal from service" and a proper case FIR u/s 9(D) CNSA shall be registered by local police with immediate effect.

Order announced.

(SHAUKAT ALI)
District Police Officer,
South Waziristan Tribal District

Endst: No. & date even.

Copy of the above is forwarded to the:-

1. Worthy Regional Police Officer, D I Khan Region for favour of information.
2. Deputy Superintendent of Police, Wana.
3. Accountant, EC, OASI for information and necessary action.
4. SHO PS Wana for further necessary action.
5. Officer concerned.

(SHAUKAT ALI)
District Police Officer,
South Waziristan Tribal District

Accepted
Superintendent of Police
South Waziristan Tribal District

PARA WISE COMMENTS ON THE DEPARTMENTAL SERVICE APPEAL OF APPELLANT WAZIR ZADA

1. The appellant was absorbed in Police Force vide Home & Tribal Affairs Department Government of Khyber Pakhtunkhwa Notification No.1004-15, dated 10.04.2020 at S.No. 87 attached at F/A.
2. The appellant was involved in Case FIR No. 48, dated 08.05.2020 u/s 9(D) CNSA Read with 406 PPC PS Wana. Proper departmental enquiry was conducted against the appellant and he was found guilty of gross misconduct. Proper opportunity was provided to the appellant to defence. But he was failed to defend. So he was awarded Major punishment of "Dismissal from Service" vide this office order No. 841-46/PA, dated 07.05.2020 attached at F/B.
3. Not Relates.
4. Not Relates.
5. Not Relates.

PARA WISE COMMENTS ON THE DEPARTMENTAL SERVICE APPEAL OF APPELLANT SHEIKH QANOON.

1. The appellant was absorbed in Police Force vide Home & Tribal Affairs Department Government of Khyber Pakhtunkhwa Notification No.1004-15, dated 10.04.2020 at S.No 103 attached at F/C .
2. The appellant was involved in Case FIR No. 48, dated 08.05.2020 u/s 9(D) CNSA Read with 406 PPC PS Wana. Proper departmental enquiry was conducted against the appellant and he was found guilty of gross misconduct. Proper opportunity was provided to the appellant to defence. But he was failed to defend. So he was awarded Major punishment of "Dismissal from Service" vide this office order No. 847-52/PA, dated 07.05.2020 attached at F/D.
3. Not Relates.
4. Not Relates.
5. Not Relates.

PARA WISE COMMENTS ON THE DEPARTMENTAL SERVICE APPEAL OF APPELLANT ASIF KHAN

1. The appellant was absorbed in Police Force vide Home & Tribal Affairs Department Government of Khyber Pakhtunkhwa Notification No. 392-402, dated 14.02.2020 at S.No. 384 attached at F/E .
2. The appellant was involved in Case FIR No. 48, dated 08.05.2020 u/s 9(D) CNSA Read with 406 PPC PS Wana. Proper departmental enquiry was conducted against the appellant and he was found guilty of gross misconduct. Proper opportunity was provided to the appellant to defence. But he was failed to defend. So he was awarded Major punishment of "Dismissal from Service" vide this office order No 853-58/PA, dated 07.05.2020 attached at F/F.
3. Not Relates.
4. Not Relates.
5. Not Relates.

Attest
Kaj Wah
Superintendent of Police
Investigation SWTD


(SHAUKAT ALI)
District Police Officer
South Waziristan Tribal District.

PARA WISE COMMENTS ON THE DEPARTMENTAL SERVICE APPEAL OF APPELLANT ASIF KHAN

The appellant was absorbed in Police Force vide Home & Tribal Affairs Department Government of Khyber Pakhtunkhwa Notification No.392-402, dated 14-02-2020 at S.No. 384.

The appellant was involved in Case FIR No. 48, dated 08-5-2020 u/s 9 (D) CNSA Read with 406 PPC PS Wana. Proper departmental enquiry was conducted against the appellant and he was found guilty of gross misconduct. Proper opportunity was provided to the appellant to defence but he was failed to defend. So he was awarded Major punishment of " *Dismissal from Service*" vide this office order No. 853-58/PA, dated 07.05.2020.

Attested
by
Investigation SWTD

(SHAUKAT ALI)
District Police Officer
South Waziristan Tribal District.



244
25-1-2021

OFFICE OF THE
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN
REGION

(10)

3

No. 213 /ES, Dated DI Khan the 12 /01/2021

ORDER

This order is aimed to dispose of the departmental appeal of Ex-Constable Asif Khan No.384 of District Police SWTD against the Major Punishment order i.e. Dismissal from Service by DPO SWTD vide No.853-58/PA/SWTD dated 07.05.2020, on the score of following allegations:

Facts of the case are that he while posted in Traffic Police at Wana Bazar recovered Hasheesh from the possession of accused and sold the same instead of giving it in Police Custody/Deposited to relevant department which shows his inefficiency, lack of interest in discharge of his responsibilities.

He was issued charge sheet and proper departmental proceedings was initiated against him. Enquiry into the matter was conducted by Mr. Said Marjan DSP Wana. The enquiry officer found the defaulter Constable guilty as he has recovered Hasheesh in large amount and sold it instead of giving it in Police custody, which creates bad image of Police Force. The enquiry officer recommended him for major punishment alongwith criminal proceeding. Hence, DPO SWTD has passed the order dated 07.05.2020.

He preferred an appeal to the undersigned on 05.06.2020 against the order of DPO SWTD. His appeal was sent to DPO SWTD for comments and to provide his service record vide this office Endst: No. 2465/ES dated 10.06.2020. DPO SWTD vide his office memo: No. 1686/EC/SWTD dated 24.09.2020 has furnished the comments on the subject appeal.

The undersigned perused the file of the appellant thoroughly as well as heard him in person in Orderly Room dated 03.11.2020. As per findings report of Inquiry Officer, the appellant recovered Hashish in large amount and sold it instead of giving it in Police custody which creates of bad image of Police force and the enquiry officer recommended him for major punishment alongwith criminal proceedings. A criminal case vide FIR No.48 dated 08.05.2020 u/s 9(D) CNSA read with 406 PPC PS Wana also registered against him and pending trial before the Court of law.

Therefore, I, **YASEEN FAROOQ**, Regional Police Officer, Dera Ismail Khan, in exercise of the powers conferred upon me under Rule-11(4)(a) of Police Rules 1975 amended 2014, uphold the Major punishment of Dismissal from Service awarded by DPO SWTD and his appeal is hereby **rejected being meritless**.

Yaseen Farooq
(YASEEN FAROOQ) PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

No. 214 /ES
Copy of above is sent to the DPO SWTD alongwith service records w.r.t his office memo: No. 1686/EC/SWTD dated 24.09.2020.

Yaseen Farooq
(YASEEN FAROOQ) PSP
REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

0303-8513230
OB-NO=146
25-02-2021

Adil
26/11/21

*Alleged
meritless Police
Investigation SWTD
SRC
for further
info*

*DPO/SWTD
20/11/21*

(11)

**BEFORE THE WORHTY PROVINCIAL POLICE OFFICER, KHYBER
PAKHTUNKHWA PESHAWAR**

THROUGH: "PROPER CHANNEL"

SUBJECT: DEPARTMENTAL APPEAL IN CONNECTION TO THE DISMISSAL ORDER OF
EX- SUB INSPECTOR ASIF KHAN BELT NO. 384.

Respected Sir,

It is submitted that I want to draw your kind attention towards the following points for your kind and sympathetic consideration.

1. The applicant was posted in traffic police of District Wana and on the date 08.03.2020, the applicant was busy in routine duty as usual.
2. Upon information about 12 kg hashish kept by one Umar, the applicant along with other colleague contingent recovered the same from the possession of the said Umar.
3. Meanwhile, the said Umar revealed that huge quantity of drugs including a drum full of Crystal methamphetamine (ice) and 100 kg of Hashish was about to be smuggled in few days and recovery of which would be a great progress which would create a good image for police.
4. The said Umar told that this recovery would be possible only if the recovered 12 kg Hashish was kept secret and did not expose.
5. The applicant, with good will, kept it secret with the high-ups and handed over the confiscated Hashish to Usman: SHO PS Wanna on 10.03.2020.
6. A complaint was submitted to DPO South Waziristan regarding the matter with false allegations of selling the recovered Hashish, upon which the applicant was preceded departmentally and later on dismissed from service. An FIR No. 48 dated 08.05.2020 u/s 9(D) CNSA/ 406 PS SWTD was also lodged against the applicant which is pending trial before the court of Law.
7. The applicant submitted an appeal before Regional Police Officer Dera Ismail Khan who also enacted the dismissal orders of the applicant.

Sir, the applicant has submitted this Appeal before your majesty with a request that conduct of the applicant was purely based on good will for the department and not for personal interest. The applicant may please be heard and orders be issued for the cancellation of FIR against the applicant and reinstatement of the said in police department. The applicant can also produce his witness in this regard before your good honor.

S.S.
Process 10

29/11
Refused

15
Process 11

29/01/21

Office of the Provincial Police Officer Peshawar
(General)
No. 175
Date 29/01/21

Yours sincerely

FC P. 11
Ex-Sub Inspector P. No. 384

Attested!
29/1/21

بخدمت جناب ڈپٹی انسپکٹر جنرل آف پولیس ریجن ضلع ڈیرہ اسماعیل خان۔

جدید محکمانہ اپیل برخلاف حکم برخاستگی مجریہ جناب محترم ڈسٹرکٹ پولیس آفیسر ضلع ساڈتھ وزیرستان مورخہ 07/05/2020 جس کی رو سے من اپیلانٹ کو ملازمت سے برخاست کیا گیا

استدعا اپیل؛

بمنظوری اپیل ہذا حکم برخاستگی جناب محترم ڈسٹرکٹ پولیس آفیسر ضلع ساڈتھ وزیرستان مورخہ 07/05/2020 کو منسوخ و کالعدم قرار دیا جا کر من اپیلانٹ کو اپنی ملازمت پر بحال کرنے کا حکم صادر فرمایا جاوے تاکہ قانون اور انصاف کے تقاضے پورے ہو سکیں۔

جناب عالی!

اپیلانٹ عاجزانہ طور پر ذیل اپیل پیش کرتا ہے۔

(1) یہ کہ من اپیلانٹ بطور سب انسپکٹر بیلٹ نمبر 384 اپنی ڈیوٹی محکمہ پولیس میں سرانجام دے رہا ہوں اور اپنی ڈیوٹی انتہائی محنت اور ایمانداری سے سرانجام دے رہا تھا۔ کبھی اپنے افسران بالا کو معمولی شکایت کا موقع نہیں دیا ہے۔

(2) یہ کہ ڈسٹرکٹ پولیس آفیسر ضلع ساڈتھ وزیرستان نے من سائل کو الزام بابت "امانت میں خیانت" کی نسبت مقدمہ نمبر 48 مورخہ 11/03/2020 جرم زیر دفعہ PPC 406, And 9(D) CNSA برخلاف اپیلانٹ چاک کی۔ جس نسبت من اپیلانٹ نے باقاعدہ جواب دیہی کی۔ ثبوت موجود ہے۔

(3) یہ کہ بعدہ اب من اپیلانٹ عدالت سے ضمانت پر بری ہو چکا ہوں اور من اپیلانٹ کے خلاف کسی قسم جرم ثابت نہیں ہوا ہے۔ ثبوت میں عدالت عالیہ پشاور ہائی کورٹ کا حکم لف ہے۔

(4) یہ کہ از روئے قانون، من اپیلانٹ اپنی ملازمت پر بحال ہونے کا اہل ہے جو کہ آنجناب سے ہمدردانہ طور پر مستدعی ہوں کہ من اپیلانٹ امانت کو اپنی ملازمت پر تمام مراعات کیساتھ بحال کیا جانے کا حکم صادر فرمایا جاوے اور من اپیلانٹ کے خلاف تمام الزامات کو داخل دفتر فرمایا جاوے۔

(5) یہ کہ من اپیلانٹ کی کفالت کا انحصار ماہانہ تنخواہ پر ہے جس پر من اپیلانٹ کے چھوٹے چھوٹے بچے زیر تعلیم ہیں۔ اس لئے من اپیلانٹ انسانی ہمدردی کے تحت اپنی ملازمت پر بحال ہونے کا حقدار ہوں۔


(6) یہ کہ اپیل ہذا اندر معیار اور قابل پذیرائی ہے۔


NMD
PMS

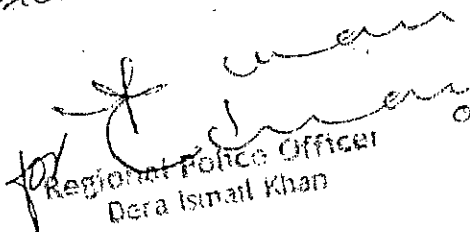
Attested
by
Superintendent of Police
Investigation

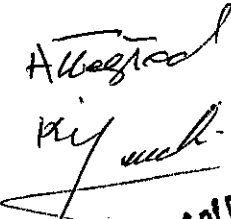
(7) یہ کہ آخر میں من اپیلانٹ یہ استدعا کرتا ہوں کہ آنجناب میری فریاد اپیل سننے کے لئے ملاقات کا شرف بخشیں تاکہ من اپیلانٹ زبانی طور پر بھی اپنی بے گناہی کی وضاحت / تفصیل پیش کر سکوں۔ لہذا استدعا ہے کہ بمنظوری اپیل ہذا حکم برخواستگی اپیلانٹ از ملازمت مجاریہ جناب محترم ڈسٹرکٹ پولیس آفیسر صاحب ضلع ساؤتھ وزیرستان مورخہ 07/05/2020 نمبر 853-58/PA/SWTD کو کالعدم و منسوخ قرار دیا جا کر من اپیلانٹ کو اپنی ملازمت پر دوبارہ بحال کرنے کا حکم صادر فرمایا جاوے۔ دعا گور ہونگا۔

مورخہ 106/2020

آصف خان سب انسپکٹر بیلٹ نمبر 384 حال متعینہ ٹریفک پولیس ڈانہ
 (اپیلانٹ) --- 
 موبائل نمبر: 0303-8513230

بیان حلفی
 حلفاً بیان کرتا ہوں کہ جملہ مراتب اپیل ہذا
 تاحد علم و یقین درست و صحیح ہیں اور تمام امور سچ پر مبنی ہیں۔
 کوئی امر آنجناب سے مخفی و پوشیدہ نہ رکھا ہے۔
 آصف خان --- (اپیلانٹ) 
 For comments and return to this office alongwith his complete service documents and copy of attested punishment order within 05-days please.


 Regional Police Officer
 Dera Ismail Khan 08/06


 Superintendent of Police
 Investigation SWTD



696
24-2-21

F/16

14

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

No. S/ 489 /21, dated Peshawar the 12/02/2021.

To: The Regional Police Officer,
Dera Ismail Khan.

Subject: **REVISION PETITION.**

Memo:

Office of The
Inspector General
of Police, D.I. Khan
Dy: 542 /ES
Dt: 17-02-2021

Enclosed please find herewith a revision petition submitted by Ex-FC Asif Khan No. 384 of South Waziristan district Police for re-instatement in service, for recording of your Para-wise comments.

His service record alongwith copy of complete enquiry file may also be sent to this office as early as possible in connection with his revision petition.

It may please be clarified that weather he has instituted a service appeal in service Tribunal or otherwise.

24/2/21

NOs 745/ES dt. 17-02-2021

(Signature)
(SYED ANIS-UL-HASSAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

DPO/SINTD.

*For comments & return
alongwith his service record/
E-file and certificate Reg.
Service appeal in Service Tribunal
within 05 days to proceed
further into the matter, plx.*

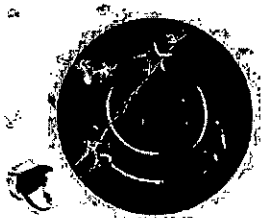
10/2

*SRC - urgent, please.
24/2*

*Attested
10/2*

**REGIONAL POLICE OFFICER
DERA ISMAIL KHAN**

10/2



OFFICE OF THE
DISTRICT POLICE OFFICER,
SOUTH WAZIRISTAN TRIBAL DISTRICT.
Tel: 0963-510999 Fax:0963-510331
Dated 30/03/2021

No. 607 /SWTD

To,

The Regional Police Officer,
Dera Ismail Khan.

14

Subject:-

REVISION PETITION

Memo:-

Kindly refer to your office endrst:- N o. 745/ES, dated 17.02.2021 on the subject noted above.

It is submitted that parawise comments service record and inquiry file etc in respect of E-x-Fc Asif Khan No.384 of South Waziristan is sent herewith for onward submission to CPO Peshawar please.

District Police Officer
South Waziristan Tribal District.

92

Attested
Kijach
Investigation SWTD



(16)

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.**

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-FC Asif Khan No. 384. The petitioner was dismissed from service by District Police Officer, South Waziristan vide order No. 853-58/PA/SWTD, dated 07.05.2020 on the allegations that he while posted in Traffic Police at Wana Bazar recovered Hashish from the possession of accused and sold the same instead of giving it in Police custody/deposited to relevant department which shows his inefficiency, lack of interest in discharge of his responsibilities. A case vide FIR No. 48 dated 08.05.2020 u/s 9 (D) CNSA/406 PPC Police Station Wana was registered against him. His appeal was rejected by Regional Police Officer, D.I.Khan vide order No. 213-14/ES, dated 12.01.2021.

Meeting of Appellate Board was held on 26.01.2022 wherein petitioner was heard in person. Petitioner denied the allegations leveled against him.

Perusal of enquiry papers revealed that the allegations against the petitioner were proved during enquiry. Moreover, his case is also under trial in the court. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-

SABIR AHMED, PSP

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

No SI 241-50/22, dated Peshawar, the 22/02 2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, D.I.Khan. One Service Roll alongwith copy of complete enquiry file of the above named Ex-FC received vide your office Memo: No. 2973/ES, dated 12.07.2021 is returned herewith for your office record.
2. District Police Officer, South Waziristan.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

Attested!
10/2
Superintendent of Police
Investigation SWTD

17/02/22
(IRFANTARIO) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Judgment Sheet
PESHAWAR HIGH COURT, D.I. KHAN BENCH
(Judicial Department)

Cr.MB. No.169-D/2020 with
Cr.M. No.173-D/2020

Asif Khan & 02 others.
Vs.
The State, etc



18

JUDGMENT

For Petitioners: Mr. Asad Aziz Mehsood, Advocate.

For Respondent: Mr. Adnan Ali, Asstt: A.G.

Date of hearing: 21.5.2020.

SAHIBZADA ASADULLAH, J.- For reasons to be recorded later, this petition for post arrest bail is allowed and accused/petitioners Asif Khan, Wazirzada and Sheikh Qanoon, charged in case FIR No.48 dated 08.5.2020, registered under Section 9(d) CNSA read with Section 406 PPC at police station Wana South Waziristan Tribal District, are directed to be released on bail subject to furnishing bail bond in the sum of Rs:1,00,000/- (Rupees one lac) with two sureties, each in the like amount, to the satisfaction of learned Illaqa/Duty Judicial Magistrate.

Announced.
Di: 21.5.2020.
Kifayat/

JUDGE

(5.B)

Hon'ble Mr. Justice Sahibzada Asadullah

Office
21/5/2020

G R.No. 1905
Application Received on 21-5-20
Copying Fee deposited Rs ---
No of Papers 2 page
Copying Fee 04
Urgent Fee 08
Total Fee ---
Copy ready for delivery 21-5-20
Copy delivered on 21-5-20

Certified to be true f.on
21-05-2020
EXAMINER
Peshawar High Court Bench D.I. Khan

P.K.

BEFORE THE PESHAWAR HIGH COURT
DERA ISMAIL KHAN

Bail Petition No. 769/2020



1. Asif Khan son of Maamit Khan, caste Wazir, r/o WANA District South Waziristan Tribal District.
2. Wazirzada son of Ghulam Nabi, caste Wazir, r/o WANA District South Waziristan Tribal District.
3. Sheikh Qanoon son of Muhammad Ramzan, caste Wazir, r/o WANA District South Waziristan Tribal District.

..... Petitioners

VERSUS

1. The State
2. Usman Khan, SHO, Police Station WANA.

..... Respondents

CASE FIR NO. 48 DATED 08/05/2020 CHARGE U/S
9(D) CNSA READ WITH 406 PPC, REGISTERED AT
POLICE STATION WANA SOUTH WAZIRISTAN
TRIBAL DISTRICT.

PETITION FOR THE RELEASE OF THE
PETITIONERS ON BAIL TILL THE FINAL
DISPOSAL OF THE CASE.

Respectfully Sheweth:-

The Accused/Petitioners most respectfully submits as under:-

1. That the petitioners are accused in case FIR No. 48 dated 08/05/2020 u/s 9(D) CNSA read with 406 PPC registered at Police Station WANA South Waziristan Tribal District detail of allegations is fully described therein. Copy of the FIR along with better copy is enclosed as Annexure "A".

ATTESTED
2020-05-20
EXAMINOR
Peshawar High Court Bench,
Dera Ismail Khan

PK