

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 2450/2023

Service appeal No. 2450/2023
Muhammad Khan
Ex-ASI, District Kohat

..... Appellant

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Kohat.
3. Regional Police Officer, Kohat.

..... Respondents

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DEPONENT

P-1

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 2450/2023
Muhammad Khan
Ex-ASI, District Kohat

..... Appellant

Khyber Pakhtukhwa
Service Tribunal

Diary No. 10765

Dated 25/1/24

VERSUS

**SCANNED
KPST
Peshawar**

1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Kohat.
3. Regional Police Officer, Kohat

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectfully Sheweth:-
Preliminary Objections:-

- i. That the appellant has got no cause of action to file the instant appeal, hence it is liable to dismissed in limine.
- ii. That the appellant has not come to this Honorable Tribunal with clean hands.
- iii. That the appellant is estopped to file the instant appeal due to his own conduct.
- iv. That the appeal in its present form is legally defective because the Provincial Govt of KP has not been arranged as party in the instant appeal.
- v. That the instant appeal is not entertainable, hence, is liable to be dismissed.

On Facts:-

1. Correct to the extent that the appellant was appointed as Constable and promoted to the rank of ASI. However, every Police officer is liable to perform his duty with devotion and fidelity. Rewards and punishments are part of Police service and are rendered as per law / rules.

2. Correct to the extent that Charge Sheet alongwith statement of allegations was served upon the appellant to the effect that the appellant while posted at PS MRS, Kohat had connivance with drug peddlers and out laws and was brining very bad name to Police Force. The appellant submitted reply which, however, was not found cogent as during course of inquiry, it was established that the appellant has connection with drug peddlers and outlaws thus, was recommended for award of punishment as held guilty of the charges against him. **(Copy of charge sheet its reply with finding report are attached as annexure A, B & C respectively).**
3. Incorrect, during the enquiry proceedings, due process was followed and the appellant was provided due and legal opportunity to defend himself. At the conclusion of enquiry, the inquiry officer put forth genuine, convincing and plausible grounds in findings on the basis of which the appellant was awarded punishment of dismissal from service.
4. Correct to the extent of Final Show Cause Notice issued to the appellant by the competent authority after the inquiry officer found him guilty of the charges. The appellant's reply to the Final Show Cause Notice was found unsatisfactory. Besides the appellant was also heard in person. However, he could not extend any cogent explanation thus, was awarded punishment. **(Copy of FSCN and its reply is attached as annexure D & E).**
5. Correct to the extent that the appellant was dismissed from service vide order dated 16.08.2023 while his appeal was rejected by the respondent No. 2 vide order dated 13.11.2023 being devoid of substance and merits. However, it is incorrect; that the allegations leveled against the appellant are baseless. **(Copy of order dated 16.08.2023 & 13.11.2023 is annexure F & G).**
6. Incorrect, the appellant has been proceeded departmentally as per law & rules. Therefore, the appellant's instant appeal is not maintainable in law and is liable to be dismissed on following grounds:

On Grounds:-


- A. Incorrect, both the dismissal order dated 16.08.2023 and the appellate order dated 13.11.2023 are quite lawful, in accordance with law and facts, hence they require no interference and deserve to be upheld. **(Copy of both orders are already annexed).**

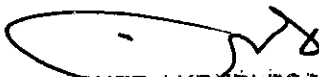
- B. Correct, the competent authority is not legally required to disclose each and every fact in the charge sheet. During enquiry proceedings it has been established beyond any shadow of doubt that the appellant was having links with drug peddlers and-out laws. Such conduct is unbecoming of a good Police officer and thus the respondent department has rightly dismissed the appellant from service. (Copy of inquiry proceedings are already annexed.
- C. Incorrect, proper and legal inquiry was conducted against the appellant wherein the appellant was given proper and full opportunity to defend himself. The appellant failed to rebut allegations leveled against him and ultimately the respondent department was left with no other option except to dismiss the appellant from service.
- D. Incorrect. The impugned order being questioned by the appellant contains significant and material which is acceptable in the eyes of law. Hence, the punishment order of the appellant order cannot be questioned. Both the orders are quite legal and thus cannot be called in question.
- E. Incorrect, contention of the appellant that punishment on the basis of secret and reliable sources is not sustainable, in view of the judgments of the superior courts, is misconstrued because every judgment is based on its own merits, fact and circumstances of this case may not be identical with the judgments of the superior court. Moreover, the appellant has not pointed out specific judgments being identical with instant appellant hence, this para is neither convincing nor appealing to the prudent mind. On such a vague and ambiguous grounds a lawful order cannot be set aside on the wishes of the appellant.
- F. Incorrect, the ground being highlighted by the inquiry officer in his findings has been wrongly interpreted by the appellant. Keeping more than one mobile number is not illegal however, their misuse for illegal purposes is illegal and objectionable purposes. Hence, it is not open for the appellant to make this point as source of his exoneration from the charges leveled against him.
- G. Incorrect, the appellant was given right of fair, and independent trial /inquiry. The inquiry fulfilled all legal and codal formalities, hence, the impugned orders cannot be made questionable. The respondents cannot imagine to violate the provisions of any law including the Constitution of Pakistan.

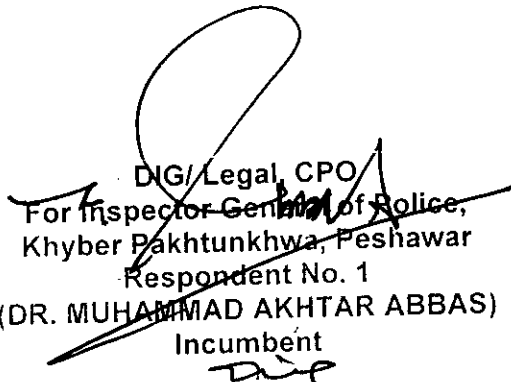
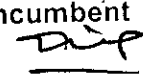
- H. Incorrect, the appellant has denied the charges leveled against him, however, with not plausible or cogent grounds.
- I. Incorrect, ample evidence sufficient to award the appellant punishment as provided under the law / rules.
- J. Incorrect, the appellant was treated in accordance with law and rules. If contention of the appellant would have been true then he should have raised objection during the inquiry proceedings. By keeping silent and not raising any objection during the enquiry proceedings, lead a prudent mind that the appellant was treated in accordance with law / rules during the inquiry proceeding.
- K. The respondent department may also be allowed to advance additional grounds at the time of hearing before this Honorable Tribunal.

PRAYER:-

It is therefore, prayed that the appeal being without any substance may kindly be dismissed with costs while the impugned orders of dismissal of the appellant from service dated 16.08.2023 and dismissal of departmental appeal by the respondent No. 2 dated 13.11.2023 may graciously be upheld being lawful on one hand and in the interest of law, justice and fair play on the other.


 (FARHAN KHAN) PSP
 District Police Officer,
 Kohat
 (Respondent No. 3)


 (SHER AKBER) PSP, S.St
 Regional Police Officer,
 Kohat Region
 (Respondent No. 2)


 DIG/ Legal, CPO
 For Inspector General of Police,
 Khyber Pakhtunkhwa, Peshawar
 Respondent No. 1
 (DR. MUHAMMAD AKHTAR ABBAS)
 Incumbent


BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 2450/2023
Muhammad Khan
Ex-ASI, District Kohat

..... Appellant

VERSUS

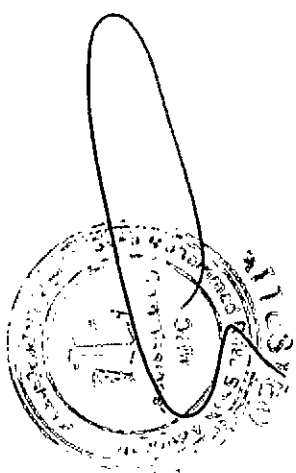
1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Kohat.
3. Regional Police Officer, Kohat .

..... Respondents

AFFIDAVIT

I, Farhan Khan, District Police Officer, Kohat Respondent No. 3 do hereby solemnly affirm and declare on oath that the contents of reply to the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.

It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense is struck off. /cost



(FARHAN KHAN) PSP
District Police Officer,
Kohat
(Respondent No. 3)

21 5 JAN 2024



No 3071-72/PA

Office of the
District Police Officer,
Kohat

Dated 14-6-/2023

CHARGE SHEET

I, **MR. FARHAN KHAN PSP, DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **Offg: ASI Muhammad Khan** 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. ***You Offg: ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.***
- ii ***Your above act is bring bad name to the Police department and professional gross misconduct on your part.***

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 07 days 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.

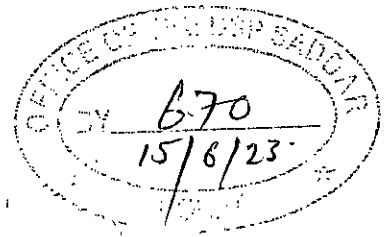
4. A statement of allegation is enclosed.

Received.

15/6/23

Attested
Nabeem

DISTRICT POLICE OFFICER,
KOHAT





No 3071-72/PA

Office of the
District Police Officer,
Kohat

Dated 14-6-/2023

DISCIPLINARY ACTION

I, **MR. FARHAN KHAN PSP, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **Offg: ASI Muhammad Khan** 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.

STATEMENT OF ALLEGATIONS

- i. ***You Offg: ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.***
- ii. ***Your above act is bring bad name to the Police department and professional gross misconduct on your part.***

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SDPO Saddar Kohat** 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,
KOHAT**

No. 3071-72/PA, dated 14-6-/2023.

Copy of above to:-

1. **SDPO Saddar Kohat** :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Delinquent 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.

Attested
[Signature]

بیان ازان ASI محمد خان متعینہ پولیس لائن کوہاٹ

جناب عالی!

بحوالہ چارج شیٹ نمبر PA/72-3071 مورخہ 14.06.2023 احکام نمبر S/670 مورخہ 15.06.2023 مجاریہ جناب DPO صاحب کوہاٹ معروض خدمت ہوں کہ چارج شیٹ ہذا میں من سائل کے خلاف بدوران بحیثیت ASHO تھانہ MRS تعیناتی منشیات فروشوں اور غیر قانونی افراد کے ساتھ رابطے رکھنے کا الزام لگایا گیا ہے حالانکہ من سائل تھانہ MRS اور انچارج چوکی ملز ایریا تعیناتی کے دوران جرائم پیشہ عناصر اور خاص کر منشیات فروشوں کے خلاف ایمانداری سے کارروائی کر کے متعدد مقدمات درج رجسٹرڈ کر کے جن میں بعض منشیات فروش اب بھی ڈسٹرکٹ جیل کوہاٹ میں بند باسلاسل ہے ان کے علاوہ تھانہ جنگل خیل، سٹی میں تعیناتی کے دوران اور دیگر تھاناجات میں تعیناتی کے دوران بھی منشیات فروشوں اور دیگر غیر قانونی افراد جرائم پیشہ عناصر کے خلاف قانون کے مطابق کارروائی کی ہے جو ریکارڈ بطور ثبوت تھانہ جات میں موجود ہے علاوہ ازیں من سائل نے منشیات فروش مسی ماجد ولد قیس خان سکنتہ پی کے خلاف کارروائی کر کے جس سے منشیات ریکوری کر کے مذکورہ کے خلاف مقدمہ درج رجسٹرڈ ہو کر بعد میں ملزم نے من سائل کے خلاف عدالتوں میں بنی بنائی سازش کے رٹ دائر کر کے جو عدالت منجسٹریٹ صاحب 1 نے من سائل کو زیر دفعہ 337L(ii) میں چارج کر کے جس پر من سائل نے ناانصافی کرنے پر شور شرابہ کر کے من سائل کو ڈسٹرکٹ جیل بھجوا یا گیا ہے اور اب بھی مقدمہ عدالت میں زیر سماعت ہے جس پر من سائل کو ذاتی دشمنی بن چکی ہے ان کے علاوہ بھی من سائل علاقہ تھانہ سٹی اور حدود چوکی ملز تھانہ MRS میں روڈ ڈکیتوں ملزمان کے خلاف کارروائی کر کے جو بھی ریکارڈ تھانہ جات سٹی اور MRS پر موجود ہے۔ جس سے سائل کو ذاتی دشمنی بن چکا ہے۔ من سائل کا یہ سوچ سے بالاتر ہے کہ منشیات فروشوں اور غیر قانونی افراد سے ایسے رابطے کریں کہ جو محکمہ پولیس کے لئے بدنامی کا سبب بنے۔ انشاء اللہ من سائل کا یہ ایمان ہے کہ نہ تو منشیات فروشوں اور نہ ہی غیر قانونی سرگرمیوں میں ملوث افراد کے ساتھ نہ رابطے تھے اور نہ ہیں اور نہ ہونگے۔ جہاں تک من سائل کے خلاف الزامات لگائے گئے ہیں بالکل بے بنیاد اور من گھڑت ہیں یہ تمام تر سازشوں کی بنیاد پر ہوتا رہتا ہے اور من سائل منشیات فروشوں اور جرائم پیشہ ورانہ لوگوں پر حلف اٹھانے پر ہر وقت تیار ہے اور روز قیامت کے دن بھی ذمہ دار ہونگا۔ مزید بدوران پیشی افسران بالا صاحبان کو تمام تر حقیقت سامنے بیان کرونگا ان کے علاوہ من سائل نے قبل ازیں بھی ایمانداری اور خوش اسلوبی سے ڈیوٹی سرانجام دی ہے اور دونگا۔ جن کا تمام تر تھانہ جات میں ریکارڈ بطور ثبوت موجود ہیں اور انشاء اللہ من سائل سے ضلع بھر میں کسی اور عہدیدار نے منشیات فروشوں کے خلاف کارروائی نہیں کی ہوگی اور آئندہ بھی خوش اسلوبی اور ایمانداری سے ڈیوٹی سرانجام دونگا۔

جن منشیات فروشوں اور غیر قانونی افراد کا من سائل کے ساتھ رابطہ تعلق تحریر ہے ان کو چارج شیٹ میں نوٹس نہیں کیا گیا ہے۔

استدعا ہے کہ من سائل کا چارج شیٹ بلا مزید کارروائی کے داخل دفتر فرمایا جائے۔

المرقوم 22.06.2023

Attested
Saleem

دستخط



از دفتر ایس ڈی پی او صدر سرکل کوہاٹ

فون نمبر: 09229260120

P-9

مورخہ: 21/07/23

سند نمبر: 464/PA

بخدمت: جناب DPO صاحب کوہاٹ

عنوان: فائنڈنگ حکمانہ کاروائی بر خلاف محمد خان ASI

جناب عالی!

بحوالہ مشمولہ چارج شیٹ نمبری 3071-72/PA مورخہ 14.06.2023 مجاریہ جناب DPO صاحب کوہاٹ معروض ہوں کہ محمد خان ASI کے خلاف چارج شیٹ میں عائد شدہ الزامات کے بابت من SDPO صدر سرکل نے ذیل کاروائی / انکوائری عمل میں لائی۔

الزامات:

1. ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.
2. His above act is bring bad name to the Police department and professional gross misconduct on your part.

بیان ASI محمد خان:

انکوائری ہذا کے سلسلے میں ASI محمد خان کو طلب کر کے تفصیلاً سنا گیا مذکورہ نے چارج شیٹ میں بیان کیا ہے کہ میں میرے خلاف بدوران بحیثیت ASHO تھانہ MRS تعیناتی منشیات فروشوں اور غیر قانونی افراد کے ساتھ رابطے رکھنے کا الزام لگایا ہے حالانکہ من سائن تھانہ MRS اور انچارج چارج تعیناتی کے دوران جرائم پیشہ عناصر اور خاص کر منشیات فروشوں کے خلاف ایمانداری سے کاروائی کر کے متعدد مقدمات درج رجسٹر کر کے ذہن میں بعض منشیات فروشان اب بھی ڈسٹرکٹ جیل میں بند مسائل ہیں ان کے علاوہ تھانہ جنگل خیل، سٹی میں تعیناتی کے دوران اور دیگر تھانہ جات میں تعیناتی کے دوران بھی منشیات فروشوں اور دیگر غیر قانونی افراد، جرائم پیشہ عناصر کے خلاف قانون کے مطابق کاروائی کی ہے جو ریکارڈ بطور ثبوت تھانہ جات میں موجود ہیں۔

علاوہ ازیں من مسائل نے منشیات فروش، کسی ماجد ولد قیس خان سکند پی کے خلاف عدالتوں میں بنائی سازش کے رٹ دائر کر کے جو عدالت مجسٹریٹ صاحب نے من مسائل کو زیر دفعہ 1(ii) 337 میں چارج کر کے جس پر من مسائل نے ناانصافی کرنے پر شرشر ابا کر کے من مسائل کو ڈسٹرکٹ جیل بھیجا گیا اور اب بھی مقدمہ زیر سماعت ہے جس پر من مسائل کو ذاتی دشمنی بن چکی ہے۔ من مسائل منشیات فروشوں اور جرائم پیشہ درانہ لوگوں پر حلف اٹھانے کو ہر وقت تیار ہے اور روز قیامت کے دن بھی ذمہ دار ہونگا مزید بدوران پیشی افسران بالا صاحبان کو تمام تر حقیقت سامنے بیان کروں گا۔ جہاں تک من مسائل کے خلاف الزامات لگائے گئے ہیں بالکل بے بنیاد اور من گھڑت ہیں یہ تمام تر سازشوں کی بنیاد پر ہوتا رہتا ہے۔ یہ میرا بیان ہے۔ (تفصیلی بیان لف ہذا)۔

انکوائری آفیسر:

جملہ حالات، واقعات اور سروس ریکارڈ کی روشنی میں پایا گیا کہ مذکورہ بحیثیت کانسٹیبل مورخہ 23.04.1995 کو محکمہ پولیس میں بھرتی ہوا۔ دوران سروس مذکورہ تقریباً 05 دفعہ مختلف نوعیت کے الزامات میں ملوث ہو کر محکمہ سے معطل ہوا ہے اور متعدد دفعہ افسران بالابنے جرائم پیشہ عناصر / سنگرز کے ساتھ روابط، کارس کار میں غفلت، قانون کا غلط استعمال اور تجاوز، کرپشن، نازیہ رویہ رکھنے، کریمنل مقدمہ میں ملوث ہونے، ڈیوٹی سے غیر حاضری ہونے پر چارج شیٹ / شوکاڑے دیئے ہیں اور Minor سزائیں دی ہیں جبکہ قبل ازیں بھی مذکورہ ASI کو کرپشن، In-efficient پولیس آفیسر اور عوام الناس کے ساتھ غیر مہذبانہ رویہ رکھنے پر جناب DPO صاحب نے بحوالہ ASI-OB No. 1094/PA کو Written وارننگ اور آئیندہ کے لیے محتاط رہنے کی سزا دی تھی اور اسی طرح کریمنل کیس FIR نمبر 771 مورخہ 12.12.2022 جرم 506(ii)/186/189 تھانہ کینٹ میں ملوث ہونے پر مذکورہ کو بحوالہ آرڈر نمبر 744/PA مورخہ 15.12.2022 کو معطل کیا گیا۔ (جملہ چارج شیٹ ہائے، شوکاڑے نوٹس لف اور قابل ملاحظہ ہیں)۔

Attestd
[Signature]

دوران انکوائری ASI محمد خان کو طلب کر کے الزامات کے بارے میں تفصیلی گفت شنید ہوئی، کراس سوالات و جوابات عمل میں لائے گئے، جواب چارج شیٹ کو ملاحظہ کیا گیا لیکن زیر دستخطی مذکورہ کے جوابات سے مطمئن نہیں ہو بلکہ بدوران انکوائری از خود ظاہر کیا کہ میں نے سرکاری ڈیوٹی کے لحاظ سے منشیات فروشوں وغیرہ کے ساتھ رابطے رکھے ہیں علاوہ ازیں مذکورہ کے کراس سوالات و جوابات میں بھی ریکارڈ کے مطابق تضاد پایا جاتا ہے۔

دوران انکوائری مذکورہ نے اپنا زیر استعمال نمبر 9666548-0333 ظاہر کر کے جسکا CDR طلب کر کے ملاحظہ کیا گیا جبکہ الزام غلبہ کے شناختی کارڈ نمبر 7-6990003-14202 پر 1 عدد ٹیلی نار سم، 1 عدد زون سم اور 2 یوفون نمبر Activate ہیں جو مختلف طریقوں / ہوشیاری سے یا کسی اور کے نمبر سے منشیات فروشوں کے ساتھ روابط رکھتے ہیں۔ (CDR رپورٹ لف ہے) تاہم خفیہ پتہ براری اور Reliable/Credible سروس سے معلوم ہوا کہ مذکورہ ASI کا منشیات فروشان کے ساتھ تعلقات / روابط موجود ہیں۔

کی گئی انکوائری سے زیر دستخطی اس نتیجے پر پہنچا کہ ASI محمد خان کے منشیات فروشوں کے ساتھ لنک / روابط موجود ہیں جو محکمہ پولیس کے لیے بدنامی کا باعث ہے۔ انکوائری ہذا میں ASI محمد خان گنہگار پایا جاتا ہے۔ لہذا مذکورہ کو مناسب سزایا ضلع بدر کرنے کی سفارش کی جاتی ہے۔

لسد
ایس ڈی پی او صدر سرکل
کوہاٹ

Attested
Adeem



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-920116 Fax 920125

No. 4001 /PA dated Kohat the 24/7/2023

FINAL SHOW CAUSE NOTICE

1. I, **Mr. Farhan Khan PSP, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, **Offg: ASI Muhammad Khan** as follow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 3071-72 /RA dated 14.06.2023.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers 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.

- a. *You Offg: ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.*
- b. *Your above act is bring bad name to the Police department and professional gross misconduct on your part.*

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.

*Attested
Adham*


DISTRICT POLICE OFFICER,
KOHAT

محکمہ ختم نامہ شہرہ کارڈز اسسٹنٹ انسپکشن آف پولیس
درجہ 24⁰⁷/₀₂₃ جاریہ ڈیپارٹمنٹ آف پولیس آف نئی دہلی
ضلع دہلی

آسی اینڈ اینڈ اینڈ شہرہ کارڈز اسسٹنٹ انسپکشن آف پولیس
جن کی بابت ڈیپارٹمنٹ آف پولیس آف نئی دہلی
تعمیر کیا ہے، وہیں سے بیان ہے بیان خاص بیورو
تعمیر کیا ہے

دوبارہ واضح کرنا اس سلسلے میں الزامات کے
تعمیر نہ ہے جو ہے بنا ہے
منزلہ دوران پیشی انٹی ویمنٹ سیشن رولڈ

ضلع خالی ہے نہ جوں کی نہی شہرہ کارڈز اسسٹنٹ انسپکشن آف پولیس
کا روٹی کے داخل دفتر ختم نامہ سلسلے کا ہے

M.M.C.
Asi. Police. Laine. 12

Attested
[Signature]



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ORDER

This order will dispose of departmental enquiry against Offg: ASI Muhammad Khan of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Facts arising of the case are that Offg: ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.

The above act is bringing bad name to the Police department and professional gross misconduct on his part.

For the above, serious / professional misconduct of the accused officiating ASI. Charge sheet alongwith statement of allegations was served upon the accused ASI and SDPO Saddar Kohat was appointed as enquiry officer to scrutinize the conduct of the defaulter ASI. The enquiry officer stated that the allegations / links of the said ASI has been proved with drug peddlers and outlaws, which has been established from CDR and investigation that the accused official were in contact with the drug peddlers and earned a bad name to the entire department. Therefore, the allegations leveled against the defaulter official has been established beyond any shadow of doubt and recommended for punishment.

He was issued Final Show Cause Notice, reply of Final Show cause Notice received and found un-satisfactory. He was also called in O.R, heard in person on 16.08.2023 and did not submit plausible explanation in his defense.

In view of the available record, I agree with the findings of enquiry officer, therefore, in exercise of powers conferred upon me under the rules ibid I, Farhan Khan PSP, District Police Officer, Kohat is hereby awarded major punishment of dismissal from service with immediate effect, kit etc be collected and report.


Announced
16.08.2023


DISTRICT POLICE OFFICER,
KOHAT

OB No. 672
Dated 16-08-2023
No. 4703-05 /PA dated Kohat the 16-08-2023.

- 1. Copy of above is submitted for favor of information to the:-
Regional Police Officer, Kohat please.
- 2. R.I/Reader/Pay officer/SRC/OHC for necessary action.




DISTRICT POLICE OFFICER,
KOHAT

ORDER.

This order will dispose of the departmental appeal preferred by **Ex-ASI Muhammad Khan** of district Kohat against the order of District Police Officer, Kohat whereby he was awarded major penalty of dismissal from service vide OB No. 672 dated 16.08.2023. Brief facts of the case are that the appellant while posted at PS MRS Kohat was proceeded against departmentally to the effect that he had links with drug peddlers and other outlaws. This act of the defaulter has earned bad name for the department which amounts to gross professional misconduct on his part.


Proper departmental enquiry proceedings were initiated against him and SDPO Saddar, Kohat was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities submitted his findings wherein the appellant was found guilty of the charges leveled against him. He was, therefore, recommended for penalty under the relevant rules.

Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances, the delinquent officer was awarded major punishment of dismissal from service under the relevant rules by the District Police Officer, Kohat vide OB No. 672 dated 16.08.2023.

Feeling aggrieved from the order of District Police Officer, Kohat, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 24.10.2023. During personal hearing the appellant did not advance any plausible explanation in his defense.

Foregoing in view, I, **Sher Akbar, PSP, S.St, Regional Police Officer, Kohat**, being the appellate authority, am of the considered opinion that the charges leveled against him have been established beyond any shadow of doubt. He has rendered himself unfit for retention in a disciplined force. Hence, appeal of **Ex-ASI Muhammad Khan** is hereby **rejected**, being devoid of substance and merit.

Order Announced
24.10.2023


Regional Police Officer,
Kohat Region

No. 11876 /EC, Dated Kohat the 13 / 11 /2023

Copy forwarded to District Police Officer, Kohat for information and necessary w/r to his office Memo: No. 6998/LB, dated 12.10.2023. His Service Record is returned herewith.

Attested


P-15

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 2450/2023
Muhammad Khan
Ex-ASI, District Kohat

..... Appellant


VERSUS


1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Kohat.
3. Regional Police Officer, Kohat


..... Respondents

AUTHORITY LETTER

Mr. Usman Ali Khan, DSP Legal Kohat is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.


(FARHAN KHAN) PSP
District Police Officer,
Kohat
(Respondent No. 3)


(SHER AKBER) PSP, S.St
Regional Police Officer,
Kohat Region
(Respondent No. 2)


Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
Respondent No. 1
(DR. MUHAMMAD AKHTAR ABBAS)
Incumbent