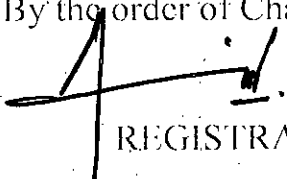


# FORM OF ORDER SHEET

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

**Appeal No. 164/2024**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19/01/2024	<p>The appeal of Mr. Azmat Ali presented today by Mr. Muhammad Zafar Khan Tahirkheli 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 SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA PESHAWAR**

Service Appeal No. 164/2024

Azmat Ali,

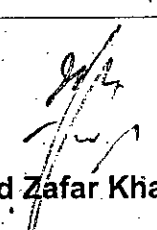
**Versus**

Govt of Khyber.Pakhtunkhwa etc.

=====  
**I N D E X**  
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S.No	Particulars	Date	Annexure	Pages
1	Memo of Petition		-	1-4
2	Affidavit			5
3	Addresses of Parties			6
4	Order	16-01-2024	"A"	7
5	Departmental Appeal	12-10-2023	"B"	8-10
6	Order	28-09-2023	"C"	11
7	Promotion Order	18-02-2022	"D"	12-13
8	Charge Sheet	11-05-2023	"E"	14
9	Reply		"E1"	15-16
10	Inquiry Report		"E2"	17-22
11	Final Show Cause	08-09-2023	"F"	23
12	Reply			24
13	Esta Code		"G"	25-27
14	FG Regulation		"H"	28-32
15	Govt. of KP Notification	22-06-2015	"H1"	33-34
12	Vakalatnama			35

Dated:17<sup>th</sup> January, 2024

  
Muhammad Zafar Khan (Tahirkheli)  
A S C.

0300-9597670  
87, Al-Falah Street,  
Cantt Colony, Peshawar

①

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

Service Appeal No. 164 /2024

Azmat Ali s/o Ali Gul,  
Ex-DSP / SDPO (BPS-17) HQrs: Kurram.  
r/o Near Govt. Primary School Jabai, Tehsil & District Kohat. ....Appellant

**VERSUS**

1. Government of Khyber Pakhtunkhwa through  
Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Home & Tribal Affairs,  
Government of Khyber Pakhtunkhwa, Peshawar.
3. Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.
4. Additional Inspector General of Police / HQrs,  
Khyber Pakhtunkhwa, Peshawar.

.....Respondents

=====

**SERVICE APPEAL U/S 4 OF NWFP SERVICE TRIBUNAL ACT, 1974,  
AGAINST THE IMPUGNED REJECTION ORDER DATED 16-01-2024  
(COPY ANNEXED "A"), WHEREIN THE APPELLANT'S SERVICE APPEAL  
DATED 12-10-2023 (COPY ANNEXED "B"), AGAINST THE IMPUGNED,  
"DISMISSAL FROM SERVICE" ORDER DATED 28-09-2023 (COPY  
ANNEXED "C"), WAS REFUSED.**

=====

**PRAYER:**

By accepting this appeal;

- i. Setting aside the impugned orders dated 16-01-2024 and 28-09-2023 and reinstating the appellant in service as Deputy Superintendent of Police with retrospective effect from 28-09-2023 with all the consequential benefits.
  - ii. Any other relief deemed appropriate may also be granted in addition to the relief prayed above.
- =====

**RESPECTFULLY SHEWETH;**

1. That the appellant was initially appointed as Constable on 25-02-1998. He was promoted as Head Constable on 26-04-2003 and ASI on 22-09-2008. He was further promoted as Sub-Inspector on 21-07-2010 and confirmed on 02-07-2012, promoted as Inspector on 05-11-2014 and was confirmed on 05-11-2016. Then he was ultimately promoted as DSP on 18-02-2020.

The appellant has served the department continuously for approximately 25 years with regular promotions from time to time while having completed all the requisite courses. (Copy annexed hereto marked "D")

2. That while serving as DSP / SDPO Kurram, the appellant was shocked to receive a charge sheet dated 11-05-2023 with allegations detailed as under;

- i. You being a DSP Headquarter directed Kurram Police to provide 45 Kgs seized hashish, and sold 40 Kgs to a drug dealer namely Shakeel in lieu of 6 lacs Pakistani rupees. Further, you grabbed 2 lacs for release of apprehended car.
- ii. You misused your official authority and committed corruption by minting Rs/- 8 lacs from the drug dealer.

(Copy annexed hereto marked "E")

3. The appellant submitted his reply, while refuting the false and frivolous charges against him. The reply was however not taken into consideration by the worthy Inquiry Committee comprising of Deputy Inspector General of Police (Internal Accountability Branch) and SSP (Investigation Unit CPO) and the appellant was found to be guilty and recommended for a major punishment while recording the conclusion of the impugned Inquiry Report.

(Copy annexed hereto marked "E1" & "E2")

4. That a final show cause notice dated 08-09-2023 was served upon the appellant to which he submitted his Written Reply. Dis-satisfied with the appellant's written reply, ultimately the impugned "Dismissal from Service" order dated 28-09-2023 was issued by the worthy Add. IG, Headquarters, Khyber Pakhtunkhwa, Peshawar.

(Copy annexed hereto marked "F" & "F1")

5. That the appellant preferred a departmental appeal dated 12-10-2023 against the impugned dismissal order dated 28-09-2023, which was ultimately rejected vide order dated 16-01-2024. (Annex "A", "B" & "C")

Feeling aggrieved and finding no other appropriate remedy, the appellant has been constrained to approach the Hon'ble Service Tribunal for the redress of his grievance, inter-alia, for the following,

### Grounds

- a. The respondent department has acted arbitrarily while issuing the impugned orders, in complete disregard to the appellant's clear service record and in absence of any concrete evidence against him.
- b. That the respondent No. 4 (Additional IG) has passed the impugned orders dated 28-09-2023 and 16-01-2024 without any authority and has thus exercised jurisdiction not vested in him under the law.
- c. That the competent authority regarding initiating any disciplinary proceedings or imposing penalty upon the appellant being Deputy Superintendent of Police (BPS-17) is the Chief Secretary of the province. The impugned orders dated 28-09-2023 and 16-01-2024 are thus illegal, unlawful and void ab-initio liable to be set aside, calling for interference by the Hon'ble Tribunal.
- d. That the entire proceedings were initiated against him on the basis of a false, frivolous, vexatious and anonymous application without having any element of truth associated with it.

- e. It is worth mentioning that as per instructions provided in the ESTA CODE, Khyber Pakhtunkhwa, with reference to S&GAD's Letters dated 22-07-1998 and 02-03-2000, that **"Complaints received through anonymous/pseudonymous source should be ignored."**

Similarly, regarding disposal of the anonymous / pseudonymous complaints, the departments were instructed that such letters / complaints should not be entertained in any Government Department / Office in future.

(Copy annexed hereto **marked "G"**)

- f. That the Government of Pakistan has clear direction over filing of anonymous complaints, which is detailed in section 3 sub section 5 of the Act No. XXXVI of 2017, as under:

**"3 (5). Anonymous or pseudonymous disclosures shall not be entertained or processed by the Competent authority."**

Similarly, Section 4 (a) of the KP Promotion, Protection and Enforcement of Human Rights Act, 2014 also restricts the Government Departments from taking any action on anonymous complaints, detailed as under:

- 4. **Procedure for dealing with complaints:**
  - (1) All complaints, in whatever form received by the Directorate, shall be registered and assigned a number and placed for admission before the Director in not later than two (2) working days of the receipt of such complaint and the Director shall within three (3) working days, decide whether the complaint shall be accepted or rejected. Ordinarily complaints of the following nature are not entertain-able by the Directorate:
    - (a) in regard of events which happened more than one year before making of the complaint.
    - (b) with regard to matter which is sub judice in any court
    - (c) which are vague, anonymous or pseudonymous:

(Copy annexed hereto **marked "H" & "H1"**)

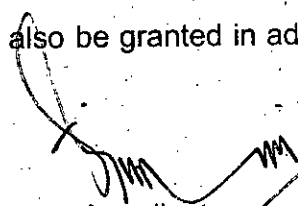
- g. The appellant is a law abiding citizen, a Civil Servant and has never indulged himself in any activity, which could amount to mis-conduct or harboring or facilitating the criminal elements.
- h. That statements of seven witnesses along with the appellant were recorded by the worthy Inquiry Committee. With the exception of one or two, none of the other witnesses deposed against the appellant and were unaware of any charge against the appellant.
- i. That no solid or cogent documentary evidence was neither produced or collected by the Inquiry Committee, which could associate the appellant with the commission of any of the alleged offense mentioned in the charge sheet.
- j. That the allegations against the appellant appears to be based on malafide and misreporting without any iota of truth attached to it hence cannot be relied upon and is liable to be struck down.

k. That no substantive evidence was either produced before or collected by the worthy Inquiry Committee, which could associate the appellant's nexus with the criminal elements or drug smugglers. The whereabouts or any specific detail of Shakeel and Bakhti Jan (Driver) is neither known nor have been ascertained by the worthy inquiry committee.

The proceedings of inquiry were not conducted in accordance with the law. The appellant was not allowed to cross examine the witnesses and the whole process was conducted in a haphazard manner without following the laid down procedure.

- l. That the appellant's performance was never effected by any unfair means during the entire period of his service who always performed his duties to the best of his abilities to the utmost satisfaction of his Superiors. His periodic / timely promotions are testament to the fact that he is honest as well as a competent Civil Servant.
- m. That the impugned action taken against the appellant is based on malafide, anonymous complaints, coupled with false, frivolous, vexatious and baseless allegations / acquisitions.
- n. That in absence of any direct allegation against the appellant and substantial evidence to connect him with commission of any offence or misconduct the penalty imposed is not only harsh but also is against the principles of equity, law, justice and propriety respectfully calling interference by the worthy Service Tribunal.
- o. That the impugned dismissal order as well as rejection order is arbitrary, discriminatory against the principles equity, law, justice and propriety subject to be recalled and set aside by the worthy Service Tribunal.

- i. In view of the above, it is most humbly requested that by accepting this appeal the impugned orders dated 16-01-2024 and 28-09-2023 may kindly be set aside and the appellant be reinstated in service as Deputy Superintendent Police with retrospective effect from 28-09-2023 with all the consequential benefits.
- ii. Any other relief deemed appropriate may also be granted in addition to the relief prayed above.

  
Appellant

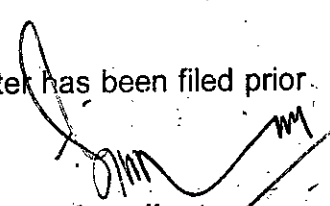
Through,

  
Muhammad Zafar Khan (Tahirkheli)  
A S C.

Peshawar, dated  
17<sup>th</sup> January, 2024

**Certificate**

Certified that no other appeal on the same subject matter has been filed prior to the instant appeal.

  
Appellant

5

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

Service Appeal No. \_\_\_\_\_/2024

Azmat Ali,

**Versus**

Govt of Khyber Pakhtunkhwa etc.

**Affidavit**

I, the appellant, Azmat Ali, Ex-DSP / SDPO (BPS-17) HQrs: Kurram, do hereby state on Oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Hon'ble Tribunal.

Date: - 17<sup>th</sup> January, 2024

DEPONENT

CNIC No. 14301-1081045-1

Cell No. 0331-6660880

Identified by:

*Handwritten signature and date: 18/01/24*

*Handwritten signature*  
Muhammad Zafar Khan (Tahirkheli)  
A.S.C.

6

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

Service Appeal No. \_\_\_\_\_/2024

Azmat Ali,

**Versus**

Govt of Khyber Pakhtunkhwa etc.

=====  
**ADDRESSES OF PARTIES**

**Appellant;**

Azmat Ali s/o Ali Gul,  
Ex-DSP / SDPO (BPS-17) HQrs: Kurram.  
r/o Near Govt. Primary School Jabai, Tehsil & District Kohat.

**Respondents;**

1. Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar.
2. Secretary Home & Tribal Affairs, Government of Khyber Pakhtunkhwa, Peshawar.
3. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
4. Additional Inspector General of Police / HQrs, Khyber Pakhtunkhwa, Peshawar.

  
Appellant

Through,

  
Advocate.

Peshawar, dated  
17<sup>th</sup> January, 2024





**ANNEXURE**  
**A**  
**7**

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

ORDER

This order will dispose of the Review Petition preferred by Ex-DSP Azmat Ali (hereinafter referred as an accused officer) under Rule 11-A of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014). The accused officer was dismissed from service vide Addl: IGP/Khyber Pakhtunkhwa order No. S/2400-10/23, dated 28.09.2023 on the following allegations:-

- i. He being DSP Headquarter, directed Kurram Police to provide 45 Kgs seized hashish and sold 40 kgs to a drug dealer namely Shakeel in lieu of 6 lacs Pakistani rupees. Further, he grabbed 2 lacs for release of the apprehended car.
- ii. He misused his official authority and committed corruption by minting Rs. 8 lacs from the drug dealer.

His review petition was discussed in the Review Board held on 27.12.2023, wherein the accused officer was present and heard in detail nevertheless denied allegations leveled against him.

Perusal of enquiry papers revealed that the allegations against the accused officer were proved as he failed to advance any plausible explanation in rebuttal of the charges. Therefore the Board unanimously rejected his petition.

*Awal Khan*  
(AWAL KHAN) PSP  
Addl: Inspector General of Police, IIQrs:  
Khyber Pakhtunkhwa, Peshawar.

No. S/ 93-100 /24, dated Peshawar, the 16-01- /2024.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat.
2. District Police Officer, Kurram.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/IIQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/IIQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Establishment, Khyber Pakhtunkhwa, Peshawar.
7. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
8. Office Sudpts: E-I and Secret Branch, CPO Peshawar.

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**TRUE COPY**

To: The Competent Authority  
Inspector General of Police, Khyber Pakhtunkhwa,  
Peshawar.

Subject:- **REPRESENTATION/DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 28.09.2023, WHEREIN MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED ON THE APPELLANT.**

R/Sir,

Azmat Ali, Ex-DSP / SDPO HQrs: Kurram, the appellant, submits most respectfully the following for your kind consideration and for favour of acceptance:-

- i. The appellant served the department, continuously for approximately 25 years with regular promotions from time to time while having completed all the requisite courses.
- ii. That while serving as DSP/SDPO Kurram, the appellant was shocked to receive a charge sheet dated 11.05.2023 with allegations detailed as under:-
  - **You being the DSP Headquarter directed Kurram Police to provide 45 KGs seized hashish and sold 40 KGs to a drug dealer namely Shakeel in lieu of 6 lacs Pakistani rupees. Further, you grabbed Rs. 2 lacs for the release of apprehended car.**
  - **You misused your official authority and committed corruption by minting Rs. 8/- lacs from the drug dealer.**
- iii. The appellant submitted his reply, while refuting the false and frivolous charges against him. The reply was however not taken into consideration by the Worthy Inquiry Committee comprising of Deputy Inspector General of Police (Internal Accountability Bureau) and SSP (Investigation Unit CPO) and the appellant was found to be guilty and recommended for major punishment while recording the conclusion of the impugned Inquiry Report.
- iv. That a final show cause notice dated 08.09.2023 was served upon the appellant to which he submitted his written reply. Dis-satisfied with the appellant's written reply, ultimately the impugned "Dismissal from Service" order dated 28.09.2023, was issued by the Worthy Additional IGP/HQrs, Khyber Pakhtunkhwa, Peshawar.
- v. That the appellant had repeatedly submitted before the Worthy Inquiry Committee as well as the worthy authority that he is not associated with any offense or crime detailed in the charge sheet as well as final show cause notice.
- vi. That the entire proceedings were initiated against him on the basis of a false, frivolous, vexatious and anonymous application, without having any element of truth associated with it.

TRUE COPY

- vii. It is worth mentioning that as per instructions provided in the ESTA Code, Khyber Pakhtunkhwa, with reference to S&GAD's letters dated 22.07.1998 and 02.03.2000, that **"Complaints received through anonymous/pseudonymous source should be ignored"**.

Similarly, regarding disposal of the anonymous/pseudonymous complaints, the departments were instructed that such letter / complaints should not be entertained in any Government Department/Office in future.

- viii. That the Government of Pakistan has clear direction over filing of anonymous complaints, which is detailed in section 3 sub section 5 of the Act Bo.XXXVI of 2017, under:

**"3 (5) Anonymous or pseudonymous disclosures shall not be entertained or processed by the competent authority."**

Similarly, Section 4 (a) of the KP Promotion, protection and Enforcement of Human Rights Act, 2014 also restricts the Government Departments from taking any action on anonymous complaints, detailed as under:

**4. Procedure for dealing with complaints:-**

(3) working days, decided whether the complaints shall be accepted or rejected . Ordinarily complaints of the following nature are not entertainable by the Directorate:

- In regard of events which happened more than one year before making of the complaint.
- With regard to matter which is sub judice in any court.
- Which are vague, anonymous or pseudonymous.


- ix. That the appellant is a law abiding citizen, a Civil Servant and has never indulged himself in any activity, which could amount to mis-conduct, harbouring or facilitating the criminal elements.
- x. That the statements of seven witnesses along-with the appellant were recorded by the worthy Inquiry Committee. With the exception of one or two, none of the other witnesses deposed against the appellant and were unaware of any charge against the appellant.
- xi. That no solid, cogent documentary evidence was produced or collected by the Inquiry Committee, which could associate the appellant with the commission of any of the alleged offense mentioned in the charge sheet.
- xii. That the allegations against the appellant appear to be based on malafide and misreporting without any iota of truth attached to It hence cannot be relied upon and is liable to be struck down.
- xiii. That no substantive evidence was either produced before or collected by the worthy Inquiry Committee, which could associate the appellant's nexus with the criminal elements or drug smugglers.

- (10)
- xiv. That the impugned action taken against the appellant is based on malafide, anonymous complaints coupled with false, frivolous, vexatious and baseless allegation/acquisitions.
  - xv. That in the absence of any direct allegation against the appellant and substantial evidence to connect him with the alleged commission of any offence or misconduct the penalty imposed is very harsh and is against the principles of equity, law, justice and propriety respectfully calling interference by the worthy Appellate Authority.
  - xvi. That the impugned dismissal order is thus arbitrary, discriminatory and propriety subject to be recalled and set aside by the worthy authority.
  - xvii. The appellant seeks permission of the worthy authority to be graciously provided with the opportunity to be heard in person.

In view of the above, its most humbly submitted that by accepting this appeal, the impugned dismissal from service dated 28.09.2023 may kindly be set aside and recalled while exonerating the appellant of all the charges levelled against him and reinstating him in service with retrospective effect with all consequential benefits.

Dated: 12 / October , 2023

(Appellant)

  
**Azmat Ali**  
Ex-DSP/SDPO  
HQrs.; Kurram

*2023 No 1585/23*  
*12/10/23*



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE,  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE,  
PESHAWAR.

ORDER

This Order will dispose of the Departmental Enquiry initiated against Mr. Azmat Ali, DSP, the then SDPO HQrs: Kurram, who was charge sheeted with statement of allegations issued by the Competent Authority under Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014) vide No. S/1240/23, dated 12.05.2023, on the following charges:-

- i. He being DSP Headquarter directed Kurram Police to provide 45 Kgs seized hashish and sold 40 kgs to a drug dealer namely Shakeel in lieu of 6 lacs Pakistani rupees. Further, he grabbed 2 lacs for release of apprehended car.
- ii. He misused his official authority and committed corruption by minting Rs. 8 lacs from the drug dealer.

2. He was issued Charge Sheet/Statement of Allegations vide No. S/1240/23, dated 12.05.2023. DIG-IAB CPO and Mr. Irshad Khan, SP Investigation CPO were appointed as enquiry officers. Accordingly, he was closed to CPO and was issued Charge Sheet alongwith Statement of Allegations. The Enquiry Committee heard him in person and he was given full opportunity to defend himself but failed to show any plausible reason in his favor.

3. The Enquiry Committee submitted its findings/report which confirmed the allegations against him beyond any iota of doubt and he was recommended for major punishment. He was issued Final Show Cause Notice vide No. S/2323/23, dated 08.09.2023 to which his reply was found unsatisfactory. He was summoned & heard in person in Orderly Room.

4. In the light of finding of the Enquiry Committee, Mr. Azmat Ali DSP, the then DSP Headquarter Kurram (now close to CPO) is held guilty of the charges leveled against him.

5. Therefore, I Additional IGP//HQrs: Khyber Pakhtunkhwa, being Competent Authority, and in the light of recommendations of Enquiry Committee, is satisfied that the charges against him stand proved as such and in exercise of powers vested under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014), impose upon him major penalty of "Dismissal from Service" with immediate effect.

Order announced.

*Awal Khan*  
(AWAL KHAN) PSP,  
Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa.

No. S/ 2400-2410 /2023, dated Peshawar the 28 109 /2023.

Copy of above is forwarded for information and necessary action to the:-

1. Additional Inspector General of Police, Investigation, KP.
2. Deputy Inspector General of Police, Training, CPO Peshawar.
3. Regional Police Officer, Kohat.
4. Deputy Inspector General of Police, Internal Accountability Branch CPO.
5. PSO to IGP/Khyber Pakhtunkhwa, Peshawar.
6. Registrar, CPO Peshawar.
7. Office Supdt: CP Branch CPO Peshawar.
8. Office Supdt: E-I, CPO.
9. PAs to Addl: IGP/HQrs., DIG/HQrs., AIG/Estab: CPO Peshawar.
10. UOP File.

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**NOTIFICATION**

No.CPO/E-I/Promotion/ 332, In pursuance of the provision contained in Section-5 of the Promotion Rules-2007 and on the recommendations of Departmental Selection Committee meeting held on 15<sup>th</sup> February, 2022, the following Inspectors (BS-16) (Executive & Technical) of Khyber Pakhtunkhwa Police are hereby promoted to the rank of Deputy Superintendent of Police (BS-17) on regular basis with immediate effect.

The officers on promotion shall remain on probation for a period of one year in terms of Section 6 (2) of Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

The promotion shall take effect from the date they actually assume the charge of their higher responsibilities:-

S#	Name of officers & No.	S#	Name of officers & No.
1.	Mr. Azmat Ali No. K/200	17.	Mr. Luqman Khan No. MR/80
2.	Mr. Muhammad Sohail No. H/07	18.	Mr. Khairaz Khan No. MR/81
3.	Mr. Muhammad Amin No. H/42	19.	Pir Zar Badshah No. MR/82
4.	Mr. Abdullah Jan No. P/182.	20.	Mr. Muhammad Fazil No. MR/83
5.	Mr. Nasrullah Khan No. P/185	21.	Mr. Imtiaz Ali No. MR/84
6.	Mr. Muhammad Kamran No. P/188.	22.	Mr. Sadat Khan No. K/25
7.	Mr. Sajid Mumtaz No. P/189.	23.	Mr. Fazal Hanif No. K/48
8.	Mr. Fida Hussain No. P/190	24.	Mr. Nazar Hussain No. K/70
9.	Mr. Ijaz Ali No. P/191	25.	Mr. Muhammad Yousaf No. K/71
10.	Mr. Zakaullah No. P/192	26.	Mr. Nazir Khan No. K/72
11.	Mr. Taj Muhammad Khan No. P/193	27.	Mr. Abid Khan No. K/74
12.	Mr. Ijaz Ali No. P/194	28.	Mr. Umar Hayat No. K/20
13.	Mr. Adnan Azam No. P/195	29.	Mr. Muhammad Akbar No. MR/86
14.	Mr. Zahid Alam No. P/196	30.	Mr. Zareef Khan No. MR/87
15.	Mr. Rehmatullah No. P/197	31.	Mr. Asif Mehmood No. B/01
16.	Mr. Muhammad Inam Jan No. MR/59	32.	Mr. Sabir Gul No. MR/90
33.	Mr. Zulfiqar Ahmad (Technical Special Branch)		

Their posting Notification will be issued separately.

**Note:-**

1. The DSC meeting held on 19.08.2020 recommended Mr. Muhammad Sohail No. H/07 to be deferred from promotion to the rank of DSP (BPS-17) because he had not completed mandatory period in a Unit specified as per amended Police Rule 13.16A dated 16.03.2017. At the time of meeting, he was serving in ACE, therefore the Committee directed that he will be promoted once he earns good ACR for a calendar year from any specified Unit. Subsequently in compliance of the DSC decision, he was transferred to Special Branch on 19.04.2021. Mr. Muhammad Sohail No. H/07 is also promoted to the rank of DSP w.e.f 19.04.2022; on successful completion his mandatory period as per amended Police Rule 13.16A.

2. Mr. Abdullah Jan No. P/182 is conditionally and provisionally subject to the outcome of CPLA No.643-P/2021 dated 30.08.2021 in compliance of Execution petition No.227/2021 in Service Appeal No. 291/2019 and Order Sheet dated 10.01.2022 of Khyber Pakhtunkhwa Service Tribunal.

Sd/-  
(SABIR AHMED) PSP  
Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa,

**Endst: No. & date even.**

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa Peshawar.
2. All Addl: Inspectors General of Police in Khyber Pakhtunkhwa.
3. All Deputy Inspectors General of Police in Khyber Pakhtunkhwa
4. All Heads of Units, in Khyber Pakhtunkhwa.
5. All Regional Police Officers, in Khyber Pakhtunkhwa.

P.T.O

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OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA

Dated Peshawar the 18/02/2022

13

6. AIG Legal CPO Peshawar.
7. Director IT CPO Peshawar.
8. Officers concerned.
9. All concerned District Accounts Officers in Khyber Pakhtunkhwa.
10. Registrar, CPO Peshawar.
11. Supdt: Secret CPO Peshawar.
12. Supdt: E-II, CPO Peshawar.
13. Supdt: CPB CPO Peshawar.
14. U.O.P File.

*(Signature)* 18/02/22

(IRFAN TARIQ) <sup>PSP</sup>  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar

*(Signature)*  
TRUE COPY



ANNEXURE E

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

Phone: 091-9210927 Email: [secretbranchcpo9@gmail.com](mailto:secretbranchcpo9@gmail.com)

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CHARGE SHEET

I, **Sabir Ahmed**, Additional Inspector General of Police, Headquarters Khyber Pakhtunkhwa as Competent Authority, under Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) and the powers delegated vide Notification No. CPO/E-1/Delegation of Power 257, dated 31.01.2020 hereby charge you, **Mr. Azmat Ali DSP**, the then SDPO HQrs: Kurram now at CPO as follows:-

- i. *You being a DSP Headquarter directed Kurram Police to provide 45 Kgs seized hashish, and sold 40 kgs to a drug dealer namely Shakeel in lieu of 6 lac Pakistani rupees. Further, you grabbed 2 lac for release of apprehended car.*
- ii. *You misused your official authority and committed corruption by minting Rs/- 8 lac from the drug dealer.*

By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) and have rendered yourself liable to all or any of the penalties specified in the said Rules.

You are, therefore, directed to submit your written defense within seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer/Committee.

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

You are directed to intimate whether you desire to be heard in person or otherwise.

A statement of allegation is enclosed.

*Sabir Ahmed*  
11/05/23  
(SABIR AHMED) PSP

Additional Inspector General of Police  
Headquarters, Khyber Pakhtunkhwa

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عنوان : جواب چارج شیٹ

جناب عالی!

گزارش ہے کہ بحوالہ چارج شیٹ نمبر 1240/23 مورخہ 12-05-2023 مجاریہ جناب ایڈیشنل انسپکٹر جنرل آف پولیس صاحب ہیڈ کوارٹر سنٹرل پولیس آفس پشاور کے جواب کی روشنی میں عرض ہے کہ چارج شیٹ ہذا میں جملہ الزامات بے بنیاد اور من گھڑت پر مبنی ہے۔

چونکہ بندہ بحوالہ آرڈر نمبر 9449-56/PA مورخہ 19-12-2022 مجاریہ جناب RPO صاحب کوہاٹ ریجن کے تحت ضلع کرم میں بطور DSP ہیڈ کوارٹر تعینات تھا۔ نہ کہ DSP سرکل علاوہ ازیں مجھ پر جو الزام لگایا گیا ہے۔ کہ بذریعہ کرم پولیس تشکیل نامی چرس فروش پر چرس کے 40 پیکٹ فروخت کر کے چرس کے عوض میں 6 لاکھ روپے بلکہ پکڑی گئی گاڑی کے عوض میں 2 لاکھ روپے پاکستانی وصول کیے یہ بالکل غلط اور بے بنیاد ہے۔ نہ میں کوئی تشکیل نامی شخص کو جانتا ہوں اور نہ ہی مجھے اندر میں بارہ کوئی علم ہے کہ تشکیل کون ہے۔ کس کا بیٹا اور کہاں کا رہائشی ہے۔ جاری شدہ چارج شیٹ ہی گواہ ہے۔ کہ اس کے کوائف تک نہ ہیں۔

البتہ کچھ یوں عرض کروں گا کہ کچھ PPIS کیخلاف مجھے انفارمیشن ملی کہ وہ چرس کی سمگلنگ میں ملوث ہیں جن کے خلاف میں نے محکمانہ کارروائی کیلئے DPO صاحب کو تحریر کیا تھا جن کی نقول قابل ملاحظہ بطور وجہ ثبوت لف ہذا جواب ہے۔ مجھے یقین ہے کہ یہ اسی کارڈ عمل ہے کہ کسی نے گننام ڈائری مرتب کر کے میری شہرت کو خراب کرنے کی ہر ممکن کوشش کی ہے۔

میری بحیثیت DSP ہیڈ کوارٹر تعیناتی سے قبل کرم پولیس کی کالی بھیڑوں کے خلاف میرے کسی بھی Colleague نے افسران بالا کو ان کے خلاف تادیبی کارروائی کیلئے نہیں لکھا ہے۔ میرے خلاف متذکرہ الزامات کا پلندہ میری اپنی پیشہ ورانہ سرگرمیوں کے ساتھ وفاق کا شاخسانہ ہے۔ میری بااثر سمگلنگ سماج و دشمن عناصر سرگرمیوں میں ملوث اہلکاران کے خلاف لکھے گئے رپورٹ ہائے اس کا زندہ ثبوت ہے۔ یہ کالی بھیڑیں میرے رپورٹ لکھنے سے قبل ڈرگ سمگلنگ میں ایک دفعہ Dismiss بھی ہوئے۔

SP Investigation اور من DSP اس سے قبل بھی ریکارڈ گواہ ہے کہ ضلع کی مروت میں اکٹھے تعینات رہ چکے

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ہیں۔ اور وہ وہاں سے میرے ساتھ مخالفت میں چلا آ رہا ہے۔ اسی وجہ سے مذکورہ نے میرے خلاف جو انکوائری ایک گنام ڈائری کے عوض میں عمل میں لائی اس میں میرا بیان تک قلمبند نہ کیا ورنہ دودھ کا دودھ پانی کا پانی ہو جاتا۔ اس ابتدائی انکوائری میں جتنے بیانات اخذ کیے وہ میری عدم موجودگی میں کیے۔ جس سے اس کی نیت کا پتہ چلتا ہے۔ علاوہ ازیں ابتدائی انکوائری میں جو مجھے معلوم ہوا کہ PPI واجد علی شاہ سے جو بیان لیا گیا وہ زبردستی لیا گیا۔ جس پر مذکورہ نے ایک درخواست DPO صاحب کی خدمت میں گزائی ہے۔ جس کی نکل کاپی لف ہذا جواب قابل ملاحظہ ہے۔

لہذا میری جناب سے التجا ہے کہ اس محکمانہ انکوائری میں جس کا بیان لینا ضروری ہو تو وہ میری موجودگی میں قلمبند کیا جائے جو کہ میرا قانونی حق ہے۔ بس میرا اس قدر بیان ہے جو حقیقت پر مبنی ہے۔ لہذا جواب چار شہیت ہذا مرتب ہو کر استدعا ہے کہ انکوائری ہذا میں لگائے گئے الزامات میں کوئی صداقت نہیں ہے۔ بغیر کسی کاروائی کے داخل دفتر فرمائی جائے۔

عظمت خان DSP

متعینہ CPO پشاور

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Subject: DEPARTMENTAL ENQUIRY AGAINST DSP AZMAT KHAN

> BACKGROUND: -

Vide "F/PUC" Is a letter S/ 1240/23 dated 12/5/2023 received from office of the Additional IGP Hqrs.

On perusal of the preliminary enquiry report, the Competent Authority has ordered proper departmental enquiry against Mr. Azmat Ali DSP, the then SDPO, Kurram presently closed to CPO HQs Peshawar on account of alleged omissions/commissions within the meaning of the Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014).

Statement of Allegation: -

- i. He being DSP Headquarter allegedly directed Kurram Police to provide 45 Kgs seized hashish and sold 40 kgs to a drug dealer namely Shakeel in lieu of 6 lacs Pakistani rupees. Further, he grabbed 2 lacs for the release of apprehended car.
- ii. That he misused his official authority and committed corruption by minting RS/= 8 lacs from the drug dealer.

Constitution of Enquiry Committee:

For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, an Enquiry Committee comprising of the following officer (s) was constituted under Police Rules, 1975 (amended 2014)

- i. DIO and CPO
- ii. SP Investigation CPO (Muhammad Irshad Khan)

The inquiry Committee was directed to probe the allegations while providing reasonable opportunity of hearing to the accused officer, and to submit its finding report within 25 days after receipt of order, recommendations as to punishment or other appropriate action against the accused officer.

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Proceedings

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To dig out the real facts, the following were summoned, heard, person and their statements recorded followed by their cross examination: -

1. DSP Azmat Ali
2. Constable Haider Hussain
3. Constable Wajid Ali Shah No.745
4. Constable Shahadat Hussain No. 1212
5. Constable Hamid Hussain No. 715
6. Constable: Fahad of PS Gumbat district Kohat.
7. Constable Zahid Hussain No. 99

1. Statement of DSP Azmat Ali Khan

DSP Azmat Ali Khan stated in his statement that he was posted as DSP HQs and not DSP Circle (DSP Ops). He denied the allegations and stated that does not know who Shakeel (the alleged drug dealer) is. He further stated that he was tipped of about the PPIs being hand in glove with Hashish smuggling and as such they were recommended to DPO for taking departmental action against those Police officers (copy enclosed). He further mentioned that the anonymous application against him might be the result of legal action proposed against the aforementioned PPIs as none of his predecessors took action against those black sheep in Kurram by reporting upon them to high ups.

The DSP Azmat Ali Shah further alleges in his statement that SP Investigation (who conducted preliminary enquiry into the allegations) and he remained posted in Lakki Marwat District together. The said SP hold personal grudges against him and his involvement in the present enquiry against him is imminent. Further alleges that all the proceedings in the preliminary enquiry were carried out in his absence besides statement of PPI Wajid Ali Shah was recorded under coercion and this act was reported to DPO Kurram in writing (copy enclosed)

2. Statement of Syed Haider Hussain Incharge PPI Torsa check post Kurram:

He stated that he has already given his statement regarding the present enquiry which was based on truth. Contents of the previous statement submitted are as under: -

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ed, heard" (19)  
"He wasn't present in his place of duty as he was busy in market. When he came back to check post, gunners of the respondent DSP snatched his cell phone and made him sit in the Police-Mobile Van. He further said that he wasn't aware of any incident."

**3. Statement of Mr. Syed Wajid Ali Shah PPI Torsa Check Post Kurram:**

He stated that he didn't seize 45 Kgs of Hashish nor he captured any car carrying such amount of Hashish. Furthermore, he didn't sell any sort of hashish to provide benefit to Drug-Dealer or DSP. He captured a white car having #B3495 having 20 packets of hashish and FIR #285 dated 30.12.22 has been registered in Upper Kurram.

Furthermore, he stated that SP-investigation along with some of PPIs visited his check post in late hours and coerced him to sign some documents related to enquiry against DSP-HQrs. He further stated that he signed it just to get his Cell Phone back which was taken by gunners of SP-inv. He wasn't aware that documents so signed by him related to enquiry against DSP HQrs.

**4. Statement of Shahadat Hussain 1218 FC**

He stated that he took leave of 4 days and left for home in the early hours, and the said incident happened at 4PM when he wasn't on duty. He was called on his Cell Phone by Wajid Ali Shah to visit the Check Post and a car carrying 45kgs of hashish was seized. Upon his arrival at the Check Post, the Car was taken to Police Choki and Wajid Ali Shah told him that he informed DSP regarding recovery, on his arrival motor car and hashish will be handed over to him for further action.

Furthermore, he was allowed to leave for home and on the same night on arrival of DSP HQr she was called by Wajid Ali Shah. On his arrival to check post Wajid Ali Shah, Haider Husain, Hamid Husain, Husain Ahmad and HC Meer Asghar were present there. He along with Wajid Ali Shah was commanded to sit in the car and his phone was taken by DSP's Gunners. They went to Quarter of DSP HQrs where he along with Fahad Husain gunner and cook of DSP HQr was waiting in the Kitchen. In meanwhile, Wajid Ali Shah came out, instructed Fahad Husain to handover 5kgs of Hashish to Zahid Hussain and the remaining 40 kgs were left with DSP HQ or in his car. While leaving, he came to know through Wajid Ali. Shah that DSP HQrs

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instructed him to sell the recovered Hashish. In his cross examination disclosed th, later on he was told by Wajid Ali Shah that hashish weresold by DSP HQrs on Rs 6 lacs and he was told to return motor car on receipt of Rs 2 lacs. He further disclosed that Zahid Husain, Wajid Ali Shah PPIs and Fahad Husain are involved with him. (20)

**5. Statement of Hamid Hussain 715 FC**

He stated that he was present on duty along with Shahadat Hussain 1218. Someone tipped of Muharrar Wajid Ali Shah that a car carrying bags of Hashish will cross the check post in a while. In the meanwhile, the car (White Corolla) appeared which was singled to stop and upon search 45 packets of Hashish was recovered from concealed compartments of the car in question. Wajid Ali Shah PPI informed DSP HQrs Azmat Ali Bangash about the car. On his visit DSP HQrs took Cell Phones of PPI Wajid Ali Shah, Shahadat Hussain and Hamid Hussain. Wajid Ali Shah along with Shahadat Hussain was taken by DSP HQrs and around 1PM they came back to the Check Post. DSP HQrs returned his Cell Phone too. After 2-3 days, he came to know that the seized Hashish was returned.

**6. Statement of Fahad Ali Constable DSP Guard**

He stated that he isn't aware of any seizure of hashish or car and he is performing his duties from last 10 years and no case or enquiry has been filed against him up till now.

**7. Statement of Zahid Hussain 99 FC DSP Guard**

He stated that allegation leveled against DSP HQrs and his gunners are false and baseless as they weren't part of any such activity. He further stated that car was allegedly captured 15-20 days earlier by Wajid Ali Shah and the DSP HQrs visited the CP only to recover the car in question and seized Hashish. He also alleged in his statement that both Wajid Ali Shah and Shahadat Hussain are involved in drug business.

**Findings**

From perusal of statements, personal hearing of the officers/officials mentioned above, the Enquiry Committee reached to the following conclusion: -

- DSP Azmat Ali Shah repeatedly mentioned that he wasn't provided reasonable opportunity of hearing and recording of statement in the

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preliminary enquiry conducted by SP Investigation into the same allegations, but during departmental enquiry he was personally heard and opportunity was given to cross examined all the witnesses. (21)

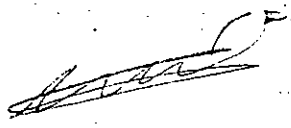
- Whereabouts of the Drug Dealer Shakeel mentioned in the charge sheet are unknown Suspects, Bakhti Jan driver and Shakeel were summoned through district Kurram Police but not appeared and as such their statements could not be recorded let alone heard in person and cross examined.
- During departmental proceedings against DSP Azmat Ali, Wajid Ali Shah, PPI, stated in his written statement submitted to the present Enquiry Committee, that SP-investigation Kurram along with some of PPIs visited his Check Post in late hours and coerced him to sign some documents related to enquiry against DSP-HQrs. While in his application submitted to DPO Kurram stated that during preliminary enquiry he signed his statement prepared by the reader of SP investigation in their office. He further stated that though he signed the papers just to get his Cell Phone back which was taken by gunners of SP-inv but he wasn't aware that documents so signed by him related to enquiry against DSP HQrs. There are major contradictions in his both statements. He totally resiled from his previous statement recorded before the preliminary enquiry officer, but his body language did not support him, which shows his involvement too.
- As per evidence collected the respondent officer Azmat Ali Bangash committed the offence with involvement of Zahid Hussain, Wajid Ali Shah and Fahad Hussain.
- As per statement of Constable Hamid Hussain, he came to know about the sale of Hashish through Wajid Ali Shah.
- Previous record of Azmat Ali Bangash reveals that on 20.05.2014 he was compulsory retired from service in a hashish case vide FIR No 220 dated 2014 for obtaining illegal gratification of Rs 10 lacs. [Copy attached]



Conclusion:

Keeping in view the aforementioned facts and circumstances, the enquiry committee is of the view that the respondent officer Azmat Ali Khan is found guilty and recommended for major punishment to meet the end of justice.

**DEPUTY INSPECTOR GENERAL OF POLICE**  
Internal Accountability Branch  
Khyber Pakhtunkhwa, Peshawar

  
**MUHAMMAD IRSHAD**  
Senior Superintendent of Police  
Investigation Unit CPO,  
Khyber Pakhtunkhwa





**ANNEXURE**

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

No. S/ 2323 /23, Dated Peshawar the 07-07/2023.

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**FINAL SHOW CAUSE NOTICE**

1. WHEREAS, you Mr. Azmat Ali, while posted as DSP Headquarters Kurram committed gross misconduct as defined in Rule 2 (iii) Khyber Pakhtunkhwa Police Rules 1975 (amended 2014), resultantly you were Charge Sheeted and served with the Statement of allegations and Enquiry Committee comprising DIG-IAB Khyber Pakhtunkhwa and Mr. Muhammad Irhad. SSP Investigation CPO Khyber Pakhtunkhwa was constituted to conduct enquiry into the matter.

2. WHEREAS, the Enquiry Committee finalized the Enquiry proceedings, giving you full opportunities of defense i.e cross examination of the witnesses besides audience of relevant record and personal hearing. Consequent upon the completion of Enquiry proceeding the charges against you were established beyond any shadow of doubt and you were recommended for punishment. A copy of the finding is enclosed.

3. AND WHEREAS, on going through the finding and recommendation of Enquiry Officers, the material placed on record and other connected papers including your defense before the said Enquiry Committee, the undersigned is satisfied that you have committed gross misconduct within the meaning of Rules ibid and held guilty of the charges leveled against you as per statement of allegations conveyed to you vide No. S/1240/23, dated 12.05.2023.

4. NOW THEREFORE, I, Awal Khan PSP, Additional Inspector General of Police-Headquarters, Khyber Pakhtunkhwa Peshawar, being Competent Authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "Dismissal from Service" under the Rules ibid.

You are therefore, required to Show Cause within Seven (07) days of the receipt of this Notice as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defense to offer and an ex-parte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise.

*Awal Khan*

(AWAL KHAN) PSP,  
Additional Inspector General of Police,  
Headquarters, Khyber Pakhtunkhwa

Mr. Azmat Ali, DSP  
Ex-DSP Headquarters Kurram,  
now closed to CPO

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## جواب فائل شوکاژ نوٹس

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28/1

جناب عالی!

گزارش ہے کہ بحوالہ فائل شوکاژ نمبری No. S/2323/23, dated 28.08.2023 جاریہ دفتر ایڈیشنل انسپکٹر جنرل آف پولیس، ہیڈ کوارٹرز، خیبر پختونخواہ، پشاور منوصولہ بمورخہ 11.09.2023 کے جواب کی روشنی میں عرض ہے کہ قبل از میں انکوآری ہذا کے سلسلے میں تفصیلاً جواب دیا گیا تھا جس کی میں تائید کرتا ہوں نقل کا پی لف ہذا قابل ملاحظہ ہے مزید عرض ہے کہ:

1. انکوآری ہذا میں جتنے بھی بیانات اخذ کئے گئے ہیں تمام بیانات بندہ الزام علیہ کے حق میں پائے گئے تاہم مسائل کے خلاف نیگیٹو پوائنٹ کو ظاہر کر کے مثبت پوائنٹ کو نظر انداز کیا گیا تاہم کسی کے بیان کے وجہ سے کوئی جرم ثابت نہ ہوا۔
2. جو بیانات بندہ کے حق میں اخذ ہوئے جن کا ذکر انکوآری رپورٹ میں نہیں کیا گیا ہے جب کہ انکوآری ہذا کے اختتام پر سابقہ ریکارڈ مقدمہ علت نمبر No. 220, dated 2.04.2014, جرم CNSA 9 پولیس اسٹیشن سٹی ہنگو کا جو ذکر کیا گیا ہے جس کا انکوآری ہذا کے ساتھ کوئی تعلق نہیں پایا جاتا جس کی بنا پر مسائل کو جس سزا کیلئے قصور وار ٹھرایا گیا۔ چونکہ مقدمہ ہذا بندہ کی مدعیت میں درج رجسٹر ہو کر باقاعدہ مقدمہ ہذا کی پیروی کرنے کے بعد بعد الت ڈسٹرکٹ اینڈ سیشن جج صاحب ہنگو نے ملزم کو عمر قید اور دو لاکھ روپے جرمانہ کی سزا کا حکم صادر فرمایا۔ اندر میں بارہ مجھے جو غلط سزا دی گئی تھی جس کے خلاف محکمانہ اپیل دائر کی گئی جس میں مسائل کو بری الزمہ قرار دیا جا کر نوکری پر بحال کیا گیا جس سے ثابت ہے کہ میں نے نیک نیتی اور پروڈینشل ذمہ داریاں احسن طریقے سے ادا کی تھی۔ نقولات بحالی سروس اور فیصلہ عدالت لف ہذا قابل ملاحظہ ہے۔
3. تاہم مکمل انکوآری میں مجھ پر کوئی الزام ثابت نہ ہوا لہذا آخر میں استدعا ہے کہ مسائل کو انکوآری ہذا کے سلسلے میں باقاعدہ Orderly Room میں پیش ہونے اور سننے کی اجازت دی جائے جو مسائل کا قانونی حق ہے۔

جواب فائل شوکاژ ہذا مرتب ہو کر ابلاغ خدمت ہے

عظمت علی، ڈی ایس پی

Ex-DSP Headquarter Kurram

now closed to CPO

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ANNEXURE 9

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# ESTA CODE

ESTABLISHMENT CODE KHYBER PAKHTUNKHWA  
( REVISED EDITION ) 2011

A COMPENDIUM OF LAWS, RULES AND INSTRUCTIONS  
RELATING TO THE TERMS AND CONDITIONS  
OF PROVINCIAL CIVIL SERVANTS

COMPILED BY;  
(O&M) SECTION  
ESTABLISHMENT & ADMINISTRATION DEPARTMENT

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**Anonymous Complaints/Letters**

**Disposal of Enquiry cases based on anonymous/  
Pseudonymous complaints.**

The following instructions may be followed during disposal of anonymous communications:-

1. Anonymous communications must invariably be filed on their receipt. No action of any kind is to be taken on them and no notice of any kind is to be taken on their contents. If the communication is found to be pseudonymous it (and any previous notes etc. connected with it) must similarly be filed.
2. It is however recognized that there may be exceptional cases, when anonymous/ pseudonymous communication contain allegations of a specific nature having a ring of truth, then these may be inquired into only after obtaining the orders of Administrative Secretaries/Head of Attached Department/ Commissioners/ Deputy Commissioners, as the case may be.
3. Local heads of Police officers in the Districts can also exercise discretion to order enquiries into anonymous and pseudonymous petition on the analogy of Deputy Commissioners in their respective jurisdictions. Since the Deputy Commissioner is the General Administrative head of the District, his orders should be obtained by the concerned head of office under his administrative control if he wants to take action on any anonymous petition.
4. Anonymous petitions or letters should normally be filed except when definite allegations are made and concrete instances given.
5. In complaint against a civil servant, the petitioner should be asked to furnish an affidavit to the effect that all facts stated in his complaint are true and if his affidavit is proved false, he would be prepared to face legal action which could be taken against him.
6. Complaints received through anonymous/pseudonymous source should be ignored.
7. Antecedents and credentials of a complaint should be verified before an inquiry is instituted against the officials concerned.
8. News papers publishing allegations, which are proved to be baseless, should be dealt with according to the law.

at all levels.

It is requested that strict observance of the above instructions may be ensured

(Authority:-S&GAD's letter No. SORH(S&GAD)5(29)/97-II, dated 22.7.1998)

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**Disposal of anonymous/pseudonymous complaints.**

I am directed to invite attention to this Department circular letter of even number dated 22.7.98, wherein detailed instructions with regard to the disposal of anonymous/pseudonymous complaints had been issued. It has been observed that the aforesaid instructions are either not being followed or have been lost sight of as anonymous/pseudonymous complaints are still being received which on investigation, are found baseless resulting in wastage of time and energy of the Government functionaries and stationery of the Government which could usefully be utilised in pursuits of public interest.

2. I am, therefore, directed to request once again that anonymous/pseudonymous letters/complaints should not be entertained in any Government Department/office in future.
3. The above instructions may kindly be brought to the notice of all concerned and noted for strict compliance.

(Authority S&GAD letter NO.SORII(S&GAD)5(29)97 Vol-II, dated 15.11.1999)

**Conducting of Inquiries into complaints.**

I am directed to refer to the subject noted above and to state that in a case of inquiry pertaining to Agency Headquarters Hospital, Landikotal, the Chief Secretary NWFP was pleased to observe that in very rare cases anybody responsible would admit a mistake or a fault. It has therefore been desired that while dealing with such complaints the officer conducting a particular enquiry should be a little more discerning, otherwise the entire exercise would become meaningless. The Departments should not treat every complaint as a noose around their neck. The idea of conducting inquiries into the alleged malpractices is simply to see inwardly and reform/correct the situation wherever anything goes wrong. In all cases so far referred to the Departments, the charges leveled against individual officers are denied and no case has been reported in which corrective action was taken.

In view of the position explained above, the instructions of the Competent Authority as mentioned above may please be noted for strict compliance. These instructions may also be circulated amongst the attached departments and sub-ordinate offices for similar action.

(Authority S&GAD letter No.SO(Coord)/PMC/S&GAD/1-1/99/353-95 dated 2.3.2000)

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The Gazette of Pakistan



EXTRAORDINARY  
PUBLISHED BY AUTHORITY

ISLAMABAD, TUESDAY, NOVEMBER 7, 2017

PART I

Acts, Ordinances, President's Orders and Regulations

SENATE SECRETARIAT

Islamabad, the 6th November, 2017

No. F. 9(23)/2017-Legis.—The following Act of *Majlis-e-Shoora* (Parliament) received the assent of the President on 2nd November, 2017 and is hereby published for general information:—

ACT NO. XXXVI OF 2017

*An Act to provide a mechanism for public interest disclosures and protection of persons making such disclosures*

WHEREAS it is expedient to provide a mechanism for public interest disclosures to prevent corruption and corrupt practices, protect persons making such disclosures and for matters connected therewith or ancillary thereto;

It is hereby enacted as follows:—

(1589)

Price: Rs. 10.50

[1918(2017) Ex. Gaz.]

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## CHAPTER I

## PRELIMINARY

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1. Short title, extent and commencement:—(1) This Act may be called the Public Interest Disclosures Act, 2017.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.—In this Act, unless there is anything repugnant in the subject or context,—

(a) "Competent Authority" means the respective Head of the Organization;

(b) "complainant" means a person making complaint relating to disclosure under this Act;

(c) "disclosure" means a complaint relating to,—

(i) willful misuse of power or willful misuse of discretion by virtue of which substantial loss is caused to the Government or substantial wrongful gain accrues to the public servant or to third party; and

(ii) commission of or an attempt to commit an offence of corruption or corrupt practices as defined in the National Accountability Bureau Ordinance, 1999 (XVIII of 1999) or any other law relating to corruption and includes the offence committed through electronic mail or device;

(c) "Government" means the Federal Government;

(d) "Head of Organization" means the Head of Organization concerned with disclosure;

(e) "Organization" means:

(i) a Ministry, Division, Department or an Office of the Government;

(ii) a corporation, company, body, an institution or entity controlled or established by the Government;

  
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- (iii) institutions established under the Constitution except the institutions which exclusively relate to Province;
- (iv) any other public sector authority, body, institution or entity not covered under paragraphs (i) and (ii) above which the Government may, by notification in the official Gazette, specify for the purposes of this Act;
- (v) any private sector body, company or entity including NGOs of national and public importance which the Government may, by notification in the official Gazette, specify for the purposes of this Act.
- (f) "person" means any person who is, or has been holding or has held, a post or office in any public corporation, bank, financial institution, undertaking or other organization established, controlled or administered by or under the authority of Government;
- (g) "public servant" for the purposes of this Act means a public servant as defined in section 21 of the Pakistan Penal Code, 1860 (Act XLV of 1860) and includes an employee of any corporation or other body or organization setup, controlled or administered by or under the authority of the Government; and
- (h) "prescribed" means prescribed by rules made by the Government under this Act.

## CHAPTER II

### PUBLIC INTEREST DISCLOSURE AND INQUIRY IN RELATION THERE TO

3. Public interest disclosure.— (1) Any person may make a public interest disclosure before the Competent Authority.

(2) A disclosure under sub-section (1) shall be made in good faith and shall be substantiated by a declaration that the information being disclosed or allegations being leveled by him are true to the best of his knowledge and belief.

(3) The disclosure shall be in the prescribed form and duly supported by relevant documents or other materials, if any.

(4) The Competent Authority may, if it deems fit, call for further information or particulars from the Complainant.

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(5) Anonymous or pseudonymous disclosures shall not be referred or processed by the Competent Authority.

(6) The Competent Authority may designate or appoint such officers as may be notified any officer not below BPS-17 or equivalent to receive complaints.

4. Preliminary inquiry.—The Competent Authority shall conduct a preliminary inquiry into the disclosure to ascertain the identity and credibility of the Complainant in prescribed manner.

5. Matters not to be inquired by Competent Authority.—The Competent Authority shall not inquire into following matters, namely:—

- (a) any matter specified or an issue raised in a disclosure has been determined by a court or tribunal authorized to determine the same; or
- (b) matter in respect of which a formal and public inquiry has been ordered under the law;
- (c) in respect of a matter which has been referred for inquiry under the law.

(2) Nothing in this Act shall be construed as empowering the Competent Authority to question, in any inquiry under this Act, any bona fide action or bona fide discretion including administrative or statutory discretion exercised in discharge of duty by the employee or person concerned.

6. Exemption from disclosure.— Disclosure shall not be made if the information,—

(i) is likely to prejudicially affect,—

- (a) the sovereignty and integrity of Pakistan;
- (b) the security, strategic or economic interests of the Pakistan; or
- (c) relations with foreign states;

(ii) may lead to incitement to offence;

(iii) contains Cabinet or Cabinet Committees papers including records of deliberations of the Cabinet Ministers, secretaries and other offices except as permitted by the Cabinet Secretary;

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- (iv) has been expressly forbidden to be published by a court or tribunal, or if the disclosure of information may result in contempt of court;
- (v) cause a breach of privilege of Parliament or Provincial Assembly;
- (vi) relates to trade secrets, intellectual property (and such disclosure would harm a competitor), except if such information is permitted under the law relating to right of information;
- (vii) is available to the person making the disclosure in his fiduciary capacity, except if such information is permitted under the law relating to right of information;
- (viii) is received in confidence from a foreign government;
- (ix) impede the process of investigation or apprehension or prosecution of offenders;
- (x) endanger the life or physical safety of a person, or identify the source of information given in confidence for law enforcement or security purposes; and
- (xi) contains disclosure of personal information and it has no relationship with any public interest or if it causes unwarranted invasion of privacy, except if it is permitted under the law relating to right of information.

### CHAPTER III

#### COMPETENT AUTHORITY

7. Powers of Competent Authority.—(1) For the purpose of inquiry (including the preliminary inquiry), the Competent Authority shall have all the powers of a Civil Court while trying a suit under the Code of Civil Procedure, 1908 (Act V of 1908), in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;

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GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS &  
HUMAN RIGHTS DEPARTMENT

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H<sub>1</sub>  
(33)

NOTIFICATION

Peshawar dated the 22.06.2015

No. E&A/LD/2-58/93. --- In exercise of the powers conferred by section 13 of the Khyber Pakhtunkhwa, Promotion, Protection and Enforcement of Human Rights Act, 2014. (Khyber Pakhtunkhwa Act No. III of 2014), the Government of the Khyber Pakhtunkhwa is pleased to make the following rules, namely:

**THE KHYBER PAKHTUNKHWA  
DIRECTORATE OF HUMAN RIGHTS (PROCEDURE) RULES, 2015**

1. **Short title and commencement.**--- (1) These rules may be called the Khyber Pakhtunkhwa Directorate of Human Rights (Procedure) Rules, 2015.

(2) These rules shall come into force at once.

2. **Definitions.**--- In these rules unless the context otherwise requires:

(a) "Act" means the Khyber Pakhtunkhwa Promotion, Protection and Enforcement of Human Rights Act, 2014 (Khyber Pakhtunkhwa Act No., III of 2014);

(b) "compliant" means the allegation with regard to violations of human rights made by the complainant, in writing, to the Directorate; and

(c) "complainant" means any person, who personally or on behalf of any person makes a complaint.

3. **Filing of complaints.**---(1) The complainant, on violation of human rights, may file a complaint in the Directorate for taking necessary action under the Act.

(2) The complaint filed by any other person on behalf of the aggrieved person, under sub-rule (1), shall be treated as filed by the complainant himself.

4. **Procedure for dealing with complaints.**---(1) All complaints, in whatever form received by the Directorate, shall be registered and assigned a number and placed for admission before the Director in not later than two (2) working days of the receipt of such complaint and the Director shall within three (3) working days, decide whether the complaint shall be accepted or rejected. Ordinarily complaints of the following nature are not entertainable by the Directorate:

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- (a) in regard to events which happened more than one year before the making of the complaint;
  - (b) with regard to matter which is sub-judice in any Court of law;
  - (c) which are vague, anonymous or pseudonymous;
  - (d) which are false or frivolous nature; and
  - (e) which are outside the purview of the Directorate.

(2) In case the Director is of the opinion that the complaint has not been accepted on the ground of being frivolous under clause (d) of sub-rule (1), the complainant shall be proceeded under section 182 of the Pakistan Penal Code, 1860.

(3) No fee shall be charged for the complaint filed by the complainant, with the Directorate.

(4) Every attempt shall be made to disclose a complete picture of the matter leading to the complaint and the same may be made in English or Urdu to enable the Directorate to take immediate action. To facilitate the filing of the complaints, the Directorate shall, however, entertain complaints in any language. It shall be open to the Directorate to ask further information and affidavits to be filed in support of allegations, whenever, considered necessary.

(5) The Directorate shall accept the complaints either through email, fax or through any other electronic source of communication.

(6) The Director shall have the power to dismiss a complaint in limini by giving solid reasons.

(7) After acceptance of a complaint, the Director shall mark the complaint to any officer of the Directorate for inquiry.

(8) On every accepted complaint, the inquiry officer shall, within fourteen (14) days of maximum time, call for reports or comments from the persons against whom, and Government Department, Authority or any other Agency, as the case may be, against which, such complaint has been made:

(9) In case such person, Government Department, Authority or Agency, as the case may be, failed to respond within the time limit, as specified in sub-rule (8), the Directorate shall issue a second notice which shall be responded by such person, Government Department, Authority or Agency, as the case may be, within seven (7) days, after receiving the same.

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# VAKALATNAMA

35

In the Court of

**Khyber Pakhtunkhwa Service Tribunal, Peshawar**

Service Appeal No. \_\_\_\_ / 2024

ID No.	B.C- 10-7764
Advocate	M. Zafar
Cell No.	0300-9597670
CNIC	17301-1639615-3

**Azmat Ali**

Petitioner  
Plaintiff  
Applicant  
Appellant  
Complainant

Decree-Holder

**V**ERSUS

**Govt of Khyber Pakhtunkhwa etc.**

Respondent  
Defendant  
Opponent  
Accused

Judgment-Debtor

I / We **Azmat Ali** the above noted appellant, do hereby appointed and constitute, **Muhammad Zafar Khan Tahirkheli, Advocate Supreme Court of Pakistan** to appear, plead, act, compromise, withdraw or refer to arbitration for me / us as my / our counsels / advocates in the above noted matter, without any liability for his default and with the authority to engage any other Advocate / Counsel at my / our cost.

The Client / Litigant will ensure his presence before the Court on each and every date of hearing and the counsel would not be responsible if the case is proceeded ex-parte or is dismissed in default of appearance. All cost awarded in favour shall be the right of Counsel or his nominee, and if awarded against shall be payable by me/us.

I / We authorize the said Advocates to withdraw and receive on my / our behalf all sums and amounts payable or deposited on my / our account in the above noted matter

Client

**M. Zafar Khan Khan (Tahirkheli)**

A S C.

Attested & Accepted (Advocates)

Dated, 17/01/2024

Office **ATIQ LAW ASSOCIATES,**  
87, Al-Falah Street, Besides State Life Building,  
Peshawar Cantt, Phone: 091-5279529  
E-mail : [zafark.advocate@gmail.com](mailto:zafark.advocate@gmail.com)