


Cost of Rs. 2000/- received in Service Appeal No. 1316/2023  
Titled Usama Khan vs Police  
in the office of Assistant Registrar, Vide Order 12-02-2024,  
submitted on 12/02/2024.

  
12/02/24  
Assistant Registrar  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

SERVICE APPEAL No. 1316/2023

Usama Khan..... (Appellant)

**VERSUS**


District Police Officer Mohmand & Others.....(Respondents)

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Respondents

Through

  
Said Alam DSP (Legal),  
Mohmand

CNIC# 21407-4697246-1  
CELL NO: 03459160916

①

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

Service Appeal No. 1316/2023

Usama Khan.....(Appellant)

Versus

Provincial Police Officer, Khyber Pakhtunkhwa etc..... (Respondents)

**PARAWISE COMMENTS BY BEHALF OF RESPONDENTS NO. 1 TO 3**

Respectfully She-weth:-

**PRELIMINARY OBJECTIONS:-**

- i. That, the appellant has got no cause of action or locus standi to file the present writ petition.
- ii. That, the appeal is bad for mis-joinder and non-joinder of necessary parties.
- iii. That, the appeal is barred by law & limitations.
- iv. That, the appellant is concealing real facts from this Hon'ble Tribunal.
- v. That, the appellant is estopped by his own conduct to file the petition.
- vi. That, the appellant has not come to this Honorable Tribunal with clean hands.

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 11089

Dated 12-02-2024

**FACTS:-**

1. Pertains to personal information of the appellant, hence no comments.
2. Correct to the extent that the appellant absorbed in Khyber Pakhtunkhwa Police department as Constable vide Notification dated 07.05.2021. (Copy of Notification is annexed as Annexure 'A').
3. Incorrect, misleading and misconceived, the appellant was not promoted to the rank of ASI, in-fact he was Constable and he while posted to Mohmand Dam was assigned security duties but instead of performance of his official duties, he had contacts with anti-social elements i.e drug peddlers, also he was wearing the rank of ASI in defiance of discipline. On this gross misconduct, he was proceeded against departmentally, charge sheet along with summary of allegations (Annexure 'B') issued to the appellant. Mr. Rokhan Zeb SP/ Investigation, Mohmand was appointed as enquiry officer with directions to conduct departmental enquiry in accordance with law/ rules. The enquiry officer conducted the enquiry in accordance with law/ rules and submitted findings of enquiry (Annexure 'C') wherein the appellant was found guilty of gross misconduct, the enquiry officer recommended the appellant for punishment under Section 12.21 of Police Rules, 1934. On receipt of the enquiry findings, the appellant was served with final show cause notice (Annexure 'D') upon which he replied but the same was not found satisfactory hence, the appellant was awarded major punishment of discharged from service vide order dated 29.11.2022. (Annexure 'E').
4. Incorrect, misleading and misconceived, as already explained in detail in preceding Para.
5. Incorrect, as already explained above in Para No. 3 the appellant remained in contact with anti-social elements i.e. drugs peddlers, besides he was wearing ASI rank while he was actually in FC rank at that time.
6. Incorrect and misleading, the appellant was served with charge sheet along with summary of allegations already explained above.
7. Incorrect as already explained above that each and every aspect of departmental enquiry adopted by Competent Authority before issuance of discharge order dated 29.11.2022. the appellant was not promoted to the rank of ASI, in-fact he was Constable and he while posted to Mohmand Dam was assigned security duties but instead of performance of his official duties, he had contacts with anti-social elements i.e drugs peddlers, also he was wearing the rank of ASI in defiance of discipline. On this gross misconduct, he was proceeded against departmentally, charge sheet along with summary of allegations were issued to the appellant. Mr. Rokhan Zeb SP/ Investigation, Mohmand was appointed as enquiry officer with directions to conduct departmental enquiry in accordance with law/

rules. The enquiry officer conducted the enquiry in accordance with law/ rules and submitted findings of enquiry wherein the appellant was found guilty of gross misconduct, the enquiry officer recommended the appellant for punishment under Section 12.21 of Police Rules, 1934. On receipt of the enquiry findings, the appellant was served with final show cause notice upon which he replied but the same was not found satisfactory hence, the appellant was awarded major punishment of discharge from service vide order dated 29.11.2022.


8. Incorrect, the departmental appeal against order dated 28.11.2022 of the appellant was found time barred. Hence, the appellate authority rejected the same vide order dated 03.03.2023 (Annexure 'F'). It is worth to mention here that when appeal before the departmental authority is time barred then Service Appeal before the Service Tribunal is incompetent. Reliance is placed on 2017 SCMR 965, 2006 SCMR 453, 2007 SCMR 513, 2011 SCMR 1429 & 2021 SCMR 144.
9. The revision petition of the appellant was also found time barred hence, was rejected on the basis of time barred vide order dated 08.05.2023 (Annexure 'G').
10. The instant Service Appeal is not maintainable and is liable to be dismissed on following Grounds.

### GROUNDS

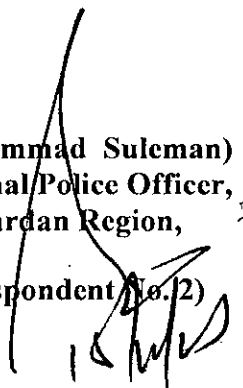
- A. Incorrect, the appellant has been treated in accordance with law/ rules.
- B. Incorrect, the orders of authorities are legal in accordance with facts and are maintainable hence no need to be set aside.
- C. Incorrect, the appellant was found guilty of gross misconduct as already explained above in Paras No. 3 & 7 of Facts hence, he was rightly punished for his deeds.
- D. Incorrect, the orders of authorities have full backing of law/ rules, hence, no violation exists on part of respondent department.
- E. Incorrect as already explained above, a proper departmental enquiry was conducted against the delinquent official in accordance with law/ rules.
- F. Incorrect, the appellant has been discharged after adopting of proper procedure in accordance with law/ rules.
- G. Incorrect, the appellant has been rightly discharged in accordance with law/ rules and is not entitled to be reinstated in service.
- H. Incorrect, the appellant has been provided ample opportunity but he badly failed to advance any plausible grounds in his self defense.
- I. Incorrect, the orders are quite legal, lawful and in accordance with law/ rules hence, may be kept upheld.
- J. Incorrect, the impugned orders are based on facts, and available record and the appellant has not been deprived of his vested rights, the orders passed by the authorities are in accordance with law/ rules and mandate of justice.
- K. Incorrect, the appellant is a black sheep in the official lines and he was rightly punished on account of gross misconduct therefore, no miscarriage of justice committed by the respondent department.
- L. Incorrect, Police force is a discipline force and there is no place for black sheep committing gross misconducts in the shape of keeping contacts with drug peddlers, criminals or anti social elements.
- M. The respondents department also seeks permission to raise additional grounds at the time of arguments.

**PRAYERS:**

Keeping in view the above stated facts it is humbly prayed that the appeal being not maintainable, barred by law/ limitation may kindly be dismissed with costs, please.

  
(Muhammad Ayaz) PSP  
District Police Officer,  
Mohmand

(Respondent No. 1)

  
(Muhammad Suleman)  
Regional/Police Officer,  
Mardan Region,

(Respondent No. 2)

  
(Dr. Muhammad Akhtar Abbas), PSP  
DIG / Legal, CPO

For Inspector General of Police, Khyber Pakhtunkhwa  
Peshawar 

(Respondent No. 3)

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

SERVICE APPEAL No. 1316/2023

Usama Khan..... (Appellant)

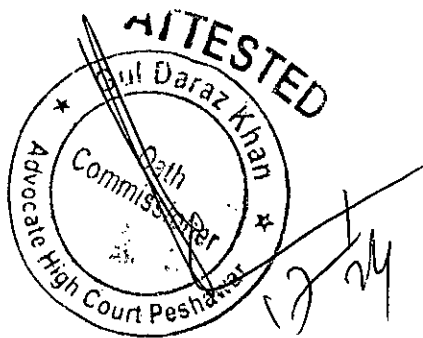
**VERSUS**


District Police Officer Mohmand & Others.....(Respondents)

**AFFIDAVIT**

I, Muhammad Ayaz (PSP), District Police Officer, Mohmand (Respondent No. 1), do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents No. 1, 2 & 3 are correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off.

**DEPONENT**



  
(Muhammad Ayaz)<sup>PSP</sup>  
District Police Officer,  
Mohmand  
(Respondent No. 1)

5

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

SERVICE APPEAL No.1316/2023


Usama Khan..... (Appellant)

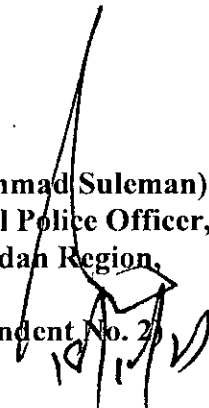
**VERSUS**

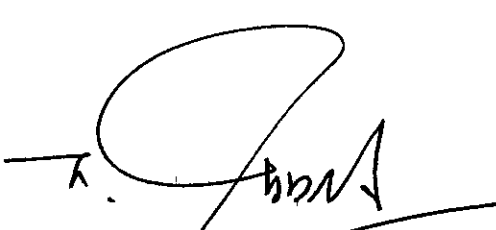
DPO Mohmand & Others.....(Respondents)

**AUTHORITY LETTER**

Mr. Said Alam working as DSP (Legal) is hereby authorized to submit parawise comments in the service appeal in the Honorable Khyber Pakhtunkhwa Service Tribunal, Peshawar and also to defend instant case on behalf of respondents No. 1,2 and 3

  
(Muhammad Ayaz) PSP  
District Police Officer,  
Mohmand  
(Respondent No. 1)

  
(Muhammad Suleman)  
Regional Police Officer,  
Mardan Region,  
(Respondent No. 2)

  
(Dr. Muhammad Akhtar Abbas), PSP  
DIG / Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 3)

(6)

Annexure "A"

GOVERNMENT OF THE KHYBER PAKHTUNKHWA  
HOME AND TRIBAL AFFAIRS DEPARTMENT.

NOTIFICATION

Peshawar dated the, 7/5/2021

No.SO(Police)HD/SMY 2019 Merged Area/ 646-57 In pursuance of the provisions contained in section 5 of the Khyber Pakhtunkhwa Khasadars Force Act, 2019 (Khyber Pakhtunkhwa Act No.XXXIV of 2019) read with rule 3 of the Khasadar Force (Absorption in the Khyber Pakhtunkhwa Police) Rules, 2019, the Home and Tribal Affairs Department, with the prior approval of the Cabinet and on the recommendation of the Provincial Police Officer, hereby orders absorption of the following members of Khasadars Force of Mohmand Tribal District in the Khyber Pakhtunkhwa Police with effect from the date of the initial appointment of the said members:

S.#.	NAME	FATHER'S NAME	PREVIOUS RANK	RANK IN WHICH ABSORBED
1.	ZAHID KHAN	DOST MUHAMMAD	KHASADAR	CONSTABLE BS-7
2.	ASLAM KHAN	NAZ MUHAMMAD	KHASADAR	CONSTABLE BS-7
3.	IMRAN KHAN	HAKHEEM KHAN	HAVALDAR	HEAD CONSTABLE BS-9
4.	KHAN QALAT	SHAHOOR KHAN	KHASADAR	CONSTABLE BS-7
5.	KHALID KHAN	MALIK ZABIT KHAN	KHASADAR	CONSTABLE BS-7
6.	REZWAN ULLAH	SHAH MEHMOOD	HAVALDAR	HEAD CONSTABLE BS-9
7.	KHURSHID AHMAD	WARIS KHAN	KHASADAR	CONSTABLE BS-7
8.	LAL BAHADAR	GUL BADSHAH	HAVALDAR	HEAD CONSTABLE BS-9
9.	IHSAN ULLAH	ISRAN UD: DIN	KHASADAR	CONSTABLE BS-7
10.	AMJAD KHAN	MOHAMMAD ISMAIL	KHASADAR	CONSTABLE BS-7
11.	MUJAHID HUSSAIN	UMAR HAYAT	KHASADAR	CONSTABLE BS-7
12.	IJAZ AHMAD	ANWAR SHAH	KHASADAR	CONSTABLE BS-7
13.	MOHAMMAD YASEEN	RAEES KHAN	KHASADAR	CONSTABLE BS-7
14.	AZIZ ULLAH	SAID MUHAMMAD	KHASADAR	CONSTABLE BS-7
15.	GUL NAWAZ	SAQAO KHAN	KHASADAR	CONSTABLE BS-7
16.	MIR ALAM	HUNAR KHAN	KHASADAR	CONSTABLE BS-7
17.	RAHMAN ULLAH	AJMIR	KHASADAR	CONSTABLE BS-7
18.	JENGRAIZ KHAN	WILAYAT	KHASADAR	CONSTABLE BS-7
19.	AMIR ULLAH	SAID MUHAMMAD	KHASADAR	CONSTABLE BS-7
20.	LIAQAT SHAH	SARWAR KHAN	KHASADAR	CONSTABLE BS-7
21.	IKRAM AKBAR	AKBAR JAN	KHASADAR	CONSTABLE BS-7
22.	IHSAN-UL HAQ	SAMI-UL HAQ	KHASADAR	CONSTABLE BS-7



(7)

S.#.	NAME	FATHER'S NAME	PREVIOUS RANK	RANK IN WHICH ABSORBED
114.	NIHAD ALI	IMDAD KHAN	KHASADAR	CONSTABLE BS-7
115.	TARIQ IMRAN KHAN	IMRAN KHAN	KHASADAR	CONSTABLE BS-7
116.	ALAM ZEB	AURANG ZEB	KHASADAR	CONSTABLE BS-7
117.	SHAH FAISAL	UBAID ULLAH	HAVALDAR	HEAD CONSTABLE BS-9
118.	MUHAMMAD ZUBAIR	RAHMAT SHAH	KHASADAR	CONSTABLE BS-7
119.	FAROOQ SHAH	GUL DAD KHAN	KHASADAR	CONSTABLE BS-7
120.	ZIYAD ALI	NAZAR GUL	KHASADAR	CONSTABLE BS-7
121.	SAUD JAN	ASHRAF UDIN	HAVALDAR	HEAD CONSTABLE BS-9
122.	MUHAMMAD HARIS	FIDA MUHAMMAD	KHASADAR	CONSTABLE BS-7
123.	SAHED GUL	NAWAB GUL	KHASADAR	CONSTABLE BS-7
124.	MURAD SAMEER KHAN	ZAHID KHAN	KHASADAR	CONSTABLE BS-7
125.	AZAR KHAN	HAZRAT KHAN	KHASADAR	CONSTABLE BS-7
126.	MUHAMMAD SAAD	ALI RAZA	KHASADAR	CONSTABLE BS-7
127.	NA SEEB SHER	WADAN SHER	KHASADAR	CONSTABLE BS-7
128.	SHAHAB HUSSAIN	SHAH HUSSAIN	KHASADAR	CONSTABLE BS-7
129.	MUSHTAQ AHMAD	BAHADAR KHAN	KHASADAR	CONSTABLE BS-7
130.	MOHSIN ALI	SAEED KHAN	KHASADAR	CONSTABLE BS-7
131.	ANSAR ULLAH	BABO	KHASADAR	CONSTABLE BS-7
132.	ABID KHAN	INAYAT KHAN	KHASADAR	CONSTABLE BS-7
133.	SAUD KHAN	AMJAD KHAN	KHASADAR	CONSTABLE BS-7
134.	MUKHTAR KHAN	SARTAJ KHAN	KHASADAR	CONSTABLE BS-7
135.	ADNAN KHAN	KHAN BAHADAR	KHASADAR	CONSTABLE BS-7
136.	ABID KHAN	RAB NAWAZ KHAN	KHASADAR	CONSTABLE BS-7
137.	WAQAR KHAN	ZAHIR KHAN	KHASADAR	CONSTABLE BS-7
138.	ABID KHAN	ALI RAHMAN	KHASADAR	CONSTABLE BS-7
139.	ATTA UR REHMAN	LAL RAHMAN	HAVALDAR	HEAD CONSTABLE BS-9
140.	MUHAMMAD ISMAIL	SULIMAN	KHASADAR	CONSTABLE BS-7
141.	ARSHAD KHAN	RANGEEN KHAN	KHASADAR	CONSTABLE BS-7
142.	ZIA ULLAH	SAID REHMAN	KHASADAR	CONSTABLE BS-7
143.	MARIFAT SHAH	FEROZ KHAN	KHASADAR	CONSTABLE BS-7
144.	OSAMA KHAN	SAJID ULLAH	KHASADAR	CONSTABLE BS-7
145.	SARDAR ALI	SAID HABIB	KHASADAR	CONSTABLE BS-7
146.	IBAD ULLAH	ZAR GUL	HAVALDAR	HEAD CONSTABLE BS-9
147.	MUMTAZ ALI QURESHI ALFAROQI	FAZAL MULA QURESHI ALFAROQI	HAVALDAR	HEAD CONSTABLE BS-9
148.	MUHAMMAD ZESHAN	MUHAMMAD YOUNAS	KHASADAR	CONSTABLE BS-7
149.	IRFAN KHAN	BADOR KHAN	KHASADAR	CONSTABLE BS-7
150.	HARIS HUSSAIN	HUSSAIN SHAH	KHASADAR	CONSTABLE BS-7
151.	MUHAMMAD ABBAS	NASAR KHAN	KHASADAR	CONSTABLE BS-7
152.	AIMAL KHAN	MUHAMMAD TARIQ	KHASADAR	CONSTABLE BS-7
153.	ZAR MUHAMMD	MUHAMMAD RAHMAN	KHASADAR	CONSTABLE BS-7
154.	ABDULLAH	DEDAR KHAN	KHASADAR	CONSTABLE BS-7
155.	HAYAT ULLAH	ATTA ULLAH	KHASADAR	CONSTABLE BS-7
156.	IKRAM ULLAH	RAEES KHAN	KHASADAR	CONSTABLE BS-7
157.	JALAL KHAN	AMIR MUHAMMAD	KHASADAR	CONSTABLE BS-7
158.	ASIF KHAN	SHAH NAWAZ KHAN	KHASADAR	CONSTABLE BS-7
159.	MUKHTIAR AHMAD	GHANI UR REHMAN	KHASADAR	CONSTABLE BS-7

Attested

**CHARGE SHEET**

1). **I, Sajjad Ahmad Sahibzada District Police Officer, Mohmand,** as competent Authority, hereby charge you **Constable Osama Khan No.3260** as follows:-

**I. Whereas you Constable Osama Khan No.3260 while posted to Mohmand Dam (now Police Lines Ghallanai) were assigned routine security duties but instead to perform your official duties, you remained in contact with anti-social elements as the same has been verified by solid sources. Besides you were found wearing the rank of ASI without any orders of the competent authority.**

**II). Being a part of uniform force this act shows gross misconduct on this part.**

By reason of the above, you appear to be guilty of misconduct under Police Disciplinary Rules, 1975 with amendments 2014 and have rendered yourself liable to all or any of the penalties specified in the Rules:-

- 2). You are, therefore required to submit your written defense within 07 days of the receipt of this Charge Sheet to the Enquiry Officer as the case may be.
- 3). Your written defense, if any, should reach to the Enquiry Officer within the specified period failing which it shall be presumed that you have no defense to put in and that case, ex-parte action will be taken against yo.
- 4) You are also at liberty, if you wish to be heard in person.
- 5) Statement of allegation is enclosed.

*Attested  
By*

*[Signature]*  
District Police Officer,  
Mohmand

**SUMMARY OF ALLEGATION**

1). **I, Sajjad Ahmad Sahibzada, District Police Officer, Mohmand**, am of the opinion that **Constable Osama Khan No.3260** of this district has rendered himself liable to be proceeded against, as he committed the following acts/omissions within the meaning of police Disciplinary Rule,1975 read with Amendments 2014.

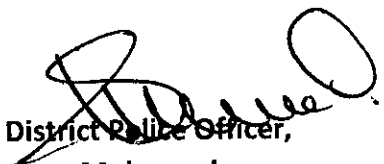
**STATEMENT OF ALLEGATION**

I. **Whereas he Constable Osama Khan No.3260 while posted to Mohmand Dam (now Police Lines Ghallanai) were assigned routine security duties but instead to perform his official duties, he remained in closed contact with anti-social elements as the same has been verified by solid sources. Besides he was found wearing the rank of SI and some time as ASI.**

II). **Being a part of uniform force this act shows gross misconduct on this part.**

2). For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, **Mr. Rokhan Zeb Khan Superintendent of Police Investigation** is appointed as Enquiry Officer, to conduct enquiry under the Rules.

3). The Enquiry Officer shall in accordance with the provision of the Police Disciplinary Rules, 1975 read with Amendments 2014 provide reasonable opportunity of hearing to the accused, record its findings and make within 15 days of the receipt of this order recommendation as to punishment or other appropriate action against the accused.

  
District Police Officer,  
Mohmand

1231-32  
No. \_\_\_\_\_/HC

Dated Mohmand the: 27/06/2022

Cc:

- Enquiry Officer of the District Mohmand **Mr. Rokhan Zeb Khan Superintendent of Police Investigation** is directed to initiate departmental proceedings against the accused under the Police Disciplinary Rules, 1975 read with amendments 2014.
- **FC Osama Khan No.3260** to appear before the Enquiry Officer on the date, time & place fixed by the Enquiry Officer on the date, time & place fixed by the Enquiry Officer for the purpose of enquiry proceedings.



انکوائری رپورٹ

جناب عالی!

حوالہ انکوائری نمبری HC/32-1231 مورخہ 27/06/2022 بجاریہ جناب DPO صاحب ضلع مہمند برخلاف کنسٹبل اُسامہ خان نمبر 3260 معروض خدمت ہوں۔ کہ کنسٹبل مذکورہ کے خلاف الزام ہے۔ کہ مذکورہ بالا سرکاری ڈیوٹی میں دلچسپی نہیں لیتا۔ اس کے علاوہ کنسٹبل مذکورہ سماج دشمن عناصر کے ساتھ رابطہ میں ہے۔ علاوہ ازیں کنسٹبل مذکورہ بغیر کسی مجاز اتھارٹی کے تحریر کے ASI عہدہ استعمال کرتا ہے۔

انکوائری من انسپٹر کو حوالہ ہو کر انکوائری کاغذات ملاحظہ کر کے کنسٹبل مذکورہ بالانے قبل ازیں افسران بالا کو تحریری درخواست دی ہے۔ جس میں تحریر ہے۔ کہ میں فیز 3 میں ضم ہو چکا ہوں۔ اور سال 2021 کو کوہاٹ سنٹر میں بیسک ریکروٹ کورس مکمل کر کے انوسٹی گیشن سٹاف تھانہ یکہ غنڈ تبدیل ہوا۔ تھانہ یکہ غنڈ کے SHO قاسم جان نے مجھ سے 50 ہزار روپے لیکر کہ میں تم کو ASI بناؤنگا۔ تو قاسم جان نے مجھ سے 50 ہزار روپے لیکر اور مجھے ASI رینک لگا کر جو بعد میں DSP لیاقت خان نے اتار کر جس پر میں نے SHO قاسم جان سے رقم کی واپسی کا مطالبہ کیا۔ تو اس نے مجھ سے 50 ہزار روپے میں سے 30 ہزار روپے بدست گن مین خیال نواز دیکر بقایا 20 ہزار روپے ہڑپ کئے۔ اور دینے سے انکاری ہے۔ اس کے بعد کنسٹبل وقار خان متعینہ لیگل برانچ نے مجھ سے رابطہ کر کے بتلایا کہ میں آپ کو قانونی طور پر ASI بناؤنگا۔ اور آپ مجھے 2 لاکھ روپے دے دو۔ تین دن بعد وقار نے مجھے میرے والد صاحب مسی ساجد اللہ کا آرڈر دیکر بتلایا کہ آپ کو ASI بن گئے ہو۔ ابھی سٹار لگاؤ۔ میں نے 2 لاکھ روپے اس کے حجرہ واقع شہبندر میں اپنے ساتھی عثمان کے روبرو دئے۔ اس پروموشن پر میں نے 2 لاکھ 20 ہزار روپے خرچ کئے ہیں۔ جس میں 2 لاکھ روپے کنسٹبل وقار کو اور 30 ہزار روپے SHO قاسم جان کو دئے ہیں۔

دوران انکوائری کنسٹبل مذکورہ بالا کو دفتر ہذا طلب کر کے جس نے اپنا دوسرا تحریری بیان من انکوائری کو پیش کر کے جس نے تحریر کیا ہے۔ کہ میرے والد صاحب مسی ساجد اللہ کے نام پر حاصہ داری تھی۔ انضمام کے وقت میں نے اپنے خاندان کے اجازت سے درخواست جمع کر کے جس پر فیز 3 میں حاصہ داری میرے نام ٹرانسفر ہو کر اور کوہاٹ میں ریکروٹ ٹریننگ مکمل کیا۔ ڈیوٹی جوائن کرنے کے بعد میں نے دیکھا کہ باپ دادا کے نام پر کئی ملازمین حوالدار۔ ASI اور SI ضم ہو چکے ہیں۔ لہذا میں نے بھی پوچھ کچھ کر کے والد صاحب کے نام پر شولڈر پروموشن آرڈر نکالنے کی کوشش شروع کی۔ کنسٹبل وقار خان نے میرے والد کا آرڈر نکال کر جس پر میں نے دیگر حاضہ دائروں کی طرح ASI رینک لگائی ہے۔ یہ آرڈر کاپی وقار خان نے DC آفس سے لیکر دیا ہے۔ علاوہ ازیں میرا نئی سوشل ایڈریس کیساتھ کسی قسم کا رابطہ نہیں ہے۔

اسی طرح دوران انکوائری کنسٹبل اُسامہ خان نمبر 3260 من انکوائری آفسر کو پیش ہوا اور ایک اور تحریری بیان پیش کر کے جس میں تحریر کیا ہے۔ کہ میرا وقار اور قاسم جان کیساتھ پیسوں کا جو معاملہ تھا۔ وہ ہم نے آپس میں حل کر دیا ہے۔ اور میں نے جو درخواست دی تھی۔ اس پر میں مزید کارروائی نہیں کرنا چاہتا ہوں۔ اور انکوائری فائل کرنے کی استدعا کی ہے۔

Attested  
Dina

دوران انکوآری SHO قاسم جان نائن مین کنسٹبل خیال نواز نمبر 909 کو بذریعہ پروانہ دفتر ہذا طلب کر کے اور اپنا تحریری بیان پیش کر کے جس میں تحریر کیا ہے۔ کہ میں لیویز فورس سے محکمہ پولیس میں ضم ہو کر مختلف مقامات پر ڈیوٹی سرانجام دی ہے۔ اور SHO قاسم خان کیساتھ تھانہ یکہ غنڈ میں بحیثیت گنر ڈیوٹی سرانجام دے رہا تھا۔ جہاں تک کنسٹبل اُسامہ نے الزام لگایا ہے۔ کہ SHO قاسم خان نے بدست من کنسٹبل 30 ہزار روپے واپس کئے ہیں۔ اس میں کوئی صداقت اور سچائی نہیں ہے۔ مزید تحریر کیا ہے۔ کہ میں ایک ادنی ملازم ہوں۔ جبکہ SHO صاحب ایک اعلیٰ عہد دار ہے۔ تو میں کیسے ایک اعلیٰ عہد دار کیساتھ لین دین کر سکتا ہوں۔ نہ ہی SHO قاسم خان نے مجھے 30 ہزار روپے دئے ہیں۔ اور نہ ہی میں نے کنسٹبل اُسامہ کو حوالہ کئے ہیں۔

دوران انکوآری کنسٹبل اُسامہ نمبر 3260 نے مسی فقیر محمد ولد نامدار سکنہ شبقد ر حلیمنی کو پیش کر کے جس نے تحریری بیان پیش کر کے جس میں تحریر کیا ہے۔ کہ میں نے وقار کو ایک لاکھ روپے شبقد ر ہسپتال کے سامنے بوقت 8 تا 10 بجے دئے تھے۔ یہ رقم مجھے اُسامہ نے حوالہ کر کے اور وقار کو حوالہ کرنے کا کہہ کر جو میں نے وہی رقم وقار کو حوالہ کیا۔

اسی طرح دوران انکوآری مسی عثمان خان ولد محمد الیاس دفتر ہذا میں من انکوآری آفسر کو پیش ہو کر اور اپنا تحریری بیان پیش کر کے جس میں تحریر ہے کہ اُسامہ میرا قریبی دوست ہے۔ اُسامہ اور وقار کے مابین جو رقم کا تنازعہ چل رہا ہے۔ یہ لین دین میرے سامنے ہوا ہے۔ اُسامہ نے تقریباً 40 ہزار روپے میرے موجودگی میں دئے تھے۔

دوران انکوآری رپورٹ DSB حاصل کر کے جس میں تحریر ہے کہ کنسٹبل اُسامہ خان نمبر 3260 سکنہ شبقد ر اپنے علاقہ میں وردی کا غلط استعمال کرتا ہے۔ اور سرکاری وردی میں جو ASI رینک لگایا ہے۔ کا غلط فائدہ اٹھاتا ہے۔

دوران انکوآری SHO قاسم خان کو دفتر ہذا طلب کر کے جس نے اپنے تحریری جواب میں تحریر کیا ہے۔ کہ کنسٹبل اُسامہ نے میرے خلاف جو الزامات لگائے ہیں۔ من گھڑت اور بے بنیاد ہیں۔

## جناب عالی!

دوران انکوآری کنسٹبل اُسامہ نمبر 3260۔ فقیر محمد۔ عثمان خان۔ کنسٹبل خیال نواز۔ SHO قاسم خان کے بیانات لئے جانے اور رپورٹ DSB پیش کردہ لٹب انکوآری ہذا ہے۔ انکوآری اور بیانات سے من انسپکٹر اس نتیجہ پر پہنچا۔ کہ کنسٹبل اُسامہ خان نے افسران بالا کو پیش کردہ درخواست میں تحریر کیا ہے۔ کہ میں پر و موشن کے سلسلہ میں SHO قاسم جان کو 50 ہزار روپے جبکہ کنسٹبل وقار خان لیگل برانچ کو 2 لاکھ روپے وقار کے حجرہ واقع شبقد ر میں بہ موجودگی مسی عثمان دئے ہیں۔ جس میں SHO قاسم جان نے بدست گنر کنسٹبل خیال نواز 30 ہزار روپے واپس کر کے 20 ہزار روپے ہٹپ کئے ہیں۔ جبکہ من انکوآری آفسر کو پیش کردہ بیان میں رقم کا ذکر تحریر نہیں کیا ہے۔ اسی طرح مورخہ 18/08/2022 کو کنسٹبل اُسامہ نے ایک اور تحریری بیان پیش کر کے جس میں کنسٹبل مذکورہ نے اپنے اور وقار کے مابین رقم کا تنازعہ حل ہونے اور مزید کاروائی نہ کرنے کی استدعا کی ہے۔ مسی عثمان نے اپنے تحریری بیان میں تحریر کیا ہے۔ کہ اُسامہ نے 40 ہزار روپے میرے موجودگی میں وقار کو حوالہ کئے ہیں۔ اسی طرح مسی فقیر محمد نے اپنے بیان میں تحریر کیا ہے۔ کہ اس نے مبلغ 1 لاکھ روپے جو اُسامہ نے اس کو حوالہ کئے تھے۔ اسی رقم کو میں نے وقار کو شبقد ر ہسپتال کے سامنے حوالہ کئے ہیں۔

دوران انکوآری اعمال نامہ اور OSI برانچ سے ریکارڈ حاصل کر کے بمطابق ریکارڈ اُسامہ خان کنسٹبل ضم و بھرتی ہو چکا ہے۔ اور ASI رینک بابت کسی قسم کی تحریر ریکارڈ پر موجود نہیں ہے۔

A. Alstool  
J. J. J.

جملہ بیانات بالا اور انکو ازری سے ثابت ہوا۔ کہ کنسٹبل اُسامہ نے جو الزامات بر خلاف SHO قاسم خان لگائے ہیں۔ بے بنیاد ہیں۔ اور ثابت کرنے میں ناکام رہا۔ جو کہ کنسٹبل اُسامہ نمبر 3260 نے باب 14 فقرہ 08 کی خلاف ورزی ہے۔ اور کنسٹبل وقار خان پر جو الزامات لگائے ہیں۔ گواہان پیش کردہ کے بیانات سے ثابت ہوئے ہیں۔

اسی طرح انچارج DSB ضلع مہمند کے تحریری رپورٹ کے مطابق کنسٹبل اُسامہ خان ASI رینک لگاتا ہے۔ اور علاقے میں اس کا ناجائز فائدہ اٹھاتا ہے۔ اسی طرح کنسٹبل مذکورہ اُسامہ نے ناجائز طریقہ سے پروموشن کے حصول کیلئے کنسٹبل وقار خان کو رشوت دی ہے۔ اور وردی کے ناجائز استعمال کا مرتکب پایا جا کر کنسٹبل اُسامہ خان نمبر 3260 کی نوکری عرصہ 03 سال سے کم ہے۔ اور اس آزمائشی عرصہ میں رشوت دینے۔ آفسران پر بے بنیاد الزام لگانے۔ غلط رینک استعمال کرنے جس کی بنیاد پر مذکورہ محکمہ پولیس کیلئے قطعی موزون نہیں ہے۔ جبکہ چال چلن بھی درست نہیں ہے۔ اور ڈسپلن کی خلاف ورزی کرتا ہے۔ لہذا کنسٹبل اُسامہ نمبر 3260 کو بمطابق پولیس رولز باب 12 فقرہ 21 سزا دینے کی سفارش کی جاتی ہے۔ رپورٹ عرض ہے۔

انسپکٹر انوسٹی گیشن ضلع مہمند  
09.09.22

H.C  
Issue final show  
cause notice.

D. P. Khan  
18.10.2022

Attested  
Deputy

(13)

Annexure "D"



OFFICE OF THE  
DISTRICT POLICE OFFICER  
MOHMAND GHALLANAI  
Email: dpomohmand@gmail.com

☎ 0924-290179 ☎ 0924-290056

No. 2010 /HC

Dated Mohmand the: 21 /10/2022.

**FINAL SHOW CAUSE NOTICE**

Whereas, the charge of negligence was referred to enquiry officer for General Police Proceedings, contained u/s 5(3) Police Rules 1975.

AND

Whereas, the enquiry officer has submitted his findings, recommended you for punishment.

AND

Whereas, I am satisfied with the recommendation of the enquiry officer that you **FC Osama Khan No.3260** while posted to Mohmand Dam now Police Lines Ghallanai, were assigned routine security duties but instead to perform your official duties, you remained in contact with anti-social elements as the same has been verified by solid sources. Besides you were found wearing the rank of ASI without any orders of the competent authority. The enquiry officer has held you responsible by recording statements in this respect. Such act on your part shows your irresponsibility in discharge of professional duties.


Thus the act amounts to gross misconduct and renders you liable for punishment. under Police Rules 1975.

Therefore, I, **Sajjad Ahmad Sahibzada**, District Police Officer, Mohmand in exercise of the powers vested in me under rules 5(3)(a)(b) of Police Rules 1975, call upon you to explain as to why the proposed punishment may not be awarded to you.

Your reply should reach the undersigned within 07-days of receipt of this notice, failing which ex-parte action will be taken against you.

You are also at liberty to appear in person before the undersigned for personal hearing.

**FC Osama Khan No.3260**

  
District Police Officer,  
Mohmand

Attested  




(14)  
**OFFICE OF THE  
DISTRICT POLICE OFFICER  
MOHMAND**

Email: [doomohmand@gmail.com](mailto:doomohmand@gmail.com)

☎ 0924-290179

☎ 0924-290056

Annexure 'E'

**ORDER:**

This order will dispose-off the departmental proceedings initiated against **Constable Osama Khan No.3260** with the allegation that while posted to Mohmand Dam now Police Line Ghallanai were assigned routine security duties but instead to perform his professional duties, remain to contact anti-social elements. Besides he was found wearing the rank of ASI without any orders of the competent authority. Accordingly the undersigned ordered proper departmental enquiry through **Mr. Rokhan Zeb SP Investigation** Mohmand vide Endst: No.1231-32/HC dated 27-06-2022. After receipt of findings of the enquiry officer wherein the official was found guilty for miss-conduct and has been recommended for punishment Under Section 12.21 of Police Rules. Final Show Cause Notice was issued to him vide No.2010/HC dated 21-10-2022 to which his reply has not been found satisfactory

Based on the above, **I, Sajjad Ahmad Sahibzada District Police Officer, Mohmand**, being the competent authority and in exercise of powers vested in me under Rules 12-21 of the Police Rules 1934 as per recommendation of Enquiry Officer, **hereby orders the Discharged of Constable Osama Khan No.3260 from Police Services with immediate effect.**

**Order Announced**  
**28-11-2022**

OB No 1999

Dated 29/11/2022

No. 2190-92 /HC,

**Cc:**

- The SP Investigation Mohmand.
- EC/PA/PO/FMC/OBC
- Official concerned.

(Sajjad Ahmad Sahibzada)  
District Police Officer,  
Mohmand

Dated Mohmand, the 29/11/2022.

Attested  
Duis



ORDER.

This order will dispose-off the departmental appeal preferred by Ex-Constable Usama Khan No. 3260 of Mohmand District against the order of the then District Police Officer, Mohmand, whereby he was awarded major punishment of discharge from service vide OB: No. 1999 dated 29.11.2022. The appellant was proceeded against departmentally on the allegations that he while posted at Mohmand Dam was assigned routine security duties but instead to perform his professional duties, remain to contact Anti social elements. Besides, he was found wearing the rank of Assistant Sub Inspector without any orders of the competent authority.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge Sheet alongwith Statement of Allegations and Superintendent of Police Investigation, Mohmand was nominated as enquiry Officer. The Enquiry Officer after fulfilling codal formalities submitted his report to the then District Police Officer, Mohmand concluding that the delinquent Officer was found guilty for the misconduct and recommended for major punishment as per Police Rules, 1934 Chapter-12 Rule-21.

On the perusal of findings, the then District Police Officer, Mohmand issued him Final Show Cause Notice to which his reply was received/perused and found unsatisfactory.

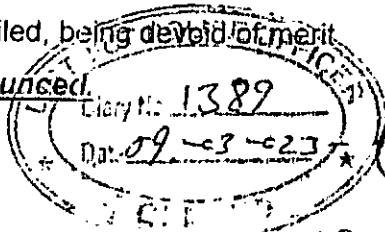
Therefore, as per recommendations of Enquiry Officer the delinquent Officer was discharged from service vide OB: No. 1999 dated 29.11.2022 by the then District Police Officer, Mohmand.

Feeling aggrieved from the order of the then District Police Officer, Mohmand, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 28.02.2023.

From the perusal of the enquiry file and service record of the appellant, it has been found that allegations leveled against the appellant have been proved beyond any shadow of doubt. Moreover, the involvement of appellant in anti social elements is clearly a stigma on his conduct. Hence, the retention of appellant in Police Department will stigmatize the prestige of entire Police Force as instead of fighting crime, he has himself indulged in criminal activities. Moreover, he could not present any cogent justification to warrant interference in the order passed by the competent authority.

Keeping in view the above, I, Muhammad Ali Khan, PSP Regional Police Officer, Mardan, being the appellate authority, find no substance in the appeal, therefore, the same is rejected and filed, being devoid of merit.

Order Announced.



Regional Police Officer,  
Mardan.

No. 1360 IES, Dated Mardan the 03/03/2023.

Copy forwarded to District Police Officer, Mohmand for information and necessary action w/r to his office Memo: No. 185/Legal dated 07.02.2023. His Service

Attested  
*(Signature)*

*(Signature)*

EC  
inspected  
Legal  
Ret

16

Annexure "G"

3751/ES  
10/5/23  
3:14-DM



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

No. S/ 1205 /23, dated Peshawar the 8/5/2023.

To : The Regional Police Officer,  
Mardan.

1103  
10/5/23

Subject:- REVISION PETITION.

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-Constable Usama Khar. No. 3260 of Mohmand District Police against the punishment of dismissal from service awarded by DPO/Mohmand vide OB No.1999, dated 29.11.2022, being badly time barred.

The applicant may please be informed accordingly.

10.2895/ES  
10-05-23

BC/DPO Mohmand  
Mardan.

Chaudhary  
RPO Mardan  
9-5

*[Signature]*  
9/5/23

(AFSAR JAN)  
Registrar,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Attested.

*[Signature]*