

1089/2019

14.01.2020

Junior to counsel for the appellant and Addl. AG alongwith Shah Jehan, Inspector (Legal) for the respondents present.

Representative of respondents seeks further time to furnish reply/comments. Adjourned to 24.02.2020 on which date the requisite reply/comments shall positively be furnished.


Chairman

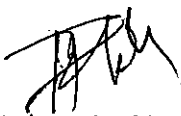
Sr, I want to withdraw the instant appeal with the permission to file a fresh one against the order dated 13.2.2020.
M J Khan

24.02.2020

Appellant alongwith counsel present. Mr. Kabirullah Khattak, Addl. AG alongwith Shah Jehan, Inspector (Legal) for the respondents present.

Representative of the respondents has produced copy order dated 13.02.2020 whereby the appellant has been restored to rank of IHC and his punishment has been converted into stoppage of two increments without cumulative effect. Copy placed on record. In view of the development, the appellant requested for withdrawal of instant appeal with permission to file fresh one against the order dated 13.02.2020.

In view of the above, instant appeal is dismissed as withdrawn with permission to the appellant to file fresh one subject to all legal objections.


(Hussain Shah)
Member.

ANNOUNCED
24.02.2020



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. S/ 846

/20, dated Peshawar the 13th / 2020.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rules-1975 (amended 2014) submitted by LHC Qaisar Khan No. 907 (the then IHC).

Brief facts of the case are that the above named official was awarded punishment of reduction from the rank of IHC to the rank of LHC by District Police Officer, Charsadda vide OB No. 918, dated 11.08.2016 on the allegation of supporting drug peddlers of his area, a task was given to him to arrest one Mukarram (drug peddler) but despite of arrest he informed Mukarram before the raids of Police/ANI, resultantly he made his escape good from the clutches of Police. His appeal was filed by Regional Police Officer, Mardan vide order Endst: No. 7783/ES, dated 09.09.2016 and his revision petition was also filed in CPO vide this office order No. S/106-13/17, dated 10.01.2017. He then approached KP Service Tribunal, Peshawar vide service appeal No. 173/2017 which was decided in his favour and the respondents were directed to conduct de-novo enquiry into the matter. De-novo enquiry was conducted and his previous major punishment of reduction from the rank of IHC to the rank of LHC was upheld by District Police Officer, Charsadda vide OB No. 646, dated 08.07.2019. His appeal was again rejected by Regional Police Officer, Mardan vide order Endst: No. 10259/ES, dated 01.08.2019.

Meeting of Appellate Board was held on 23.01.2020 wherein petitioner was heard in person. During hearing petitioner contended that Mukarram was informer of Police and he had informed circle DSP as well as SHO Umarzai. He also contended that he will be careful in future.

The petitioner has long service of 28 years, 02 months & 27 days at his credit. Keeping in view his long service, the Board taken a lenient view and decided that penalty of reduction from the rank of IHC to LHC is hereby restored and his punishment is converted into stoppage of two increments without cumulative effect.

This order is issued with the approval by the Competent Authority.

Sd/-

DR. ISHTIAQ AHMED, PSP/PPM
Additional Inspector General of Police,
HQs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 847-55 /20,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. One Service Roll and one Fauji Missal of the above named HC receive vide your office Memo: No. 11492/ES, dated 26.09.2019 is returned herewith for your office record.
2. District Police Officer, Charsadda.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

DSP Legal / E.C. / Pay Offices / OAS
For action

(Zaib Ullah Khan) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

10 P.O. chd. 11
14.02.2020

04.10.2019

Counsel for the appellant present.

Contends, that consequent to judgment dated 03.05.2019 passed in Appeal No. 173/2017 de-novo inquiry was purportedly conducted against the appellant and an order was passed on 08.07.2019 by the respondent No. 3. The previous punishment awarded to the appellant was upheld. That the order is silent regarding the nature of punishment. Further, the order required to be upheld through impugned order was already set-aside by this Tribunal and was to be disregarded in the de-novo proceedings. Learned counsel referred to the inquiry report and contended that the procedural requirements were not complied with as statement of allegations, charge sheet, final show-cause notice were not issued before passing the impugned order.

In view of the available material and arguments of learned counsel instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fees within 10 days. Thereafter, notices be issued to the respondents for written reply/comments.

Adjourned to 02.12.2019 before S.B.


CHAIRMAN

02.12.2019

Nemo for appellant. Addl. AG alongwith Zahidur Rahman, Inspector for the respondents present.

Representative of the respondents seeks time to furnish reply/comments. Adjourned to 14.01.2020 on which date the requisite reply/comments shall positively be submitted.


Chairman

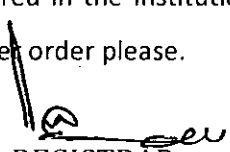

Appellant Deposited
Security & Process Fee

11/10/18

Form- A
FORM OF ORDER SHEET

Court of _____

Case No.- 1089/2019

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|-------|---------------------------|--|
| 1 | 2 | 3 |
| 1- | 26/08/2019 | <p>The appeal of Mr. Qaiser Khan presented today by Mr. Noor Muhammad Khattak Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR 26/8/19</p> |
| 2- | 27/08/19 | <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>29/10/19</u></p> <p style="text-align: right;"> CHAIRMAN</p> |

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 1089 /2019

QAISER KHAN

VS

POLICE DEPTT:

INDEX

| S.NO. | DOCUMENTS | ANNEXURE | PAGE |
|--------------|------------------------|-----------------|-------------|
| 1. | Memo of appeal | | 1- 4. |
| 2. | Show cause notice | A | 5. |
| 4. | Reply | B | 6. |
| 5. | Record | C | 7- 15. |
| 6. | Order dated 12.08.2016 | D | 16. |
| 7. | Departmental appeal | E | 17- 19. |
| 8. | Rejection | F | 20. |
| 9. | Service appeal | G | 21- 23. |
| 10. | Judgment | H | 24- 27. |
| 11. | Impugned order | I | 28. |
| 12. | Departmental appeal | J | 29. |
| 13. | Rejection order | K | 30. |
| 14. | Vakalat nama | | 31. |

APPELLANT

THROUGH:


NOOR MOHAMMAD KHATTAK
ADVOCATE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

APPEAL NO. 1089 /2019

Diary No. 1201

Mr. Qaiser Khan, Ex: Incharge HC now LHC,
Police Line Charsadda, District Charsadda

Dated 26/8/2019

APPELLANT

VERSUS

- 1- The Inspector General of Police Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Deputy Inspector General of Police, Mardan Region-I, District Mardan.
- 3- The District Police Officer, District Charsadda.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 08.07.2019 WHEREBY MAJOR PUNISHMENT OF REDUCTION TO LOWER RANK FROM THE RANK OF IHC TO THE RANK OF LHC IS UPHELD WHICH WAS IMPOSED ON THE APPELLANT VIDE IMPUGNED ORDER DATED 11.08.2016 AND AGAINST THE APPELLATE ORDER DATED 01.08.2019 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned orders dated 08.7.2019 and 01.08.2019 may very kindly be set aside and the respondents may be directed to restore the appellant on the Rank of IHC with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH:

ON FACTS:

- 1- That initially the appellant was inducted in the respondent Department as Constable in the year 1991 and later on the appellant was promoted to the posts of LHC and IHC.

Filed to-day

Registrar

26/8/19

- 2- That right from appointment the appellant has served the respondent Department quite efficiently and up to the entire satisfaction of his superiors. That the appellant has more than twenty six years service at his credit.
- 3- That appellant while posted as Incharge police post Ziam, police station Umarzai Charsadda a show cause notice was issued to the appellant in which it was alleged that the appellant while posted as Incharge police post Ziam are supporting drug peddlers of his area, a task was given to you to arrest one Muzamil (Drug Peddler) but despite of arrest you informed him before the raids of the police/ANF resultantly he made his escape good from the clutches of police, being a responsible police officer your act is highly objectionable and against the Rules and regulations of the Discipline force, this shows your inefficiency, lack of interest in the performance of your official duty, thus the act amounts to gross misconduct and renders you liable for minor punishment, under police Rules 1975". Copy of the show cause is attached as annexure **A.**
- 4- That in response to the said show cause notice dated 2.8.2016 the appellant submitted his detail reply along with documentary proofs and denied the allegation. Copies of the reply and supported documents are attached as annexure **B and C.**
- 5- That astonishingly vide impugned order dated 11.8.2016 the respondent No.3 imposed major penalty of reduction to lower Rank i.e. from the Rank of IHC to the Rank of LHC on the appellant without following the law and Rules. Copy of the impugned order is attached as annexure **D.**
- 6- That appellant feeling aggrieved from the impugned order dated 11.8.2016 filed Departmental appeal before the respondent No.1 but the same was rejected by the respondent No.1 vide appellate order dated 10.1.2017. That appellant feeling aggrieved filed service appeal No. 173/2017 which was allowed and set aside the impugned orders dated 11.08.2016 and 01.10.2017 vide judgment 03.05.2019. Copies of the Departmental appeal, rejection order, memo of service appeal & judgment are attached as annexure **E, F, G & H.**
- 7- That the respondent Department conducted de-novo inquiry without fulfilling the codal formalities and after the inquiry

proceedings the previous major punishment of reduction to lower rank was upheld vide impugned order dated 08.07.2019. Copy of the impugned order is attached as annexure.....**I.**

- 8-** That appellant feeling aggrieved from the impugned order dated 08.07.2019 preferred Departmental appeal but the same was rejected on no good grounds vide appellate order dated 01.08.2019. Copies of the Departmental appeal and appellate order are attached as annexure.....**J & K.**
- 9-** That appellant having no other remedy filed the instant appeal on the following grounds amongst the others.

GROUND:

- A-** That the impugned orders dated 08.7.2019 and 01.8.2019 issued by the respondent No.1 & 3 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B-** That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.
- C-** That the respondent No.1 & 3 acted in arbitrary and malafide manner while issuing the impugned orders dated 08.7.2019 and 01.8.2019 against the appellant.
- D-** That neither charge sheet nor statement of allegation has been served on the appellant by the respondent No.3 while issuing the impugned order dated 08.7.2019.
- E-** That no chance of personal hearing/ defense has been given to the appellant before issuing the impugned orders dated 08.7.2019 and 01.8.2019.
- F-** That no regular Departmental nor fact finding inquiries were conducted by the respondents before issuing the impugned order dated 08.7.2019 against the appellant which is as per Supreme Court Judgments is necessary in punitive actions against the civil servant.

- G- That the appellant has not been given the opportunity to cross examine the witness produced against him and as such the appellant has been condemned unheard.
- H- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may accepted as prayed for.

Dated: 08.08.2019

APPELLANT


QAISER KHAN

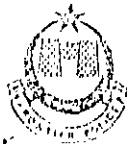
THROUGH:


NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI

&


**MIR ZAMAN SAFI
ADVOCATES**



A-5

FINAL SHOW-CAUSE NOTICE

Whereas, the charge of absence 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, recommending you for major penalty.

AND

Whereas, I am satisfied with the recommendation of the enquiry officer that you HIC Qaiser Khan, while posted as I/C PP Ziam PS Umerzai, it came in to light through reliable sources that you are supporting drug peddlers of your area, a task was given to you to arrest one Muzamil (drug peddler) but despite of arrest you informed him before the raids of the Police/ANF, resultantly he made his escape good from the clutches of police. Being a responsible police officer your act is highly objectionable and against the rules and regulations of the discipline force. This shows your inefficiency, lack of interest in the performance of your official duty, thus the act amounts to gross misconduct and renders you liable for minor punishment under Police Rules-1975.

Therefore, I, Sohail Khalid, District Police Officer, Charsadda 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 at liberty to appear in person before the undersigned for personal hearing.

Dated 02/09/2016

ATTESTED

District Police Officer,
Charsadda

ATTESTED

حوالہ شہرہ ماہی نیکو کار نوٹس شمارہ ص ۵۲۰ء کا ردہ ہے اور اصل حدیف ہوں کہ عمرہ
 ۲۰۱۵ء سے بطور الحاق جو کمی زیم لغت تھا اس میں قلیل عمرہ میں اپنی انگریزی میں بیادہ ہر قدر بار
 لہری مقدار میں حساب اسلحہ اور ایویشن پرکے ہیں اور لڑنے لڑنے میں حساب فروشان یا بند
 سلاسل کئے ہیں۔ حال تک مکرم جان مذکورہ کا تعلق تھا تو مذکورہ خیر (اللغز) تھا اور اسکی انگریزی
 کے میں لڑنے مقدار میں حساب لڑنے کے بلذمان کو کاروں سمیت گذر کر کے لگاؤ اور
 اور پرسن کالی حوالہ ہے اور دراصل خدمات خیر انسانی جو کمی زیم ہے

- ① خدمت ۱۶۷ حورج ۱۴/۱۶ جم I.C.E.N.S.A کا نام ہے جس میں ۳۰ کلو گاڑی ۷۴۷۵
 ۴۶۹۶
- ⑤ ۳۴ حورج ۱۷/۱۶ جم I.C.E.N.S.A کا نام ہے جس میں ۲۰۵۰ گرام گاڑی ۸۵

مالا ہرگز سے افسانہ الہامی جو ہر افسانہ ای کے کے انگریزی کیا اور حدیف رابطہ کر سکی بدیف
 کی تھم سے مذکورہ انگریزی کیا اور رابطہ قائم کر کے اس سے متعلق ویت میں جو یہ انگریزی دے
 کی لغت دی گئی ہے جس کے ساتھ رابطہ میں رہ کر اندرون بارہ جن ۱۹۸۵ء سے پہلے سے وہاں
 افسانہ ۱۹۵۵ء تک لگاؤ کو آگاہ کیا تھا جو ۲۰۱۶ء تک جو یہ میں ANF والوں کی کارروائی
 تھا کہ عمری کے حدود میں حساب فروشان اور طلبہ اور مختلف کارروائی میں شریک
 تھا تو مکرم مذکورہ جو کہ علم صافہ نسلی سے تعلق رکھتا ہے اور جہاں تک مذکورہ کیا اور
 رابطہ کا تعلق ہے تو میں سے مکرم مذکورہ کیا اور ANF والوں کی کارروائی کے بارے میں رابطہ
 نہیں رکھتا ہے اور یہی تھے علم تھا کہ مکرم خیر (اللغز) کسی محکمہ کو کسی خدمت وغیرہ کیا
 طلبہ تھا یہی مذکورہ کے بارے میں ANF سے کوئی خبری دسنا و نیز وصول ہوئی ہے چھاپہ
 دہی کے دوران ہی تھے مکرم انگریزی کے بارے میں طلبہ ہو یا خدمت میں تھا میں
 سے ایسا ذہنی خوش اسلوبی سے انجام دی ہے مکرم کے بارے میں کسی قسم کی خبر نہیں کی ہے
 ان کے حوالہ اور لڑنے سلسلے میں خبریں اور کارروائی میں متاد ہر ہر وقت ایسی حال رہی ہیں
 لگائی ہے جو کہ خیر (اللغز) کے ساتھ ساتھ ساتھ

استدعا ہے کہ سابقہ ملازمت کے دیگڑے خدمت اور کارکردگی کو مد نظر رکھتے ہوئے
 ماہی نیکو کار نوٹس بدیف کے کارروائی کے قابل کر کے سائل کو حتمی میں قوم دولت کی صورت
 کرنے کا حوصلہ فراہم کر دیا

ATTSTED

ATTSTED

Gaisar Khan I.C.E.N.S.A
 Police Line. CID.
 ۱۸-۲۰۱۶

تقریباً ۱۱۰۰۰ ایکڑ زمینیں ملتان، قراچی ڈیم کی سرکاری زمینوں میں
ملتان، قراچی ڈیم کی سرکاری زمینوں میں ملتان، قراچی ڈیم کی سرکاری زمینوں میں
۱۱۰۰۰ ایکڑ زمینیں ملتان، قراچی ڈیم کی سرکاری زمینوں میں
ملتان، قراچی ڈیم کی سرکاری زمینوں میں ملتان، قراچی ڈیم کی سرکاری زمینوں میں
ملتان، قراچی ڈیم کی سرکاری زمینوں میں ملتان، قراچی ڈیم کی سرکاری زمینوں میں
ملتان، قراچی ڈیم کی سرکاری زمینوں میں ملتان، قراچی ڈیم کی سرکاری زمینوں میں
ملتان، قراچی ڈیم کی سرکاری زمینوں میں ملتان، قراچی ڈیم کی سرکاری زمینوں میں
ملتان، قراچی ڈیم کی سرکاری زمینوں میں ملتان، قراچی ڈیم کی سرکاری زمینوں میں

0346-9032171

قراچی ڈیم - ملتان

ATTESTED

ATTESTED

8

خواہ انوائس کا تحریر خان ۱۴ سلازم ایچ آر جی ڈی ایم کیا کہ جوئی
 ڈی ایم کی س مادی سوبائل پر ڈیویڈ کو ہے جو تقریباً ۱/۲ ماہ تک جاری
 ایچ آر جی دیا ہے۔ ایچ آر جی ڈی ایم خان ۱۴ سلازم ایچ آر جی ڈی ایم کی س مادی
 پر لکھ کر خانہ خلاف مقررہ درج رجسٹر ہو چکا ہے۔ اور قریب خانہ ۱۴ سلازم ایچ آر جی
 ڈیویڈ ایچ آر جی سے لگی ہے۔ اور س مادی س مادی س مادی کی ہے۔ اور س مادی
 موجودگی میں لکھی جائے پینس امراد کیا کہ کہ قسم کا بالغ و بالغ لکھی ہے
 یہ میرا بیان درست ہے

0312-9960782

ڈاؤن لوڈ کیا کہ الیٹ پی ۹۱ - جوئی ڈی ایم عمادہ علی

ATTESTED

Handwritten signature

ATTESTED

Handwritten signature

حروفِ قدست سے بیوں کہ قبوٹان ازہ A جوں زہم میں کشت اخیار
 تعینات قتا جس نے کارسہ کار ۲ مطابق کئی قدمات درج رکھ کر لکھے ہیں
 مورخ 20/06/2016 کو حسب الحکم انڈین لاء A.114 ٹیم کے ساتھ جہازم پیش
 عبدالہر کے خلاف کاروائی میں حروفِ عطا کہ اسی دوران بوقت 03:42 کم
 قبوٹان ازہ سے بین الاقوامی سمندر ملک و ملکیت شاہ سہا بن محفوظ قلم
 مطلوبہ جہاز موقعہ علی 56 مورخ 13/06/2016 SHo قلم A.114 کشت
 کو اپنے ذاتی جہازم سے رابطہ کیا ہے دوران چھاپہ زنی ملزم قلم
 کرم موجود پایا گیا جس میں قبوٹان ازہ مطابق مورخ 30/06/2016 کو من
 SHo کے دوبارہ حروفِ ماہرہ شہنار کے زیرِ رجوع 54 صرف جلال عدالت لیا
 ہے مطابق C.D.R جن SHo کو معلوم نہیں ہے کہ قبوٹان ازہ نے ملزم
 قلم کو کس لیے فون کیا ہے دیگر اعلیٰ بیوں

(Signature)

SHo. P.S. U. 344.
14-07-2016.

ATTESTED

(Signature)

ATTESTED

(Signature)


↓

ATTESTED

ATTESTED

بشور

Attest All Documents
Judicial
برای اسناد و اسناد قضایی

وچرا


مهر است

2016ء جون 20

مذکورہ ذرا کے بارے میں اس وقت تک کوئی

بند نہیں ہے کہ اس کے بارے میں کوئی

مذکورہ ذرا کے بارے میں کوئی

مذکورہ ذرا کے بارے میں کوئی

(مذکورہ ذرا کے بارے میں کوئی)

مذکورہ

مذکورہ

واریٹی (204) (2016)

ANF 9-CC-2016-13
مذکورہ ذرا کے بارے میں کوئی

2016

(10)

(8)

ATTESTED

30-06-06
mm-25-1137

[Signature]

ATTESTED

[Handwritten text in Urdu script, appearing to be a list or report of items, possibly related to a military or administrative context. The text is partially obscured and difficult to read due to the handwriting and orientation.]

24

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24
30/6

30/6

قانون عمرانی

محلہ طاسو

رعائت جوڈیشیل زیر دفعہ 54 عمارت

12

خواہشہ 24 سوزنا حقہ $\frac{30}{16}$ قانون عمرانی

بنام: - مہتمم خان ولد محبت شاہ ساکن معلوم سے عمارت خانہ

3 محرابستان ولد مفضل صاحب ساکن عمرانی

جہت عالی

خواہشہ تعداد 24 سوزنا حقہ مہتمم خان 24 زیر دفعہ 54 عمارت

سین صبت خانہ 24 سوزنا حقہ 30 محرابستان 24 خواہشہ 24 دفعہ 56 حرج $\frac{13}{16}$ ع

9ccnsa قانون ANF مطابق قوانین مطلوب ہیں

لینڈ اسٹریٹنگ ٹائٹل ANF قانون کے مطابق

ملکیت نامہ کو جوڈیشیل حوالہ سے لینڈ کا حکم صادر فرمائیں

نوٹ:

دارنشا گنتاری پورہ

[Handwritten signature]

SHO-PS-431

01-07-016

حکم عدالت

ملکیت ڈیپو دست پولیس کا ہرجہ۔ ملکیت علیہ صعد 56
01/07/016 عدویہ $\frac{13}{16}$ اسم 9ccnsa قانون ANF بنا ورتو مطلوب
سے۔ نام عدالتی پولیس بنا ورتو ANF قوانین جوڈیشیل سے
رکھ مارڈ سڈرہ صوفو $\frac{7}{16}$ 15 کو سینٹ ہونے

ATTESTED

~~Signature~~
JMVCHAD
01/07/016

ATTESTED

مقدمہ علت نمبر 56 مورخہ 2016ء 13 جرم ANF قحانہ 9-CNSA

وارنٹ گرفتاری (زیر دفعہ 204 ض ر ف)

13

بعدالت خطاب اکبر علی محمد ANF-13

ضلع

(نام عہدہ اس شخص یا ان اشخاص کا جس کے وارنٹ کی تعمیل سپرد ہو)

بنام

ہر گاہ مسمن محمد اسحاق ولد فضل صاحب کفہ محرزئی تحصیل ایلچ چارسدہ

پر جرم (یہاں پر جرم لکھا جائے گا) کا الزام لگایا گیا ہے

لہذا اس تحریر کے ذریعے تم کو حکم دیا جاتا ہے کہ مسمن

مذکورہ کو گرفتار کر کے ہمارے روبرو حاضر کرو۔ اس بات کی تاکید جانو۔

مورخہ 20 ماہ جون 2016ء

دستخط

مہر عدالت

سول جج ایجوڈیشل مجسٹریٹ - 7

پشاور

ATTESTED

ATTESTED

4

1990-(62)

No. 13-17

POLICE DEPARTMENTKHYBER PAKHTUNKHWA POLICE

Annual Confidential Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending 31st December, 2015.

14
18

| | |
|---|--|
| Name, Provincial or Range No. Rank and Grade | IHC Qaiser Khan No. 907 |
| Father's Name | Afzal Khan |
| Where and on what duties Employed during the past 12 months. | From 01.01.2015 to 10.03.2015 MHC PS Umerzai From 10.03.2015 to 01.04.2015 PS Umerzai From 01.04.2015 to 11.12.2015 I/C PP Shakoor From 11.12.2015 to 31.12.2015 I/C PP Shakh Sherpao |

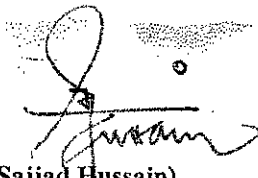
| | |
|---|---|
| Class of Superintendent of Police's Report, i.e "A" or "B" | A |
|---|---|

| | |
|---------------|---------------|
| Is he honest? | No complaints |
|---------------|---------------|

| | |
|---|--|
| Remarks by :- (1) Superintendent of Police, (2) Regional Deputy Inspector General of Police. | From 01.01.2015 to 10.02.2015 Period less than three months, hence no comments. |
|---|--|

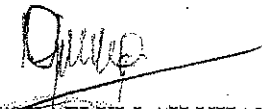
From 24.07.2015 to 31.12.2015

Good Officer


(Sajjad Hussain)
Dy: Superintendent of Police,
Tangi

From 01.01.2015 to 31.12.2015

Good and hard working
Officer


(SHAFTULLAH KHAN)
District Police Officer,
Charsadda

From 10.02.2015 to 24.03.2015
Period less than three months, hence no comments.


(Usman Ali Khan)
Acting Dy: Superintendent of Police,
Tangi

From 24.03.2015 to 06.05.2015
Period less than three months, hence no comments.


(Abdur Rasheed Khan)
Dy: Superintendent of Police,
Tangi

From 06.05.2015 to 24.07.2015
Period less than three months, hence no comments.


(Gohar Ali Khan)
Acting Dy: Superintendent of Police,
Tangi

ATTESTED

ATTESTED

POLICE DEPARTMENTKHYBER PAKHTUNKHWA POLICE

Annual Confidential Report on the working of Assistant Sub-Inspectors, Sub-Inspectors and Inspectors for the year ending 31st December, 2014.

| | |
|---|--|
| Name, Provincial or Range No. Rank and Grade | IHC Qaiser Khan No. 907 |
| Where and on what duties Employed during the past 12 months. | From 01.01.2014 to 25.05.2014 I/C PP Shaheeda From 26.05.2014 to 31.12.2014 MHC PS Umerzai |
| Class of Superintendent of Police's Report, i.e "A" or "B" | (A) |
| Is he honest? | NO Complaint |
| Remarks by :- (1) Superintendent of Police, (2) Regional Deputy Inspector General of Police. | From 01.01.2014 to 31.12.2014 Hard working Police officer (Izhar Ahmad) Dy: Superintendent of Police, Tangi From 01.01.2014 to 31.12.2014 |

ATTESTED
f

ATTESTED
a

(SHAFI ULLAH KHAN)
District Police Officer,
Charsadda

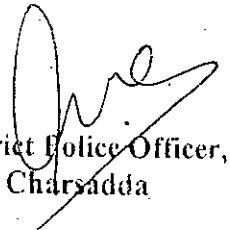
ORDER

D-
16

This order will dispose off the departmental enquiry against IHC Qaiser Khan, while posted as I/C PP Ziam PS Umerzai, it came in to light through reliable sources that he is supporting drug peddlers of his area, a task was given to him to arrest one Muzamil (drug peddler) but despite of arrest he informed him (Muzamil) before the raids of the Police/ANF, resultantly he made his escape good from the clutches of police. Being a responsible police officer his act is highly objectionable and against the rules and regulations of the discipline force. This shows his inefficiency, lack of interest in the performance of official duty.

In the above allegation he was issued Charge Sheet together with statement of allegation under Sub Section 3, Section 5 of Police Rules 1975. Enquiry Officer Mr. Iftikhar Shah Khan DSP HQrs Charsadda, was nominated for conducting departmental enquiry against him. The enquiry officer after conducting proper departmental enquiry submitted findings.

After going through the enquiry papers & recommendation of the enquiry officer the undersigned reached to the conclusion that the official under enquiry is found guilty of the charges levelled against him and is hereby awarded **Major Punishment of reversion to the rank of LHC (BPS-05)** with immediate effect. He is also re-instated in service from the date of his suspension i.e 23.06.2016.


District Police Officer,
Charsadda



O.B No 918

Date 11/8 /2016

No. 952-55 /HC, dated Charsadda the 12/08 /2016

Copy for information and necessary action to the/-

1. Pay Officer/OASi
 2. EC/FMC
- Enclose (63) Pages

ATTESTED

ATTESTED


BEFORE THE WORTHY PROVINCIAL POLICE
OFFICER KHYBER PAKHTUNKHWA, PESHAWAR

DEPARTMENTAL APPEAL AGAINST THE ORDER
DATED 11/08/2016, WHEREBY MAJOR PENALTY OF
REDUCTION TO LOWER SCALE HAS BEEN IMPOSED
ON THE APPELLANT

Respectfully Sheweth;

Precisely facts of this case are that, petitioner/applicant while posted in PS Umarzai (Incharge PP Ziam) District Charsadda on the basis of some misinformation and mis-understanding, an inquiry was intimated against the applicant by the DPO Charsadda on completion of inquiry competent authority, that is the DPO Charsadda awarded major punishment of revision to the rant of LHC (BPS-05) to the applicant, Copy of the order is attached thereafter, the applicant moved the office of RPO Region-I Mardan through appeal, but unfortunately the same was not succeeded. Now therefore as being chief of the police department the applicant approached to your good office on the following grounds with the hope that necessary justice would be done in the matter.

GROUND:

- That I have joined the police department in the year 1991 and have undergone different courses i.e. recruitment course, finger print course, traffic course, bomb reconsis course, lower course and intermediate course and during may this long term of service, I have performed my duties with zeal and honestly, which appreciated by my high-ups in the shape of number of commendation certificates, which will be available in my service record.

ATTESTED



ATTESTED



- (8)
(18)
2. That I have spent only 3 months as incharge in PP Ziam P.S Umerzai and despite of this short period of duty, I have recovered huge narcotics with the assistance of one informer namely Mukarram. Copy of FIR's are attached for ready reference moreover a press conference regarding recoveries of aforesaid narcotics was also arranged by the SDPO and SHO concerned. photocopy of press conference is annexed for perusal.
 3. That the reason as disclosed for initiating departmental inquiry against me, is the CDR of my mobile phone, which shows contacts with one Mukarram, it is necessary to say that aforesaid huge narcotics as recovered were with the assistance of informer Mukarram, therefore, that is why the CDR of my mobile phone showed contact with Mukarram. Moreover my contact with informer Mukarram was with the permission and knowledge of my SDPO and SHO concerned.
 4. That when my contact with Mukarram was under the permission and knowledge of concerned SDPO and SHO, I did not understand that how it is made a reason for departmental inquiry and awarding major punishment to me.
 5. That I given assurance on oath that there were no FIR or other information in my knowledge, that Mukarram was a wanted person to ANF, it is further to explain that Mukarram is not residing in the jurisdiction of P.S Umerzai rather he is living in the jurisdiction of P.S Tangi, it is amazing to say that Mukarram was later on arrested by ANF and now he has been released, but the inquiry officer during his inquiry proceeding did not record the statement of Mukarram to prove my involvement in the matter.
 6. That on the completion of departmental inquiry, the competent authority that is DPO Charsadda served upon me final showcase notice, in which minor punishment was proposed but contrary to final showcase notice major punishment is imposed upon me. This aspect of the competent authority speak violation of law and rules therefore the punishment is not sustainable in the eyes of law.

ATTESTED

[Signature]

ATTESTED

[Signature]

19

- 7. That the applicant has discharged his duties with the satisfaction of his superiors and struggled for the eradication of the menace of narcotics from society. The applicant belongs to a very poor family and only source of income for his family.
- 8. That keeping in consideration my long service in police department with unblemished record, the petitioner is seeking the mercy of your good self to take a lenient view against me. Moreover the punishment awarded is on the basis of surmises and conjectures, which is liable to be set aside.

PRAYER:

It is therefore humbly prayed that by acceptance of this mercy petition / appeal the order of RPO Region-I Mardan my kindly be revised and major punishment awarded by the DPO Charsadda vide: OB NO. 918 dated 11/08/2016 be set aside and the applicant be exonerated from the false charges leveled against him.

Dated: 26/09/2016.

Petitioner

[Signature]

Qaisar Khan
907/LIC
Police Line Charsadda

03151939495

ATTESTED

[Signature]

ATTESTED

[Signature]

[Signature]



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

No. SI 106 /17, dated Peshawar the 10/01/2017

F- (20)

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by IIC Qaisar Khan No. 907 (the then IIC). The appellant was awarded punishment of reduction from the rank of IIC to the rank of LHC by DPO/Charsadda vide OB No. 918, dated 11.08.2016 on the allegation of supporting drug peddlers of his area, a task was given to him to arrest one Muzamil (drug peddler) but despite of arrest he informed Muzamil before the raids of Police / ANF, resultantly he made his escape good from the clutches of Police.

His appeal was filed by RPO/Mardan vide order Endst: No. 7783/ES. dated 09.09.2016.

Meeting of Appellate Board was held on 22.12.2016 wherein appellant was heard in person. During hearing petitioner contended that Muzamil was his informer. He contended that he has recovered 30 Kg Charas and 01 Kg Heroin and has received Grade "A" ACR in the year 2014 and 2015.

The petitioner was awarded punishment of reduction from the rank of IIC to the rank of LHC on the allegation of supporting drug peddlers, therefore, the Board decided that the petition of appellant is hereby filed.

This order is issued with the approval by the Competent Authority.

Najeeb
(NAJEEB-UR-REHMAN BUGVI)
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

No. SI 107-13 /17,

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan.
2. District Police Officer, Charsadda.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PA to Addl: IGP/IQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DTG/IQrs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-IV CPO Peshawar.
7. Central Registry Cell, CPO.

ATTESTED

ATTESTED

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

APPEAL NO. 173 /2017

G-21

Mr. Qaiser Khan, Ex: Incharge HC now LHC,
Police Line Charsadda, District Charsadda **APPELLANT**

VERSUS

- 1- The Inspector General of Police Department, Khyber Pakhtunkhwa, Peshawar.
- 2- The Deputy Inspector General of Police, Mardan Region-I, District Mardan.
- 3- The District Police Officer, District Charsadda.

..... **RESPONDENTS**

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED ORDER DATED 11.8.2016 WHEREBY THE MAJOR PENALTY OF REDUCTION TO LOWER RANK FROM THE RANK OF IHC TO THE RANK OF LHC WAS IMPOSED ON THE APPELLANT WITHOUT CONDUCTING REGULAR INQUIRY IN THE MATTER AND AGAINST THE APPELLATE ORDER DATED 10.1.2017 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS

PRAYER:

That on acceptance of this appeal the impugned orders dated 11.8.2016 and 10.1.2017 may very kindly be set aside and the respondents may be directed to re-store the appellant on the Rank of IHC with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

ATTEST
R/SHEWETH:
ON FACTS:

- 1- That initially the appellant was inducted in the respondent Department as Constable in the year 1991 and later on the appellant was promoted to the posts of LHC and IHC.
- 2- That right from appointment the appellant has served the respondent Department quite efficiently and up to the entire satisfaction of his superiors. That the appellant has more than twenty six years service at his credit.

- 3- That appellant while posted as Incharge police post Ziam, police station Umarzai Charsadda a show cause notice was issued to the appellant in which it was alleged that the appellant while posted as Incharge police post Ziam are supporting drug peddlers of his area, a task was given to you to arrest one Muzamil (Drug Peddler) but despite of arrest you informed him before the raids of the police/ANF resultantly he made his escape good from the clutches of police; being a responsible police officer your act is highly objectionable and against the Rules and regulations of the Discipline force, this shows your inefficiency, lack of interest in the performance of your official duty, thus the act amounts to gross misconduct and renders you liable for minor punishment, under police Rules 1975". Copy of the show cause is attached as annexure **A.**
- 4- That in response to the said show cause notice dated 2.8.2016 the appellant submitted his detail reply along with documentary proofs and denied the allegation. Copies of the reply and supported documents are attached as annexure **B and C.**
- 5- That astonishingly vide impugned order dated 11.8.2016 the respondent No.3 imposed major penalty of reduction to lower Rank i.e. from the Rank of IHC to the Rank of LHC on the appellant without following the law and Rules. Copy of the impugned order is attached as annexure **D.**
- 6- That appellant feeling aggrieved from the impugned order dated 11.8.2016 filed Departmental appeal before the respondent No.1 but the same was rejected by the respondent No.1 vide impugned appellate order dated 10.1.2017. Copies of the Departmental appeal and rejection order are attached as annexure **E & F.**
- 7- That appellant having no other remedy filed the instant appeal on the following grounds amongst the others.

TESTER
REASONS:



- A- That the impugned orders dated 11.8.2016 and 10.1.2017 issued by the respondent No.1 & 3 are against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be set aside.
- B- That the appellant has not been treated by the respondent Department in accordance with law and rules on the subject noted above and as such the respondents violated Article 4 and 25 of the Constitution of Islamic Republic of Pakistan 1973.

- C- That the respondent No.1 & 3 acted in arbitrary and malafide manner while issuing the impugned orders dated 11.8.2016 and 10.1.2017 against the appellant.
- D- That no charge sheet nor statement of allegation has been served on the appellant by the respondent No.3 while issuing the impugned order dated 11.8.2016.
- E- That no chance of personal hearing/ defense has been given to the appellant before issuing the impugned orders dated 11.8.2016 and 10.1.2017.
- F- That no regular Departmental nor fact finding inquiries were conducted by the respondents before issuing the impugned order dated 11.8.2016 against the appellant which is as per Supreme Court Judgments is necessary in punitive actions against the civil servant.
- G- That the appellant inspite of providing the documentary proofs and other connected documents, the respondent No.3 without considering the same issued the impugned order dated 11.8.2016 against the appellant.
- H- That the appellant has not been given the opportunity to cross examine the witness produced against him and as such the appellant has been condemned unheard.
- I- That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is therefore, most humbly prayed that the appeal of the appellant may accepted as prayed for.

Dated: 6.2.2017

ATTESTED

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APPELLANT

[Handwritten signature]

KAISER KHAN

THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE

H-24

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No: 173/2017

Date of Institution ... 08.02.2016

Date of Decision ... 03.05.2019



Mr. Qaiser Khan, Ex: Incharge HC now LHC, Police Line Charsadda, District Charsadda. ... (Appellant)

VERSUS

The Inspector General of Police Department, Khyber Pakhtunkhwa, Peshawar and two others. ... (Respondents)

MR. NOOR MUHAMMAD KHATTAK,
Advocate

--- For appellant.

MR. M. RIAZ KHAN PAINDAKHEL
Assistant Advocate General

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER (Executive)
--- MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER. - Arguments of the learned counsel for the parties heard and record perused.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ARGUMENTS

2. Learned counsel for the appellant argued that disciplinary proceedings were initiated against the appellant and upon winding up major penalty of reversion to the rank of LHC(BPS-05) was imposed on him vide impugned order dated 12.08.2016. He preferred departmental appeal on 26.09.2016, which was rejected on 01.10.2017, hence, the present service appeal. Enquiry was not conducted in the mode and manner prescribed in the rules. Opportunity of cross examination provided in Rule-6(b)(ii) of Police Rules 1975 was denied to the appellant. Chance of personal hearing was also not afforded to the appellant. Moreover period for

25

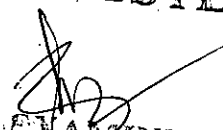
which penalty would be effective was not mentioned in the impugned order in violation of F.R-29. Reliance was placed on case law reported as PLD 1985 Supreme Court 290, PLJ 2008 65, 2018 SCMR 1411 and 2000 SCMR 1743.

3. On the other hand learned Assistant Advocate General argued that on the allegations of having links with the drug peddlers, the appellant was proceeded under Police Rules 1975 and major penalty of reversion to the rank of LHC (BPS-05) was awarded to him after observance of codal formalities. Charges leveled against the appellant were proved during the course of enquiry.

CONCLUSION

4. Perusal of reply of the appellant to charge sheet revealed that Mukarram was an informer of Police and on his tip off, the appellant had recovered narcotics during various raids. He further clarified that he established contacts that Mukarram after taking his superiors into confidence, however neither statement of Mukarram was recorded nor defense offered by the appellant was taken into consideration by the enquiry officer. Opportunity of cross examination was denied to him in violation of Rule-6(b)(i) Police Rules 1975. Respondents were required to mention period for which the penalty would be effective. Failure on their part rendered the impugned order defective. Attention is also invited to show cause notice served on the appellant wherein the competent authority had indicated minor penalty to be awarded to the appellant but through impugned order major penalty was awarded. Before awarding major penalty the respondents were required to serve show cause notice on the appellant even on this account the impugned order was illegal/unlawful.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal.
Peshawar

26

5. As a sequel to above, the appeal is accepted, impugned order dated 12.08.2016 and 01.10.2017 are set aside and the appellant is reinstated in service. The respondents are directed to conduct de-novo enquiry within a period of ninety days after the date of receipt of this judgment. The issue of back benefits shall be subject to the outcome of the de-novo enquiry. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
MEMBER

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

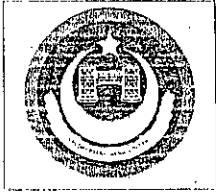
ANNOUNCED

03.05.2019

Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application 13-5-19
Number of Words 1200
Copying Fee 8-00
Urgent 2-00
Total 10-00
Name of Copyist [Signature]
Date of Completion of Copy 13-5-19
Date of Delivery of Copy 13-5-19



GOVERNMENT OF KHYBER PAKHTUNKHWA
OFFICE OF THE
SUPERINTENDENT OF POLICE, INVESTIGATION
CHARSADDA

27

No. 1382 /Invst: dated Charsadda the 10/06/2019

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

Subject: DENOVO DEPARTMENTAL ENQUIRY AGAINST LHC QAISER KHAN NO.907.

Memo: Kindly refer to your office letter No.2056-58/E&I dated 27.05.2019.

It is submitted that in light of the judgment dated 03.05.2019 passed by the Khyber Pakhtunkhwa Service Tribunal and as per your kind directions, denovo enquiry was conducted into the matter. LHC Qaiser Khan No. 907 was summoned to the office of undersigned and heard him in person. His statement was also recorded.

Statement of LHC Qaiser Khan No.907:

As per his statement he was posted as Incharge PP Ziam and during the said short time period of posting, he recovered narcotics, arms/ammunition on large scale and also arrested the narcotics peddlers. So far relation/contact with Mukaram Khan is concerned, he was informer of Police and on their information huge quantity of narcotics was recovered and accused alongwith vehicles were also arrested. Details of cases are as under:

1. FIR No. 168 dated 14.05.2016 u/s 9C-CNSA PS Umarzai.
2. FIR No. 84 dated 17.03.2016 u/s 9C-CNSA PS Umarzai.

He further stated that in this regard he had informed circle DSP as well as SHO Umarzai and the aforementioned officers encouraged him for his progress and told him to keep contact with the informer. He added that Mukaram Khan was residing at Tangi while operation/raid was conducted in the jurisdiction of PS Umarzai. Neither he extended any sort of help to Mukaram in his escape nor any report/complaint had been received against him.

After perusal of the previous enquiry report alongwith relevant documents, and statement of LHC Qaiser Khan, it transpired that allegations leveled against LHC Qaiser Khan had been proved as CDR report available on record also confirms that LHC Qaiser Khan had contacts with the drug peddler Mukaram Khan, hence it is recommended that the previous punishment awarded to the LHC Qaiser Khan was in accordance with law, therefore, the same may be maintained.

ATTESTED

q

Abi
Superintendent of Police,
Investigation Charsadda

ORDER

I-28

This order will disposed of the denovo departmental enquiry against LHC Qaiser Khan, who while posted as I/C PP Ziam PS Umarzai, it came to light through reliable sources that he is supporting drug peddlers of his area, a task was given to him to arrest one Muzamil (drug peddler) but rather to arrest the said accused he informed him (Muzamil) before the raids of the Police/ANF, resultantly he made his escape good from the clutches of Police. Being a responsible Police office his act is highly objectionable and against the rules and regulations of the discipline force. This shows his inefficiency, lack of interest in the performance of official duty.

In the above allegations he was awarded major punishment of reversion to the rank of LHC (BPS-5), on the recommendation of enquiry officer.

Then LHC Qaiser Khan approached the Hon'ble Khyber Pakhtunkhwa Service Tribunal vide Service Appeal No. 173/2017, which was decided in his favour and the respondents were directed to conduct denovo enquiry into the matter. According to law/rules, his case was sent to worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for conducting denovo enquiry.

The Worthy Inspector General of Police, Khyber Pakhtunkhwa, nominated Mr. Nazir Khan, Superintendent of Police Investigation Charsadda as enquiry officer with the directions to conduct denovo enquiry and submit his recommendation.

The enquiry officer, after conducting denovo enquiry, returned the same with the recommendation that the previous punishment, which was awarded to LHC Qaiser Khan, is in accordance with the law/rules, therefore, the same may be maintained.

He was issued Show Cause Notice, reply to which was received and found unsatisfactory.

Keeping in view of the recommendations of the enquiry officer, the undersigned agreed with the findings of the enquiry officer and his previous major punishment of reversion is upheld.

O:B No. 646
Dated 8-7-2019

~~District Police Officer,
Charsadda~~

No. 919/22 /HC dated Charsadda the 08/07/2019.

Copy for information to the (Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar w/r to his office letter No. 2173/CPO/IAB/C&E dated 11.06.2019.

ATTESTED



District Police Officer,
Charsadda

بخدمت جناب ڈپٹی انسپکٹر جنرل آف پولیس، مردان ریجن مردان

سائل حسب ذیل عرض گزار ہے:

یہ کہ سائل کو بحوالہ آڈر نمبری HC/95-992 مورخہ 12.08.2016 تنزیلی کر کے سائل کو IHC ریکس سے LHC پر لایا گیا تھا۔ جس کے خلاف سائل نے سروس ٹریبونل میں کیس دائر کر کے عدالت حضور نے Denovo (دوبارہ) انکوائری کرنے کے احکامات جاری کئے ہیں۔ سائل کے خلاف دوبارہ انکوائری شروع ہو کر SP انوشی گیشن نذیر خان کو مارک ہوئی، جس پر انہوں نے قانونی تقاضے پورے نہیں کئے اور پہلی انکوائری کو درست قرار دیکر Findings جناب DPO صاحب کو ارسال کر کے جناب DPO صاحب چار سہ دنوں کے بحوالہ آڈر نمبری HC/919-22 مورخہ 08.07.2019 جاری کیا جو کہ سائل کے ساتھ سراسر نا انصافی ہے۔

حقیقت کچھ یوں ہے کہ سائل قبل ازیں 2/3 ماہ بطور انچارج چوکی زیم تعینات تھا اور اس قلیل مدت میں سائل نے اپنی انفارمیشن کی بنیاد پر متعدد بار بڑی مقدار میں منشیات، اسلحہ اور ایمنیشن پکڑے ہیں جبکہ بڑے بڑے منشیات فروشان پابند سلاسل کئے ہیں۔ جہاں تک مکرم خان کا تعلق ہے تو مذکورہ منجر اور انفارمیشن پر سائل نے بڑی مقدار میں منشیات برآمد کر کے ملزمان کو گاڑیوں سمیت گرفتار کئے ہیں۔ ذیل مقدمات میں سائل نے بڑی پراگرس کئے ہیں۔

۱۔ علت 167 مورخہ 14.05.2016 جرم CNSA-9c تھانہ عمر زئی برآمدگی چرس 30-Kgs گاڑی XLI-7475

۲۔ علت 84 مورخہ 17.03.2016 جرم CNSA-9c تھانہ عمر زئی برآمدگی چرس 2050-Grms گاڑی کرولا 4694

اندریں بارہ سائل نے پہلے سے سرکل DSP صاحب اور SHO صاحب عمر زئی کو آگاہ کیا تھا۔ بالا پراگرس پرافسیران بالانے سائل کی حوصلہ افزائی بھی کی ہے۔ اور انفارمر کے ساتھ مزید رابطہ رکھنے کی بھی ہدایت کی تھی۔ مکرم خان مذکورہ تھانہ تنگی کی حدود میں رہائش پذیر تھا اور سائل نے تھانہ عمر زئی کی حدود میں کاروائی کی تھی۔ سائل نے مکرم خان کے فراری میں کسی قسم کی مدد نہیں کی ہے اور نہ ہی مذکورہ کے بارے میں کسی محکمہ یا تھانہ سے دستاویزات موصول ہوئی تھی۔ بحیثیت ایک پولیس آفیسر اس قسم کے جرائم کو روکنے کے لئے ہر وقت ہمدن ہو کر کام کیا ہے جس کے بارے میں ریکارڈ پر سب کچھ موجود ہے۔

سائل تقریباً 3/4 سال سے عدالتوں میں ذلیل و خوار ہو رہا ہے، لہذا استدعا ہے کہ سائل کے سابقہ ملازمت، بہتر ریکارڈ، غربت اور کارکردگی کو مد نظر رکھتے ہوئے حکم مذکورہ بالا فائل کرنے اور سائل کی اپنی اصلی ریکس بحال کرنے کا حکم صادر فرما کر مشکور فرمائیں۔

سائل تاحیات دعا گور ہے گا۔

تحریر: 10.07.2019

العارض

آپ کا تابع دار قیصر خان 907/LHC ضلع چارسدہ، موبائل نمبر 0315-1939495

ATTESTED



ORDER.

This order will dispose-off the appeal preferred by **LHC Qaisar Khan No. 907** of Charsadda District Police against the order of District Police Officer, Charsadda, whereby his Major Punishment of reduction from the rank of IHC to the rank of LHC (BPS-05) was upheld vide DPO/Charsadda OB: No. 646 dated 08.07.2019. K - (30)

Brief facts of the case are that, a departmental enquiry against LHC Qaisar Khan No. 907 was ordered with the allegations that the Official while posted as I/C PP Ziam Police Station Umarzai, it came in to light through reliable sources that he is supporting drug peddlers of his area, a task was given to him to arrest one Muzamil (drug peddler) but despite of arrest he informed him (Muzamil) before the joint raids of Police/ANF, resultantly he made his escape good from the clutches of Police. Being a responsible Police Officer his act is highly objectionable and against the rules and regulations of the disciplined force.

The allegations proved during enquiry proceedings and he was awarded Major Punishment of reversion to the rank of LHC (BPS-05).

His departmental appeal was filed vide this office order endorsement No. 7783/ES dated 09.09.2016 & Worthy IGP KPK vide Order No. S/106/17 dated 10.01.2017.

He then approached the Hon'ble Service Tribunal, KP vide Service Appeal No. 173/2017, which was decided in his favour and the respondents were directed to conduct denovo enquiry into the matter. According to Law/Rules, his case was sent to Worthy IGP KP for orders of a denovo enquiry.

The Worthy IGP KP, nominated Mr. Nazir Khan SP Investigation, Charsadda for denovo enquiry and submission of final recommendations.

The Enquiry Officer after conducting denovo enquiry, returned the same with the recommendation that the previous punishment, awarded to LHC Qaisar Khan No. 907 is in accordance with the Law/Rules, therefore the same may be maintained. He was issued Final Show Cause Notice reply to which was found unsatisfactory. Therefore, DPO/Charsadda agreed with the recommendations and findings of enquiry Officer, his previous Major Punishment of reversion is upheld vide his office OB: No. 646 dated 08.07.2019.

He was called in orderly room held in this office on **26.07.2019**, heard him in person but could not produce any solid proof to defend himself. Having serious allegations, ill reputation in the force with tainted record. **The departmental appeal is hereby rejected.**

ATTESTED


(MUHAMMAD ALI KHAN)PSP
Regional Police Officer,
Mardan.

No. 10259/ES,

Dated Mardan the 01/08 /2019.

Copy to District Police Officer, Charsadda for information and necessary action w/r to his office Memo: No.1231/EC dated 17.07.2019. His Service Record is returned herewith.

(*****)

VAKALATNAMA

Before the KP Service Tribunal, Peshawar

_____ OF 2019

Qaiser Khan

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

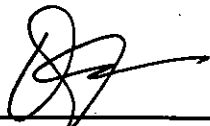
Police Deptt.

(RESPONDENT)
(DEFENDANT)

I/We Qaiser Khan

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, Peshawar** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. ____/____/2019



CLIENT


ACCEPTED
NOOR MOHAMMAD KHATTAK

SHAHZULLAH YOUSAFZAI


&
MIR ZAMAN SAFI
ADVOCATES

OFFICE:
Flat No.3, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.
Mobile No.0345-9383141