BEFORE THE HONORABLE, SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No.95/2024

Shakir Ahmad Ex-IHC No.401 Kot Police Lines, Hangu

.Appellant

.....Respondents

Versus

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & Others

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Deponent Inspector Legal, Hangu

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service appeal No. 95 / 2024

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Shakir Ahmad APPELLANT Versus

PPO, Peshawar & Others RESPONDENTS

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS

Respectfully Sheweth:

Preliminary objections:

- **a.** The appellant has no cause of action or locus standi to file the instant appeal.
- **b.** That the appellant is estopped by his own conduct to bring the appeal in hand.
- **c.** That the appellant has not come to the tribunal with clean hands.
- **d.** That the appellant suppressed / concealed the material facts from the Hon'ble Tribunal and tried to mislead, hence his appeal is liable to be dismissed on this score alone.
- e. That the appeal in hand is not maintainable in its present form due to mis-joinder and non-joinder of necessary parties.
- f. That petitioner is not an aggrieved person within the meaning of section 4 of the Khyber Pakhtunkhwa Service Tribunal Act,1974.
- g. That the appeal is incompetent, misconceived and untenable.
- **h.** That the instant appeal is time barred.

REPLY ON FACTS:

- 1. Para No.1 of appeal to the extent of service is correct, however, during service appellant proved himself an indiscipline, rude and inefficient police official.
- 2. Para No.2 of appeal is incorrect and misleading. Appellant has concealed actual facts from this Hon'ble Tribunal. Appellant while posted as Incharge Kot Police Lines Hangu had acted disobedient and indiscipline manner before the respondent No.3. On account of such gross mis-conduct he was suspended and proceeded against departmentally under the rules. He was issued charge sheet with statement of allegation vide No. 42/EC dated 08.02.2023. DSP City Amjid Hussain was nominated as enquiry officer. The enquiry officer sought reply to the charge sheet issued to the delinquent officer. The delinquent officer submitted his reply to the charge sheet. The enquiry officer also recorded statements of all officers acquainted with the incident of misbehaviour with DPO. The delinquent officer was also provided an opportunity of personal hearing. After fulfilment of all codal formalities, the enquiry officer submitted his final report wherein he held guilty the delinquent officer of gross misconduct within meaning of Rule- 4 and 5 of Police Rules-1925 (amended - 2014). The enquiry officer proposed for appropriate punishment through his finding report. On the receipt of finding report, the competent authority again heard him in person but again, he failed to prove himself innocent. Hence, the competent authority issued final show cause notice vide No.17/EC dated 13.02.2023 to the delinquent officer. The delinquent officer submitted his reply to the show cause notice but the same was found without substance and cogent reasons. Therefore, the competent authority on satisfaction, awarded major punishment of dismissal from service vide OB No. 120 dated 20.02.2023 to the delinquent officer. (copies of charge sheet, reply, finding report, final show cause & dismissal order are attached "A" "B" "C" "D" & "E")

- Para No.3 of appeal is correct to the extent of issuance of charge sheet and proper departmental enquiry through enquiry officer, however, the enquiry officer conducted inquiry into the allegations in a fair and impartial manner. (Copy of inquiry report is attached as annexure- "B")
- 4. Para No.4 of the appeal is incorrect Appellant has concealed actual facts from this Hon'ble Tribunal. Appellant while posted as Incharge Kot Police Lines Hangu had acted disobedient and indiscipline manner before the respondent No.3. On account of such gross mis-conduct he was suspended and proceeded against departmentally under the rules. He was issued charge sheet with statement of allegation vide No. 42/EC dated 08.02.2023. DSP City Amjid Hussain was nominated as enquiry officer. The enquiry officer sought reply to the charge sheet issued to the delinquent officer. The delinquent officer submitted his reply to the charge sheet. The enquiry officer also recorded statements of all officers acquainted with the incident of misbehaviour with DPO. The delinquent officer was also provided an opportunity of personal hearing. After fulfilment of all codal formalities, the enquiry officer submitted his final report wherein he held guilty the delinquent officer of gross misconduct within meaning of Rule- 4 and 5 of Police Rules-1925 (amended - 2014). The enquiry officer proposed for appropriate punishment through his finding report. On the receipt of finding report, the competent authority again heard him in person but again, he failed to prove himself innocent. Hence, the competent authority issued final show cause notice vide No.17/EC dated 13.02.2023 to the delinquent officer. The delinquent officer submitted his reply to the show cause notice but the same was found without substance and cogent reasons. Therefore, the competent authority on satisfaction, awarded major punishment of dismissal from service vide OB No. 120 dated 20.02.2023 to the delinquent officer. (copies of charge sheet, reply, finding report, final show cause & dismissal order are attached "A" "B" "C" "D" & "E")
- 5. Para No.5 of appeal to the extent of issuance of final show cause notice is correct, however, the same was issued after receipt of inquiry report. The reply of appellant was perused and found unsatisfactory hence after personal hearing appellant was dismissed from service through speaking order.

(copy of final show cause notice, reply and order are attached)

- 6. Incorrect, reply already given in the preceding paras.
- 7. Correct to the extent of filing of departmental appeal as well as revision, however, the same were examined by the respondent and rejected on merit.
- 8. That appellant has got no cause of action to file the instant appeal and the orders of respondents are quite legal and in accordance with rules.

REPLY ON GROUNDS:

- A. Incorrect. The orders of respondents are in accordance with law & rules.
- **B.** Incorrect. Proper departmental inquiry was conducted against the appellant in accordance with the rules during inquiry appellant was associated and opportunity of personal hearing was provided.
- **C.** Incorrect. All codal formalities were observed by the respondents before passing final order.
- **D.** Incorrect. The appellant did not obey the lawful order of his superior and become disobedient, besides committed indiscipline act, therefore, he was suspended and proceeded against departmentally.
- E. Incorrect, reply already given in the preceding paras.
- F. Incorrect, reply already given in the preceding paras.
- **G.** Incorrect, being member of discipline force, appellant has committed gross mis-conduct, by acted disobediently and indiscipline manner.

Para No.3 of appeal is correct to the extent of issuance of charge sheet and proper departmental inquiry through inquiry officer, however, the inquiry officer conducted inquiry into the allegations in a fair and impartial manner.

(Copy of Inquiry Report is attached as annexure "B").

- Incorrect. Proper inquiry was conducted against the appellant, 4. during which proper opportunity of defence was provided to the appellant during the inquiry proceedings, but he fails to produce any cogent reasons in his defence to prove his innocence.
- Para No.5 of appeal to the extent of issuance of final show 5. cause notice is correct, however, the same was issued after receipt of inquiry report. The reply of appellant was perused and found unsatisfactory hence after personal hearing appellant was dismissed from service through speaking order. (Copy of Final Show Cause Notice, Reply and Order are attached as annexure <u>"C"</u>, <u>"D"</u> & <u>"E"</u>).
- Incorrect, reply already given in the preceding paras. б.
- Correct to the extent of filing of departmental appeal as well as 7. revision, however, the same were examined by the respondents and rejected on merit.
- That appellant has got no cause of action to file the instant 8. appeal and the orders of respondents are quite legal and in accordance with rules.

REPLY ON GROUNDS:

3.

- Incorrect. The orders of respondents are in accordance with law Α. and rules.
- Incorrect. Proper departmental inquiry was conducted against В. the appellant in accordance with the rules. During inquiry appellant was associated and opportunity of personal hearing was provided.
- Incorrect. All codal formalities were observed by the C. respondents before passing final order.
- Incorrect. The appellant did not obey the lawful order of his D. superior and become disobedient, besides committed indiscipline act, therefore, he was suspended and proceeded against departmentally.
- E. Incorrect, reply already given in the preceding paras.
- Incorrect, reply already given in the preceding paras. F.
- Incorrect, being member of discipline force, appellant has G. committed gross mis-conduct, by acted disobediently and indiscipline manner.

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- H. Incorrect. Proper opportunity of defence was provided to the appellant during inquiry proceedings.
- I. Incorrect. All codal formalities were fulfilled by the respondents before passing final order. Appellant was treated in accordance with law/rules.
- J. Incorrect. Proper opportunity of defence was provided to the appellant during inquiry proceedings, and the orders of respondents are quite legal in accordance with law/rules.
- K. Incorrect, reply already given in the preceding paras.
- L. The respondents also seek permission of this Hon'ble Service Tribunal to raise additional grounds and proof at the time of hearing.

PRAYER:

In view of above, it is, therefore, most humbly prayed that on the basis of above reply, the appeal of the appellant may kindly be dismissed, with cost being devoid of merit.

District Police Officer, Hangu (Respondent No.3) Nisar Ahmad PSP, QPM Incumbent Regional Police Officer, Kohat Region, Kohat (Respondent No.2) Sher Akbar, PSP, S.St Incumbent

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DIG/Legal for Provincial Police Officer Khyber Pakhtunkhwa, Peshawar (Respondent No.1) Dr. Muhammad Akhtar Abbas Incumbent_



BEFORE THE HONORABLE, SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No.95/2024 Shakir Ahmad Ex-IHC No.401 Kot Police Lines, Hangu

Υ.

.....Appellant

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & Others

......Respondents

AFFIDAVIT

I respondent No.3, Mr. Nisar Ahmad PSP QPM District Police Officer Hangu and Respondent, do hereby solemly affirm on oath and declare that contents of these joint parawise comments on behalf of Respondents No.1 to 3 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

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.

District Police Officer, Hangu (Respondent No. 3) (NISAR AHMAD) 'PSP QPM Incumbent CNIC # 17301-1980374-1 Cell # 0336-2228282





OFFICE OF THE DISTRICT POLICE OFFICER, HANGU Tel No. 0925-623878 & Fax No. 0925-620135 Email: dpohangu8@gmail.com

CHARGE SHEET

13:02.

Date

I, MR. ASIF BAHADER, PSP, DISTRICT POLICE OFFICER, HANGU, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you, IHC Shakir Ahmad No. 401 while posted as I/C Kot Police Lines, Hangu rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975:-

- ii. As such there is zero tolerance for indiscipline police officers/officials.
- iii. You being a member of disciplined force of the police department had acted indiscipline manner, ill attitude, disinterest, negligence and professional gross misconduct on your part which cannot be tolerated.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

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

4.

, A statement of allegation is enclosed.

DISTRICT POLICE OFFICER, HANGU

Alested



I.

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU Tel No. 0925-623878 & Fax No. 0925-620135 Email: dpohangu8@gmail.com

DISCIPLINARY ACTION

MR. ASIF BAHADER, PSP, DISTRICT POLICE

OFFICER, HANGU, as competent authority, am of the opinion that you, **IHC Shakir Ahmad No. 401** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

> ii. As such there is zero tolerance for indiscipline police officers/officials.

iii. You being a member of disciplined force of the police department had acted indiscipline manner, ill attitude, disinterest, negligence and professional gross misconduct on your part which cannot be tolerated.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations <u>provide</u> is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

DISTRICT PODICE-OFFICER, HANGU

_/EC, dated_______/2023. No. Copy of above to:-1. :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975. 2.The Accused official:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings. ******

Attested

دفتر الی<u>دی کی او</u>منگو نمبر<u>30</u>9 _____ SDPO

مورفتر <u>2023/ (م) ا</u>

<u>انگواتری رخلاف IHC شاکرا حم نبر 401 متعیندانجارج کوت پولیس لاتن بسکو۔</u>

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جتاب عالى!

بحوالہ چارج شیٹ نمبری42/EC مورخہ 08.02.2023 دفتر جنابDPO صاحب منگو ،انکوائری برخلاف IHC شاکر احمد متعینہ انچارج کوت پولیس لائن معروض خدمت ہوں کہ چارج شیٹ ہٰڈامیں مٰدکورہ IHC پر ذیل الزامات لگائے گئے ہیں۔ **الزام**:۔

<u>آپIHC ٹاکرا تم میں 401 متعینہ انچارج کوت پولیس لائن منگومور خبر 2023.02.08 کوزیر دیخطی کے سامنے دوران پیشی انتہائی غیر اخلاقی و</u> <u>غیر ڈسپلن روپہ کے مرتکب ہوئے ۔ جس کے بعد آپ کو بحوالہ OB نمبر 90 مور خبر 2023.08.02 کو معطل کرکے پولیس لائن کلوز کیا گیا۔</u> جیسا کہ آپ کو معلوم ہے کہ تحکمہ پولیس میں غیر ڈسپلن حرکت نا قابل برداشت ہے۔ **انکوا تیرمی پراسس:۔**

اس سلسلے میں محرر پولیس لائن سے قصور وار IHC کو بعرض قلمبند کرنے بیان طلب کرنے کی خاطر رابطہ کرے جو کہ گویاں ہوا کہ قصور وار IHC مور خدہ 08.02.2023 سے بحکم جناب DPO صاحب بند کوارٹر گارد ہے۔اطلاع کے پیش نظر پولیس لائن جا کر IHC شاکر جو کہ واقعی کوارٹر گارد کے اندرنقل چارج شیٹ حوالہ کر کے جس سے الزامات کے بابت تحریری بیان لیا گیا۔اور کراس سوالا ت بھی کئے گئے۔

سینئرکلرکDPO آفس منگو عنایت حسین نے حسب طلمی دفتر ہذا پیش آ کراپناتحریری بیان پیش کیا جولف رپورٹ ہذاہے۔ جمشید خانPASI متعینہ RI پولیس لائن منگو نے حسب طلمی دفتر ہذا پیش آ کراپناتحریری بیان پیش کیا جولف رپورٹ ہذا ہے۔

حيدرخان HC متعينه OHC نو DPO نے حسب طلبی دفتر ہذا پیش آکرا پناتح رہیں بیان ہمراہ پوسٹنگ چارٹ IHC شاکرا حمد پیش کیا جو لف رپورٹ ہذا ہے۔

سنیک مین تورینبر 614 نے حسب طلبی دفتر ہذا پیش آکرا پناتح ریک بیان پیش کیا جولف رپورٹ ہذا ہے۔ پرسنل گنرٹو DPO صاحب کنٹیمیل اعجاز نے حسب طلبی دفتر ہذا پیش آکرا پناتح ریک بیان پیش کیا جولف رپورٹ ہذا ہے۔ کس کل

شاكراجم HC:-

نے بیان کیا کہ اُس پرلگائے گئے الزامات بمطابق چارج شیٹ غلط اور بے بنیاد ہیں۔ بیر کہ چارج شیٹ میں امجد حسین انسپکٹر اکٹنگ SDPO سٹی کو انکوائیری آ فسیر مقرر کیا ہے۔جس سے اُس کوکوئی انصاف کی توقع نہیں ہے۔ اس سلسلے میں اُس نے تحریری درخواست کو ارٹر گارد میں ہوتے ہوئے بذریعہ مدد محرر لائن افسر ان بالاکو بھجوائی تھی۔ الزامات غلط ہے۔ **سینٹر کلرک عنائت حسین :۔**

نے بیان کیا کہ مورخہ 2023.08.02 کو وہ بلسلہ دستخط کرانے ڈاک جناب DPO صاحب کے دفتر میں موجود تھا کہ DPO صاحب نے بلد ریعہ رز تنویر HH شاکر کو دفتر کی کہ آپ انچارج وردی گودام کا چارج سنجالو میں آپ بذر یعہ رز تنویر HC شاکر کو دفتر طلب کیا۔ بدوران پیشی جناب DPO صاحب نے HC شاکر کو تکم کیا کہ آپ انچارج وردی گودام کا چارج سنجالو میں آپ کو انچارج کوت سے انچارج وردی گودام ٹر انسفر کیا ہے۔ جس پر شاکر نے بچواب DPO صاحب کو کہا کہ وہ اپنی سیٹ بطور انچارج چلانے کی اہلیت رکھتا ہے۔ اگر اُسے کوت سے انچارج وردی گودام ٹر انسفر کیا ہے۔ جس پر شاکر نے بچواب DPO صاحب کو کہا کہ وہ اپنی سیٹ بطور انچارج چلانے کی اہلیت رکھتا ہے۔ اگر اُسے کوت سے تبدیل کرنا ہے تو وہ انچارج وردی گودام نہیں جائے گا بلکہ دوسر ے ضلع کو ہاٹ یا کرک تبدیل کیا جائے۔ جناب DPO صاحب نے شاکر کو مخاطب ہو کر کہا کہ آپ تھا نہ دوآ بہ میں حاضری کر و۔ شاکر نے دوبارہ انکار کر کے کہا کہ مجھے پھر FRP تبدیل کرا جائے۔ جناب DPO صاحب نے شاکر کو مخاطب ہو کر کہا کہ آپ تھا نہ دوآ بہ میں حاضری کر و۔ شاکر نے دوبارہ انکار کر کے کہا کہ مجھے پھر FRP تبدیل کرو ۔ بالا خرشا کر OPL نے خودا پنی مرضی سے بیلٹ اتار کر OPD صاحب کے سامنے میز پر رکھ دیا۔ اور کہا کہ وہ میں کرنا چا تا ہے۔ جناب DPL نے خودا پنی مرضی سے مخاطب ہو کہ کی جا جا تا ہو ہوں کو میں کہ میں کہ میں تو ان کر کے کہا کہ میں کر کہا کہ میں کرکیا گھر تا کر DPL ما حب نے شاکر DPL کے خودا پنی مرضی سے دی سال کر کے کہا کہ تھی تا ہو کہ کہ ہوں کہ تا ہو ہوں کہ ہوں کہ کہ ہوں کہ کہ تھ جو جس کہ تا ہو ہوں کہ کہ کہ کہ کہ کہ کہ کہ ہوں کہ کہ ہوں کہ ہوں کہ ہوں کہ کہ کہ کہ کہ ہو کہ ہو کہ کہ کہ تھا ہو ہوں کہ کہ کہ ہو کہ کہ کہ کہ ہو ہوں کہ کہ ہوں کہ کہ کہ ہوں کہ کہ کہ کہ کہ کہ ہوں کہ کہ کہ کہ کہ ہوں ہوں کہ ہوں کہ ہوں کہ ہوں کہ کہ تا کہ کہ کہ کہ ہوں بڑی کہ ہوں ہوں کہ کہ کہ ہوں کہ کہ کہ ہوں کہ کہ ہو کہ ہوں کہ کہ کہ کہ ہوں کہ ہوں کہ ہوں کہ کہ ہو کہ کہ کہ کہ کہ ہوں ہوں کہ کہ ہوں ہوں ہوں کہ ہوں ہوں کہ کہ کہ ہوں ہ

سك من تشطيل تنوي مبر 614:-

نے بیان کیا کہ مورخہ 08.02.2023 کوارد لی روم تھا۔ جونہی ارد لی روم ختم ہوا وہ آفس جناب DPO صاحب سے باہر آیا تو HC شائر اُسے کہا کہ جناب DPO صاحب کے نوٹس میں لا وَ کہ کوت انچارج شاکر پیش ہونا چاہتا ہے ۔ اُس نے جناب DPO صاحب کے نوٹس میں لاکر جناب DPO صاحب نے پیش ہونے کی اجازت دے دی ۔ اُس نے شاکر HC کو جناب DPO صاحب کو پیش کیا ۔ اور وہ باہر آگیا ۔ چند منٹ بعد جناب DPO صاحب نے دوبارہ اُسے طلب کیا اور ساتھ ہی گنراعجاز کو طلب کیا۔ کو ہو ہو میں م

كتسفيل اعجاز پرس كنرنو DPO صاحب:-

نے بیان کیا کہ مورخہ 08.02.2023 کو وہ انظارگاہ جناب DPO آفس میں موجود تھا کہ اس دوران IHC شاکرنے آکر جناب DPO پیش ہونے کو کہا جس پرسٹک میں تنویر احمد نے UPO شاکر کے بابت جناب DPO صاحب کے نوٹس میں لایا۔ جناب DPO صاحب نے پیش ہونے ک اجازت دے کر جناب DPO صاحب کو پیش ہوا۔ چند منٹ بعد OPO صاحب نے بیل بجا کر اُسے طلب کیا۔ اندر جا کر OPO صاحب کے میز پر بیلٹ پڑا تھا۔ جو کہ OPO صاحب نے اُسے بلٹ اٹھانے کا کہا اور مزید تکم دیا کہ OPO ساحب نے بیل بجا کر اُسے طلب کیا۔ اندر جا ک The ماحب نے میں لائن کو بذریعہ دون

PASI جشيدخانRI يوليس لائن:-

نے بیان کیا کہ اُس کو بذر بعد اعجاز گنر DPO صاحب اطلاع موصول ہوکر دفتر جناب DPO صاحب آ کر OHC کے ساتھ ڈسکس ہو کر جو شاکر IHC حسب الحکم جناب DPO صاحب کوارٹر گارد بندش کاتھم ہو کرجسکوا حکام کی تعمیل میں بند کوارٹر گارد کہا گیا۔ نقلمد بابت معظّی اور بندش کوارٹر گاردلف ہٰذا ہے **HC-میدرخان OHC:۔**

نے بیان کیا کہ مورخہ 08.02.2023 کو HC شاکر احمد نے جناب DPO صاحب کے روبر وخود بیشی کی ہے۔ اس بیشی کے متعلق HC نہ کورہ نے اُسے سی قسم کی تحریری درخواست بابت جائز عرض معروض جنونہیں کیا ہے۔ ا**صل حقائق:۔**

جناب واله!

لگائے گئے الزامات میں حسب ضابط انکوائیری شروع کر کے قصور وار IHC شاکر کا کوارٹر گارڈ پولیس لائن جا کرکوارٹر گارڈ کے اندر بیان لیا جا کر قصور وار IHC نے اپنے بیان میں لگائے گئے الزامات کی تر دید کی ۔ دوران کراس قصور وار IHC نے یہ بات تسلیم کی کہ وہ پولیس رولز باب 10 فقر 14 ارد ل روم کی خلاف ورزی کرتے ہوئے ڈائیر یکٹ جناب DPO صاحب کو پیش ہوا۔ اور دوران پیٹی قصور وار IHC نے SRC عنایت حسین کی موجودگی میں جناب DPO صاحب کے جائز تھم مانٹے سے انکار کیا۔ اور من پسند تعیناتی انچارج کوت کیلئے د باؤڈ النے کی کوشش کرتار ہا۔ اور من پند تعیناتی نہ طلے کی صورت میں اپنا بیلٹ اتار کر جناب DPO صاحب سے برخانتگی کی استدعا کی ۔

یہاں بیام بھی قابل ذکر ہے قصوروار IHC کے پوسٹنگ کے متعلق فراہم کئے گئے ریکارڈ کے مطابق قصوروار IHC نے اپنی زیادہ تر سروس منظور نظر سیٹوں یعنی Pay برائیج میں تقریباً 60 سال ، MTO تقریباً 60 سال ، OHC ٹو OPO صاحب تقریباً 60 ماہ تعینات رہا ہے۔جبکہ GD ڈیوٹی محض چند ماہ سیٹوں میں مشتمل ہے۔ پوسٹنگ جارٹ لف ریورٹ ہٰذاہے۔

بحسثیت ڈسپلن فورس ممبر جناب DPO صاحب کے جائز تھم کی تعمیل نہ کرنا اور بغیر اجازت جنابDPO صاحب کے سامنے اپنا بیلٹ اتار کر میز پر کھنا اور ڈیوٹی سے انکار Gross Misconduct کے زمرے میں آتا ہے۔ مذکورہ تحسثیت ڈسپلن فورس ممبر خود کوقانون سے مبر ابھی سجھتا ہے۔ لہذا بالا انکوائر کی سے ثابت ہوتا ہے کہ قصور دار HC شاکر احمد State کے مفاد میں نہیں ہے بدیں وجہ قصور دار IHC کو Major Punishment دینے ک ۔ فارش کی جاتی ہے۔

سب ديوية فل يوليس افسر منكو



OFFICE OF THE DISTRICT POLICE OFFICER, HANGU

Tel: 0925-623878 Fax 0925-620135

No______/EC dated Hangu the <u>13____</u>_/2023

FINAL SHOW CAUSE NOTICE

1. I, <u>Asif Bahader, (PSP), District Police Officer, Hangu</u> as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you, <u>IHC Shakir Ahmad No.401 while posted as</u> <u>I/C Kot Police Lines, Hangu</u> as fallow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer in which you have given full opportunity of hearing, but you failed to submit any reasonable response in your self defence and recommended you for awarding a major punishment vide his office finding No. 309/SDPO City, Hangu dated 13.02.2023.
- ii. From going, through the finding and recommendations of the inquiry officer, the material on record and other documentary proof including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

- Whereas, you, IHC Shakir Ahmad No.401 while posted as Incharge Kot Police Lines, Hangu have acted disobedient and indiscipline manner before the undersigned on 8th February, 2023 thus, you were placed under suspension & closed to Police Lines, Hangu vide this office OB No.90, dated 08.02.2023.
- ii. As such there is zero tolerance for indiscipline police officers/officials.
- iii. You being a member of disciplined force of the police department had acted indiscipline manner, ill attitude, disinterest, negligence and professional gross misconduct on your part, which cannot be ignored.

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid**.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5.

Aller

The copy of the finding of inquiry officer is enclosed.

DISTRICT POLICE OFFICER, HANGU

O gome & D > GDo vio alis 17/EC 5 / Judito 13 -02-2023 بر ورا مور مول. Vigner (cop DPa vio al cos os for finite O (213, 12 2, 2) (219²²) (29) (29) (29) (20) (20) (20) (20) en weight i stabled beight and beight and and 13/2 (201 8 0 SOPO (- 1 - 1 - 2 - 1 - 2 - 1 - 2) (201 - 2) (201 - 2) (201 - 2) (201 - 2) (201 - 2) مر الما المراج الروار ليوم مى محرر المولوي وفيس الحماق الي في في نيس الاالسرايا في محمد مسي دوس العلم تو الكريزي الحسر فور فاط in C qui in an en we sile with a minister of the الشرام في والإطروس فالادون من ممال طوفه ملى مدان ع طالف سام مو غروه مناه ی بادش می صحر دست طرحمار قصرال وي الم ادر الح اف الم طالى س Bowe ful blog of Units filmer ful 3 Not CGior Quid wipie Child is delly from BUDILOJUNG SUB () سام العانى لو مېن چ سې جسم اسالها ى مرالهاى بروزې

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OFFICE OF THE DISTRICT POLICE OFFICER, HANGU

Tel: 0925-623878 Fax 0925-620135

<u>O R D E R</u>

This order is passed on the departmental enquiry initiated against IHC Shakir

Ahmad No. 401 while posted as I/C Kot Police Lines, Hangu under the Khyber Pakhtunkhwa Police Rules 1975 (Amendment 2014).

Brief facts of the case are as under:-

- 1. Whereas, IHC Shakir Ahmad No.401 while posted as Incharge Kot Police Lines, Hangu has acted disobedient and indiscipline manner before the undersigned on 8th February, 2023 thus, he was placed under suspension & closed to Police Lines, Hangu vide this office OB No.90, dated 08.02.2023.
- ii. As such there is zero tolerance for indiscipline police officers/officials.
- iii. He being a member of disciplined force of the police department had acted indiscipline manner, ill attitude, disinterest, negligence and professional gross misconduct on his part which cannot be ignored.

He was served with Charge Sheet and statements of allegations vide this office No. 42/EC, dated 08.02.2023, to which he submitted his reply to the DSP, City Hangu, who was appointed as Enquiry Officer to conduct departmental enquiry against him. After completion of enquiry, the Enquiry Officer submitted finding report vide No. 309/SDPO, dated 13.02.2023, in which the accused IHC Shakir Ahmad No. 401 was summoned and heard in person by providing full opportunity of hearing, but he failed to submit any reasonable response in his self defence thus, held him guilty for the charges leveled against him and recommended to be awarded him a major punishment. Subsequently, Final Show Cause Notice was issued to him vide this office No. 17/EC, dated 13.02.2023, to which he submitted his reply on 19.02.2023 and found unsatisfactory as well.

Keeping in view of above and having gone through available record, the undersigned has arrived at the conclusion that accused IHC Shakir Ahmad No. 401 being a member of disciplined force had ambit the police rules by dropping the police belt on the undersigned desk in anger by flouting/violating the legal orders, disobedient, committed gross misconduct, irregularities, irresponsibility and non-professionalism, which indicates that he is not interested to serve further. Moreover, in these circumstances his retention in Police Department is burden on public exchequer, therefore, I, Asif Bahader, (PSP), District Police Officer, Hangu in exercise of the powers conferred upon me under the Rules ibid, dispense with general proceedings and **he is hereby dismissed from service with immediate effect.**

Order Announced. OB No. <u>120</u> Dated <u>Rv / v2 /2023</u>

> DISTRICT POLICE OFFICER, HANGU

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU.

No. <u>1038</u> /EC, dated Hangu, the <u>20162 / 2023</u> Copy of above is submitted to the Regional Police Officer, Kohat Region, Kohat for favour of information, please. 2. Pay Officer, EC, Reader & OHC for necessary action.

> DISTRICT POLICE OFFICER, HANGU

BEFORE THE HONORABLE, SERVICE TRIBUNAL KHYBER PAKHTUNKHWA, PESHAWAR.

Service Appeal No.95/2024 Shakir Ahmad Ex-IHC No.401 Kot Police Lines, Hangu

.....Appellant

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & Others

.....Respondents

AUTHORITY LETTER

Mr. Shoukat Hayat DSP HQrs, (BPS-17) Hangu is hereby authorized/nominated to submit para-wise comments/reply in the instant service appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar and also to defend instant service appeal on behalf of Respondent's No.1 to 3.

District Police Officer, Hangu (Respondent No. 3) (NISAR AHMAD) PSP QPM Incumbent

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

1 . DIG/Legal, CPO

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