

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Service appeal No. 1081/2015

Date of institution ... 29.09.2015

Date of decision .... 18.02.2019

Syed Tahir Shah, Ex- Inspector of Intelligence Unit, Police Station, Faqir-Abad,  
C.T.D. Peshawar.

... (Appellant)

Versus

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and Two  
(02) others.

... (Respondents)

Present

Mr. Asif Yousaf zai,  
Advocate

...

For appellant.

Mr. Muhammad Jan ,  
Deputy District Attorney

...

For respondents.

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MR. HAMID FAROOQ DURRANI, ...

CHAIRMAN

MR. MUHAMMAD HAMID MUGHAL, ...

MEMBER(J).

JUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-


Appellant is aggrieved of order dated 12.08.2015 passed by respondents No.3, whereby, he was reverted to the rank of Sub Inspector as penalty. The appellant is also aggrieved of order dated 31.08.2015 passed by respondent No.2, through which his departmental appeal was rejected.

2. The facts, as gatherable from memorandum of appeal, are that the appellant joined the police force in the year 1991 and in the course of his service was given promotion form time to time. In the year 2014 he was promoted as Sub Inspector. On 02.07.2015, the appellant was charge

sheeted for misconduct on the allegations that he tried to provide illegal assistance to a foreign national and protected him from security check points on 27.06.2015 at Torkham Gate and was apprehended by the personnels of Khyber Rifles. That, the appellant went to Afghanistan without proper travel documents or NOC from the department. The charge sheet was replied by the appellant wherein the allegations were denied. Subsequently, inquiry was conducted against him and the impugned penalty was imposed.

2. We have heard learned counsel for the appellant and learned District Attorney on behalf of respondents and have also gone through the available record with their assistance.

It was the argument of learned counsel for the appellant that the charge sheet issued to the appellant was by a Deputy Inspector General of Police, who was not competent authority for the purpose. In view of the rank of appellant the DPO/SSP could issue such a charge sheet under the provisions of Police Rules, 1975. In the said regard, it was contended that the proceedings against the appellant were void ab-initio on the said count, therefore, ensuing punishment was also not sustainable. He placed reliance on judgments reported as 2009 SCMR-339 and 2008 SCMR-1148. It was further argued that the period, for which the impugned penalty was to remain in field, was not provide in the order, therefore, the penalty could not sustain. It was also contended that the inquiry against the appellant was not conducted in accordance with rules; so much so, that



the complainant of the alleged incident was not examined by the inquiry officer.

On the other hand, learned DDA argued that the punishment awarded to the appellant was in terms of reversion to a Substantive rank, therefore, did not fall strictly within the meaning of penalty. He referred to 1984 PLC (CS) 689 and 1974 SCMR-82.

3. The record is depictive of the fact that the appellant was promoted to the rank of officiating Inspector (BPS-16) on 11.02.2014 and his name was brought ~~of~~ list 'F'. On one hand, notification No.4141 dated 11.02.2014 reflected officiation of appellant as Inspector in terms of promotion, while on the other, his reversion to the substantive rank of Sub Inspector was a result of departmental proceeding and for all intents and purposes awarded as punishment. The argument of learned DDA for respondents, therefore, does not have much force regarding reversion of appellant as an ordinary act on the part of respondents in the circumstances of the case.

4. We have also adverted to the reply of charge sheet submitted by appellant wherein, it was tacitly admitted that he went to receive a guest and inadvertently crossed over the border with Afghanistan. His act was owing to the fact that other people, present in the border area, were roaming freely without any hindrance, therefore, he felt no bar and landed in the banned area, it was added.

It is also a fact that charge sheet for the alleged offence in the case of appellant was issued by Deputy Inspector General of Police Peshawar

(Salah ud din) on 31.08.2015. The same officer decided and rejected the departmental appeal of appellant impugning the order of imposition of penalty upon him. The issuance of charge sheet was, therefore, in violation of Schedule-I to the Police Rules, 1975.

Learned DDA appearing on behalf of respondents could also not deny that the complainant of the case against the appellant was not associated with the inquiry proceedings nor the fact that the appellant was not provided with opportunity of cross examining the witnesses appearing against him.

5. For what has been discussed above, we allow the appeal in hand and require the restoration of rank of Inspector in favor of the appellant. The respondents may initiate and conclude departmental proceedings against the appellant denovo but only in accordance with law and rules within a period of ninety (90) days from the receipt of copy of instant judgment. The issue of back benefits in favor of appellant shall follow the result of denovo inquiry.

Parties are left to bear their respective costs. File be consigned to the record room.





(Muhammad Hamid Mughal)  
Member



(Hamid Farooq Durrani)  
Chairman

ANNOUNCED  
18.02.2019

S.No.	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	18.2.2019	<p><u>Present.</u></p> <p>Mr. Muhammad Asif Yousafzai, .. For appellant Advocate Mr. Muhammad Jan, Deputy District Attorney. ... For respondents</p> <p>Vide our detailed judgment of today, we allow the appeal in hand and require the restoration of rank of Inspector in favor of the appellant. The respondents may initiate and conclude departmental proceedings against the appellant denovo but only in accordance with law and rules within a period of ninety (90) days from the receipt of copy of instant judgment. The issue of back benefits in favor of appellant shall follow the result of denovo inquiry.</p> <p>The Parties are left to bear their respective costs. File be consigned to the record room.</p> <p style="text-align: center;">  Member         <span style="float: right;">  Chairman         </span> </p> <p><u>ANNOUNCED</u> 18.2.2019</p>

09.11.2018

Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 13.12.2018.

  
Reader

13.12.2018

Rizwan Ullah Advocate appeared on behalf of appellant and Mr. Usman Ghani learned District Attorney for respondents. Rizwan Ullah Advocate submitted wakat nama which is placed on file and sought adjournment being freshly engaged. Adjourn. To come up for arguments on 18.01.2019 before D.B.

  
Member

  
Member

18.01.2019

Counsel for the appellant present. Mr. Ziallah, DDA for respondents present. Learned counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 18.02.2019 before D.B.

(Ahmad Hassan)  
Member

  
(M. Amin Khan Kundi)  
Member

13.04.2018

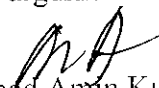
Counsel for the appellant and Addl. AG for the respondents present. The court time is over. To come up for arguments on 25.06.2018, ~~before the D.B.~~


  
Member

  
Chairman

25.06.2018

Appellant absent. Learned counsel for the appellant and Mr. Kabirullah Khattak, Additional AG for the respondents present. Syed Amir Abbas Inspector, representative of the department is absent. He be noticed with the direction to produce complete record on the next date. Adjourned. To come up for record and arguments on 07.08.2018 before D.B.


  
(Muhammad Amin Kundi)  
Member

  
(Muhammad Hamid Mughal)  
Member

07.08.2018

Junior to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mr. Amir Abbas Inspector for the respondents present. Junior to counsel for the appellant submitted rejoinder which is placed on file and seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 02.10.2018 before D.B

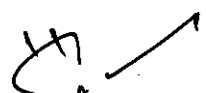
  
(Muhammad Hamid Mughal)  
Member

  
(Muhammad Amin Kundi)  
Member

02.10.2018

Junior to counsel for appellant and Mr. Muhammad Jan learned Deputy District Attorney present. Junior to counsel for appellant seeks adjournment as learned counsel for appellant is not in attendance. Adjourn. To come up for arguments on 09.11.2018 before D.B

  
(Hussain Shah)  
Member

  
(Muhammad Hamid Mughal)  
Member

04.12.2017


Counsel for the appellant and Mr. Muhammad Jan, DDA for respondents present. Counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 29.01.2018 before D.B.

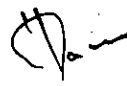
  
Member  
(Executive)

  
Member  
(Judicial)

29.01.2018


Junior to counsel for the appellant and Mr. Usman Ghani, Learned District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment on the ground of non availability of learned counsel for the appellant. Adjourned. To come up for arguments on 26.03.2018 before D.B


  
(Muhammad Amin Kundi)  
MEMBER

  
(Muhammad Hamid Mughal)  
MEMBER

26.03.2018

Junior to counsel for the appellant and Mr. Zia Ullah, learned Deputy District Attorney for the respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel for the appellant is not available. Adjourn. To come up for arguments on 13.04.2018 before D.B

  
(Muhammad Amin Kundi)  
MEMBER

  
(Muhammad Hamid Mughal)  
MEMBER



14.03.2017


Counsel for appellant and Mr. Muhammad Adeel Butt, Additional AG for respondents present. Learned counsel for appellant seeks adjournment. Adjournment granted. To come up for arguments on 19.06.2017 before D.B.

  
(ASHFAQUE TAJ)  
MEMBER

  
(MUHAMMAD AMIR NAZIR)  
MEMBER

19.06.2017

Counsel for the appellant and Mr. Ziaullah, Deputy District Attorney for the respondents present. Arguments could not be heard due to learned member executive is on leave. To come up for argument on ~~26-9~~ 2017 before D.B.

  
(Muhammad Amin Khan Kundi)  
Member

26.09.2017

Junior to counsel for the appellant and Asst: AG for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 04.12.2017 before D.B.

  
Member

  
Chairman

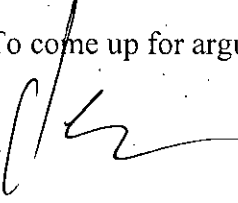
22.02.2016

Counsel for the appellant and Mr. Wajid, HC alongwith Addl. A.G for respondents present. Written reply by respondents No. 1 and 2 submitted. The learned Addl: AG relies on the same on behalf of respondent No. 3. The appeal is assigned to D.B for rejoinder and final hearing for 16.5.2016.

  
Chairman

16.05.2016

Counsel for the appellant and Addl. AG for respondents. Rejoinder submitted on behalf of the appellant copy of which placed on file. To come up for arguments on 29.8.2016.

Member 

  
Member

29.08.2016

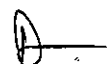
Counsel for the appellant and Additional AG for respondents present. Learned counsel for the appellant requested for adjournment. Adjourned for final hearing to 01.12.2016 before D.B.

  
Member

  
Chairman

01.12.2016

Counsel for the appellant and Assistant AG for respondents present. The D.B is incomplete due to relinquishment of charge by Judicial Member. To come up for arguments on 14.3.17

  
Member

09.10.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was initially appointed as Constable in the year 1991 and was finally promoted as Inspector in the year 2014 and appointed as such in the CTD of Khyber Pakhtunkhwa Police when subjected to departmental inquiry on the allegations of crossing the Torkham Border for one day on showing CTD Card and vide impugned order dated 12.8.2015 reverted from the position of Inspector to that of Sub-Inspector regarding which departmental appeal was preferred by the appellant which was rejected on 31.8.2015 and hence the instant service appeal on 29.9.2015.

That the appellant was neither subjected to any regular inquiry nor the same was conducted in the prescribed manners. That the allegations levelled against the appellant are ill-founded as no CTD card was ever issued to him. That charge sheet and statement of allegations were issued by the DIG CTD while the penalty was illegally imposed by the SSP CTD and that too without specifying the period for reduction in

rank - 9

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 23.12.2015 before S.B.

  
Chairman

23.12.2015

Appellant in person and Mr. Syed Amir Abbas, Inspector (Legal) alongwith Mr. Adeel But, AAG for respondents present. Needs time for written reply. To come up for written reply on 22.02.2016 before S.B.

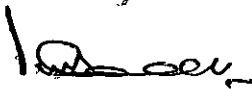

  
Member

FORM-A

FORM OF ORDER SHEET

Court \_\_\_\_\_

Case No. 1081/2015

	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
1.	5.10.2015	<p>The appeal of Mr. Syed Tahir Shah resubmitted to-day by Mr. Muhammad Asif Yousafzai, Advocate, may be entered in the institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;">             REGISTRAR         </p> <p>This case be put up before the S.B for preliminary hearing on <u>9-10-15</u>.</p> <p style="text-align: right;">             CHAIRMAN         </p>

The appeal of Syed Tahir Shah Ex-Inspector of Intelligence Unit, Police Station, Faqir Abad, CTD Peshawar received to-day i.e. on 29.09.2015 is incomplete on the following score which is returned to his counsel for completion and resubmission within 15 days.

1. Annexures of the appeal may be attested by the appellant or his counsel.
2. Five more copies of appeal alongwith annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1495 /ST,

Dated 30/9 /2015

  
REGISTRAR  
KPK SERVICE TRIBUNAL,  
PESHAWAR.

Mr. Muhammad Asif Yousafzai, Advocate.

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

Appeal No. 1081 /2015

Syed Tahir Shah

V/S


P.P.O. KPK & Others.

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3.	Copy of Charge-sheet	- B -	06
4.	Copy of Statement of Allegations	- C -	07
5.	Copy of Reply to the Charge-sheet	- D -	08-09
6.	Copy of Order (12.08.2015)	- E -	10
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APPELLANT

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

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

Appeal No. 1081 /2014

**A.W.P. Provincial  
Service Tribunal**  
Diary No. 1116  
29-9-15

Syed Tahir Shah,  
Ex-Inspector of Intelligence Unit,  
Police Station, Faqir-Abad,  
C.T.D. Peshawar.

**APPELLANT**

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
3. The Senior Superintendent of Police, Khyber Pakhtunkhwa, Peshawar.

**RESPONDENTS**

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 12.08.2015 WHEREBY THE PENALTY OF REVERSION TO THE RANK OF SUB-INSPECTOR WAS IMPOSED UPON THE APPELLANT AND AGAINST THE ORDER DATED 31.08.2015 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

.....

*Filed to-day  
29/9/15.*

*Re-submitted  
to-day  
5/10/15.*

**PRAYER:**

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 31.08.2015 AND 12.08.2015 MAY BE SET ASIDE AND THE APPELLANT MAY BE RESTORED TO HIS RANK OF INSPECTOR WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY DEEMS APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**RESPECTFULLY SHEWETH:**

1. That the appellant joined the Police Force in the year 1991 and was subsequently promoted to the post of Head Constable in the year 1999, as ASI in the year 2004, S.I. in the year 2008 and Inspector in the year 2014. Copy of last Promotion order is attached as Annexure-A.
2. That the appellant has more than 22 years service at his credit with good record throughout except the present impugned incident.
3. That on 2.7.2015 the appellant was charge sheeted for misconduct on the basis of allegations mentioned in the charge sheet. The appellant submitted reply to the charge sheet and denied all the allegations with cogent proofs. It is also worth to mention here that the appellant was issued charge sheet by the DIG (CTD) Peshawar. Copies of Charge sheet, Statement of Allegations and Reply to the charge sheet are attached as Annexure-B, C and D.
4. That one sided enquiry was conducted against the appellant in violation of prevailing law and rules. However, the enquiry was concluded with the recommendations of punishment for appellant.
5. That on 12.08.2015, the penalty of reversion to the rank of sub inspector was imposed upon the appellant under Police Rules 1975 amended in 2014. The appellant filed representation against the penalty order which was also rejected for no good grounds on 31.08.2015. Copies of Order, Appeal and Rejection Order are attached as Annexure-E, F and G.
6. That now the appellant comes to this august Tribunal on the following grounds amongst the others:

**GROUND:**

- A) That the impugned order dated 12.8.2015 and 31.08.2015 are against the law, fact, norms of justice and material on record, therefore, not tenable in the eyes of law.

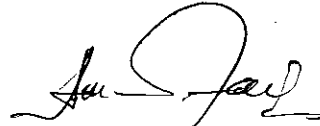


- B) That the appellant was not treated in accordance with law and rules and has been penalized for no fault on his part.
- C) That no proper enquiry was conducted nor the appellant was associated with the enquiry proceedings because the appellant has not been issued any CTD identity card till date which is sufficient for negating charge-II in the charge-sheet. More than 27.06.2014 was a Saturday and all offices are off being public holiday.
- D) That even the new amended police rules 2014 are not valid rules under which the appellant was proceeded against, thus the appellant was not treated under proper law meant for civil servants of the province.
- E) That the appellant has unblemished service record of 22 years and penalty of reversion for no fault on the part of appellant, which is not sustainable in the eyes of law.
- F) That the impugned orders are illegal and without lawful authority because the appellant was served with charge sheet duly issued and signed by the D.I.G, C.T.D whereas the penalty was imposed by SSP and the appeal of the appellant was rejected by the D.I.G. Thus, the whole proceedings on the basis of above plea are vitiated.
- G) That the appellant has been conducted unheard and no chance of personal hearing was provided to the appellant.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

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

  
APPELLANT  
Syed Tahir Shah

THROUGH:

  
( M. ASIF YOUSAFZAI )  
ADVOCATE, PESHAWAR.

A (5)

**FOR PUBLICATION IN THE KHYBER  
PAKHTUNKHWA POLICE GAZETTE PART-II,  
ORDERS BY THE INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA, PESHAWAR.**

NOTIFICATION

Dated: 11 / 02 / 2014

No. 4141 E-II PROMOTION LIST-F AND PROMOTION AS OFFG:  
INSPECTOR

As per recommendation of the DPC in its meeting held on 07.02.2014 duly approved by the W/IGP Khyber Pakhtunkhwa the names of the following confirmed Sub-Inspectors of Khyber Pakhtunkhwa Police are hereby brought on list "F" and promoted to the rank of Offg: Inspectors BPS-16 (10000-800-34000) with immediate effect:-

S/NO	NAME & RANK	REGION/UNIT
1.	SI Shafiq-ur Rehman No. K/17	Kohat
2.	SI Faqir Hussain No. P/214	CCP, Peshawar
3.	SI Javed Khan No. P/215	CCP, Peshawar
4.	SI Muhammad Hanif No. P/216	CCP, Peshawar
5.	SI Saif Ali No. P/217	Mardan Region
6.	SI Jehan Akbar No. P/218	Mardan Region
7.	SI Muhammad Zaman No. P/219	Mardan Region
8.	SI Sultan Badshah No. P/220	Mardan Region
9.	SI Saifullah No. P/221	Mardan Region
10.	SI Abdul Nazir No. P/222	CCP, Peshawar
11.	SI Bashir Ahmad No. P/24	Mardan Region
12.	SI Atta Muhammad No. MR/93	Mardan Region
13.	SI Maroof Khan No. P/220	Mardan Region
14.	SI Tika Khan No. 289/M	Malakand Region
15.	SI Ahmad Essa No. 290/M	Malakand Region
16.	SI Qazi Asmatullah No. MR/96	Mardan Region
17.	SI Shahenshah No. MR/97	Mardan Region
18.	SI Sadat Khan No. MR/98	Mardan Region
19.	SI Zar Wali No. P/225	CCP, Peshawar
20.	SI Hastam Khan No. P/226	CCP, Peshawar
21.	SI Kiramat Shah No. P/227	CCP, Peshawar
22.	SI Riaz Khan No. P/228	CCP, Peshawar
23.	SI Dost Muhammad No. P/229	CCP, Peshawar
24.	SI Sardar Gul No. P/230	CCP, Peshawar
25.	SI Sher Afzal No. P/231	CCP, Peshawar
26.	SI Syed Muzaffar Shah No. P/232	CCP, Peshawar
27.	SI Muhammad Shabir No. P/233	CCP, Peshawar
28.	SI Shams-ur-Rehman No. P/234	CCP, Peshawar
29.	SI Sajjad Hussain No. P/235	CCP, Peshawar
30.	SI Shafqat Hussain No. P/236	CCP, Peshawar
31.	SI Syed Tahir Shah No. P/237	CCP, Peshawar
32.	SI Ihsan Shah No. P/07	CCP, Peshawar
33.	SI Sabz Ali No. P/238	CCP, Peshawar
34.	SI Sanobar Shah No. P/239	CCP, Peshawar
35.	SI Zewar Shah No. P/241	CCP, Peshawar
36.	SI Saz Wali No. P/242	CCP, Peshawar
37.	SI Mudasir Shah No. P/243	CCP, Peshawar
38.	SI Fazal Rehman No. P/244	CCP, Peshawar
39.	SI Bashir Gul No. P/245	CCP, Peshawar
40.	SI Ghani-ur-Rehman No. P/246	CCP, Peshawar
41.	SI Latifullah No. K/134	Kohat Region

PTO

APPROVED

42.	SI Farid Shah No. 247	CCP, Peshawar
43.	SI S. Wilayat Shah No. P/249	CCP, Peshawar
44.	SI Mukhtiar Ali No. P/250	CCP, Peshawar
45.	SI Ghaffar Ali No. P/251	CCP, Peshawar

Their promotion will take effect from the date, they actually take over charge of their higher responsibilities.

Necessary Gazette Notification may be issued accordingly.

Their posting order will be issued separately.

(MIAN MUHAMMAD ASIF)

Addl: IGP/Headquarters  
For Inspector General of Police,  
Khyber Pakhtunkhwa  
Peshawar

No. 4142-SI/E-II

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

1. Addl: IGP/Elite Force Khyber Pakhtunkhwa Peshawar.
2. Addl: IGP/Special Branch Khyber Pakhtunkhwa, Peshawar.
3. Capital City Police Officer, Peshawar.
4. Deputy Inspectors General of Police, Malakand, Kohat & Mardan Regions.
5. Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa, Peshawar
6. Commandant PTC Hangu.
7. Office Supdt: Secret CPO alongwith their original Character Rolls for record in his office.
8. U.O.P File.

CHARGE SHEET.

WHEREAS, I SALAHUDDIN KHAN DIG, CTD, Khyber Pakhtunkhwa, Peshawar as a Competent Authority hereby charge you Inspector Syed Tahir Shah of Intelligence Unit PS Faqirabad CTD Peshawar under Police Rules 1975(with amendments 2014) on the score of the following grounds that:-

1. As reported by Inspector General HQ Frontier Corps KP Peshawar vide his office letter No.173/Suspect/14/GS(Int)dated 29.6.2015 that on 27.6.2015 at about 1800 hours you was apprehended at Torkham Gate by Khyber Rifles, in connection of crossing border without legal documents and damaged the CTD reputation.
2. You tried to provide an illegal assistance to a foreign national and protected him from security check points and misused the identity card of CTD.
3. You went to Afghanistan without proper travel documents, as well as NOC of Police Department.
4. You left the duty place (AOR) without obtaining prior permission from the high up.

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

You are, therefore, required to submit your written defense within (7) days of the receipt of the Charge Sheet to the Enquiry officer as the case may be.

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 in that case, exparte action will be taken against you.

You are also at liberty, if you wish to be heard in person.

Statement of allegations is enclosed.

(SALAHUDDIN KHAN)

Deputy Inspector General of Police,  
CTD Khyber Pakhtunkhwa,  
Peshawar.

**ATTESTED**

STATEMENT OF ALLEGATIONS.

I, Salahuddin Khan, DIG, CTD, Khyber Pakhtunkhwa, Peshawar am of the opinion that Inspector Syed Tahir Shah of Intelligence Unit PS Faqirabad CTD Peshawar has rendered himself liable to be proceeded against as he committed the following acts/missions within the meaning of Police Rules 1975(with amendments 2014).

1. As reported by Inspector General HQ Frontier Corps KP Peshawar vide his office letter No.173/Suspect/14/GS(Int)dated 29.6.2015 that on 27.6.2015 at about 1800 hours he was apprehended at Torkham Gate by Khyber Rifles, in connection of crossing border without legal documents and damaged the CTD reputation.
2. He tried to provide an illegal assistance to a foreign national and protected him from security check points and misused the identity card of CTD.
3. He went to Afghanistan without proper travel documents, as well as NOC of Police Department.
4. He left the duty place (AOR) without obtaining prior permission from the high up.

For the purpose of scrutinizing the conduct of the said accused Police Officer with reference to the above allegation, Mr. Iftikharuddin Khan SP HQrs: CTD is appointed under the provision of the Rules.

The enquiry Officer shall, in accordance with the provision of Police Rules 1975 with amendments 2014 provide reasonable opportunity of hearing to the accused, record its findings and make within 25 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

(SALAHUDDIN KHAN)  
Deputy Inspector General of Police  
CTD Khyber Pakhtunkhwa,  
Peshawar.

No. 6706-07/PA, Dated Peshawar, the 2-7-2015.

Copy of above is forwarded to :-

- 1) Mr. Iftikharuddin SP HQrs: CTD, Peshawar Enquiry Officer for initiating formal departmental proceedings against the accused Police Officer under the Provision of Police Rules 1975(with amendments 2014) and submit his findings.
- 2) Inspector Syed Tahir Shah of Intelligence Unit PS Faqirabad CTD Peshawar with the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of the enquiry proceedings. /

A

To

Mr. Iftikharuddin Khan,  
SP Headquarters CTD,  
Peshawar (Enquiry Officer)

Subject: CHARGE SHEET

Exalted Sir,

In compliance with your Charge Sheet served on me vide Endst: No.6706-07/PA dated 2-7-2015, regarding violation of Police Rules 1975 (with Amendments 2014) I beg to lay down the following irrefutable facts and figures / ground realities of the ugly situation for your meticulous consideration, which is symbol of high honours:-

That on 27-6-2015, I accompanied one of my friend namely Mr. Habibullah Alias (Baba Jan) to well come his brother only, who was coming from England via Kabul, who is duly a Registered Afghan Refugee and also a tenant of Ex-Police Officer at Peshawar. I am also to pin point that I have never showed / disclosed my identity at any enroute Check Posts, throughout my Journey from Peshawar to Torkham Borders keeping in view sanctity of the prestigious Police Department and particularly of C.T.D. - In the meantime I quite in-advertantly went ahead to meet him without knowing about the prohibition of the vicinity under Border Rules and Regulation. At the moment I was apprehended by one of our Agency Border official and asked about my identity. Here I am to point out that all those present there were roaming freely without any hindrance and interrogation, hence, I felt no violation or bar in standing in the so called banned area. I showed my identity of Police Department only to the concerned official and the CTD Card has not been issued to me so far. I frankly say that since I had not the said focal CTD card and, therefore, the question of damaging / dishonoring of the said particular case does not arise. I also cannot conceive of disgracing it, because CTD is my soul, spirit and heart.

i) Here it is pertinent to bring into your kind notice that, I have never committed a slight irresponsible and contrary action to the disciplinary rules whatsoever during the whole domain of my 22 years protracted, unblemished service. I have always undertaken voluntarily all the uphill tasks difficult assignments and adventures, as and when ordered assigned and entrusted to me by my immediate Bosses and High-ups simultaneously as well. Similarly, I have never tried to abandon C.T.D., despite the facts that my tenure of one year already stands completed. My other colleagues have opted to say good bye to C.T.D. But I heartily and with the core of my heart yearn to serve the Nation through this Sacred Department, where death is always hovering on my head in the shape of Target Killing and other multifarious risks

ii) My particulars and past performances are mentioned here for your veteran perusal and kind information. I have undergone :-

- 1) Short A.T.S. Course in Police Line Peshawar in 1993.
- 2) Long A.T.S. Course Samly Dame Islamabad (27<sup>th</sup> Basic 1994).
- 3) VVIP Course Samly Dame (12 Basic 1996) Islamabad.
- 4) Traffic Course 1998.
- 5) Bombs Reconis Course (Civil Defense School Hayatabad).
- 6) Finger Print Course Special Branch (Chowki No.2) Shabqadar Camp Peshawar 1993.
- 7) Law Instructor Traffic Training School Police Lines Peshawar (2002 to 2007)

Contd:P/2...

2- In the context of obtaining prior permission of the competent authority, it is meekly stated that due to irony of fate, 27<sup>th</sup> June, 2015, it was Saturday and un-envisaged programme was chalked out abruptly, therefore, I could not seek for the said permission at that day, which is highly regretted please.

3- In view of the above peculiar scenario and in-deliberate circumstances, though I am delinquent yet, I earnestly pray that I may kindly be exonerated / absolved, immunity granted from all the allegations on extreme compassionate, humanitarian grounds under the Doctrine of Necessity and above all on the basis of a un-deniable Divine proverb of "To err is human, pardonable even in the Court of Almighty, Merciful Cherished Forgiving and Beneficent Allah, and why not in this Provisional World of Living, which is being transacted, conducted and run by his Servants (Abds)" subject to confession.

4- Sir, I am immensely repented upon my un-towards and un-intentional action, greatly apologetic and firmly promise to be most careful and cautious in future. Tremendously sorry for the in-convenience and encroachment upon your hectic schedule and precious time please.

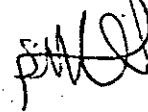
5- With deep sense of allegiance and regards.

And

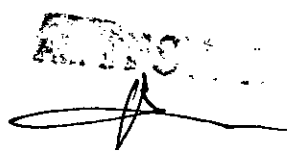
Advance cordial thanks.

Dated 08/07/2015

Yours obediently



(SYED TAHIR SHAH)  
Inspector of Intelligence Unit  
PS Faqirabad CTD Peshawar.





ORDER

My this order of today on 10.08.2015 will dispose off departmental proceedings initiated against Inspector Tahir Shah of this Unit on the score of the following allegations that:-


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- i. As reported by Inspector General HQ Frontier Corps KP Peshawar vide his office No 173/suspect/14/GS (Int) dated 29.06.2015 that on 27.06.2015 at about 1800 hours he was apprehended at Torkham Gate by Khyber Rifles, in connection of crossing border without legal documents and damaged the CTD reputation .
- ii. He tried to provide illegal assistance to a foreign national and protect him from security check points and misused the identity card of CTD.
- iii. He went to Afghanistan without proper travel documents as well as NOC of Police Department.
- iv. He left the duty place (AOR) without obtaining prior permission from the high ups.

The accused inspector was charge sheeted and Mr. Iftikhar Ud Din Superintendant of Police, CTD Hqrs: Peshawar was nominated as Enquiry Officer to proceed him against departmentally as per Rules.

The enquiry officer completed the enquiry and submitted his findings that the charges leveled against him was proved beyond any doubt and has recommended to consider him for proper punishment for his negligence , imprudence and also creating embarrassment situation which doesn't deserve to be a Police Officer.

Now I SOHAIL KHALID, PSP, SENIOR SUPERINTENDANT OF POLICE, CTD OPERATION KHYBER PAKHTUNKHWA, PESHAWAR in exercise of the power conferred upon me under Police Disciplinary Rules 1975 read with amendments 2014, taking a lenient view hereby reverted to his substantive rank of Sub Inspector for his mis-conduct and re-instated in service from the date of his suspension with immediate effect.

  
(SOHAIL KHALID) PSP  
Senior Superintendant of Police, Opps:  
CTD, Khyber Pakhtunkhwa,  
Peshawar.

No 7641-44/PA/CTD -

Dated Peshawar the

12/8/2015.

Copy of above is forwarded for information and necessary action

to the:-

- i. Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- ii. Capital City Police Officer, Peshawar.
- iii. Superintendant of Police, CTD Hqrs: Peshawar.
- iv. PA, Accit: & OASI CTD Hqrs: Peshawar.  
SAC



To,

The Deputy Inspector General of Police (CTD),  
Khyber Pakhtunkhwa, Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER OF SSP  
CTD, KHYBER PAKHTUNKHWA, PESHAWAR

Prayer:

By accepting the appeal the impugned order dated 12/08/2015 whereby the petitioner was reverted from the rank of inspector to the rank of sub-inspector passed by the SSP CTD. KPK may kindly be set aside and appropriate order may kindly be passed in favour of petitioner

Respected Sir,,

The petitioner humbly submit as under;

1. That petitioner was appointed as a constable initially and on the basis of my abilities passed all courses and was promoted to the rank of inspector.
2. That during whole service career the petitioner performed his duties to the satisfaction of his superiors and therefore I was appreciated in my department.
3. That in present case as I have stated categorically in my reply to charge sheet, that I have accompanied my friend to received his brother who was coming from England, I have never crossed the border of Torkhum, even during my journey I have never disclosed my identity as attached with CTD, KPK, therefore no question arises for damaging the reputation of my department. The observation and findings of enquiry officer are based on one sided enquiry as formulated by his own way of observation.

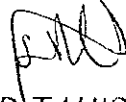
ATTN: \_\_\_\_\_

12

4. That the whole inquiry is conducted partially and against the settled principles of relevant law and procedure, in the whole enquiry statement of independent witnesses have not been recorded, neither bothered to record the statement of my said friend namely Habib Ullah and neither tried to collect at least the passport or ticket of the brother of my that friend, which give support to the contention of my statement that I have not proceeded towards Torkhum Border for any illegal purpose, therefore, for avoiding major penalty of reversion the enquiry report is not sustainable and is liable to be set aside.
5. That the petitioner has served the department for 22 years and rendered my services with full devotion and professional skills, moreover, petitioner is the only source of earning to his family and petitioner's children are taking education in different schools and colleges, the reversion order not only decreased my rank, but also effected the salary of petitioner, therefore, on humanitarian basis may kindly redress the grievances of petitioner.

It is, therefore, respectfully prayed that reversion order passed by SSP CTD KPK, Peshawar, dated 12/08/2015 may kindly be set aside and the petitioner be promoted back to the rank of inspector and any other order deemed proper in the circumstances may also be passed.

Petitioner



SYED TAHIR SHAH

Ex-Inspector of intelligence Unit

PS Fakirabad CTD, Peshawar

ATTESTED

ORDER.

This order is meant to dispose off the appeal preferred by Sub Inspector Tahir Shah of this Unit against the major punishment order of reduction in rank from Inspector to Sub Inspector awarded to him by Senior Superintendent of Police, CTD Operation Peshawar vide his office order Endst: No 7641-44/PA/CTD dated 12.08.2015. He was proceeded departmentally on the following score of allegations that:

- i. As reported by Inspector General HQ Frontier Corps, KP Peshawar vide his office No 173/suspect/14/GS (Int) dated 29.06.2015 that on 27.06.2015 at about 1800 hours he was apprehended at Torkham Gate by Khyber Rifles, in connection of crossing border without legal documents and damaged the CTD reputation .
- ii. He tried to provide illegal assistance to a foreign national and protect him from security check points and misused the identity card of CTD.
- iii. He went to Afghanistan without proper travel documents as well as NOC of Police Department.
- iv. He left the duty place (AOR) without obtaining prior permission from the high ups.

On the recommendation of Enquiry officer, Senior Superintendent of Police, CTD Operation Peshawar awarded him major punishment of reduction in the rank from Inspector to his substantive rank of Sub Inspector.

The appellant Sub Inspector preferred the instant appeal against the punishment orders. The undersigned gone through the enquiry file as well as heard him in person in orderly room but found the appeal unsatisfactory.

Therefore in exercise of power conferred upon me, I SALAHUD DIN, DEPUTY INSPECTOR GENERAL OF POLICE CTD KHYBER PAKHTUNKHWA PESHAWAR, being a competent authority, his appeal is hereby rejected and the punishment awarded to him shall stand as it is.



Deputy Inspector General of Police,  
CTD, Khyber Pakhtunkhwa,  
Peshawar.

Dated Peshawar the 31/8/2015

7641/EC/CTD

Copy of above is forwarded for information and necessary action all concerned in CTD Khyber Pakhtunkhwa, Peshawar.

*[Handwritten signature and stamp]*

		17671
ایڈوکیٹ/دستخط: بار کونسل ابار ایسوسی ایشن نمبر: رابطہ نمبر:	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	

بعدالت جناب: کسٹم ڈیویژن، کراچی

منجانب: <u>سید طاہر شاہ</u>	دعویٰ:
بنام <u>حکیم چوگدر کس</u>	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

### باعت تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ  
 ان مقام کراچی کیلئے کسٹم ڈیویژن کے واسطے پیروی و جواب دہی کاروائی متعلقہ  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقرر حالت و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اہیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اہیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہو گا اور صاحب  
 مقرر شدہ کو بھی وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ ہدایت منظور و قبول ہوگا و دران مقدمہ  
 میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا وہ وکیل موصوف وصول کرنے کا حقدار ہوگا کوئی تاریخ پیشی مقام  
 دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ مندر ہے۔

المرقوم:

Attested & accepted by  
 M. Asif Yousofzai

M. Asif Yousofzai  
 Advocate High Court Peshawar  
 No. FR-8, Fourth Floor  
 Peshawar Sadat.  
 031-9103240

وقت اس بات کے گواہی دیا گیا ہے کہ اس کا حقدار ہے۔

سید طاہر شاہ

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Service Appeal No. 1081/2014.

Syed Tahir Shah Ex-Inspector of Intelligence Unit Police Station Faqirabad CTD  
Peshawar.....(Petitioner)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa,  
Peshawar.....(Respondents)

**PARAWISE COMMENTS BY RESPONDENTS :-**

**Preliminary Objections**

1. That the appeal is not maintainable in its present form.
2. That the appellant has got no cause of action.
3. That the appellant is estopped by his own conduct to file the present appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands and has concealed material facts.
5. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
6. That the appeal is barred by law.
7. That the appeal is badly time barred.

## **Respectfully Sheweth:**

1. It pertains to record hence no comments.
2. It pertains to record hence no comments.
3. Incorrect: brief facts are that the appellant was working as inspector in intelligence staff of Counter Terrorism Department under the supervision of Superintendent of Police, Counter Terrorism Department Peshawar. He was bound by law to be present in his area of responsibility round the clock but he left the duty place (Area of responsibility) without obtaining prior permission from his high ups and went to Afghanistan without proper travel documents as well as NOC of police department just for the purpose to provide an illegal assistance to a foreign national and protected him from security check points and misused his service card of CTD.

Counter Terrorism Department was informed regarding the apprehension of appellant at Torkham Gate by Khyber Rifles through a letter addressed from the office of Inspector General Frontier Corps, Khyber Pakhtunkhwa, Peshawar vide NO .173/ suspect /14/GS (int) dated 29.06.2015. Therefore he was issued charge sheet and then proper departmental enquiry was carried out.

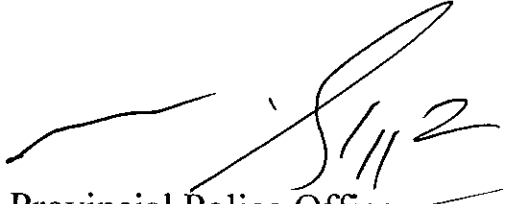
4. Incorrect. Proper and fair Enquiry was conducted and the Petitioner was given a full chance of personal hearing and to defend himself but he failed to satisfy his highups.
5. Incorrect. After apprehension as explained above the Petitioner was suspended and closed to Counter Terrorism Department Headquarter and Superintendent of Police CTD Headquarter was nominated his enquiry officer. As per enquiry report Petitioner was given a chance of personal hearing but he failed to convince the enquiry officer. The enquiry officer recommended him for appropriate punishment. After adopting all codal formalities the Petitioner was awarded punishment of reversion from the post of officiating Inspector to his substantive rank of Sub Inspector.

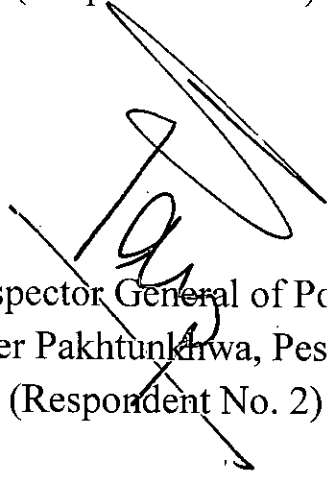
It is pertinent to note that prior to punishment awarded to appellant he was officiating inspector and according to rule 4(2)b of the Khyber Pakhtunkhwa Police rules 1975 with amendment 2014 "Reversion from an officiating rank is not a punishment." Therefore, the instant service appeal is not tenable in the eyes of law and needs to be filed on this point.

**Grounds:**

- A) Incorrect: Both the orders passed according to law, fact and norms of justice and therefore tenable in the eyes of law.
- B) Incorrect: the appellant was treated in accordance with law and rules and was awarded punishment after fulfilling all legal formalities.
- C) Incorrect: proper enquiry was carried out and the Petitioner was also heard in person but he failed to satisfy his high ups. Moreover, police officials are responsible round the clock there is no holiday for them particularly for those who are posted in field.
- D) This Para is legal hence no comments.
- E) Incorrect: Detail reply to this Para has already been explained in facts of Para 3 and 5.
- F) Incorrect: both the orders are legal and passed by competent authority.
- G) Incorrect: appellant was heard in person by enquiry officer and worthy DIG CTD but he failed to convince them.
- H) The respondents also seek permission to raise other grounds at the time of hearings.

**Prayers:** it is therefore humbly prayed that appeal of the appellant may kindly be filed please.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No.1)

  
Deputy Inspector General of Police, CTD,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No. 2)



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Service Appeal No. 1081/2014.


Syed Tahir Shah Ex-Inspector of Intelligence Unit Police Station Faqirabad CTD  
Peshawar.....(Petitioner)

Versus

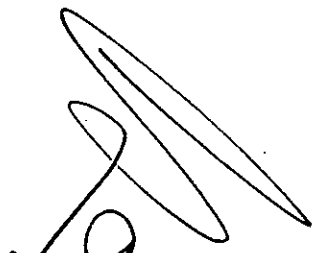
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa,  
Peshawar.....(Respondents)

**AFFIDAVIT**

We the deponents in the above titled service appeal, do here by solemnly affirm and declare on oath that the contents of Para wise comments/reply are correct and true to the best of our knowledge and belief and nothing have been kept concealed from this honorable tribunal.

  
Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

(Deponent No.1)

  
Deputy Inspector General of Police, CTD,  
Khyber Pakhtunkhwa, Peshawar.

(Deponent No. 2)

**BEFORE THE KPK, SERVICE TRIBUNAL PESHAWAR.**

**Service Appeal No. 1081/2014**

Syed Tahir Shah

VS

PPO KPK & others

.....  
**REJOINDER ON BEHALF OF APPELLANT**  
.....

**RESPECTFULLY SHEWETH:**

**Preliminary Objections:**

(1-7) All objections raised by the respondents are incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct.

**FACTS:**

- 1 Para-1 of the appeal is admitted correct by the respondent's department as service record is already in the custody of the respondent's department.
- 2 Para-2 of the appeal is admitted correct by the respondent's department as service record is already in the custody of the respondent's department.
- 3 Not replied according to the Pra-3 of the appeal hence denied. Moreover para-3 of the appeal is correct.
- 4 Incorrect. While para-4 of the appeal is correct. Moreover, no proper enquiry was conducted against the appellant.
- 5 Incorrect. While para-5 of the appeal is correct.

6 Incorrect. The appellant has good cause of action and appeal may kindly be accepted on the following grounds.

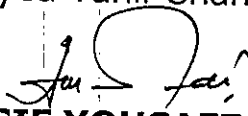
**GROUNDS:**

- A) Incorrect. The orders of the respondents are against the law, rules and norms of justice therefore not tenable and liable to be set aside.
- B) Incorrect. While Para-B of the appeal is correct. Moreover, the appellant has not been treated as per law and rule.
- C) Incorrect. While Para-C of the appeal is correct.
- D) No comments endorsed by the respondent's department which mean that they have admitted Para-D of the appeal as correct.
- E) Incorrect. While Para-E of the appeal is correct.
- F) Incorrect. While Para-F of the appeal is correct.
- G) Incorrect. While Para-G of the appeal is correct.
- H) Legal.

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

**Through:**

**APPELLANT**  
Syed Tahir Shah

  
**(M. ASIF YOUSAFZAI)**  
**ADVOCATE, PESHAWAR.**

**AFFIDAVIT**

It is affirmed and declared that the contents of rejoinder and appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from, the Hon'ble Tribunal.

  
**DEPONENT**

انفارمیشن رپورٹ

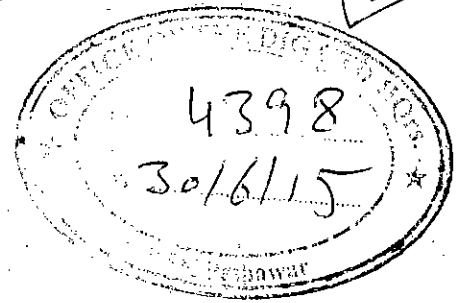
بمورخہ 27-06-2015 کو انسپکٹر سید طاہر شاہ جو کہ انٹیلی جنس یونٹ میں فقیر آباد سبرکل کا انچارج ہے بغیر کسی اجازت اطلاع کے اپنے حدود اختیار سے باہر گیا ہوا تھا جو کہ شام کے وقت اطلاع ملی کہ انسپکٹر سید طاہر شاہ طورخم کے راستے سے واپس پریسیورٹی اداروں نے گرفتار کر کے نامعلوم مقام پر منتقل کیا ہے۔

انفارمیشن رپورٹ گزارش ہے۔  
مورخہ:- 28-06-2015  
DST CID CID

May be suspended  
with immediate effect  
efforts to find out details  
and enquire into the matter

27/6

OK



SECRET

IMMEDIATE / BY FAX

HQ Frontier Corps KP  
Peshawar  
Tel: 091-9213706  
Fax: 091-9213690  
No.173/Suspect/14 /GS (Int)  
29 Jun 2015

*Have suspension order  
initiate D.P's. He needs  
to be proceeded  
just for having  
a very serious  
by risk and  
suspension  
of natural*

Deputy Inspector General of Police  
Counter Terrorism Department  
Khyber Pakhtunkhwa  
Peshawar

Information: Headquarters Khyber Rifles

Subject: Apprehension of Police Official at Torkham Gate

1. On 27 June 2015 at about 1800 hours Mr Syed Tahir Shah son of Syed Muhammad Ali Shah was apprehended at Torkham Gate by troops ex Khyber Rifles while coming from Afghanistan to Pakistan when he could not produce legal travel documents. The individual was shifted to Headquarters Khyber Rifles, Landikotal for further investigation / interrogation. During interrogation, it was revealed that Syed Tahir Shah is inspector ex CTD Peshawar and went to Afghanistan on the same day to receive Tooryalay, Afghani at Torkham who while travelling from London to Pakistan, landed in Kabul. It was further revealed that Tooryalay is brother of Habib Ullah, Afghani who is neighbor / friend of Syed Tahir Shah in Bahadar Kalay Peshawar. As per statement of Syed Tahir Shah, Habib Ullah Afghani took him along to Torkham being from CTD to avoid unnecessary delay on CPs established by security forces enroute. Preliminary interrogation report conducted at HQ Khyber Rifles is attached as Anx-A.

2. Apropos, you are requested to take over the above named suspect from HQ Khyber Rifles, Landikotal for further departmental action at your end.

3. For Khyber Rifles Only. Please hand over the above named individual to CTD Peshawar and submit handing / taking over certificate to this office by 30 Jun 2015.

*Imran Khan*  
Major  
For IGFC  
(Imran Khan)

SECRET

16

OK

انٹارکٹیشن رپورٹ سیر طائر شاہ

﴿آئیڈیٹیفائیڈ﴾

- ۱۔ والد کا نام سیر طائر شاہ
- ۲۔ ۲۰-۰۳-۱۹۷۲ء تاریخ پیدائش
- ۳۔ اردو اور پنجابی حیثیت
- ۴۔ شادی شدہ
- ۵۔ قوم سیدان ظہیر مسینہ
- ۶۔ پتہ پاکستان
- ۷۔ شناختی کارڈ نمبر ۱۷۳۰۱-۲۶۶۸۰۶۴-۲
- ۸۔ برائڈ نمبر ۵۲۵۲۷۰۳-۰۳۱۰-۰۵۶-۰۵۶-۰۵۶-۰۵۶
- ۹۔ انتقال پر عملہ ابراہیم ظہیر دھ ببادر تحصیل و ضلعو رتھارہ
- ۱۰۔ موجودہ پتہ ایفنا
- ۱۱۔ مائیں کی تحصیل: ۰۶

- ۱۲۔ (۱) سیر ببادر شاہ ۵۰ سال
- (۲) سیر طارق شاہ ۶۰ سال
- (۳) سیر وقار شاہ ۶۰ سال
- (۴) سیر طہیر شاہ ۳۶ سال
- (۵) -

- ۱۳۔ مائیں کی تحصیل: ۰۶ وہ بٹیان
- ۱۴۔ (۱) سیر ذہیر شاہ ۱۰ سال
- (۲) سیر طاہر شاہ ۰۸ سال
- (۳) سیر حنیف شاہ ۰۶ سال
- (۴) سیر عبدالعزیز شاہ ۰۶ سال
- (۵) -

- ۱۵۔ عملہ ابراہیم ظہیر دھ ببادر تحصیل و ضلعو رتھارہ
- ۱۶۔ ایفنا
- ۱۷۔ ۲۶ جون ۲۰۱۵ء کو طورخم ٹیڈیو انفان سے واپسی پر گرفتار کیا گیا
- ۱۸۔ ۱۰۱ دستہ واپس لایا گیا

- ۱۹۔ تحصیل حالات زندگی:
- (۱) میں ببادر شاہ سے سیر ببادر - ابتدائی تعلیم ببادر ۱۹۷۰ء میں ۱۹۷۰ء میں ۱۹۷۰ء میں
- (۲) ببادر سے سیر طارق شاہ کی تعلیم ببادر میں ۱۹۷۰ء میں ۱۹۷۰ء میں ۱۹۷۰ء میں
- (۳) ۱۹۷۰ء - ۱۹۷۰ء - ۱۹۷۰ء میں بٹیان میں تعلیم حاصل کی اور ضلع
- (۴) بٹیان میں تعلیم حاصل کی اور بٹیان میں تعلیم حاصل کی اور بٹیان میں
- (۵) ۱۹۷۰ء میں بٹیان میں تعلیم حاصل کی اور بٹیان میں

ok

عنوان: دوران انٹرو گزین انکشافات

قبیلہ انیسٹر سید طاہر شاہ ولیر سید مہر علی شاہ

CTD فورسز نے دوران انٹرو گزین انکشاف کیا۔

(1) میں 27 جون 15 کو پشاور کو چھٹا آرڈر سے دو ساتھیوں سمیت

لوڈی مار کو طورخم لکھائیں کیا۔ جسکا ہم نے 2500 روپے دینے سے

(2) ہم تینوں ملبرہ حبیب اللہ عرف بابا جان افغان سکھ جہڑکانوں جو کہ سعید آباد

پشاور میں ڈاکر افغان سکھ لندس ڈراب پشاور جو لوڈی مار کا ڈرائیور ہے

طورخم سے ملے۔ تو اس نے کیا کے طورخم گینڈ کی طرف چکر گاتے ہیں۔

(3) ہم نے کار کو آرڈر میں کھڑا کر کے ہم تینوں طورخم گینڈ کو دیکھنے اور طورخم

میں پریشکر لینگ کیلئے چلے تو اور بھی زیادہ لوگ ملے۔ جو اسے کسی طرف جارہے

تھے۔ ایسی دوران ہم نے بھی مار ڈر کر رہ گیا۔ اور افغان میں داخل ہو گئے۔

(4) ہم نے افغان ایریا میں 90 ملبرہ پریشکر گھمیلوی استعمال کیلئے لیے۔ اور ایسے ملبرہ

تسا پر ٹھاطر اور ساہر تر بوزہ لے لیا اور پھر وہیں طورخم گینڈ کو آگے۔

(5) ہم نے افغان ایریا میں 15 سے 90 منٹ تک کا وقت گزارا۔

(6) میں طورخم گینڈ پر تعینات 44 والوں کو تھوڑی کیلورڈان اپنا سروں کا کارڈ

دیکھایا۔ جس پر فیلڈ آگیا۔

(7) ہم تینوں طورخم کو اسلحہ آئے کے حبیب اللہ عرف بابا جان کا مکان بنام طورخانے جو

انگلینڈ کے گاں آ رہے تھے۔ اور گاں سے باہر روڈ طورخم گینڈ کے راستے اپنے گھر جہڑکانوں

جو کہ پشاور جاتا تھا۔ اسکو وصول کر کے کھیلے ہم طورخم گینڈ کو آگے۔

(8) میں آئے ساتھ اسلحہ لیا تھا۔ کہ میرا دوست حبیب اللہ عرف بابا جان نے کہا کہ راستے پولیس والے

ہم تک نہ آئیں۔ آپ ہمارے ساتھ جانے تاکہ میرے بھائی طورخانے کو اور ہمیں کوئی تکلیف



U/P

19

کیوری CTD انسپکٹر میڈیا شاہ ولد سید مہر شاہ نے دوران انٹرویو گشت ایکٹو کیا  
 میڈیا دوستوں کے بھائی طور پر ان کو وصول کرنے کیلئے جو ان کے پاس آئے۔ وہاں پر یہ سب 15  
 منٹ تک بارڈر کراس کرتے اہلکاروں سے بات چیت کی۔ وہ اس پر طور پر گھبراہٹ میں  
 والوں نے تدریسی کیسوں میں نہ سروں کا رٹ دیکھنا نہ پوچھنے کو بگاڑا گیا۔



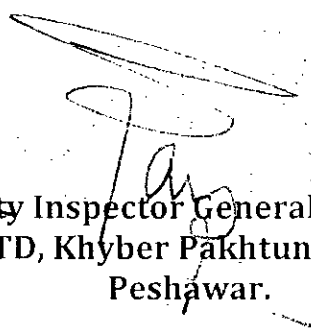
رجسٹرڈ ہے سی او

OK ✓ 6

**ORDER**

Having been absented from his lawful duty with effect from 27-06-2015 and arrested by Security forces at the Pak Afghan Boarder Torkhum, Inspector Syed Tahir Shah of Intelligence Unit PS Faqirabad CTD Peshawar is hereby placed under suspension and closed to CTD HQ with immediate effect and till further orders.

Mr. Iftikharuddin SP HQ is nominated to find out details and enquire into the matter.

  
Deputy Inspector General of Police,  
CTD, Khyber Pakhtunkhwa,  
Peshawar.

No. 6624-28 /PA dated Peshawar the 30/06/2015.

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

1. The SSP Operation, CTD Central Zone at Peshawar.
2. The SP Intelligence CTD Peshawar.
3. The SP, HQ CTD Peshawar.
4. The SP CTD, Peshawar Range.
5. Accountant/ EC/OASI CTD Peshawar.

ok

No. \_\_\_\_\_/PA  
Dated: \_\_\_\_\_/2015.

**CHARGE SHEET.**

WHEREAS, I SALAHUDDIN KHAN DIG, CTD, Khyber Pakhtunkhwa, Peshawar as a Competent Authority hereby charge you **Inspector Syed Tahir Shah** of Intelligence Unit PS Faqirabad CTD Peshawar under **Police Rules 1975(with amendments 2014)** on the score of the following grounds that:-

1. As reported by Inspector General HQ Frontier Corps KP Peshawar vide his office letter No.173/Suspect/14/GS(Int)dated 29.6.2015 that on 27.6.2015 at about 1800 hours you was apprehended at Torkham Gate by Khyber Rifles, in connection of crossing border without legal documents and damaged the CTD reputation.
2. You tried to provide an illegal assistance to a foreign national and protected him from security check points and misused the identity card of CTD.
3. You went to Afghanistan without proper travel documents, as well as NOC of Police Department.
4. You left the duty place (AOR) without obtaining prior permission from the high up.

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

You are, therefore, required to submit your written defense within (7) days of the receipt of the Charge Sheet to the Enquiry officer as the case may be.

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 in that case, exparte action will be taken against you.

You are also at liberty, if you wish to be heard in person.

Statement of allegations is enclosed.

**(SALAHUDDIN KHAN)**

Deputy Inspector General of Police,  
CTD Khyber Pakhtankhwa,  
Peshawar.

Six  
Received on Copy today  
on 2/7/2015.

Insp. Tahir Shah  
2/7/2015

o/r ✓  
**STATEMENT OF ALLEGATIONS.**

I, **Salahuddin Khan**, DIG, CTD, Khyber Pakhtunkhwa, Peshawar am of the opinion that **Inspector Syed Tahir Shah** of Intelligence Unit PS Faqirabad CTD Peshawar has rendered himself liable to be proceeded against as he committed the following acts/missions within the meaning of Police Rules 1975(with amendments 2014).

1. As reported by Inspector General HQ Frontier Corps KP Peshawar vide his office letter No.173/Suspect/14/GS(Int)dated 29.6.2015 that on 27.6.2015 at about 1800 hours he was apprehended at Torkham Gate by Khyber Rifles, in connection of crossing border without legal documents and damaged the CTD reputation.
2. He tried to provide an illegal assistance to a foreign national and protected him from security check points and misused the identity card of CTD.
3. He went to Afghanistan without proper travel documents, as well as NOC of Police Department.
4. He left the duty place (AOR) without obtaining prior permission from the high up.

For the purpose of scrutinizing the conduct of the said accused Police Officer with reference to the above allegation, **Mr. Iftikharuddin Khan SP HQrs: CTD** is appointed under the provision of the Rules.

The enquiry Officer shall, in accordance with the provision of Police Rules 1975 with amendments 2014 provide reasonable opportunity of hearing to the accused, record its findings and make within 25 days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

(**SALAHUDDIN KHAN**)  
Deputy Inspector General of Police,  
CTD Khyber Pakhtunkhwa,  
Peshawar.

No. 676 of /PA, Dated Peshawar, the 2-7 /2015.

Copy of above is forwarded to :-

- 1) **Mr. Iftikharuddin SP HQrs: CTD, Peshawar** Enquiry Officer for initiating formal departmental proceedings against the accused Police Officer under the Provision of Police Rules 1975(with amendments 2014) and submit his findings.
- 2) **Inspector Syed Tahir Shah** of Intelligence Unit PS Faqirabad CTD Peshawar with the direction to appear before the Enquiry Officer on the date, time and place fixed by the Enquiry Officer for the purpose of the enquiry proceedings.

To

The Hon'ble Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL PETITION / APPEAL AGAINST ORDER DATED 31-08-2015, ISSUED BY THE D.I.G. CTD, KHYBER PAKHTUNKHWA REGARDING REDUCTION IN RANK FROM INSPECTOR TO SUB-INSPECTOR, CTD, INTELLIGENCE UNIT PESHAWAR

Respected Sir,

With profound veneration and humble submissions, I beg to lay down the following concise beseeches and irrefutable facts petition for your just, dynamic, sympathetic and meticulous consideration which is a unique symbol of high honours:

- i) That consequent upon the rejection of my appeal against the verdict of S.S.P. (Inquiry Officer), CTD, Khyber Pakhtunkhwa Peshawar dated 12-08-2015 in the context of my reduction in the rank (from Inspector to Sub-Inspector) and orders dated 31-08-2015 (photo copies enclosed), upholding my punishment by the worthy DIG of Police, CTD, Khyber Pakhtunkhwa (photo copies enclosed for perusal), I most respectfully sheweth / submit:
- ii) As mentioned in the above orders of Enquiry Officer and worthy DIG vide para i), I confess my fault of going to the prohibited area quite inadvertently vide para A of my appeal dated 08-07-2015 (copy attached). Regarding para ii) of the said orders, I have already cleared in Para-A, that no illegal purpose was in mind but only to receive the guest, who was coming from England via Kabul. As already mentioned in the same Para (A) that I had not been issued CTD Card by that time and now the same has been issued to me on 13-08-2015 (copy attached for perusal) and even I can never conceive of dishonouring of any departmental I.D. Card, when it was not with me.
- iii) With regard to Para iii) and iv) of the orders I have never crossed the Border even an inch and this allegation is also not based on fact and remained there for a little time, waiting for arrival of the guest where from I was rounded up by the Frontier Corps officials on suspicion.
- iv) So far (AoR) is concerned I have already cleared the point vide Para 2 page 2 of my appeal dated 08-07-2015 that it was Saturday and I could not obtain the prior permission of my high-ups, which is highly regretted please.

2- It is expedient to point out here for your kind information, that the friend with whom I accompanied to Torkham Border is a **Registered Afghan Refugee** and a **tenant of ex-Police Officer, Peshawar**.

3- **Your Excellency**, I am indeed very sorry to encroach upon your hectic schedule and precious time and I very very meekly appeal in the name of Almighty Allah to peruse and consider my this genuine appeal very favorably and order the restoration of my original rank of Inspector which has been denied on very frivolous and un-proven grounds and charges by the worthy DIG, CTD, on extreme compassionate basis and especially the following pitiable factors:

dy# 1066/EE

dt. 17-09-15

Contd:P/2....

- 012 ✓
- a) I have got 22 years long, un-blemished service on my credit.
  - b) I have always said "No" to "Corruption" and accepting of illegal gratifications ever since my joining Police Service in the very inception and I am still adhered to it implicitly and explicitly by grace of **Almighty, Merciful, Cherished, Forgiving and Beneficent Allah.**
  - c) I am leading a very simple life and living on my monthly legitimate income of service (Salary). My children are getting education in old Village Schools because I cannot afford to pay huge school admission and tuition fees etc.
  - d) I am living in an inherited house measuring 5 Marlas, which is still half kacha and half pacca made only.
  - e) To quote a crude example of my honesty, I as a **ASI Traffic Police**, once challaned a Lady Doctor near L.R.H, Hospital who was driving her car on **One Way** and I was punished on her illegal complaint and behest severely.

3- Exalted Sir, though I am delinquent and confess my guilt heartily, but being quite inadvertent, un-intentional, based on very frivolous ground, I seek your gracious permission to be heard in person too, so that I may narrate the facts elaborately and my future career is not impaired / affected adversely which is at stake despite my past sacrifices, dedications, honesty, yearning of flourishing Khyber Pakhtunkhwa prestigious Police Department by leaps and bounds. I very humbly appeal that keeping in view my above genuine grievances, beseeches and requests, I may very kindly be granted special immunity and exonerated from the said allegations and my original rank of Inspector CTD may very kindly be restored as a special case. By dint of a just decision and orders, I will be emancipated from mental agony and torture. I will ever remain very much indebted and grateful to your **Excellency** for this **Justice**. I assure you **Sir** that I shall remain very much careful in future in committing such like errors and short comings please.

4- **With best regards and deep sense of allegiance  
and  
Advance cordial thanks.**

**Encl: as above**

**Dated 17-09-2015**

Yours obediently



**(Syed) Tahir Shah**  
**Ex-Inspector of Intelligence Unit,**  
**P.S. Faqirabad, CTD, Peshawar.**

**Subject: DEPARTMENTAL ENQUIRY AGAINST INSPECTOR TAHIR SHAH**

**Brief Facts:**

Mr. Tahir Shah is working as an Inspector in Intelligence staff of CTD under the supervision of SP, CTD Peshawar. He is answerable at any level to DSP City Peshawar in connection of his official duties. He was supposed to be present in his area of responsibility round the clock until a compassionate reason. A letter received from Frontier Corps HQrs: Khyber Pakhtunkhwa Peshawar of apprehending him, while crossing the international border of Afghanistan without legal documents and further requesting of departmental action.

In consequence, a departmental enquiry has been initiated against him on the following allegations:

**Allegations:**

- i. As reported by Inspector General HQ Frontier Corps KP Peshawar vide his office No 173/suspect/14/GS (Int) dated 29.06.2015 that on 27.06.2015 at about 1800 hours he was apprehended at Torkham Gate by Khyber Rifles, in connection of crossing border without legal documents and damaged the CTD reputation .
- ii. He tried to provide illegal assistance to a foreign national and protect him from security check points and misused the identity card of CTD.
- iii. He went to Afghanistan without proper travel documents as well as NOC of Police Department.
- iv. He left the duty place (AOR) without obtaining prior permission from the high ups.

2. The undersigned was entrusted as an enquiry officer to probe into matter. During the course of enquiry the accused Inspector was heard in person and thoroughly cross-examined. His reply to Charge Sheet was also perused but found unsatisfactory. He was given full opportunity and sufficient time to defend himself but he couldn't produce any cogent reason to defend himself. He was proved guilty over the following charges:-

- i. He left his AOR without permission and thus violated Police Rules.
- ii. His crossing border without legal documents could arise diplomatic issues.
- iii. He should not facilitate any foreign national due to the current situation of the province.
- iv. He brought bad name to CTD and created as embarrassment situation which doesn't deserve to a Police Officer.
- v. He exhibited a poor quality action which could cause very dangerous situation for him and his life.

3. Keeping in view of all the facts and perusal of the record, the under signed reached to the conclusion that the allegations levels against the accused Inspector is proved beyond any doubt and found guilty. Therefore, he is recommended for appropriate punishment, please.

  
**SSP/Hqrs: CTD**

WDIG/CTD

o/k

✓

(5)

**ORDER**

My this order of today on 10.08.2015 will dispose off departmental proceedings initiated against Inspector Tahir Shah of this Unit on the score of the following allegations that:-

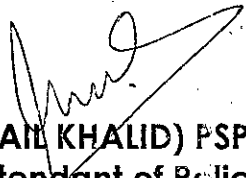
- i. As reported by Inspector General HQ Frontier Corps KP Peshawar vide his office No 173/suspect/14/GS (Int) dated 29.06.2015 that on 27.06.2015 at about 1800 hours he was apprehended at Torkham Gate by Khyber Rifles, in connection of crossing border without legal documents and damaged the CTD reputation .
- ii. He tried to provide illegal assistance to a foreign national and protect him from security check points and misused the identity card of CTD.
- iii. He went to Afghanistan without proper travel documents as well as NOC of Police Department.
- iv. He left the duty place (AOR) without obtaining prior permission from the high ups.

The accused Inspector was charge sheeted and Mr. Iftikhar Ud Din Superintendent of Police, CTD Hqs: Peshawar was nominated as Enquiry Officer to proceed him against departmentally as per Rules.

The enquiry officer completed the enquiry and submitted his findings that the charges leveled against him was proved beyond any doubt and has recommended to consider him for proper punishment for his negligence , imprudence and also creating embarrassment situation which doesn't deserve to be a Police Officer.

Now, I SOHAIL KHALID, PSP, SENIOR SUPERINTENDANT OF POLICE, CTD OPERATION KHYBER PAKHTUNKHWA, PESHAWAR in exercise of the power conferred upon me under Police Disciplinary Rules 1975 read with amendments 2014, taking a lenient view hereby reverted to his substantive rank of Sub Inspector for his mis-conduct and re-instated in service from the date of his suspension with immediate effect.

4

  
(SOHAIL KHALID) PSP  
Senior Superintendent of Police, Opps:  
CTD, Khyber Pakhtunkhwa,  
Peshawar.

No 7641-44/PA/CTD

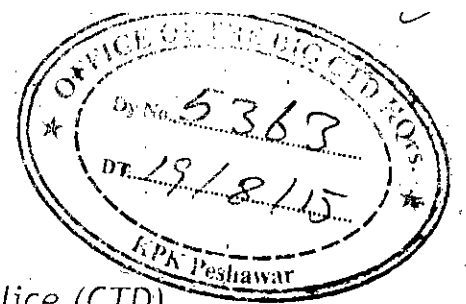
Dated Peshawar the

12/8/2015.

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

- i. Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
  - ii. Capital City Police Officer, Peshawar.
  - iii. Superintendent of Police, CTD Hqs: Peshawar.
  - iv. PA, Acctt: & OAS: CTD Hqs: Peshawar.
- 5





To,

The Deputy Inspector General of Police (CTD),  
Khyber Pakhtunkhwa, Peshawar

Subject: DEPARTMENTAL APPEAL AGAINST THE ORDER OF SSP  
CTD, KHYBER PAKHTUNKHWA, PESHAWAR

Prayer:

By accepting the appeal the impugned order dated 12/08/2015 whereby the petitioner was reverted from the rank of inspector to the rank of sub-inspector passed by the SSP CTD KPK may kindly be set aside and appropriate order may kindly be passed in favour of petitioner

Respected Sir,

The petitioner humbly submit as under;

1. That petitioner was appointed as a constable initially and on the basis of my abilities passed all courses and was promoted to the rank of inspector.
2. That during whole service career the petitioner performed his duties to the satisfaction of his superiors and therefore I was appreciated in my department.
3. That in present case as I have stated categorically in my reply to charge sheet, that I have accompanied my friend to received his brother who was coming from England, I have never crossed the border of Torkhum, even during my journey I have never disclosed my identity as attached with CTD, KPK, therefore no question arises for damaging the reputation of my department. The observation and findings of enquiry officer are based on one sided enquiry as formulated by his own way of observation.

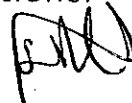
*Call  
in  
D.R  
for  
Personal  
hearing  
19/8/15*

OK

4. That the whole inquiry is conducted partially and against the settled principles of relevant law and procedure, in the whole enquiry statement of independent witnesses have not been recorded, neither bothered to record the statement of my said friend namely Habib Ullah and neither tried to collect at least the passport or ticket of the brother of my that friend, which give support to the contention of my statement that I have not proceeded towards Torkhum Border for any illegal purpose, therefore, for avoiding major penalty of reversion the enquiry report is not sustainable and is liable to be set aside.
5. That the petitioner has served the department for 22 years and rendered my services with full devotion and professional skills, moreover, petitioner is the only source of earning to his family and petitioner's children are taking education in different schools and colleges, the reversion order not only decreased my rank, but also effected the salary of petitioner, therefore, on humanitarian basis may kindly redress the grievances of petitioner.

It is, therefore, respectfully prayed that reversion order passed by SSP CTD KPK, Peshawar, dated 12/08/2015 may kindly be set aside and the petitioner be promoted back to the rank of inspector and any other order deemed proper in the circumstances may also be passed.

Petitioner



**SYED TAHIR SHAH**

Ex-Inspector of intelligence Unit

PS Fakirabad CTD, Peshawar

e/k

✓

**ORDER.**

This order is meant to dispose off the appeal preferred by Sub Inspector Tahir Shah of this Unit against the major punishment order of reduction in rank from Inspector to Sub Inspector awarded to him by Senior Superintendent of Police, CTD Operation Peshawar vide his office order Endst: No 7641-44/PA/CTD dated 12.08.2015. He was proceeded departmentally on the following score of allegations that:

- i. As reported by Inspector General HQ Frontier Corps KP Peshawar vide his office No 173/suspect/14/GS (Int) dated 29.06.2015 that on 27.06.2015 at about 1800 hours he was apprehended at Torkham Gate by Khyber Rifles, in connection of crossing border without legal documents and damaged the CTD reputation .
- ii. He tried to provide illegal assistance to a foreign national and protect him from security check points and misused the identity card of CTD.
- iii. He went to Afghanistan without proper travel documents as well as NOC of Police Department.
- iv. He left the duty place (AOR) without obtaining prior permission from the high ups.

On the recommendation of Enquiry officer, Senior Superintendent of Police, CTD Operation Peshawar awarded him major punishment of reduction in the rank from Inspector to his substantive rank of Sub Inspector.

The appellant Sub Inspector preferred the instant appeal against the punishment orders. The undersigned gone through the enquiry file as well as heard him in person in orderly room but found the appeal un satisfactory.

Therefore in exercise of power conferred upon me, I SALAHUD DIN DEPUTY INSPECTOR GENERAL OF POLICE CTD KHYBER PAKHTUNKHWA PESHAWAR, being a competent authority, his appeal is hereby rejected and the punishment awarded to him shall stand as it is.

Deputy Inspector/General of Police,  
CTD, Khyber Pakhtunkhwa,  
Peshawar.

No 8271 /EC/CTD

Dated Peshawar the

31/8/2015

Copy of above is forwarded for information and necessary action to all concerned in CTD Khyber Pakhtunkhwa, Peshawar.

4

OK

Mr. Iftikharuddin Khan,  
SP Headquarters CTD,  
Peshawar (Enquiry Officer)

Subject: CHARGE SHEET

Exalted Sir,

In compliance with your Charge Sheet served on me vide Endst: No.6706-07/PA dated 2-7-2015, regarding violation of Police Rules 1975 (with Amendments 2014) I beg to lay down the following irrefutable facts and figures / ground realities of the ugly situation for your meticulous consideration, which is symbol of high honours:-

That on 27-6-2015, I accompanied one of my ... namely Mr. Habibullah Alias (Baba Jan) to well come his brother only, who was coming from England via Kabul, who is duly a Registered Afghan Refugee and also a tenant of Ex-Police Officer at Peshawar. I am also to pin point that I have never showed / disclosed my identity at any enroute Check Posts, throughout my Journey from Peshawar to Torkham Borders keeping in view sanctity of the prestigious Police Department and particularly of C.T.D. - In the meantime I quite in-advertantly went ahead to meet him without knowing about the prohibition of the vicinity under Border Rules and Regulation. At the moment I was apprehended by one of our Agency Border official and asked about my identity. Here I am to point out that all those present there were roaming freely without any hindrance and interrogation, hence, I felt no violation or bar in standing in the so called banned area. I showed my identity of Police Department only to the concerned official and the CTD Card has not been issued to me so far. I frankly say that since I had not the said focal CTD card and, therefore, the question of damaging / dishonoring of the said particular case does not arise. I also cannot conceive of disgracing it, because CTD is my soul, spirit and heart.

i) Here it is pertinent to bring into your kind notice that, I have never committed a slight irresponsible and contrary action to the disciplinary rules whatsoever during the whole domain of my 22 years protracted, unblemished service. I have always undertaken voluntarily all the uphill tasks difficult assignments and adventures, as and when ordered assigned and entrusted to me by my immediate Bosses and High-ups simultaneously as well. Similarly, I have never tried to abandon C.T.D., despite the facts that my tenure of one year already stands completed. My other colleagues have opted to say good bye to C.T.D. But I heartily and with the core of my heart yearn to serve the Nation through this Sacred Department, where death is always hovering on my head in the shape of Target Killing and other multifarious risks

ii) My particulars and past performances are mentioned here for your veteran perusal and kind information. I have undergone :-

- 1) Short A.T.S. Course in Police Line Peshawar in 1993.
- 2) Long A.T.S. Course Samly Dame Islamabad (27<sup>th</sup> Basic 1994).
- 3) VVIP Course Samly Dame (12 Basic 1996) Islamabad.
- 4) Traffic Course 1998.
- 5) Bombs Reconcis Course (Civil Defense School Hayatabad).
- 6) Finger Print Course Special Branch (Chowki No.2) Shabqadar Camp Peshawar 1993.
- 7) Law Instructor Traffic Training School Police Lines Peshawar (2002 to 2007)

Contd:P/2...

2- In the context of obtaining prior permission of the competent authority, it is meekly stated that due to irony of fate, 27<sup>th</sup> June, 2015, it was Saturday and un-envisaged programme was chalked out abruptly, therefore, I could not seek for the said permission at that day, which is highly regretted please.

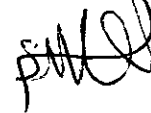
3- In view of the above peculiar scenario and in-deliberate circumstances, though I am delinquent yet, I earnestly pray that I may kindly be exonerated / absolved, immunity granted from all the allegations on extreme compassionate, humanitarian grounds under the Doctrine of Necessity and above all on the basis of a un-deniable Divine proverb of **"To err is human, pardonable even in the Court of Almighty, Merciful Cherished Forgiving and Beneficent Allah, and why not in this Provisional World of Living, which is being transacted, conducted and run by his Servants (Abds)"** subject to confession.

4- Sir, I am immensely repented upon my un-towards and un-intentional action, greatly apologetic and firmly promise to be most careful and cautious in future. Tremendously sorry for the in-convenience and encroachment upon your hectic schedule and precious time please.

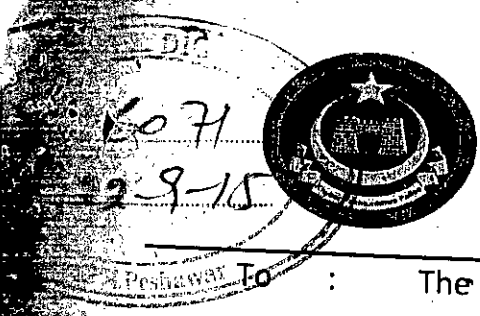
5- **With deep sense of allegiance and regards.  
And  
Advance cordial thanks.**

Dated 08/07/2015

Yours obediently



**(SYED TAHIR SHAH)  
Inspector of Intelligence Unit  
PS Faqirabad CTD Peshawar.**



OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
CENTRAL POLICE OFFICE, PESHAWAR  
NO. 1853 /E-II.dt:21 Sept/2015

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

Subject: -

**DEPARTMENTAL PETITION/APEAL AGAINST  
ORDER DATED 31.08.2015, ISSUED BY THE DIG CTD  
KPK REGARDING REDUCTION IN RANK FROM  
INSPECTOR TO SUB INSPECTOR CTD INTELLIGENCE  
UNIT PESHAWAR.**

Memo

Enclosed please find herewith an application (self explanatory) submitted by Ex- Inspector now Sub Inspector Syed Tahir Shah for restoration to the rank of Inspector reverted by SSP Enquiry, for detail comments.

His service record may also be provided to this office for further n/action please.

(ASIF IQBAL MOHMAND)

AIG/Establishment

For Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar.

SP/HO  
ECI

DIG CTD  
22-9-15

ok

**OFFICE OF THE,  
DY: INSPECTOR GENERAL OF POLICE,  
COUNTER TERRORISM DEPARTMENT,  
KHYBER PAKHTUNKHWA, PESHAWAR.**

No. 10832/EC/CTD dated Peshawar the 19-11-2015

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

Subject: DEPARTMENTAL PETITION / APPEAL

MEMO:

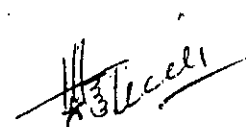
Kindly refer to your office Memo No 1857/E-II dated 21.10.2015 on subject cited above.

The para wise comments on the subject cited case is sent herewith desired, please.

- i. Applicant Mr. Tahir Shah was working as an Inspector in Intelligence Section CTD under the supervision of SP, CTD Peshawar. He was bound by law to be present in his area of responsibility round the clock until a compassionate reason. Moreover, this Unit was informed by a letter from Frontier Corps Khyber Pakhtunkhwa Peshawar regarding his apprehension while crossing international border of Afghanistan without legal documents.
- ii. **Incorrect:** his proper departmental enquiry was carried out and was found guilty and therefore recommended for appropriate punishment. Moreover applicant himself admitted the charges of going to the prohibited area without any permission in his departmental appeal. This is sufficient proof for punishment of him.
- iii. **Incorrect:** As per letter of Frontier Corps (**copy enclosed**) which is reproduced as ready reference " On 27 June 2015 at about 1800 hrs Mr. Syed Tahir Shah and Syed Mohammad Ali Shah was apprehended at Torkham Gate by troops of Frontier Corps Khyber Rifles while coming from Afghanistan to Pakistan" hence it is proved that the applicant Syed Tahir Shah crossed the border.
- iv. **Incorrect** and not admissible because he has not brought it in the kind of a request to his superiors on any early working day if he really proceeded for receiving a guest.

Moreover, his service record alongwith enquiry file (in original) is sent herewith for further necessary action, please.

Encl: Enquiry File  
S/Record.

  
SSP/Hqrs:  
For Deputy Inspector General of Police  
CTD, Khyber Pakhtunkhwa,  
Peshawar.



ایڈوکیٹ: Rizwanullah  
بار کونسل ایسوسی ایشن نمبر: HC-09-0050  
رابطہ نمبر: 03005965843

پشاور بار ایسوسی ایشن، خیبر پختونخوا

بعدالت جناب: Syed Honble Chairman, KPK Service Tribunal, Peshawar

منجانب: <u>Appellant</u>	دعویٰ: <u>Service Appeal</u>
<u>Syed Tahir Shah</u>	علت نمبر: <u>1081/2015</u>
بنام	مورخہ:
<u>Provincial Police Officer etc</u>	جرم:
	تھانہ:

**باعث تحریر آگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام Peshawar کیلئے Rizwanullah کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی نکرے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخست منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: 13-12-2015

بند \_\_\_\_\_ واہ شد \_\_\_\_\_ بند \_\_\_\_\_

کے لیے منظور ہے۔ (Peshawar only)

Attest & accepted  
13/12/2015

13-12-2015

Appellant's

نوٹ: اس وکالت نامہ کی فوٹوکاپی ناقابل قبول ہوگی۔



KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 372 /ST

Dated 6-3- / 2019

To

The Senior Superintendent of Police, CTD Operation,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT IN APPEAL NO. 1081/2014. SYED TAHIR SHAH.

I am directed to forward herewith a certified copy of Judgement dated 18.02.2019 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

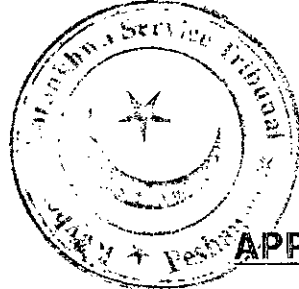
  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.

G.W.P. Provincial  
Service Tribunal  
Slary No. 1116  
Date 29-9-15

Appeal No. 1081 /2015

Syed Tahir Shah,  
Ex-Inspector of Intelligence Unit,  
Police Station, Faqir-Abad,  
C.T.D. Peshawar.



**APPELLANT**

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
3. The Senior Superintendent of Police, Khyber Pakhtunkhwa, Peshawar.

**RESPONDENTS**

.....

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 12.08.2015 WHEREBY THE PENALTY OF REVERSION TO THE RANK OF SUB-INSPECTOR WAS IMPOSED UPON THE APPELLANT AND AGAINST THE ORDER DATED 31.08.2015 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

.....

*Filed to-day*  
*29/9/15*

*Re-submitted to-day*  
*5/10/15*

**PRAYER:**

.....

THAT ON ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 31.08.2015 AND 12.08.2015 MAY BE SET ASIDE AND THE APPELLANT MAY BE RESTORED TO HIS RANK OF INSPECTOR WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY DEEMS APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

**ATTESTED**

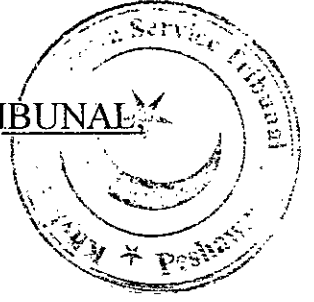
*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Service appeal No. 1081/2015

Date of institution ... 29.09.2015

Date of decision .... 18.02.2019



Syed Tahir Shah, Ex- Inspector of Intelligence Unit, Police Station, Faqir-Abad,  
C.T.D. Peshawar.

... (Appellant)

Versus

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and Two  
(02) others.

... (Respondents)

Present

Mr. Asif Yousaf zai,  
Advocate

...

For appellant.

Mr. Muhammad Jan ,  
Deputy District Attorney

...

For respondents.

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MR. HAMID FAROOQ DURRANI,

...

CHAIRMAN

MR. MUHAMMAD HAMID MUGHAL,

...


MEMBER(J).

JUDGMENTHAMID FAROOQ DURRANI, CHAIRMAN:-

Appellant is aggrieved of order dated 12.08.2015 passed by respondents No.3, whereby, he was reverted to the rank of Sub Inspector as penalty. The appellant is also aggrieved of order dated 31.08.2015 passed by respondent No.2, through which his departmental appeal was rejected.

2. The facts, as gatherable from memorandum of appeal, are that the appellant joined the police force in the year 1991 and in the course of his service was given promotion form time to time. In the year 2014 he was promoted as Sub Inspector. On 02.07.2015, the appellant was charge

**ATTESTED**

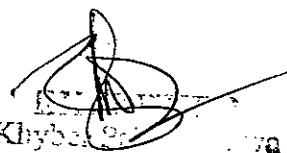
  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

sheeted for misconduct on the allegations that he tried to provide illegal assistance to a foreign national and protected him from security check points on 27.06.2015 at Torkham Gate and was apprehended by the personnels of Khyber Rifles. That, the appellant went to Afghanistan without proper travel documents or NOC from the department. The charge sheet was replied by the appellant wherein the allegations were denied. Subsequently, inquiry was conducted against him and the impugned penalty was imposed.

2. We have heard learned counsel for the appellant and learned District Attorney on behalf of respondents and have also gone through the available record with their assistance.

It was the argument of learned counsel for the appellant that the charge sheet issued to the appellant was by a Deputy Inspector General of Police, who was not competent authority for the purpose. In view of the rank of appellant the DPO/SSP could issue such a charge sheet under the provisions of Police Rules, 1975. In the said regard, it was contended that the proceedings against the appellant were void ab-initio on the said count, therefore, ensuing punishment was also not sustainable. He placed reliance on judgments reported as 2009 SCMR-339 and 2008 SCMR-1148. It was further argued that the period, for which the impugned penalty was to remain in field, was not provide in the order, therefore, the penalty could not sustain. It was also contended that the inquiry against the appellant was not conducted in accordance with rules, so much so, that

**ATTESTED**

  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

the complainant of the alleged incident was not examined by the inquiry officer.

On the other hand, learned DDA argued that the punishment awarded to the appellant was in terms of reversion to a Substantive rank, therefore, did not fall strictly within the meaning of penalty. He referred to 1984 PLC (CS) 689 and 1974 SCMR-82.

3. The record is depictive of the fact that the appellant was promoted to the rank of officiating Inspector (BPS-16) on 11.02.2014 and his name was brought *ofn* list 'F'. On one hand, notification No.4141 dated 11.02.2014 reflected officiation of appellant as Inspector in terms of promotion, while on the other, his reversion to the substantive rank of Sub Inspector was a result of departmental proceeding and for all intents and purposes awarded as punishment. The argument of learned DDA for respondents, therefore, does not have much force regarding reversion of appellant as an ordinary act on the part of respondents in the circumstances of the case.

4. We have also adverted to the reply of charge sheet submitted by appellant wherein, it was tacitly admitted that he went to receive a guest and inadvertently crossed over the border with Afghanistan. His act was owing to the fact that other people, present in the border area, were roaming freely without any hindrance, therefore, he felt no bar and landed in the banned area, it was added.

It is also a fact that charge sheet for the alleged offence in the case of appellant was issued by Deputy Inspector General of Police Peshawar

**ATTESTED**

(Salah ud din) on 31.08.2015. The same officer decided and rejected the departmental appeal of appellant impugning the order of imposition of penalty upon him. The issuance of charge sheet was, therefore, in violation of Schedule-I to the Police Rules, 1975.

Learned DDA appearing on behalf of respondents could also not deny that the complainant of the case against the appellant was not associated with the inquiry proceedings nor the fact that the appellant was not provided with opportunity of cross examining the witnesses appearing against him.

5. For what has been discussed above, we allow the appeal in hand and require the restoration of rank of Inspector in favor of the appellant. The respondents may initiate and conclude departmental proceedings against the appellant denovo but only in accordance with law and rules within a period of ninety (90) days from the receipt of copy of instant judgment. The issue of back benefits in favor of appellant shall follow the result of denovo inquiry.

Parties are left to bear their respective costs. File be consigned to the record room.



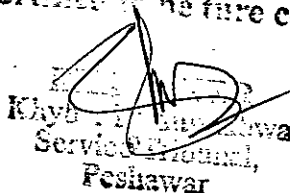
(Muhammad Hamid Mughal)  
Member



(Hamid Farooq Durrani)  
Chairman

**ANNOUNCED**  
18.02.2019

**Certified to be true copy**



District Officer,  
Service Tribunal,  
Peshawar