

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	29.09.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO. 1277/2015 (Shaheen Ullah-vs- Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH , MEMBER:</u></p> <p>Appellant with counsel (Mr. Abdul Hameed, Advocate) and Mr. Arif Saleem, ASI as representative alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present.</p> <p>2. Appellant, then performing as Investigation Officer in a case of Muzafar Khan vide FIR No 153 dated 29.01.2015 under Section-302/324/34-PPC, P.S Faqir Abad was proceeded against for taking bribe from one Muzafar Khan and was dismissed from service vide impugned order dated 24.08.2015. His departmental appeal was also rejected vide order dated 02.11.2015, hence this appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. During the course of arguments, learned AAG agreed to the submission for the appellant that since appellant has rendered 36 years of service in the Police Department therefore the penalty of dismissal may be converted into his compulsory retirement. It was also stated that the said allegations had equally been leveled against Inspector, Gul Arif who at the relevant time was Incharge of the Investigation Wing in the same Police Station in this ver/case but the penalty</p>

awarded to him was stoppage of two increments. Thus it was submitted that the appellant has been discriminated and that the punishment is too harsh. Hence without going into merits of the case, we in view of the said position of the case, were persuaded for a lenient view and thus inclined to convert penalty of dismissal from service awarded to the appellant vide impugned order dated 24.08.2015 into his compulsory retirement. Accordingly penalty of dismissal awarded to the appellant be treated as his compulsory retirement. The appeal is disposed of in the above terms. Parties are left to bear their own cost. File be consigned to the record room.



(ABDUL LATIF)
MEMBER



(PIR BAKHSH SHAH)
MEMBER

ANNOUNCED
29.09.2016

11.08.2016

Appellant in person and Additional AG for respondents present. Appellant submitted rejoinder, copy whereof handed over to learned Additional AG. To come up for arguments on

29-9-16 before D.B.



Member



Member

Appellant Deposited
Security & Process Fee




25.11.2015

Counsel for the appellant present. Learned counsel for the appellant argued that the appellant was serving as S.I at Police Station Faqir Abad when subjected to inquiry on the allegations of corruption including taking bribe of Rs. 9 lac and dismissed from service vide impugned order dated 24.8.2015 where against departmental appeal was preferred on 31.8.2015 which was rejected on 2.11.2015 and hence the instant service appeal on 13.11.2015.

That the inquiry was not conducted in the prescribed manners as no opportunity of hearing or defending himself was afforded to the appellant despite entitlement.

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 2.3.2016 before S.B.


Chairman

02.03.2016

Counsel for the appellant and Mr. Hayat Muhammad, Reader alongwith Addl: A.G for respondents present. Written reply not submitted. Requested for adjournment. Last opportunity granted. To come up for written reply/comments on 25.4.2016 before S.B.


Chairman

25.4.2016



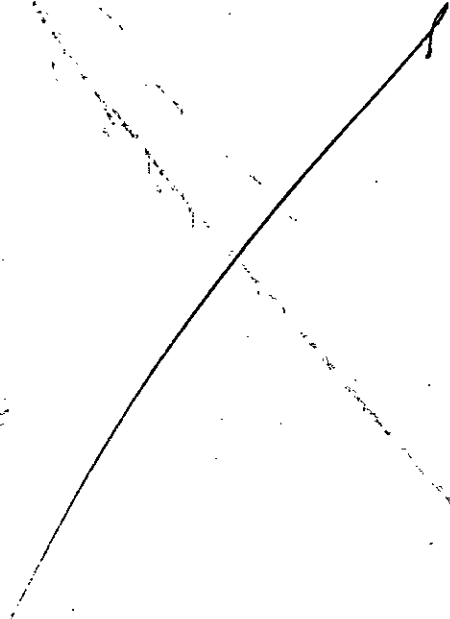
Counsel for the appellant and Mr. Hayat Muhammad, Reader alongwith Addl: A.G for respondents present. Written reply submitted. The appeal is assigned to D.B for rejoinder and final hearing for 11.8.2016.


Chairman

Form- A
FORM OF ORDER SHEET

Court of _____

Case No. 1277/2015

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	13.11.2015	<p style="text-align: center;">The appeal of Mr. Shaheenuallah presented today by Mr. Abdul Hamid Advocate may be entered in the Institution register and put up to the Worthy Chairman for proper order.</p> <p style="text-align: right;"> REGISTRAR</p>
2		<p style="text-align: center;">This case is entrusted to S. Bench for preliminary hearing to be put up thereon <u>25-11-15</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p style="text-align: center;"></p>

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No. 1277 /2015

Shaheen UllahAppellant

Versus

Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar and others..... Respondents

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1	Memo of appeal		1-8
2	Copy of the FIR No.153 dated 29.01.2015	A	9
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4	Copy of the order	C	11
5	Copy of charge sheet	D	12
6	Copy of the reply dated 11.03.2015	E	13-14
7	Copy of the inquiry report	F	15-22
8	Copy of final show cause notice	G	23
9	Copy of application	H	24
10	Copy of reply dated 12.08.2015	I	25-26
11	Copy of dismissal order dated 24.08.2018	J	27
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Shih
Appellant

Through

Abdul Hameed
Abdul Hameed

Advocate, Peshawar.

Dated: 12.11.2015

/

BEFORE THE CHAIRMAN KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Service Appeal No. 1977/2015

N.W.F. Province
Service Tribunal
Diary No. 1355
Dated 13-11-2015

Shaheen Ullah s/o Sana Ullah,

Ex- Sub Inspector of police

R/o Zaryab Colony, Quarter No.4, Peshawar City.....Appellant

Versus

- 1) Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2) Capital City Police Officer, Peshawar.
- 3) Senior Superintendent of Police (Operation), Peshawar.

..... Respondents

APPEAL U/S 4 OF THE SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
IMPUGNED ORDER DATED 24.08.2015
OF RESPONDENT NO.3 WHEREBY THE
APPELLANT WAS AWARDED MAJOR
PUNISHMENT OF DISMISSAL FROM
SERVICE WITH IMMEDIATE EFFECT
AND ALSO AGAINST THE IMPUGNED
ORDER DATED 02.11.2015 OF
RESPONDENT NO.2 WHEREBY THE
DEPARTMENTAL APPEAL OF THE
APPELLANT FOR REINSTATEMENT IN
SERVICE WITH ALL BACK BENEFITS
HAS BEEN REJECTED.

Noted to file

Registered

Prayer-in-Appeal :

On acceptance of this appeal, the impugned orders dated 24.08.2015 and 02.11.2015 of respondents No.3 and 2 may be set aside and the appellant may be reinstated in service with all back benefits and such other relief as this hon'ble tribunal deem fit and proper under the circumstances of the case may also be granted.

Respectfully Sheweth;

Short facts giving rise to this appeal are as under:

- 1) That on 02.04.2014, the appellant Ex-Sub Inspector of Police was transferred and posted as Sub Inspector (Investigation) at Police Station Faqir Abad, Peshawar under the supervision of Inspector Gul Arif OII.
- 2) That the appellant while posted as Sub Inspector I.O. in a case FIR No.153 dated 19.01.2015 u/s 302/324/34 PPC P.S. Faqir Abad, which was registered against an accused Zafar who was directly nominated in this FIR but was not arrested on the spot and he was an absconder and was evading his arrest. Ultimately, after great efforts being made by Inspector Gul Arif OII, the same accused Zafar was arrested by SHO Operation of the same police station purely on the information and pointation of Inspector Gul Arif OII. On this situation, Zafar (accused) was annoyed and he promised that both the appellant and Inspector Gul Arif OII would be got dismissed from service on account of their actions taken against him regarding his arrest and implication in this case. Accordingly the accused Zafar and

his son Sulman submitted an application to the IGP, Khyber Pakhtunkhwa with fake and false allegations leveled against the appellant and Inspector Gul Arif OII for taking departmental actions. (Copy of the FIR No.153 dated 29.01.2015 is attached as Annexure "A")

- 3) That after this, the respondent No.1 conducted a summary proceedings against the appellant and Inspector Gul Arif OII through an officer of his choice and as a result thereof, the appellant and the Inspector Gul Arif OII were placed under suspension with immediate effect by an order dated 27.02.2015 of respondent No.3. (Copy of suspension order dated 27.02.2015 is attached as Annexure "B").
- 4) That thereafter the departmental proceedings were initiated against the appellant and Mr.Rana Umar Farooq S.P. Cantt was appointed as an Inquiry Officer by an order dated 04.03.2015 passed by respondent No.3. (Copy of the order is attached as Annexure "C").
- 5) That later on the respondent No.3 served a charge sheet dated 4.3.2015 upon the appellant. (Copy of charge sheet is attached as Annexure "D").
- 6) That the appellant in response to the charge sheet communicated to him submitted his reply and the appellant vehemently denied all the allegations leveled against him and also explained the whole position thereof. (Copy of the reply dated 11.03.2015 is attached as Annexure "E")
- 7) That Mr.Rana Umar Farooq S.P. Cantt, an officer of respondent No.1, conducted inquiry in the matter. It is pertinent to mention that the inquiry was not conducted in accordance with Police

Rules, 1975 and the whole procedure of departmental inquiry was adopted by the Inquiry Officer in flagrant violation of the Rule-6 of the Police Rules, 1975. No evidence was recorded against the appellant in his presence nor did the inquiry officer recorded the statement of appellant according to the laid down procedure. The only inquiry procedure adopted by the inquiry officer in this case was based on a question answer statement provided to the appellant at the time of inquiry. The inquiry officer based his inquiry report simply on the "voice recording" of the complainant Sulman and this "voice recording" episode was not based on facts but was fake one being based on hearsay evidence. But on the basis of this fake voice recording the inquiry officer has implicated and involved the appellant in taking bribe form the complainant of huge amount of Rs.9,00,000/- in this case. During the inquiry no documentary proof of this fact was provided in his presence nor the appellant was provided an opportunity to defend himself and thus a unilateral inquiry report at the behest of his superiors was submitted to respondent No.3 without providing appellant any opportunity of hearing throughout the inquiry procedure and thus recommendations of major penalty was proposed thereon. (Copy of the inquiry report is attached as Annexure "F").

- 8) That a final show cause notice dated 11.08.2015, without a copy of an inquiry report was also served upon the appellant by respondent No.3. (Copy of final show cause notice is attached as Annexure "G").
- 9) That the appellant submitted an application to respondent No.3 for providing him a copy of the inquiry report for preparing reply to the show cause notice but he was not provided the

same despite his request in this behalf. (Copy of application is attached as Annexure "H").

- 10) That though the appellant was not provided a copy of the inquiry report, yet the appellant submitted reply of the final show cause notice to the respondent No.3 within the stipulated period and denied the alleged charges leveled against him in the case. (Copy of reply dated 12.08.2015 is attached as annexure "I")
- 11) That without affording the appellant an opportunity to be heard as required under the rules, the respondent No.3 vide order dated 24.08.2015 dismissed the services of the appellant with the immediate effect. (Copy of dismissal order dated 24.08.2018 is attached as Annexure "J").
- 12) That the appellant submitted a departmental appeal dated 31.08.2015 to respondent No.2 for redressal of his grievances. (Copy of the departmental appeal is attached as Annexure "K").
- 13) That respondent No.2 by an order dated 02.11.2015 had rejected his appeal on flimsy grounds. (Copy of order dated 02.11.2015 is attached as Annexure "L"). Hence this appeal inter alia, on the following grounds:

GROUND:

- A) That the appellant has not been treated in accordance with law, thus, the impugned conduct of the respondents and the subsequent arbitrary decisions are contrary to the Articles 4 and 25 of the Constitution of Islamic Republic of Pakistan, 1973.
- B) That the impugned conduct of respondents is based on malafide in law and in facts.

- C) That the respondents without investigating the matter in its true perspective and without providing opportunity of defence to the appellant have dismissed the services of appellant in highly despotic manner in flagrant violation of natural justice merely on false and fake "voice recoding" of the complainant, which is apparently based on presumption only as the accused Sulman/Zafar did not produce any documentary documents in this behalf. (Copy of affidavit is attached as Annexure "M").
- D) That the procedure of departmental inquiry is laid in rule-6 of K.P. Police Rules, 1975 in which stages of proceedings/ actions have been explained but in the proceedings against the appellant the entire procedure of inquiry has been totally neglected and ignored.
- E) That the appellant has not committed any misconduct nor any misconduct has been established against the appellant and as such the appellant has been dismissed on presumption of "voice recording", produced by complainant for his ulterior motive. Unless material and solid documents are produced by the complainant, the dismissal is illegal, unlawful and the same has been issued without reason and justification.
- F) That no independent and fair inquiry was conducted in the matter because as stated in the body of appeal, the so-called inquiry officer did not record any evidence against the appellant in his presence nor afforded him a chance to produce evidence in his defence and without recording the evidence of the appellant, a unilateral inquiry report at the behest of the superior purely based on presumption of the "voice recording" was submitted to the authority and the findings and the version

made by the inquiry officer is absolutely incorrect and unlawful and thus as a matter of fact no inquiry was conducted under the Rules.

- G) That the report of the inquiry officer being not based on any material evidence is perverse and irregular and the same is based on personal presumption of the inquiry officer. It may be mentioned that the report of the inquiry officer was supplied to the appellant after the dismissal of his services at a stage when he had already communicated his reply to the final show cause notice to respondent No.2.
- H) That it is pertinent to mention here that similar charges were leveled against inspector Gul Arif OII who is the Incharge/Boss of the appellant at police station Faqir Abad and who also submitted more or less similar reply to the respondents, but he was exonerated and reinstated by the respondents after awarding him minor punishment of stoppage of two annual increments without cumulative effect and thus the appellant has been treated with different yardstick and has been discriminated and thus it offends the Article 25 of the Constitution of Islamic Republic of Pakistan, 1973. (Copy of reinstatement order dated 02.11.2015 of Inspector Gul Arif OII is attached as Annexure "N").
- I) That the principles of natural justice have been openly violated in the case of appellant as he was not provided any opportunity of personal hearing.
- J) That the dismissal order is based on malafide.
- K) That the impugned orders of respondents are against the law and the rules, regulations of the service and are in violation of



the established principles of equity and justice, calling for interference by this hon'ble Service Tribunal.

It view of above facts, it is, therefore, humbly prayed that on acceptance of this appeal, the impugned orders dated 24.08.2015 and 02.11.2015 of respondents No.3 and 2 may be set aside and the appellant may be reinstated in service with all back benefits and such other relief as this hon'ble tribunal deems fit and proper under the circumstances of the case may also be granted.

Shah
Appellant

Through

Abdul Hameed
Advocate, Peshawar.

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Shah
Deponent

قائم نمبر 23-5 (1)

ابتدائی اطلاعی رپورٹ

فائل

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 152 مجموعہ ضابطہ فوجداری (R.W) Copying Agency Legal Branch

Capital City Police Peshawar

پشاور

فیض آباد

تھانہ

تاریخ 29/05/15 وقت 11:15 بجے

عدد 153

29

نمبر

1-	تاریخ و وقت رپورٹ	29/05/15 وقت 12:35 بجے تا 13:20 بجے
2-	نام و سکونت اطلاع دہندہ مستفیث	معلوم خان ولد افضل خان قریب مہمند نمبر 55/6 سال ساکن بسکین بسکینی ٹاؤن نزد اسپتال ماڈل محل
3-	مختصر کیفیت جرم (معدومہ) حال اگر کچھ لیا گیا ہو۔	PPC 302-324 34
4-	جائے وقوعہ فاصلہ تھانہ سے اور سمت	چار سہ روڈ نزد بڈھنی پبل مجرہ ظفر خان
5-	نام و سکونت ملزم	ظفر خان بی بی نعمت خان ولد عمر بی بی بالول ولد عمر بی بی طارق ولد اقبال ساکنان بڈھنی پبل
6-	کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرد	پرسنل میجر کی درخواست پر مقدمہ درج نہ کیا گیا ہے
7-	تھانہ سے روانگی کی تاریخ و وقت	بطور سیشن رپورٹ


ابتدائی اطلاع نیچے درج کرو۔ وقت صدر نمبر ایک فورین حاصلہ جانب ملکہ ارادہ خان کی کھولٹی LRH وصول ہو کر پشاور میں سے کثرت جانب SHO صاحب خانہ فیض آباد مجروح معلوم خان ولد افضل خان قوم مہمند نمبر 55/6 سال ساکن بسکین بسکینی ٹاؤن نزد اسپتال ماڈل محل بلوچستان پشاور میں موجود ہے۔ والد اقبال در دست ہوئے جو اس میں مل برادر ام شہیر احمد رعایت اور عین نسبی کی خاطر مجرہ ملزمان ظفر خان حاکم ملزمان نعیم۔ بالول خان بی بی طارق ولد اقبال سید بڈھنی پبل سے چند دن قبل ملزمان دد ج والا کے والد عمر بی بی خان کسی نے قتل کر کے جسکی شک ملزمان صاحب کو کر رہے تھے اسی سبب کی خاطر مجرہ ظفر خان حاکم کو بیکم ملزمان بالا جو پیلے سے بی بی اسمہ اسپن جو در قے مہم برادر ارادہ خان اسمہ اسپن سے فائرنگ کرتے تھے فائرنگ سے میں اور برادر ام شہیر احمد رنگ کر شدید زخمی ہو کر فوراً برادر ام شہیر احمد کو موقع پر جان بچی ہو کر اور مجھے ہتھ داریوں نے وقوع سے انھار ہتھال لRH کینا درملان کی خاطر لا کر اور رعایت ارجن بی بی دوسم خداسیر اور رعایت ارجن اور دیگر جو رہاں کا چشمہ دہرے اور رعایت ارجن برادر ارادہ قتل فائرنگ ملزمان دد ج سے اپنے آپ پر ارادہ قتل فائرنگ اور زخمی با ااد دد ج تہہ دھریا ہوں اور جو کھانا اداں پریس صلیب گیتھ سٹیشن رپورٹ دد ج جو زخمی ہو کر سٹایا جا کر تھلے گا اور جو کھانا دہرے جسکی میں تعویق کرنا ہوں اور وہ پریس صلیب گیتھ فر دہرے کرنے والے ہیں صاحب کھانا کھا کر اور عقول شہیر احمد کو موقع پر جان بچی ہو کر خانہ فیض آباد دستہ داروں نے لایا ہے خانہ والوں کو معافیت دی گئی کہ عقول نے ماغذات شہر تھانہ میں سٹاکرے KMS چھوڑا جاوے شہر میں چھوٹا پورٹ کے طور پر؟ تم سالہ پانی جارہا ہے کچھ لکھتے ہو کہ خانہ چھوڑنے والے دستہ میں چھوٹا پورٹ کے طور پر چھوڑا گیا تھا کو اطلاع دی جاوے کسی ایسے کو مقدمہ میں سٹاکرے تک رسائی کیے جاوے کہ تفتیش سے جانے

م 30
E

دستخط انڈری گیسٹرا دھان اکی 29-1-15 کا سلسلے میں تھانہ اٹک ٹرینی ڈا اسلام پور 29-1-15 کو
حوالہ 5110 صاحب گنہ غلام پور سے 110 صاحب کرد افغان مالہ کو بطور سبیل ایورٹ المذہبی
صاحب سے حوالہ دیا گیا ہے۔ ترمیم تھانہ اٹک ٹرینی ڈا اسلام پور سے حوالہ دیا گیا ہے۔
کیے جانے سے ہم بطور سبیل ایورٹ ٹرینی ڈا اسلام پور سے حوالہ دیا گیا ہے۔

SI PS FA

29-1-15


Copying Agency (R.W)
Legal Branch
Capital City Police Peshawar
06-11-15

دستخط

مہرہ

اطلاع کے نیچے اطلاع دہندہ کا دستخط ہوگا یا اس کی مہر یا نشان لگایا جائے گا۔ اور اس فرم پر کتنے ابتدائی اطلاع کا دستخط بطور تصدیق ہوگا۔ حروف الف بیا ب سرخ روشنائی سے بالقابل نام پر
ایک طرز یا شہر علی الترتیب واسطے باشندگان علاقہ غیر یا وسط ایشیا یا افغانستان جہاں موزوں ہوں، لکھنا چاہئے۔

ORDER

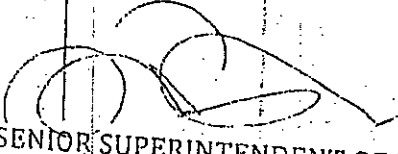
10

Annex B''

The following Police officials are hereby placed under suspension and closed to Police Lines, Peshawar with immediate effect.

1. Insp: Gul Arif Khan.
2. SI Shaheen Ullah

They are being issued Charge sheet with statement of allegations separately.


SENIOR SUPERINTENDENT OF POLICE
OPERATIONS, PESHAWAR.

O.B.No. 847/1

Dated 27-2-2015.

No. 233-37/PA, dated Peshawar the 27/02/2015.

Copy to:-

1. The Capital City Police Officer Peshawar for information please.
2. The SR: Superintendent of Police, Investigation, Peshawar
3. SsP Security & HQrs.
4. ASP/Faqirabad.
5. CC, PO, EC-I & EC-II
5. I/C Computer Cell CCP Peshawar.

ATTESTED


ADVOCATE

11
DISCIPLINARY ACTION

3
Annex: "C"

I Dr. Mian Saeed Ahmad, Senior Superintendent of Police Operations, Peshawar as competent authority, am of the opinion that SI Shaheenullah I.O of PS Faqirabad, Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.


STATEMENT OF ALLEGATIONS

After perusal of preliminary enquiry conducted by ASP Faqirabad, SI Shaheenullah while posted as I.O & Insp: Gul Arif Oll at PS Faqirabad. Accused in case vide FIR No. 153, dated 29.01.2015 u/s 302/324/34-PPC PS Faqirabad has submitted application in which he stated that SI Shaheenullah Khan I.O and Insp: Gul Arif Khan Oll demanded bribe 10 lac from the applicant/accused. The accused/applicant paid Rs. 09 lac to him I.O Shaheenullah and also produced voice of recording.

7. By doing so he has committed gross misconduct.

For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations Mr. ~~Rana Muzammar Farooq~~ ^{SP/Const} is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

The Enquiry Officer shall in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.


SR. SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR.

No. 295 E/PA, dated Peshawar the 4 / 3 /2015.

Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provision of Police Rules 1975

ATTESTED


ADVOCATE

rendered himself liable to be proceeded against as he submitted the

CHARGE SHEET

12

Annex

D

Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against you SI Shaheenullah I.O of PS Faqirabad, Peshawar.

2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I Dr. Mian Saeed Ahmad, Senior Superintendent of Police, Operations, Peshawar hereby charge you SI Shaheenullah IO of PS Faqirabad,, Peshawar under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations:-

After perusal of preliminary enquiry conducted by ASP Faqirabad, you SI Shaheenullah while posted as I.O & Insp: Gul Arif OII at PS Faqirabad. Accused in case vide FIR No. 153, dated 29.01.2015 u/s 302/324/34-PPC PS Faqirabad has submitted application in which he stated that you SI Shaheenullah Khan I.O and Insp: Gul Arif Khan OII demanded bribe 10 lac from the applicant/accused. The accused/applicant paid Rs. 09 lac to you I.O Shaheenullah and also produced voice of recording.

4. I hereby direct you further under Rule 6 (1) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why the action should not be taken against you and also stating at the same time whether you desire to be heard in person.

5. In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.

SR SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR

43-2015

ATTESTED

ADVOCATE

33

Most immediate

Confidential

Diary No: 10241

AS/BSA

Date: 03-6-14

Secretary, C&W Deptt.
Khyber Pakhtunkhwa



PSO TO CHIEF SECRETARY
KHYBER PAKHTUNKHWA

15/6

No. PSO/CS/KPK/1-29/2014

Dated Pesh: the 03rd June, 2014

To:

1. The Additional Chief Secretary (P&D),
Khyber Pakhtunkhwa.
2. The Secretary,
Communication & Works Department,
Khyber Pakhtunkhwa.

Subject: INQUIRY INTO UNDER CONSTRUCTION DISTRICT JAIL, HANGU

Sir,

I am directed to forward herewith a letter from Provincial Inspection Team, Khyber Pakhtunkhwa bearing No. 832 / INSP / 02 / PIT / 2011, dated 29th May, 2014 alongwith inquiry report and to request you to process the recommendations under intimation to this office.

Encl. As above

Yours faithfully,

Tunid

15/6

Spl: - Judicial Allowans

1007 63780 Basic pay 2016
 51885

 11895

507 63015 Remaining pay 2016
 51225

 11790

 11895
 11790

826; 23685
 111



جناب رانا عمر فاروق سپٹیکل ڈیپارٹمنٹ اور جناب عاتق

حوالہ مشمولہ چارج ٹیسٹ کارڈ کی تصانیح جاریہ جناب SSP آپریشن ہوائی 29SE PA مورخہ 4/3/15 جو الزامات پر مبنی ہے۔ ان کا تفصیلی جواب درج ذیل ہے جس پر غور فرمایا جائے۔

① 153 مورخہ 29/15/15 صبرم 324-302 کے تحت فقیر آباد لید انڈر چارج کے ٹیوشن ٹیسٹ کے حوالہ دیے گئے ہیں۔

② اس قدم کی دوران LRH میں کمی تھی۔ صبا / گل شہزادہ ای ایچ اچارج LRH نے فریڈم کے ٹیسٹ کے حوالہ دیے ہیں جن پر حالتہ خان ای ایچ نے قدم درج رسید کیا ہے۔

③ اس معاملہ کی تفصیل کچھ یوں ہے کہ درخواست کنندہ طفوان کے حوالہ میں جرم ٹیوشن راجھی نامہ فریقین جو کہ دونوں فریق ایک ہی گاؤں سورکھہ ایئر ڈیپارٹمنٹ تھے۔ مفقود ہوئے۔

④ درخواست کنندہ ملزم طفوان کے دونوں فریقین سے تعلقات بیان ہوئی اور میں وجہ اس سے دونوں فریقین کو اپنے حوالہ واقعہ سردار کالونی طلب کیا۔ اور اس طرح طفوان کی اہلیہ پر فریقہ تالی سے قتل ہوا۔ صبا ملزم طفوان کا شہید ہے۔ کم رسکو پولیس نے قدم میں ملوث کیے ہیں۔ یہ درج نہیں ہے کیونکہ لید آرڈر میں فریقہ تالی قدم نے LRH میں تصانیح سب ایئر کو دینا بیان دیا ہے جس پر فریڈم نے تفصیلی جواب دیا ہے جس میں درخواست کنندہ طفوان کا نام دیگر ملزمان کیساتھ شامل ہے اور فریقہ تالی قدم نے دعویٰ لاری کی ہے۔

⑤ قدم کی ٹیسٹ کیلئے تھے سورکھہ ایئر ڈیپارٹمنٹ کی اشد ضرورت تھی کیونکہ ملزمان - یحییٰ بالول اور طارق سورکھہ ایئر ڈیپارٹمنٹ تھے اور درخواست کنندہ طفوان کے ساتھ آنا دستانہ تعلقات تھے کہ مشورات خانہ بھی آریا دربارے کے نمونوں کو جانا کرتی تھی۔ وہ مقدمہ چونکہ تھے معلوم نہیں تھا۔ میں نے طفوان کے بیٹے سلمان کے ساتھ بزرگے ہوئے ہیں جس پر اثرات تھے اس کے ساتھ بات چیت ہوتی تھی رابطہ کر کے کیا کہ میں سورکھہ ایئر ڈیپارٹمنٹ جاتا ہوں۔ عدالت جانے کیلئے کوئی بندوبست گاڑی کروایا جائے۔ ضابطہ میں سے اسے یہ بھی کہا۔

⑥ (چیز یہ دیکھ کر راز سیدھے ہیں) اس کا مطلب یہ ہوا کہ میں نے تلو میں اسکو یہ کہا کہ میں روز منگل تک والین ہو جاؤں گا۔ ایذا ان الفاظ کو ایئر ڈیپارٹمنٹ دیکھا رہا تھا۔ کہا گیا ہوں تو اسکا مطلب روز منگل ہے۔ نہ کہ کسی رقم کی طلبی کا تقاضہ ہے۔ اسکو غلط فہم کیا گیا۔ ایئر ڈیپارٹمنٹ میں بلو کر کے سوال جانے کو اسکی بھی وضاحت ہو جائیگی۔

⑦ درخواست کنندہ نے عدالت میں جو رقم کا الزام چلو 10 لاکھ لگایا ہے۔ میں یوں درخواست کنندہ سے اتنی بڑی رقم کا مطالبہ کروں۔ کیونکہ 10 لاکھ روپے کی رقم ایسا حالت اور ادنیٰ ہوگی۔ اس پر لید کا موقع پر تصدیق کر لیا۔ اگر درخواست کنندہ میں کیا جائے تو واقعہ سے علیحدگی کر کے واقعہ

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[Signature]
ADVOCATE

کہ واقعہ میں ان سے اتنی بڑی رقم کا مطالبہ کی جاتا تھا۔

⑦ میں نے دورانِ فیصلہ قدم چلا احکامات و ہدایات کو احسن طریقہ سے سراہا کر دیا ہے جسے الزام کی بنا پر ججے معطل کی جا چکا ہے۔ جہاں تک ایکٹ کل عارضہ کا تعلق ہے وہ اپنا بیان خود دینگا۔

⑧ میرا کہ 3 سال مدد فرماتا ہے۔ میں نے محنت اور جان و مال سے سروس کی ہے۔ تمام سروس میں بھی مجھے ایسا کام نہیں کیا۔ جو حکم کی بنیاد پر اور میرے خاندان کی بنیاد پر کامیاب بن سکے میں زاتی طور پر بھی پیش ہونا چاہتا ہوں۔

استدعا کرتا ہوں کہ خارجہ سٹیٹیم انصافی کارروائی داخل دفتر فرمائی جائے۔

Shah
SI - PSRA
11-3-15
شاہین احمد

ATTESTED

ADVOCATE



15
3
Annex "F"
OFFICE OF THE
SUPERINTENDENT OF POLICE
CANTT: PESHAWAR



No. 2509 /PA dated 28/07/2015.

Subject: DEPARTMENTAL ENQUIRY AGAINST SI SHAHEEN ULLAH IO PS
FAQIRABAD.

Memo:

These are findings of departmental enquiry against SI Shaheen Ullah, IO, PS Faqirabad. It has been alleged that after perusal of preliminary enquiry conducted by ASP Faqirabad, SI Shaheen Ullah while posted as IO and Insp: Gul Arif OII at PS Faqirabad, accused in case vide FIR No: 153, DATED 29.1.2015 u/s 302/324/34 PPC, PS Faqirabad has submitted application in which he stated that SI Shaheen Ullah Khan IO and Insp: Gul Arif Khan OII demanded bribe 10 lac from the applicant/accused. The accused/applicant paid Rs: 9 lac to him IO Shaheen Ullah and also produced voice of recording.

In the above allegations the competent Authority (SSP Operations, Pesh:) has issued charge sheet/statement of allegations under Police Rules 1975 against SI Shaheen Ullah, IO PS Faqirabad and the undersigned has been appointed as enquiry officer so as to scrutinize the conduct of the accused officer.

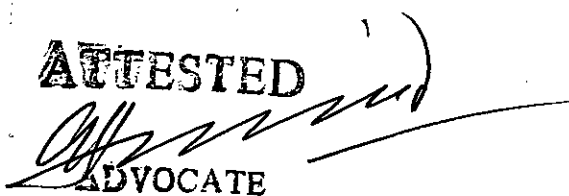
In this regard statements of the following were recorded:-

- Statement of SI Shaheen Ullah attached at Flag "A".
- Statement of Inspector Gul Arif attached Flag "B".
- Statement of Salman attached at Flag "C".
- Statement of Diyar Khan SHO Faqirabad attached at Flag "D".

➤ SI Shaheen Ullah, IO PS Faqirabad (accused officer) stated regarding the leveled allegations as under:-

- a. After registration of case FIR No: 153, dated 29.1.2015 U/S 302/324/34 PPC PS Faqirabad its investigation was made over to him.
- b. The contents of FIR were drafted by SI Gul Shehzad, in-charge LRH in the shape of a murasla and sent to PS Faqirabad wherein Case was registered by SI Khaista Khan.

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- c. As per FIR a Jirga was constituted in Hujra of applicant Zafar Khan for affecting compromise between the parties and both the parties were hailing from one and the same village i.e Sur Kamar, Upper Dir District.
- d. The applicant Zafar has been reported to have cordial relations with both parties. Hence, called them to his Hujra at Sardar colony. Similarly on the abetment of Zafar Khan a murder from another party took place. As far as the suspicion of Zafar Khan regarding his implication in the case by Police is concerned, the same is incorrect, as after incident the injured complainant of the case had given his statement to the SI posted at LRH. He drafted a murasla there. The injured complainant has charged applicant Zafar Khan along with other accused.
- e. He had a dire need to proceed to village Sur Kamar/Upper Dir in connection with investigation of the case under reference as accused Naeem, Balol and Tariq were native of the same village. Since he (IO) was not familiar with that area and applicant Zafar Khan had cordial/family relations with them, therefore he made a mobile call to Zafar's son Salman (whereon usually conversation made with him) to arrange vehicle for him to visit there. He also told him as "*chy za ba Nahay poray rarasedaly yem*". It (*Nahay*) means in Pashto as Tuesday and not demanding of any kind of amount but it has been given a wrong direction. If voice recording is produced, the same will be explained.
- f. The applicant has leveled allegation of Rs: 10 lac bribe against him but why should he demand such a huge amount from applicant as being subordinate he cannot expect such amount. If the applicant is produced the same will become crystal clear.
- g. He has carried out investigation in a lawful manner but upon mere leveling of allegations against him he was suspended. As far as Inspector Gul Arif is concerned, he will give his statement.
- h. During his entire service of about 36 years he has served diligently and has never brought bad name for Police department. He has further stated that he wants to be heard in person and his instant charge sheet may be filed.

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ADVOCATE

Statement of Inspector Gul Arif OII PS Faqirabad.

The statement of Inspector Gul Arif the then OII PS Faqirabad is as follow.

- a. The investigating officer of case FIR No: 153, dated 29.1.2015 U/S 302/324/34 PS Faqirabad was SI Shaheen Ullah (his subordinate) and he (Gul Arif) has just supervised it. Besides the allegation of threat by him of dire consequences to applicant (Zafar) gains no weight as throughout his entire service of 35 years from constable to Inspector he has never humiliated/intimidated anyone.
- b. He has never compelled anyone for any wrong statement.
- c. Regarding demand of Rs: 10 lac and receipt of Rs: 9 lac, he is of the view that he says on oath that since the same investigation was not carried out by him then how he can demand such huge amount from him? If the applicant is produced then it will become clear that either he has demanded such sums or otherwise?
- d. After hearing applicant and complainant, recording of his voice has been included. The high ups may themselves listen to that particular recording which will unearth that to which extent he is involved?

He further stated that applicant Zafar is a nominated accused vide case FIR No: 439, dated 4.6.2014 U/S 302/148/149 PPC, PS Faqirabad which was investigated by SI Shaheen Ullah and accused Zafar was arrested in the case by SHO Diyar Khan and SI Misal Khan, Investigation PS Faqirabad on his (Insp: Gul Arif) information which had irritated/flare up Zafar against him. In this case HC Hameed Ullah, the then investigation HC PS Faqirabad had taken snapshots of accused and he/applicant considers that the same episode was played on connivance of Insp: Gul Arif. Thus applicant overtly says that he will never spare him (Insp:). When the above second incident (FIR 153/2014) took place then ASP Faqirabad directed Insp: Gul Arif for arrest accused Zafar as SHO Diyar was in good terms with Zafar. He raided and compelled him for BBA. After this the ASP Faqirabad directed him for convening his meeting with Zafar. In the meanwhile he was sitting with SHO Diyar in his office at PS Faqirabad, hence both ASP and Zafar met there but he does not know the outcomes of that meeting. Due to above mentioned reasons i.e snapshots and tighten the noose around him which compelled him for BBA, the applicant became annoyed and leveled the allegations under reference against him which are figment of imagination. Subsequently he stated that if the allegations are proved against him then he can resign and if disproved then such like accused may be taught a lesson so that he could not dare to do so with other Police officers in future.

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[Signature]
ADVOCATE

Statement of Salman Khan

The sum and substance of the statement of Salman Khan s/o Haji Zafar Khan is that on 29.1.2015 a Jirga was constituted between the following two parties:-

Party No: 1 comprising upon Masoom Khan r/o Zer Sawni presently City Town, Paharipura Dalazak road, Peshawar

Party No: 2 comprising upon Behlol, Naeem r/o Sur Kaman, Dir Bala.

The father of second party namely Tamrez Khan was murdered three months back and they had suspicion regarding the same on party No: 1. Both the parties had cordial relations with his (Salman's) father for the last 20 year. Hence, they came to their hujra and were satisfied on the basis of oath on Quran. After this his father went home to fetch tea for those guests. In the meanwhile the 2nd party fired indiscriminately upon 1st party. As a result one died and another was injured. In retaliation due to firing of the 1st party two persons were injured. He (Salman) along with his father was removing the injured of 1st party to hospital. In the meanwhile Police (SHO, CIO, SDPO) Faqirabad reached, put the corps in ambulance and took him (Salman) to PS for recording his statement. When he was in PS he made call to his father to come there and describe the version to ASP/SDPO, therefore he was coming but in the meanwhile Inspector Gul Arif told him that his father has been booked in murder case, thus he refrained him from coming to PS and in response his father told him that he was not charged for the said offence in hospital rather the three persons of party No: 1 were charged. After sometimes he (Salman) told Inspector Gul Arif that since he had been suffering from fever and was feeling pain in his leg therefore his statement may be recorded. He went to ASP to discuss and on return told him that he (Salman) was being charged in murder case as well but can be exempted if Insp: Gul Arif is paid Rs: 10 lac as bribe. Thus after allowing discussion with his father, on the following day while he was being challaned to Court in a case U/S 15'AA, SI Shaheen Ullah of Investigation met him and asked to hand him over the settled amount of Insp: Gul Arif. He paid the same amount to him through Shiraz (cousin of Salman). He was present at moharrar staff office in connection with case file preparation. SI Shaheen Ullah made call to him regarding confirmation of receipt of amount and he (Salman) recorded the conversation regarding the same on his mobile. He has prayed for legal action against both Inspector Gul Arif and SI Shaheen Ullah followed by stringent action against them and return of the above mentioned amount.

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[Signature]
ADVOCATE

Statement of Diyar Khan SHO Faqirabad.

➤ Diyar Khan, SHO PS Faqirabad stated that being SHO of the PS as per his knowledge, Insp: Gul Arif and SI Shaheen Ullah, Investigation/PS Faqirabad had neither demanded any sort of amount from anyone nor they have been paid before him.

Findings

The undersigned has carried out the enquiry in detail. Neither of the accused police officials have confessed the allegations and deny having done any sort of malpractice. The only credible evidence available in the enquiry is the voice recording of SI Shaheen Ullah and complainant Suleman. The voice recording has been heard over and over again by the undersigned. SI Shaheen Ullah has also been confronted with the recording. SI Shaheen Ullah has replied to this that he had been talking to Suleman but during the course of the call, the voice quality was disturbed. Meanwhile, Shiraz (relative of Suleman) took the mobile from him and thereafter talked with Suleman. Perusal of the voice recording negates the version of Shaheen Ullah. It will be vividly clear to any impartial person that in the whole recording the voice is of SI Shaheen Ullah. Hence, this argument of SI Shaheen Ullah does not hold any substance.

The transliteration of the recording is as under:-

Voice recording in Pushto version between Sulman & SI Shaheen Ullah (translated into English)

- Sulman:- Assalam-o-Alaikum, Kaka sanga hal de sihat de kha de (Assalam- o- Alaikum, uncle how are you, is your health ok),
- SI Shaheen Ullah:- Walaikum Assalam Sulman bai sanga ye sanga kaka de shta kana (Walaikum Assalam, Suleman brother how are you, is your uncle available)
- Sulman:- hagma kho os cha warpasi ring oko owato lag (he has just been rung up by some and has left for),

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ADVOCATE

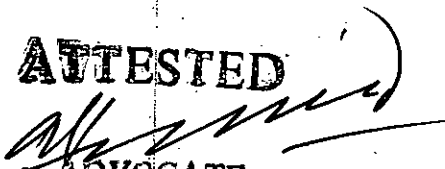
- SI Shaheen Ullah:- bas hagma sara me khabari koli kho za bia warta melo kam (I have to talk with him but will ring him up later on),
- Sulman:- che yakho za goram halak warsara wo hagma ta wayem che darsara pa telephone khabari oki gini bia ba zar korta razi za ba taso melo kam (I check to contact him through another boy if he is available with him for conversation with you telephonically otherwise he will arrive home soon then I will ring you up),
- SI Shaheen Ullah:- ao za bs kacharo ta rawan yem (yes I am leaving for Katchery/Courts),
- Sulman:- kha (ok),
- SI Shaheen Ullah:- hagma mamila k ijazat akhlam da dagha na kana (I am taking permission in the matter from so and so),
- Sulman:- kha kha (ok, ok),
- SI Shaheen Ullah:- no bas dagha khabara me warsara kola (I had to talk with him such thing),
- Sulman:- sahi da (it's ok),
- SI Shaheen Ullah:- ma wel hagma dagha ta me wele kana Shahzad na de Shahzad (I say that I was telling to so-and-so regarding shehzad),
- Sulman:- ao (yes),
- SI Shaheen Ullah:- hagma staso landi na de sheraza, ao sheraz (that your short heighted is Sheraz, yes Sheraz),
- Sulman:- gg (yes please yes please),
- SI Shaheen Ullah:- landi ta me wel che mala ba gade nan k (I was telling to Shahzad for booking a vehicle for me today),
- Sulman:- Ao da rata owaya che da makhki sa darkari radarkari de kana ma pa de poi ka pa de (yes, he told that if the next one has given you something or not, you should understand me on this),
- SI Shaheen Ullah:- sa shay (what thing),

ATTESTED

[Signature]
ADVOCATE

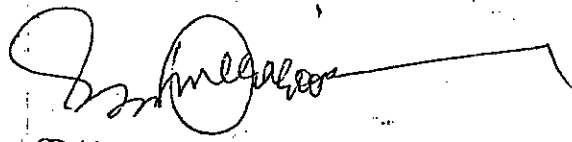
- Sulman:-** Waim da darla sa pesi mesi darkari de kana kana zan ye ghaly kary de sheraz haji warla dwa dre zala pesi warkari ve (I say if he has given you some money or not, he kept himself mum, Sheraz Haji has given him money for twice, thrice),
- SI Shaheen Ullah:-** bas aka hagha sta makhki che sa dagha magha shwe de kana bas hagha de wel che 10 de kho hagha 9 ve (all that happened before you is just that, was saying that it was ten but was nine),
- Sulman:-** kha (ok),
- SI Shaheen Ullah:-** bas hagha shwe de bia mong na de ledali (ok that has been done, then we have not seen him),
- Sulman:-** da ta ye wel Shaheen Ullah bam warki o Gul Arif lam (he was told that Shaheen Ullah will give and Gul Arif as well),
- SI Shaheen Ullah:-** kha (ok),
- Sulman:-** no da bia na de darkari (then has he not given?),
- SI Shaheen Ullah:-** na agha bia monga na de ledali (no we have not seen him after that),
- Sulman:-** kha kha kha (ok, ok, ok),
- SI Shaheen Ullah:-** che khabara ba sta notice ki wi (that the thing will be in your notice),
- Sulman:-** za za bia tasara pa khpla khabari kom (ok, I will myself talk to you later on),
- SI Shaheen Ullah:-** za tek shwa no hagha ta me wel mata ba gade rakay za ba dagha la zam (ok, I was telling to him that I may be provided with vehicle, I will proceed to so and so),
- Sulman:-** za khabara kom haji saib de wati de za khabara kom (I am talking about, Haji Sahib has left for, I am talking about),
- SI Shaheen Ullah:-** za sahi shwa (ok).

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Conclusion:

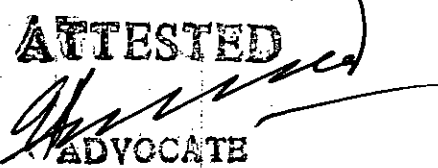
At the very outset SI Shaheen Ullah has refused that the voice is of Haji Sheraz when the two persons are talking about money matters. However, any person of sane mind can easily conclude that in the whole recorded the voice is of Shaheen Ullah. Further, it is clear from the recording that Shaheen Ullah did take money from Haji Sheraz. Though the exact amount could not be ascertained as only figures are being used i.e 9/10. Taking of illegal gratification is an offense be it 09 rupees or 09 lakh. Both the voice recording and denial of Shaheen ullah about the recording being his voice are ample evidences of Shaheen Ullah being guilty of the allegations levelled against him. He is, therefore, recommended for major punishment.


(RANA UMAR FAROOQ) PSP
SUPERINTENDENT OF POLICE
CANTT PESHAWAR

PA / Reader.

OR : Friday 27 Aug 15 at ~~09:00 am~~

→ Final Show Case Notice

ATTESTED

ADVOCATE

Dismissed from service

21/10/15

23 Annex G
OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE
(OPERATIONS)
PESHAWAR



No. 869 /PA, DATED 11/03/2015

FINAL SHOW CAUSE NOTICE

I Sr: Superintendent of Police Operation, Peshawar, as competent authority, under the Police disciplinary Rules 1975, against you SI Shaheen Ullah the then IO PS Faqirabad follows:-

That consequent upon the completion of departmental enquiry conducted against you by SP Cantt Peshawar and recommended for major punishment on the basis of the following allegation that:-

After perusal of preliminary enquiry conducted by ASP Faqirabad, you SI Shaheenullah while posted as I.O & Insp: Gul Arif OII at PS Faqirabad. Accused in case vide FIR No. 153, dated 29.01.2015 u/s 302/324/34-PPC PS Faqirabad has submitted application in which he stated that you SI Shaheenullah Khan I.O and Insp: Gul Arif Khan OII demanded bribe 10 lac from the applicant/accused. The accused/applicant paid Rs. 09 lac to you I.O Shaheenullah and also produced voice of recording.

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

If no reply to this notice is received within stipulated period of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

ATTESTED

[Signature]
ADVOCATE

[Signature]
SR SUPERINTENDENT OF POLICE,
(OPERATIONS),
PESHAWAR

خدمت جناب سینیئر ڈپٹی آف پولیس (ایئرلین) لاہور

درخواست عہدہ عدالتی تعلق اندوٹری رپورٹ

جناب عالی
سائل حسب ذیل عرض رساں میں

- ① یہ کہ بموجب ٹھیٹی نمبری 369 حوزہ 8/15 حنفی ریفرنس سائل پیر ایڈ فائنل شوکار نوٹس جاری کی ہے جس کی تعلق منسلک ہے۔
 - ② یہ کہ ایسی شوکار نوٹس کے بنیاد پر سائل کو نوٹری سے برخواستگی کی سزا بخورنے کی گئی ہے نیز سائل سے شوکار نوٹس کی جواب بھی طلب کی گئی ہے۔
 - ③ یہ کہ جیسا کہ فائنل شوکار نوٹس کے مندرجات سے واضح ہے کہ آپ جناب نے سائل کو شوکار نوٹس کے ساتھ اندوٹری رپورٹ کی تعلق سائل میں کی ہے جو کہ قانون کے مطابق منسلک کرنا چاہئے تھا۔
- استدعا ہے کہ اندوٹری رپورٹ کی ایک تعلق سائل کو منظور دیا جائے تاکہ سائل دردت جواب دے سکے مشکور رہونگا۔

عمر

سائل شاہین اللہ ای صفیہ پولیس سٹیشن لاہور
8/15

ATTESTED

ADVOCATE

عنوان خائن شوکار نوٹس
 جناب SSP صاحب پرتھ

جناب عالی

متمولہ خائن شوکار نوٹس مجاریہ جناب SSP صاحب پرتھ لپٹاور
 غیر 869 PA ورثہ 8/15 جو الزام چھپر عائلہ کیا گیا ہے اسکا تفصیل جواب
 ذیل میں دیا جاتا ہے۔

① مقدمہ 153 ورثہ 1/15 29/34-324-302 تھا جو آباد لید انڈراج مقدمہ تھیں
 کیلئے عدیے والہ بیوی

② مقدمہ کی تھیں ایک علی عارف کا آہ کی نگرانی میں کی گئی اور جہاں کہیں
 بھی شدت پیش آتی تو ان کے ساتھ مشورہ کر کے ان کی ہدایت پر کام
 کو سر انجام دیا کرتا۔

③ ابتدائی انٹرویو کے دوران بھی میں نے جواب و مضامین کے ساتھ دیا ہے جو کہ
 ریکارڈ پر موجود ہے۔

④ جہاں تک رقم لینے کا تعلق عدیے ساتھ والہ کیا گیا ہے اور اس کے ساتھ والے
 ریکارڈ کا ذکر بھی اچھا ہے تو اس کے متعلق وضاحت کرتا ہوں

راہ میں ایک پرانا پولیس افسروں قلم میں 36 سال سے مقدمہ سر انجام دے رہے ہوں
 ناں میں نے بھی بھی تھیں تھیں افسر کے کوئی کو نامی یا بددیانتی میں کی
 ناں اتنی بڑی رقم کا مطالبہ کرنا میرے سمجھ سے بھی بالا تر ہے اور دائر ریکارڈ
 کو بیان بنا کر عدیے کیہر کو تباہ کرنے پر کسی کی شہادت ہو سکتی ہے حادثہ
 نہ تو میں نے رقم کا مطالبہ کیا اور نہ ہی دائر ریکارڈ تک پہنچے۔ بلکہ
 دائر چین جٹ کر کے چھے بے گناہ ملوث کر لیا گیا ہے۔

ATTESTED
 ADVOCATE

⑤ میں نے دوران تھیں کسی کے ساتھ کوئی رعایت نہیں کی ہے اور نہ ہی
 جانبداری سے تھیں کی۔ ملزم مقدمہ بڑا دلیر ہے ناں نظر آتا تھا
 جس نے کوئی بیان بنا کر مجھے پریشان کرنے کی پوری کوشش کی

دائیں چین صید اور وائس ریگاردنگ کے معان صحیح کوئی علم نہیں اور نہ میں سمجھتا ہوں

راہ سابقہ بیان جو چارج شیٹ کے ساتھ دیا گیا تھا اسے ملے رہی گو اگر زیر غور دیا جائے تو وہ وضاحت سے تحریر کیا گیا ہے اس پر غور فرمایا جاوے

صاحب عالی

دیہی سرول کے علاوہ میں ایک خاندان کا سربراہ بھی ہوں جنکی تمام تر ذمہ داری مجھ پر عائد ہوتی ہے میرے اہل و عیال کی عزت کو مدنظر رکھتے ہوئے میرے جواب پر غور کرنے داخل دفتر کرنے کی استدعا کرتا ہوں دعائیں دوئے گا۔ نیز اگر اجازت ہوگی تو صبا کو پیش ہو کر مزید وضاحت کر سکتا ہوں

Shah
SI - Police
12.8.15

ATTESTED
ADVOCATE

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Third line of handwritten text, showing further detail.

Fourth line of handwritten text, appearing as a separate entry or section.


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ORDER

SI Shaheen Ullah of Police Lines was Charge Sheeted vide this office No.295/E/PA, dated 04.03.2015 while appointing SP Cantt as Enquiry Officer. The Enquiry Officer sent his finding on 28.07.2015, who after conducting a thorough probe recommended him for **major punishment**. The delinquent official was issued Final Show Cause Notice to which he replied and found unsatisfactory. He was also heard in person in OR on 21.08.2015. The undersigned agree with the recommendations of Enquiry Officer and he is hereby awarded **major punishment of Dismissal from Service** with immediate effect.


SR: SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR.
22-08-2015.

O.B.NO 3166/ dated 24/8/2015.

No. 243-47 /PA, dated Peshawar, the 24/08 /2015.

Copy for information to:

1. The Capital City Police Officer, Peshawar.
2. The SR: Superintendent of Police, Investigation Peshawar w/r to his office Endst No. 765-69/PA, dated 02.03.2015.
3. SP Cantt.
4. ASP Faqirabad w/r to his office memo No. 1094-95/PA, dated 20.02.2015.
5. EC-II, CC, PO & I/C Computer Cell
6. FMC with enquiry file (Enclosed papers=40)

ATTESTED


ADVOCATE

عنوان اپیل

جناب عالی!

- یہ کہ اپیل بحوالہ OB 3166 مورخہ 24/08/2015 کے خلاف کی جاتی ہے۔ جس کی وجوہات درج ذیل ہے۔
- (۱) یہ کہ میں نے محکمہ پولیس میں عرصہ 36 سال اپنی قیمتی جوانی کے دن گزاریں ہیں اور محکمہ پولیس کا عزت کی خاطر کارسہ کار کو احسن طریقہ سے سرانجام دیا ہے۔
 - (۲) یہ کہ قوانین اور ضابطہ رائج الوقت کے مطابق جس پولیس آفیسر کی مدت ملازمت زیادہ ہو تو اسے بجائے محکمہ سے علیحدہ کرنے کے پنشن پر بھیجوا یا جاسکتا ہے۔ تاکہ اس کے ساتھ وابستہ اہل عیال کی عزت محفوظ رہے۔
 - (۳) یہ کہ سائل کو بغیر کسی ثبوت کے بوقت جمہش قلم کے محکمہ سے علیحدہ کر دیا گیا ہے۔
 - (۴) یہ کہ سائل اکیلا شخص نہیں ہوں بلکہ سائل کے ساتھ اپنا اہل عیال کے علاوہ رشتہ دار اور دوست احباب کا بھی تعلق ہے جس کی وجہ سے سائل کی عزت نفس کو ضرر پہنچی ہے۔
 - (۵) یہ کہ جو الزام سائل پر لگایا گیا ہے وہ کوئی قانونی حیثیت نہیں رکھتا۔ آج کے اس جدید ٹیکنالوجی کے دور میں ایسے ایسے ایجادات ہو چکے ہیں جو کہ کسی کو بھی بدنام یا نیک نام کیا جاسکتا ہے۔
 - (۶) یہ کہ وائس ریکارڈنگ یا وائس چیٹنگ یہ بھی موجودہ جدید ٹیکنالوجی کی ایک شاخ ہے۔ جس کی وجہ سے لوگ پولیس کو بدنام کرنے کی خاطر ان کی آواز کو ریکارڈنگ کرتے ہیں جس میں کوئی ثبوت نہیں ہوتی ہے۔
 - (۷) یہ کہ سائل کے خلاف جناب ایس پی صاحب کینٹ نے جو انٹوائزی کی ہے وہ ایسا معلوم ہوتا ہے کہ جانبداری سے کام لیا ہوا ہے۔ کیونکہ ان کی انٹوائزی میں جو جواب سائل نے عرض کیا تھا اس پر کوئی عمل درآمد نہیں کیا گیا ہے۔
 - (۸) یہ کہ سائل کے خلاف جو بیانات ریکارڈ ہوئے ہیں ان میں بھی آپس میں اختلاف پایا جاتا ہے۔
 - (۹) یہ کہ سائل پانچ بچوں کا باپ ہے جن کی تمام تر ذمہ داری سائل پر فرض ہے ان کی زندگیوں کو مد نظر رکھتے ہوئے سائل کی اپیل پر ہمدردانہ غور فرمایا جائے۔ سائل کے لڑکے اور لڑکیاں تمام طالب علم ہیں۔

لہذا استدعا ہے کہ منظور اپیل ہذا آرڈر نمبر OB 3166 مورخہ 24/08/2015 کو یکطرفہ فرما کر سائل کو محکمہ میں بحال فرمایا جائے۔ نیز دیگر دادرسی جو قرین انصاف ہو وہ بھی مرحمت فرمائی جائے۔

سائل عمر بھر دعا گو رہیگا۔

31-8-15

ATTESTED
ADVOCATE

سائل شاہین اللہ سابقہ SI ولد ثناء اللہ
ساکن دوسرہ تحصیل ضلع چارسدہ۔

موبائل فون نمبر 0302-5570266



Annex: "L" 29
**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 091-9210989

Fax No. 091-9212597

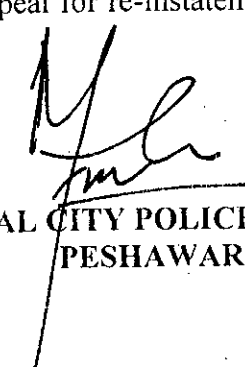
ORDER

This order will dispose off departmental appeal preferred by ex-SI **Shaheen Ullah** who was awarded the major punishment of **Dismissal** from service under PR-1975 vide OB No. 3166 dated 24.8.2015, by SSP-Operations, Peshawar.

2- The allegations levelled against him were that he while posted as IO at PS Faqirabad Peshawar, accused in case FIR No. 153 dated u/s 302/324/34-PPC PS Faqirabad submitted an application in which he alleged that he (SI Shaheen Ullah & Insp: Gul Arif OII) demanded bribe of 10 lac from the applicant/accused. The accused/applicant paid Rs. 9 lac to him (SI Shaheen Ullah) and also produce voice recording.

3- Proper departmental proceedings were initiated against him and Mr. Rana Umar Farooq SP-Cantt was appointed as the E.O, who carried out a detailed enquiry. In his findings he mentioned that credible evidence available in the enquiry is the voice recording of SI Shaheen Ullah and complainant Salman. The conversation clearly shows that money has been paid to him. Hence the SSP-Ops., Peshawar issued him FSCN to which he replied. The same was found unsatisfactory. Therefore, awarded him the major punishment of dismissal from service.

4- The appellant was called in O.R. on 30.10.2015, and heard in person. The enquiry papers were perused in detail. He has been given full opportunity to defend himself but he failed to offer any plausible explanation in his defense. The charge against him stands proved to the effect that has received illegal gratification as evident from his telephonic conversation with Suleman s/o accused Hajji Zafar Khan. During personal hearing the appellant admits that the call generated is from his own cell phone. The appellant failed to advance any plausible evidence in his favour. He has been rightly connected with the charges framed against him. There is no solid reasons to interfere in the order of SSP-Ops., Peshawar. Therefore, his appeal for re-instatement in service is rejected/filed.


CAPITAL CITY POLICE OFFICER,
PESHAWAR. 11. 2. 15

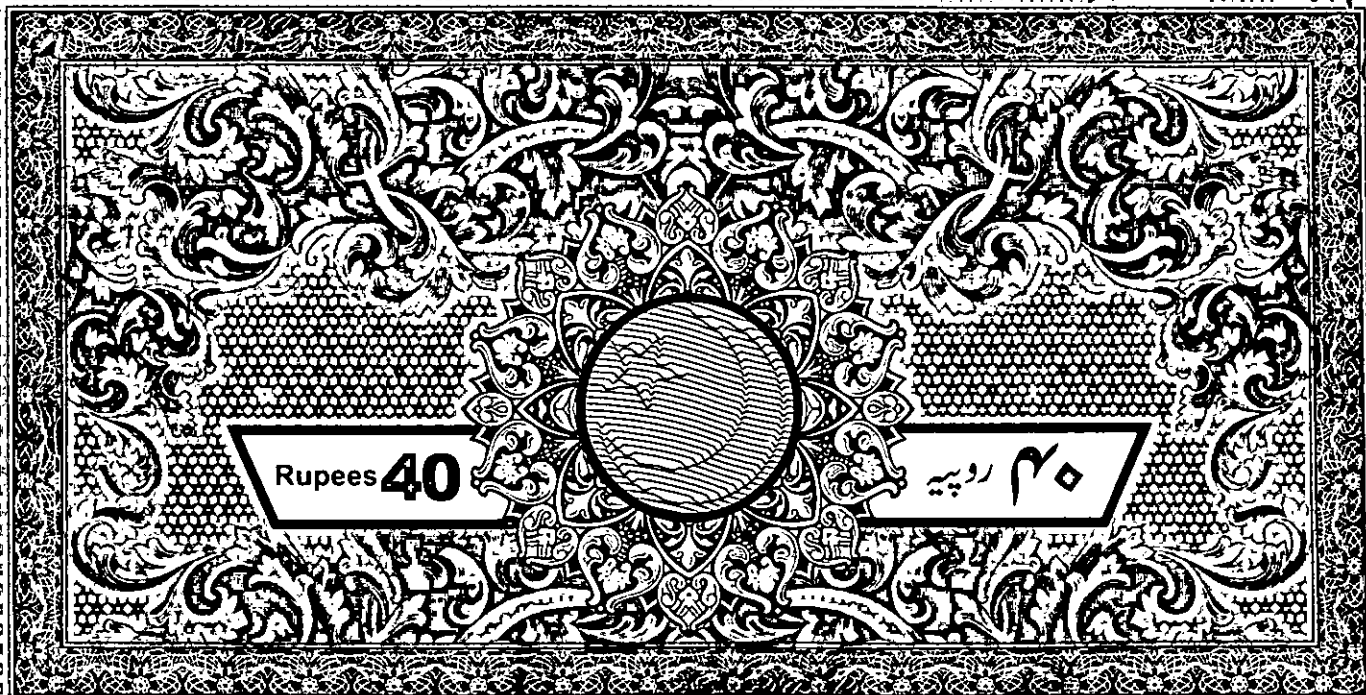
No. 5163-76 PA dated Peshawar the 21 // 2015.

Copies for Information and n/a to the:-

1. IGP-KPK w/r to 9802-04/PPO dt: 2.10.2015.
2. SSsP-Ops: & Inv: Peshawar.
3. SsP/City /HQRs/Security Peshawar
4. PO/AS/CC/EC-I/EC-II/FMC/I-C Computer Cell & I/C Complaint Cell, Peshawar.

ATTESTED

ADVOCATE



A F F I D A V I T

I, Shaheen Ullah, Ex-Sub-Inspector (Investigation)

Police Station Faqir Abad, Peshawar do hereby declare and affirm on oath that I while posted as I.O. at Police Station Faqir Abad, Peshawar have investigated a case F.I.R. No. 153 dated 29-01-2015 U/S 302/324/34 PPC P.S. Faqir Abad, Peshawar wherein the accused Zafar Khan and three other co-accused were involved in the said case, and that I being the I.O. in the said case was taking every efforts and struggles to prepare a fair case for the prosecution and therefore, I got the annoyance of the accused Zafar, who fabricated and manufactured a false and concocted episode by filing an application to the I.G.P. K.P.K. Peshawar whereby false allegations were levelled against me for performing my duty honestly and fairly in the said case where he was involved.

I further declare and affirm on oath that the allegations of Zafar and his son are absolutely false, unfounded and highly fabricated and manufactured for spoiling my career.

The above statements/contents are true and correct to the best of my knowledge and belief.

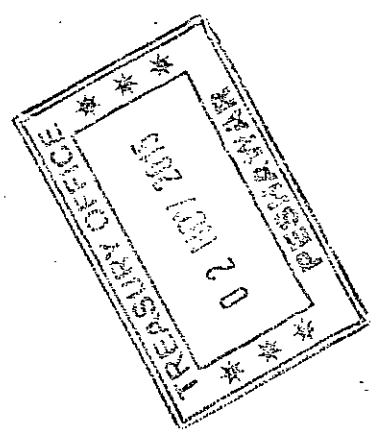
Shub
Deponent

CNIC No. 17101-0269944-3



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Annex "N"
31



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210989
Fax No. 091-9212597

OFFICE OF THE SUP,
PESHAWAR

6046
03-11-15

ORDER

Inspector Gul Arif, the then O.II PS Faqirabad was placed under suspension by the Inspector General of Police, KPK vide No358-60 dt: 25.5.2015 and directed this office to conduct departmental enquiry against him. He was issued Charge Sheet and summary of allegations on the basis of the following allegations:-

- i. He threatened applicant.
- ii. He pressurized applicant for wrong statement.
- iii. He demanded Rs. 10 lac and received Rs.9 lac from the applicant.
- iv. The complainant also listened/collected voice recording in this matter.

Proper departmental proceedings were initiated against him and Mr. Rana Umar Farooq, SP-Cantt, was appointed as the E.O. who in his findings exonerated him. On receipt of the findings of the E.O. the then CCPO, Peshawar filed the departmental enquiry. On finalization of enquiry a letter vide this office No.3934/PA dt: 26.8.2015, was sent to the Inspector General of Police, KPK for his re-instatement, but the Inspector General of Police, KPK disagreed with the findings of E.O and directed to initiate de-novo enquiry against him through SP-Security.

In compliance with the directions passed by Inspector General of Police, Mr. Jehabzeb Khan SP-Security was appointed as E.O vide this office order No.4113-14/PA dated 7.9.2015. He carried out a detailed enquiry and submitted his findings mentioned that it is evident that Rs.9 lacs has been paid to SI Shaheen Ullah IO of PS Faqirabad as illegal gratification by complainant for his release/discharge from case FIR No. 153 dt: 20.1.2015 u/s 302/324/34 PPC PS Faqirabad. He (SI Shaheen Ullah) was working under his command /supervision. As such he was held responsible for lack of proper supervision and command over his subordinates. On receipt of the findings of the EO, he was issued Final Show Cause Notice to which he replied.

ATTESTED
[Signature]
ADVOCATE

The delinquent officer was called & heard in person in O.R on 30.10.2015. The enquiry papers were perused. He has been given full opportunity to defend himself but he failed to do so. Though charge of illegal gratification could not be established against him in the de-novo enquiry. However, he was guilty of lack of proper supervision over his subordinates. Therefore, he is awarded the minor punishment of stoppage of two annual increments without cumulative effect.

**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

2.11.15

No. 5149-62 /PA dated Peshawar the 2 / 11 / 15

Copies to the:-

- 1. Inspector General of Police, KPK w/r to 9802-04/PPO dt: 2.10.2015 with the request to re-instate him if approved, please.
- 2. SSsP-Ops: & Inv: Peshawar.
- 3. SsP/City /HQRs/Security Peshawar
- 4. PO/AS/CC/EC-I/EC-II/FMC/I-C Computer Cell & I/C Complaint Cell, Peshawar.

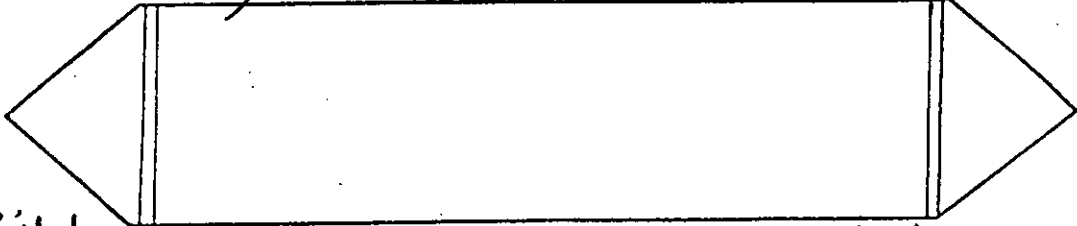
SEEN

ATTESTED

ADVOCATE

SSP/INV:
3/11/15

بعد الت جواب خیر پختہ خواہ سروس ٹریڈ ایبل پشاور



2015ء منجانب ایبلاٹ

شاہین اللہ سابقہ ای بی نام ایبلاٹ خیر پشاور
محکمہ پولیس ساکن زریاب کالونی
کوٹا ٹریڈ ایبل پشاور

موزعہ 12/11/2015

مقدمہ سروس ایبل

دعویٰ جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام پشاور کیلئے عبدالحمید ایڈووکیٹ پشاور
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 ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
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 بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

المرقوم 12 ماہ نومبر 2015

بمقام

شہاد کے لئے منظور ہے۔

Attested & Accepted
Kudul
Adv: Pshawar

Shah

cell: 0343-9025029

شاہین اللہ سابقہ ای بی
کوٹا ٹریڈ ایبل پشاور

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Service Appeal No.1277/2015.

Shaheen Ullah Ex- Sub Inspector PeshawarAppellant.

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Senior Superintendent of Police, Operation, Peshawar.....Respondents.

Reply on behalf of Respondents No. 1, 2 & 3.

Respectfully Sheweth!

PRELIMINARY OBJECTIONS.

1. That the appeal is badly time barred.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Honorable Tribunal.

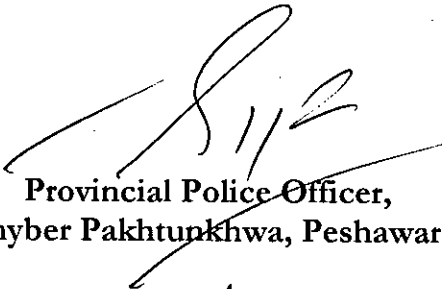
Facts:-

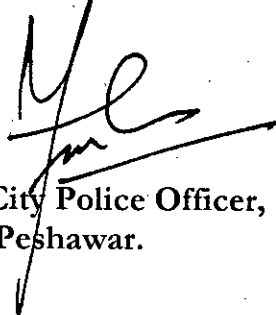
- (1) Para No.1 pertains to record, hence needs no comments.
- (2) Para No.2 is incorrect. the appellant while posted as IO at PS Faqirabad Peshawar was entrusted with investigation in a case vide FIR No.153 dated 19.01.2015 u/s 302/324/34-PPC PS Faqirabad. Accused in the instant case submitted an application in which he alleged that the appellant demanded bribe of 10 lac from the applicant.(copy of the complaint is annexure "A")
- (3) Para No.3 is correct to the extent that on complaint of accused in case FIR No.153 dated 19.01.2015 u/s 302/324/34-PPC PS Faqirabad, the appellant was suspended and closed to Police line Peshawar.
- (4) Para No.4 is correct to the extent that the appellant was proceeded departmentally on allegation that he while posted as IO at PS Faqirabad was demanded illegal gratification of 10 lac from an accused in a criminal case vide FIR No.153 dated 19.01.2015 u/s 302/324/34-PPC PS Faqirabad. SP Cantt was appointed as the E.O. He carried out a detailed enquiry. In his finding he mentioned that the credible evidence available in the enquiry is the voice

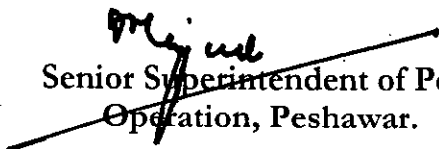
- (G) Incorrect. Para already replied above.
- (H) Incorrect. The appellant being a member of disciplined force committed gross misconduct, hence he was proceeded rightly as per law and rules.
- (I) Incorrect. No principle of natural justice has been violated.
- (J) Incorrect. No malafide intention is involved.
- (K) The punishment order is in accordance with law/rules, hence liable to be upheld.

PRAYERS:-

It is therefore most humbly prayed that in light of above facts, submissions the appeal of the appellant being devoid of merits, legal footing may be dismissed.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.


Capital City Police Officer,
Peshawar.


Senior Superintendent of Police,
Operation, Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.

Service Appeal No.1277/2015.

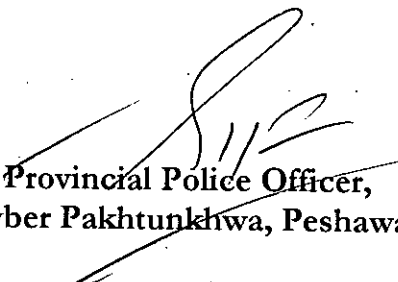
Shaheen Ullah Ex- Sub Inspector PeshawarAppellant.

VERSUS

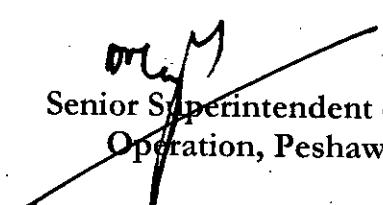
1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Senior Superintendent of Police, Operation, Peshawar.....Respondents.

AFFIDAVIT.

We respondents 1, 2 &3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.


Capital City Police Officer,
Peshawar.


Senior Superintendent of Police,
Operation, Peshawar.

بخدمت جناب A.S.P صاحب فقیر آباد سرکل پشاور

درخواست بمراد مناسب دادرسی و قانونی کارروائی برخلاف شاہد اللہ و گل عارف انسپکٹر تھانہ فقیر آباد

جناب عالی!

سائل حسب ذیل عرض رساں ہے۔

۱۔ یہ کہ سائل کا حجرہ واقع بڈھنی پل سردار کالونی چارسدہ روڈ پشاور میں مایین معصوم خان گروپ و نعیم گروپ کو مورخہ 29/01/2015 تسلی کی خاطر ایک جرگہ منعقد ہوا۔

۲۔ یہ کہ جرگہ مذکورہ میں ہر دو فریقین کے مایین فائرنگ شروع ہوئی جس میں معصوم خان گروپ کی طرف سے شبیر احمد گل کرجاں بحق ہوا۔ اور معصوم خان زخمی ہوا۔

۳۔ یہ کہ معصوم خان نے ہسپتال میں ہر دو پولیس اہلکاروں ان مذکورہ کے رو برو مر اسلحہ تحریر کیا گیا۔ جس میں مدعی مقدّمہ معصوم خان نے سائل پر کوئی دعویٰ داری نہیں کرنی چاہی تھی۔ اور صرف کہا تھا کہ سائل کے حجرے میں دوران جرگہ دوسرے فریق کی فائرنگ سے وقوعہ سرزد ہوا۔ لیکن گل عارف انسپکٹر نے بدینتی سے سائل کا نام بطور ملزم تحریر کیا ہے۔ کیونکہ سائل کا گل عارف کے رشتہ داران کے ساتھ قتل مقابلہ کی دشمنی چلی آ رہی ہے اور ایک کراس کیس میں مقدمہ عدالت نمبر 439 جرم 302 اور عدالت نمبر جرم 324-440 درج کئے گئے ہیں جس میں فریقین کی شناخت ہو چکی ہیں۔

۴۔ یہ کہ وقوعہ مایین معصوم خان وغیرہ کے بعد سائل کے بیٹے سلمان کو بدینتی سے مقدمہ عدالت نمبر 154 جرم 15AA میں گرفتار کیا گیا اور دوران گرفتاری سائل کے بیٹے پر دو اہلکاران مذکورہ نے ڈرایا اور دھمکایا اور مبلغ 10 لاکھ روپیہ کی ڈیمانڈ کی بصورت لوگر اس کے خلاف 302 کا پرچہ دیا جائیگا۔ اس خوف سے مجھے میرے بیٹے نے فون پر رقم کی بندوبست کرنے کو کہا۔

۵۔ یہ کہ سائل نے ہر دو بلکاران کو مبلغ 9 لاکھ روپے S.I شاہین اللہ جس کی کنفرمیشن کے لئے سائل نے گل عارف انسپکٹر سے نوٹ پر S.I شاہین اللہ سے رابطہ کیا۔ جس پر سائل کو کہا کہ مبلغ 9 لاکھ روپے اس نے وصول کی ہے جبکہ ایک لاکھ روپے مزید دینا ہوگی۔

۶۔ یہ کہ سائل نے S.I شاہین اللہ کے ساتھ بات چیت کو ریکارڈ بھی کیا ہے جس کی ریکارڈنگ بوقت ضرورت پیش کر سکتے ہیں۔

۷۔ یہ کہ سائل نے پولیس سٹیشن کے گیٹ پر مذکورہ رقم ادا کی ہے جو کہ CCTV کیمرہ ہو۔ تو اسکی ریکارڈنگ بھی دیکھا جاسکتا ہے اور رقم کی ادائیگی شیراز ولد ممتاز، سلمان ولد حاجی ثار کی چشم دید ہے۔

۸۔ یہ کہ سائل نے مقدمہ میں BBA کی درخواست گزار کی۔ اور مدعی مقدمہ عدالت حضور میں پیش ہو کر سائل کی بے گناہی کی بابت بیان بھی قلمبند کیا جس پر سائل کی BBA کنفرم ہوئی۔

۹۔ یہ کہ ہر دو مذکورہ پولیس بلکاران نے بدینتی سے سائل کو مقدمہ میں ملوث کر کے سائل سے مبلغ 9 لاکھ روپے وصول کی ہے اور معصوم خان کے مقدمے کو بھی نقصان پہنچانے کی کوشش کی ہے۔ جو کہ ہر دو بلکاران نے اپنے اختیارات سے تجاوز کر کے ناجائز فائدہ حاصل کیا ہے اور سائل کے عزت کو ناقابل تلافی نقصان پہنچایا ہے۔

لہذا استدعا ہے کہ ہر دو پولیس بلکاران انسپکٹر گل عارف، S.I شاہین اللہ کے خلاف قانونی کارروائی کی جائے۔ اور سائل کو انصاف دلائی جاوے۔

مورخہ: 19/02/2015

نوٹ: موبائل ریکارڈنگ ہمراہ لف ہے۔

ارض

سائل حاجی ظفر خان ولد حاجی عارف

سکنہ سردار کالونی بدھنی پل چارسدہ روڈ پشاور

موبائل نمبر: 0300-5938627

OFFICE OF THE
SUPERINTENDENT OF POLICE
CANTT: PESHAWAR



No. 2509 /PA dated 22/07/2015.

Subject: DEPARTMENTAL ENQUIRY AGAINST SI SHAHEEN ULLAH IO PS FAQIRABAD.

Memo:

These are findings of departmental enquiry against SI Shaheen Ullah, IO, PS Faqirabad. It has been alleged that after perusal of preliminary enquiry conducted by ASP Faqirabad, SI Shaheen Ullah while posted as IO and Insp: Gul Arif OII at PS Faqirabad, accused in case vide FIR No: 153, DATED 29.1.2015 u/s 302/324/34 PPC, PS Faqirabad has submitted application in which he stated that SI Shaheen Ullah Khan IO and Insp: Gul Arif Khan OII demanded bribe 10 lac from the applicant/accused. The accused/applicant paid Rs: 9 lac to him IO Shaheen Ullah and also produced voice of recording.

In the above allegations the competent Authority (SSP Operations, Pesh:) has issued charge sheet/statement of allegations under Police Rules 1975 against SI Shaheen Ullah, IO PS Faqirabad and the undersigned has been appointed as enquiry officer so as to scrutinize the conduct of the accused officer.

In this regard statements of the following were recorded:-

- Statement of SI Shaheen Ullah attached at Flag "A".
 - Statement of Inspector Gul Arif attached Flag "B".
 - Statement of Salman attached at Flag "C".
 - Statement of Diyar Khan SHO Faqirabad attached at Flag "D".
- SI Shaheen Ullah, IO PS Faqirabad (accused officer) stated regarding the leveled allegations as under:-
- a. After registration of case FIR No: 153, dated 29.1.2015 U/S 302/324/34 PPC PS Faqirabad its investigation was made over to him..
 - b. The contents of FIR were drafted by SI Gul Shehzad, in-charge LRH in the shape of a murasla and sent to PS Faqirabad wherein Case was registered by SI Khaista Khan.

- c. As per FIR a Jirga was constituted in Hujra of applicant Zafar Khan for affecting compromise between the parties and both the parties were hailing from one and the same village i.e Sur Kamar, Upper Dir District.
- d. The applicant Zafar has been reported to have cordial relations with both parties. Hence, called them to his Hujra at Sardar colony. Similarly on the abetment of Zafar Khan a murder from another party took place. As far as the suspicion of Zafar Khan regarding his implication in the case by Police is concerned, the same is incorrect, as after incident the injured complainant of the case had given his statement to the SI posted at LRH. He drafted a murasla there. The injured complainant has charged applicant Zafar Khan along with other accused.
- e. He had a dire need to proceed to village Sur Kamar/Upper Dir in connection with investigation of the case under reference as accused Naeem, Balol and Tariq were native of the same village. Since he (IO) was not familiar with that area and applicant Zafar Khan had cordial/family relations with them, therefore he made a mobile call to Zafar's son Salman (whereon usually conversation made with him) to arrange vehicle for him to visit there. He also told him as "*chy za ba Nahay poray rarasedaly yem*". It (*Nahay*) means in Pashto as Tuesday and not demanding of any kind of amount but it has been given a wrong direction. If voice recording is produced, the same will be explained.
- f. The applicant has leveled allegation of Rs: 10 lac bribe against him but why should he demand such a huge amount from applicant as being subordinate he cannot expect such amount. If the applicant is produced the same will become crystal clear.
- g. He has carried out investigation in a lawful manner but upon mere leveling of allegations against him he was suspended. As far as Inspector Gul Arif is concerned, he will give his statement.
- h. During his entire service of about 36 years he has served diligently and has never brought bad name for Police department. He has further stated that he wants to be heard in person and his instant charge sheet may be filed.

Statement of Inspector Gul Arif OII PS Faqirabad.

The statement of Inspector Gul Arif the then OII PS Faqirabad is as follow.

- a. The investigating officer of case FIR No: 153, dated 29.1.2015 U/S 302/324/34 PS Faqirabad was SI Shaheen Ullah (his subordinate) and he (Gul Arif) has just supervised it. Besides the allegation of threat by him of dire consequences to applicant (Zafar) gains no weight as throughout his entire service of 35 years from constable to Inspector he has never humiliated/intimidated anyone.
- b. He has never compelled anyone for any wrong statement.
- c. Regarding demand of Rs: 10 lac and receipt of Rs: 9 lac, he is of the view that he says on oath that since the same investigation was not carried out by him then how he can demand such huge amount from him? If the applicant is produced then it will become clear that either he has demanded such sums or otherwise?
- d. After hearing applicant and complainant, recording of his voice has been included. The high ups may themselves listen to that particular recording which will unearth that to which extent he is involved?

He further stated that applicant Zafar is a nominated accused vide case FIR No: 439, dated 4.6.2014 U/S 302/148/149 PPC, PS Faqirabad which was investigated by SI Shaheen Ullah and accused Zafar was arrested in the case by SHO Diyar Khan and SI Misal Khan, Investigation PS Faqirabad on his (Insp: Gul Arif) information which had irritated/flare up Zafar against him. In this case HC Hameed Ullah, the then investigation HC PS Faqirabad had taken snapshots of accused and he/applicant considers that the same episode was played on connivance of Insp: Gul Arif. Thus applicant overtly says that he will never spare him (Insp:). When the above second incident (FIR 153/2014) took place then ASP Faqirabad directed Insp: Gul Arif for arrest accused Zafar as SHO Diyar was in good terms with Zafar. He raided and compelled him for BBA. After this the ASP Faqirabad directed him for convening his meeting with Zafar. In the meanwhile he was sitting with SHO Diyar in his office at PS Faqirabad, hence both ASP and Zafar met there but he does not know the outcomes of that meeting. Due to above mentioned reasons i.e snapshots and tighten the noose around him which compelled him for BBA, the applicant became annoyed and leveled the allegations under reference against him which are figment of imagination. Subsequently he stated that if the allegations are proved against him then he can resign and if disproved then such like accused may be taught a lesson so that he could not dare to do so with other Police officers in future.

Statement of Salman Khan

The sum and substance of the statement of Salman Khan s/o Haji Zafar Khan is that on 29.1.2015 a Jirga was constituted between the following two parties:-

Party No: 1 comprising upon Masoom Khan r/o Zer Sawni presently City Town, Paharipura Dalazak road, Peshawar

Party No: 2 comprising upon Behlol, Naeem r/o Sur Kaman, Dir Bala.

The father of second party namely Tamrez Khan was murdered three months back and they had suspicion regarding the same on party No: 1. Both the parties had cordial relations with his (Salman's) father for the last 20 year. Hence, they came to their hujra and were satisfied on the basis of oath on Quran. After this his father went home to fetch tea for those guests. In the meanwhile the 2nd party fired indiscriminately upon 1st party. As a result one died and another was injured. In retaliation due to firing of the 1st party two persons were injured. He (Salman) along with his father was removing the injured of 1st party to hospital. In the meanwhile Police (SHO, CIO, SDPO) Faqirabad reached, put the corps in ambulance and took him (Salman) to PS for recording his statement. When he was in PS he made call to his father to come there and describe the version to ASP/SDPO, therefore he was coming but in the meanwhile Inspector Gul Arif told him that his father has been booked in murder case, thus he refrained him from coming to PS and in response his father told him that he was not charged for the said offence in hospital rather the three persons of party No: 1 were charged. After sometimes he (Salman) told Inspector Gul Arif that since he had been suffering from fever and was feeling pain in his leg therefore his statement may be recorded. He went to ASP to discuss and on return told him that he (Salman) was being charged in murder case as well but can be exempted if Insp: Gul Arif is paid Rs: 10 lac as bribe. Thus after allowing discussion with his father, on the following day while he was being challaned to Court in a case U/S 15 AA, SI Shaheen Ullah of Investigation met him and asked to hand him over the settled amount of Insp: Gul Arif. He paid the same amount to him through Shiraz (cousin of Salman). He was present at moharrar staff office in connection with case file preparation. SI Shaheen Ullah made call to him regarding confirmation of receipt of amount and he (Salman) recorded the conversation regarding the same on his mobile. He has prayed for legal action against both Inspector Gul Arif and SI Shaheen Ullah followed by stringent action against them and return of the above mentioned amount.

Statement of Diyar Khan SHO Faqirabad.

- Diyar Khan, SHO PS Faqirabad stated that being SHO of the PS as per his knowledge, Insp: Gul Arif and SI Shaheen Ullah, Investigation/PS Faqirabad had neither demanded any sort of amount from anyone nor they have been paid before him.

Findings

The undersigned has carried out the enquiry in detail. Neither of the accused police officials have confessed the allegations and deny having done any sort of malpractice. The only credible evidence available in the enquiry is the voice recording of SI Shaheen Ullah and complainant Suleman. The voice recording has been heard over and over again by the undersigned. SI Shaheen Ullah has also been confronted with the recording. SI Shaheen Ullah has replied to this that he had been talking to Suleman but during the course of the call, the voice quality was disturbed. Meanwhile, Shiraz (relative of Suleman) took the mobile from him and thereafter talked with Suleman. Perusal of the voice recording negates the version of Shaheen Ullah. It will be vividly clear to any impartial person that in the whole recording the voice is of SI Shaheen Ullah. Hence, this argument of SI Shaheen Ullah does not hold any substance.

The transliteration of the recording is as under:-

Voice recording in Pushto version between Sulman & SI Shaheen Ullah (translated into English)

- Sulman:-** Assalam-o-Alaikum, Kaka sanga hal de sihat de kha de (Assalam- o-
Alaikum, uncle how are you, is your health ok),
- SI Shaheen Ullah:-** Walaikum Assalam Sulman bai sanga ye sanga kaka de shta kana
(Walaikum Assalam, Suleman brother how are you, is your uncle
available)
- Sulman:-** hagma kho os cha warpasi ring oko owato lag (he has just been
rung up by some and has left for),

SI Shaheen Ullah:- bas hagma sara me khabari koli kho za bia warta melo kam (I have to talk with him but will ring him up later on) ,

Sulman:- che yakho za goram halak warsara wo hagma ta wayem che darsara pa telephone khabari oki gini bia ba zar korta razi za ba taso melo kam (I check to contact him through another boy if he is available with him for conversation with you telephonically otherwise he will arrive home soon then I will ring you up),

SI Shaheen Ullah:- ao za bs kacharo ta rawan yem (yes I am leaving for Katchery/Courts),

Sulman:- kha (ok),

SI Shaheen Ullah:- hagma mamila k ijazat akhlam da dagha na kana (I am taking permission in the matter from so and so) ,

Sulman:- kha kha (ok, ok),

SI Shaheen Ullah:- no bas dagha khabara me warsara kola (I had to talk with him such thing),

Sulman:- sahi da (it's ok),

SI Shaheen Ullah:- ma wel hagma dagha ta me wele kana Shahzad na-de Shahzad (I say that I was telling to so-and-so regarding shehzad),

Sulman:- ao (yes),

SI Shaheen Ullah:- hagma staso landi na de sheraza, ao sheraz (that your short heighted is Sheraz, yes Sheraz),

Sulman:- gg (yes please yes please),

SI Shaheen Ullah:- landi ta me wel che mala ba gade nan k (I was telling to Shahzad for booking a vehicle for me today) ,

Sulman:- Ao da rata owaya che da makhki sa darkari radarkari de kana ma pa de poi ka pa de (yes, he told that if the next one has given you something or not, you should understand me on this),

SI Shaheen Ullah:- sa shay (what thing),

- Sulman:-** Waim da darla sa pesi mesi darkari de kana kana zan ye ghaly kary de sheraz haji warla dwa dre zala pesi warkari ve (I say if he has given you some money or not, he kept himself mum, Sheraz Haji has given him money for twice, thrice),
- SI Shaheen Ullah:-** bas aka hagma sta makhki che sa dagha magha shwe de kana bas hagma de wel che 10 de kho hagma 9 ve (all that happened before you is just that, was saying that it was ten but was nine),
- Sulman:-** kha (ok),
- SI Shaheen Ullah:-** bas hagma shwe de bia mong na de ledali (ok that has been done, then we have not seen him),
- Sulman:-** da ta ye wel Shaheen Ullah bam warki o Gul Arif lam (he was told that Shaheen Ullah will give and Gul Arif as well),
- SI Shaheen Ullah:-** kha (ok),
- Sulman:-** no da bia na de darkari (then has he not given?),
- SI Shaheen Ullah:-** na agha bia monga na de ledali (no we have not seen him after that),
- Sulman:-** kha kha kha (ok, ok, ok),
- SI Shaheen Ullah:-** che khabara ba sta notice ki wi (that the thing will be in your notice),
- Sulman:-** za za bia tasara pa khpla khabari kom (ok, I will myself talk to you later on),
- SI Shaheen Ullah:-** za tek shwa no hagma ta me wel mata ba gade rakay za ba dagha la zam (ok, I was telling to him that I may be provided with vehicle, I will proceed to so and so),
- Sulman:-** za khabara kom haji saib de wati de za khabara kom (I am talking about, Haji Sahib has left for, I am talking about),
- SI Shaheen Ullah:-** za sahi shwa (ok).

جس کوئی بہا رچے پیریاں رے واری کویتوں

The only evidence on record which has been put up by Suleman (in his enquiry) is a voice recording of a conversation between Suleman and Shaheen. Shaheen clearly shows that some money has been definitely taken by Shaheen. However, Shaheen is being heard saying, "He says it is 9 not 10". Also, when Suleman asks Shaheen whether he has given money to Gul Arif, Shaheen replies, "No. Aa (yes or no) it is pertinent to mention that no direct evidence is available regarding Gul Arif taking illegal gratification from Suleman or Blaj Zatar.

Logically speaking if A, B and C are three persons and A receives money from B and says to B that he has given money to C then this is no solid proof unless C has received the same money until and unless supported by any material evidence.

Keeping in view all the available record, the allegations against Gul Arif cannot be proved.

(Signature)
 (RANA UMAR FAROOQ) IAS
 SUPERINTENDENT OF POLICE
 CANTT PESHAWAR

CHARGE SHEET

1. Whereas I am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against you SI Shaheenullah I.O of PS Faqirabad, Peshawar.

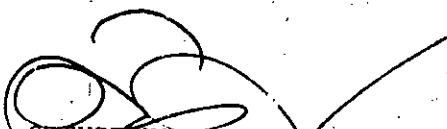
2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I Dr. Mian Saeed Ahmad, Senior Superintendent of Police, Operations, Peshawar hereby charge you SI Shaheenullah IO of PS Faqirabad,, Peshawar under Rule 5 (4) of the Police Rules 1975 on the basis of following allegations:-

After perusal of preliminary enquiry conducted by ASP Faqirabad, you SI Shaheenullah while posted as I.O & Insp: Gul Arif OII at PS Faqirabad. Accused in case vide FIR No. 153, dated 29.01.2015 u/s 302/324/34-PPC PS Faqirabad has submitted application in which he stated that you SI Shaheenullah Khan I.O and Insp: Gul Arif Khan OII demanded bribe 10 lac from the applicant/accused. The accused/applicant paid Rs. 09 lac to you I.O Shaheenullah and also produced voice of recording.

4. I hereby direct you further under Rule 6 (I) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why the action should not be taken against you and also stating at the same time whether you desire to be heard in person.

5. In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.


SR SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR

3

DISCIPLINARY ACTION

I Dr. Mian Saeed Ahmad, Senior Superintendent of Police Operations, Peshawar as competent authority, am of the opinion that SI Shaheenullah I.O of PS Faqirabad, Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

STATEMENT OF ALLEGATIONS

After perusal of preliminary enquiry conducted by ASP Faqirabad, SI Shaheenullah while posted as I.O & Insp: Gul Arif OII at PS Faqirabad. Accused in case vide FIR No. 153, dated 29.01.2015 u/s 302/324/34-PPC PS Faqirabad has submitted application in which he stated that SI Shaheenullah Khan I.O and Insp: Gul Arif Khan OII demanded bribe 10 lac from the applicant/accused. The accused/applicant paid Rs. 09 lac to him I.O Shaheenullah and also produced voice of recording.

7. By doing so he has committed gross misconduct.

For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations Mr. Rana Usman Farooq ^{SP/Const} is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

The Enquiry Officer shall in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.


SR. SUPERINTENDENT OF POLICE,
OPERATIONS, PESHAWAR.

No. 295 E/PA, dated Peshawar the 4/3 /2015.

Copy to the above is forwarded to the Enquiry Officer for initiating proceeding against the accused under the provision of Police Rules 1975



**OFFICE OF THE
SENIOR SUPERINTENDENT OF POLICE
(OPERATIONS)
PESHAWAR**



No. 869 /PA, DATED 11/08 /2015

FINAL SHOW CAUSE NOTICE


I Sr: Superintendent of Police Operation, Peshawar, as competent authority, under the Police disciplinary Rules 1975, against you SI Shaheen Ullah the then IO PS Faqirabad follows:-

That consequent upon the completion of departmental enquiry conducted against you by SP Cantt Peshawar and recommended for major punishment on the basis of the following allegation that:-

After perusal of preliminary enquiry conducted by ASP Faqirabad, you SI Shaheenullah while posted as I.O & Insp: Gul Arif OII at PS Faqirabad. Accused in case vide FIR No. 153, dated 29.01.2015 u/s 302/324/34-PPC PS Faqirabad has submitted application in which he stated that you SI Shaheenullah Khan I.O and Insp: Gul Arif Khan OII demanded bribe 10 lac from the applicant/accused. The accused/applicant paid Rs. 09 lac to you I.O Shaheenullah and also produced voice of recording.

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

If no reply to this notice is received within stipulated period of its delivery, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.


**SR SUPERINTENDENT OF POLICE,
(OPERATIONS),
PESHAWAR**

BEFORE THE KHYBER PAKHTUNKWHA, SERVICE

TRIBUNAL PESHAWAR

In re

S.A.No.1277/2015

Shaheen Ullah Ex-Sub Inspector Police, Peshawar

.....Appellant


VERSUS

Provincial Police Officer, KPK and othersRespondents

I N D E X

S.No.	Description of documents.	Annexure	Pages.
1.	Rejoinder.		1-9
2.	Copy of the complaint/ application submitted by the accused/ applicant to ASP Faqir Abad Circle, Peshawar containing allegations against both police officials (appellant and Inspector Gul Arif OII)	R/A	10-11
3.	Copy of suspension order dated 02.03.2015 pertaining to Inspector Gul Arif OII	R/B	12
4.	Copy of Summary of allegations dated 04.03.2015 having been served on Inspector Gul Arif OII	R/C	13
5.	Copy of charge sheet dated 04.03.2015 served upon Inspector Gul Arif OII	R/D	14
6.	Copy of reply dated 08.03.2015 by Inspector Gul Arif in response to the charge sheet date 04.03.2015	R/E	15-16
7.	Copy of first inquiry report dated 22.07.2015 conducted by Rana Umer Farooq, SP Cantt, against Inspector Gul Arif OII	R/F	17-24
8.	Copy of letter No.3934/ PA dated 26.08.2015 from CC Police Officer to AIGP Establishment KP, Peshawar, regarding reinstatement in service of Inspector Gul Arif OII	R/G	25

9.	Copy of letter No.9802-04/PP, dated 02.09.2015 from I.G KP Peshawar to CC Police Officer Peshawar in response to his letter dated 26.08.2015, whereby, I.G, KP returned the complete file and directed denovo inquiry by S.P / Security against Gul Arif OII (Annexure R/H)	R/H	26
10.	Copy of order dated 07.09.2015 by CC Police Officer, Peshawar regarding denovo inquiry proceedings by Mr. Jehanzeb Khan/ SP/ Security against Inspector Gul Arif OII	R/I	27
11.	Copy of findings of inquiry report and denovo inquiry report against accused/ Inspector Gul Arif OII by Jehanzeb Khan SP/ Security vide No.471/ PA dated 13.10.2015	R/J	28-29
12.	Copy of final show cause notice dated 21.10.2015 served upon Inspector Gul Arif OII after denovo inquiry conducted by Jehanzeb Khan SP/ Security Peshawar.	R/K	30
13.	Copy of order dated 02.11.2015 issued by CC Police Officer, Peshawar, whereby Inspector Gul Arif OII was awarded the minor punishment i.e. stoppage of two Annual increments without cumulative effects	R/L	31-32

Appellant
Through

Abdul Hameed
Advocate
Supreme Court of Pakistan
Cell: 0343-9025029

Dated: 11.08.2016

/

BEFORE THE KHYBER PAKHTUNKWHA, SERVICE
TRIBUNAL PESHAWAR

In re

S.A.No.1277/2015

Shaheen Ullah Ex-Sub Inspector Police, Peshawar

.....Appellant

VERSUS

Provincial Police Officer, KPK and othersRespondents

Replication / rejoinder by the appellant in reply to the
written statements/ comments filed by respondents No.1
to 3

Respectfully Sheweth

Preliminary Objections

The preliminary objections are misconceived. The appellant have got cause of action and locus standi to file the present appeal before this Hon'ble Tribunal for redressal of his grievances. This appeal is well within time and has been filed within the statutory period. This appeal is also maintainable in all respects^{as} all necessary parties have been arrayed as respondents. Neither appellant has concealed any material facts from this Hon'ble Tribunal nor has come to this Tribunal with unclean hands. The appellant has rendered 36 years long service in Police Department, and during this period has worked throughout this long period with devotion and commitment to the best of his abilities and^{to} the entire satisfaction of his superior officers. The stereo-type

preliminary objections may not be allowed to prevail over the substantive rights of the appellant.

ON FACTS:

1. Para-1 of the appeal is admitted as correct, hence no need of further replication.
2. Para-2 of the reply as drafted by replying respondents is incorrect, misleading and misconceived. Para-2 of the appeal is correct.

It is pertinent to mention here that the complaint/application allegedly submitted by the applicant/accused in the murder case to ASP Faqir Abad Circle, Peshawar regarding demand of Rs.10,00,000/- as bribe by appellant from him, is absolutely false, baseless and unfounded, having been filed by the accused/applicant for his ulterior motives as the accused/applicant being involved in the murder case vide FIR No.153 dated 29.01.2015 u/s 302/ 324/ 34 PPC, PS Faqir Abad, was being investigated by the appellant under the law and, therefore, the applicant was putting pressure upon the appellant for getting the favourable investigation^{of} his murder case.

3. Para-3 of the appeal is admitted as correct, hence no need of further reply.
4. Para-4 of the appeal is admitted as correct. However, it is further clarified that the alleged allegations regarding demand of Rs.10,00,000/- as bribe from the applicant/ accused involved in the murder case in FIR No.153 dated 29.01.2015 as mentioned at Para-2 above, are highly fabricated and concocted story as the

appellant being I.O in his case, was being pressurized for getting his choice/ desire investigations in his murder case. Moreover, the Inquiry Officer has conducted the inquiry in violation of the Police Rules, 1975. However, a strange and unique procedure has been adopted by the inquiry officer and without getting any tenable evidence he prepared his inquiry report purely on the basis of "voice recordings" and as the inquiry officer was hell-bent on the dismissal of the appellant as per his one-sided findings/ recommendations submitted to the authorities for award of major penalty to the appellant.

5. Para-5 of the appeal is admitted as correct, hence no need of further reply.
6. Para-6 of the appeal is admitted as correct, hence no need of further reply.
7. Para-7 of the appeal is correct. Para-7 of the reply as drafted by answering respondents is not correct and denied.
8. Para-8 of the appeal is correct, while para-8 of the reply submitted by the answering respondents is misleading and incorrect. As per contents of the final show cause notice appearing at Page-23 of this appeal, it is evident on record that there is no mention of word of inquiry report having been annexed with the final show cause notice nor the same has been served upon the appellant alongwith the final show cause notice and by this way the settled principles of natural justice have been violated and the appellant has been deprived of

his vested rights for preparing his reply in response to the final show cause notice served upon him.

9. Para-9 of the appeal is correct. Para-9 of the reply as drafted by the answering respondents are not correct, misleading, hence denied. As stated in para-8 above, no copy of inquiry report was annexed with final show cause notice. Hence the reply submitted by answering respondents under Para-10 is incorrect and denied.
10. Para-10 of the appeal is correct. Para-10 of the reply by answering respondents is not correct, hence denied.
11. Para-11 of the appeal is correct. Para-11 of the reply as drafted by answering respondents is not correct and denied.
12. Para-12 of the appeal is admitted as correct. Hence no need of further reply.
13. Para-13 of the appeal is correct. Para-13 of the reply as drafted by answering respondents is not correct, hence denied.

GROUNDS

- A. Para "A" of the "ground" of the appeal is correct. Para "A" of the reply by the answering respondents under ground "A" is incorrect and misconceived.
- B. Para "B" of the "ground" of the appeal is correct. Para "B" of the reply under ground "B" of the appeal is incorrect, misleading and misconceived.
- C. Para "C" of the reply as drafted by the answering respondents is not correct and misconceived. Para "C" of the appeal under ground "C" of the appeal is correct,

being based on facts as the appellant has been dismissed from service in highly despotic manner, in flagrant violation of natural justice merely on fake, false and incorrect interpretation of "voice recording" of the complainant, which is based on presumptions and assumptions as the complainant could neither produce any credible evidence nor any valid and solid documentary proof was brought on record to substantiate his complaint regarding bribe of Rs.9,00,000/- in its true sense and perspective.

D. Para "D" of the "ground" of the appeal is correct. Para "D" of the reply as drafted by answering respondents is not correct and misconceived.

E. Para "E" of the "ground" of appeal is correct. Para "E" of the reply as drafted by the answering respondents is not correct and misconceived.

F. Para "F" of the "ground" of appeal is correct. Para "F" of the reply as drafted by the answering respondents is not correct and misconceived.

G. Para "G" of the "ground" of appeal is correct. Para "G" of the reply as drafted by the answering respondents is not correct and misconceived.

H. Para "H" of the "ground" of the appeal is correct. Para "H" of the reply as drafted by the answering respondents is not correct.

Moreover, for the sake of justice and fair play, the appellant is bringing on record the whole record/proceedings initiated against Inspector Gul Arif OII, who remained posted with the appellant at Police Station,

Faqir Abad, Peshawar, being incharge/ Boss of the appellant. As per law the orders of his Boss/ Incharge of the Police Station are to be complied with by the appellant, being sub-ordination working under his command at Police Station Faqir Abad.

On a complaint submitted to ASP Faqir Abad Circle, the appellant as well as Inspector Gul Arif OII were equally held involved by ASP Faqir Abad Circle and by means of internal inquiry conducted by ASP, he submitted his report / recommendations to the higher authorities to initiate departmental inquiry / proceedings against both the appellant as well as Inspector Gul Arif OII in this case:-

The details of the proceedings conducted against inspector Gul Arif OII are as under:-

- i. Copy of the complaint/ application submitted by the accused/ applicant to ASP Faqir Abad Circle, Peshawar containing allegations against both police officials (appellant and Inspector Gul Arif OII) (Annexure R/A)
- ii. Copy of suspension order dated 02.03.2015 pertaining to Inspector Gul Arif OII (Annexure R/B)
- iii. Copy of Summary of allegations dated 04.03.2015 having been served on Inspector Gul Arif OII (Annexure R/C)

- iv. Copy of charge sheet dated 04.03.2015 served upon Inspector Gul Arif OII (Annexure R/D)
- v. Copy of reply dated 08.03.2015 by Inspector Gul Arif in response to the charge sheet dated 04.03.2015 (Annexure R/E)
- vi. Copy of first inquiry report dated 22.07.2015 conducted by Rana Umer Farooq, SP Cantt, against Inspector Gul Arif OII (Annexure R/F)
- vii. Copy of letter No.3934/ PA dated 26.08.2015 from CC Police Officer to AIGP Establishment KP, Peshawar, regarding reinstatement in service of Inspector Gul Arif OII (Annexure R/G)
- viii. Copy of letter No.9802-04/PP, dated 02.09.2015 from I.G KP Peshawar to CC Police Officer Peshawar in response to his letter dated 26.08.2015, whereby, I.G, KP returned the complete file and directed denovo inquiry by S.P / Security against Gul Arif OII (Annexure R/H)
- ix. Copy of order dated 07.09.2015 by CC Police Officer, Peshawar regarding denovo inquiry proceedings by Mr. Jehanzeb Khan/ SP/ Security against Inspector Gul Arif OII (Annexure R/I)
- x. Copy of findings of inquiry report and denovo inquiry report against accused/

Inspector Gul Arif OII by Jehanzeb Khan SP/
Security vide No.471/ PA dated 13.10.2015
(Annexure R/J)

- xi. Copy of final show cause notice dated 21.10.2015 served upon Inspector Gul Arif OII after denovo inquiry conducted by Jehanzeb Khan SP/ Security Peshawar. (Annexure R/K)
- xii. ~~Copy~~ of order dated 02.11.2015 issued by CC Police Officer, Peshawar, whereby Inspector Gul Arif OII was awarded the minor punishment i.e. stoppage of two Annual increments without cumulative effects (Annexure R/L)

From perusal of above documents, it is crystal clear that similar allegations were leveled against Inspector Gul Arif OII, who is incharge/ Boss of the appellant at Police Station Faqir Abad, but he was awarded minor penalty and reinstated in service, while the appellant has been dealt with, with different yardsticks and thus the appellant has been discriminated and which offends the Article 25 of the Constitution of Islamic Republic of Pakistan 1973.


- I. Para "I" of the "ground" of appeal is correct. Para "I" of the reply as drafted by the answering respondents is not correct and misconceived. The appellant was not supplied copy of the inquiry report with final show cause notice. However, this inquiry report was procured by the appellant after his dismissal from service. In addition to this, appellant was not provided any opportunity by

inquiry officer to produce his defence witnesses nor was he allowed to cross examine the prosecution witnesses produced by the Inquiry Officer against the appellant and thus the principles of natural justice were violated.

J. Para "J" of the "ground" of appeal is correct. Para "J" of the reply by the answering respondents is not correct.

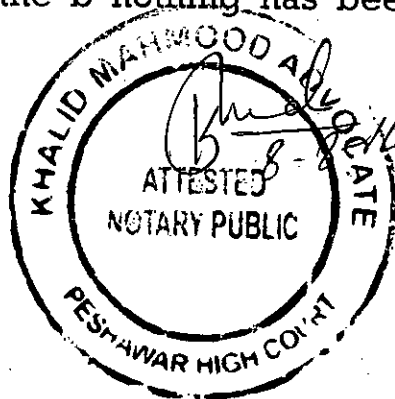
K. Para "K" of the "ground" of appeal is correct. Para "K" of the reply by the answering respondents is not correct.


It is, therefore, most respectfully prayed, that in light of above submissions the comments/ written reply by answering respondents, being frivolous, devoid of facts, may kindly be ignored and the appeal of the appellant may graciously be accepted as prayed in the heading.

Appellant
Through

Abdul Hameed
Advocate
Supreme Court of Pakistan

AFFIDAVIT

I, Shaheen Ullah S/o Sana Ullah Ex0Sub Inspector of Police, R/o Zaryab Colony, Quarter No.4, Peshawar City, do hereby affirm and declare as per information furnished by my clients that the contents of the accompanying **Rejoinder** are true and correct to the b nothing has been concealed from this Hon'ble Court.




Deponent



درخواست بمراد مناسب دادرسی و قانونی کارروائی بر خلاف شاہد عارف انیسٹر تھاہ فقیر آباد

جناب عالی!

سائل حسب ذیل عرض رساں ہے۔

۱۔ یہ کہ سائل کا حجرہ واقع بدھنی پل سردار کالونی چارسدہ روڈ پشاور میں مابین معصوم خان گروپ و نعیم گروپ کو مورخہ 29/01/2015 تسلیمی کی خاطر ایک جرگہ منعقد ہوا۔

۲۔ یہ کہ جرگہ مذکورہ میں ہر دو فریقین کے مابین فائرنگ شروع ہوئی جس میں معصوم خان گروپ کی طرف سے شبیر احمد لگ کر جاں بحق ہوا۔ اور معصوم خان زخمی ہوا۔

۳۔ یہ کہ معصوم خان نے ہسپتال میں ہر دو پولیس اہلکاروں ان مذکورہ کے رو برو امر اسلحہ تحریر کیا گیا۔ جس میں مدعی مقدمہ معصوم خان نے سائل پر کوئی دعویداری نہیں کرنی چاہی تھی۔ اور صرف کہا تھا کہ سائل کے حجرے میں دوران جرگہ دوسرے فریق کی فائرنگ سے وقوعہ سرزد ہوا۔ لیکن گل عارف انیسٹر نے بدینتی سے سائل کا نام بطور ملزم تحریر کیا ہے۔ کیونکہ سائل کا گل عارف کے رشتہ داران کے ساتھ قتل مقابلہ کی دشمنی چلی آ رہی ہے اور ایک کراس کیس میں مقدمہ عدالت نمبر 439 جرم 302 اور عدالت نمبر جرم 324-440 درج کئے گئے ہیں جس میں فریقین کی ضمانت ہو چکی ہے۔

۴۔ یہ کہ وقوعہ مابین معصوم خان وغیرہ کے بعد سائل کے بیٹے سلمان کو بدینتی سے مقدمہ عدالت نمبر 154 جرم 15AA میں گرفتار کیا گیا اور دوران گرفتاری سائل کے بیٹے پر دو اہلکاران مذکورہ نے ڈرایا اور دھمکایا اور مبلغ 10 لاکھ روپیہ کی ڈیمانڈ کی بصورت دیگر اس کے خلاف 302 کا پریچہ دیا جائیگا۔ اس خوف سے مجھے میرے بیٹے نے فون پر رقم کی بندوبست کرنے کو کہا۔

ATTESTED
ADVOCATE

۵۔ یہ کہ سائل نے ہر دو اہلکاران کو مبلغ 9 لاکھ روپے S.I شاہین اللہ جس کی کنفرمیشن کے لئے سائل نے گل عارف انسپکٹر سے فون پر S.I شاہین اللہ سے رابطہ کیا۔ جس پر سائل کو کہا کہ مبلغ 9 لاکھ روپے اس نے وصول کی ہے جبکہ ایک لاکھ روپے مزید دینا ہوگی۔

۶۔ یہ کہ سائل نے S.I شاہین اللہ کے ساتھ بات چیت کو ریکارڈ بھی کیا ہے جس کی ریکارڈنگ بوقت ضرورت پیش کر سکتے ہیں۔

۷۔ یہ کہ سائل نے پولیس سٹیشن کے گیٹ پر مذکورہ رقم ادا کی ہے جو کہ CCTV کیمرہ ہو۔ تو اسکی ریکارڈنگ بھی دیکھا جاسکتا ہے اور رقم کی ادائیگی شیراز ولد ممتاز، سلمان ولد حاجی شاکر کی چشم دید ہے۔

۸۔ یہ کہ سائل نے مقدمہ میں BBA کی درخواست گزاری۔ اور عدلی مقدمہ عدالت حضور میں پیش ہو کر سائل کی بے گناہی کی بابت بیان بھی قلمبند کیا جس پر سائل کی BBA کنفرم ہوئی۔

۹۔ یہ کہ ہر دو مذکورہ پولیس اہلکاران نے بدینتی سے سائل کو مقدمہ میں ملوث کر کے سائل سے مبلغ 9 لاکھ روپے وصول کی ہے اور معصوم شاہان کے مقدمے کو بھی نقصان پہنچانے کی کوشش کی ہے۔ جو کہ ہر دو اہلکاران نے اپنے اختیارات سے تجاوز کر کے ناجائز فائدہ حاصل کیا ہے اور سائل کے عزت کو ناقابل تلافی نقصان پہنچا ہے۔

لہذا استدعا ہے کہ ہر دو پولیس اہلکاران انسپکٹر گل عارف، S.I شاہین اللہ کے خلاف قانونی کارروائی کی جائے۔ اور سائل کو انصاف و لائی جاوے۔

نوٹ: موبائل ریکارڈنگ ہمراہ لف ہے۔ مورخہ: 19/02/2015

ارض

سائل حاجی ظفر خان ولد حاجی عارف

سکنہ سردار کالونی بڈھنی پل چارسدہ روڈ پشاور

موبائل نمبر: 0300-5938627

ATTESTED

[Signature]
ADVOCATE


Annex R/B

(12)

ORDER.

Due to his misconduct Inspector Gul Arif OII PS Faqirabad is hereby placed under suspension and closed to Police lines Peshawar with immediate effect.

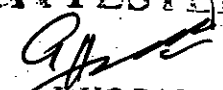
Charge sheet alongwith summary of allegations is being issued to him separately.


CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No. 470-80 /PA, dated Peshawar the ^{OC} 213 /2015.

Copies to the:-

1. SSP-Ops: Peshawar.
2. SSP-Inv: Peshawar w/r to his office No. 726/PA dated 26.2.15.
3. SP-City, Peshawar w/r to his office No. 1804/PA dated 20.2.15.
4. SPs-HQ & Security Peshawar.
5. AS/PO/EC-I-II/CC/I/C Computer Cell


ADVOCATE

SUMMARY OF ALLEGATIONS

1. I. Ijaz Ahmad, Capital City Police Officer, Peshawar as Inspector Gul Arif OII PS Faqirabad Peshawar has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

STATEMENT OF ALLEGATION

At the conclusion of preliminary inquiry conducted by ASP/SDPO, Faqirabad against him Inspector Gul Arif Investigation Officer of the case FIR No. 153, dated 29.01.2015, PS Faqirabad wherein he demanded 10 Lac from applicant/accused as bribe. Complainant produced voice recording of his as evidence during the preliminary enquiry proceedings.

Following allegations were established against him at the conclusion of enquiry proceedings:-

- i. Inspector Gul Arif threatened applicant.
- ii. He pressurized applicant for wrong statement.
- iii. He demanded Rs. 10 Lac and received Rs. 09 Lac from the applicant.
- iv. The complainant also listened/collected voice recording in this matter.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an Enquiry Committee/ Enquiry Officer comprising of the following is/are hereby constituted/nominated:-

- i) SP City Cantt
- ii) ASP Faqirabad

3. The Enquiry Committee/Enquiry Officer shall in accordance with the provision of the Police Rules (1975) provide reasonable opportunity of hearing to the accused officer/officials and make recommendations as to punish or other appropriate action against the accused official.

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1088-04-03-2015

**CAPITAL CITY POLICE OFFICER,
PESHAWAR**

No. 03 /E/PA, dated Peshawar the 4/3/2015.

of the above is forwarded to the enquiry Committee/ against the accused under the Police

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ADVOCATE

Annex: R/D

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CHARGE SHEET

1. Whereas I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary & expedients.

2. And whereas, I am of the view the allegations if establishment would call for major/minor penalty, as defined in Rules 3 of the aforesaid Rules.

Now therefore, as required by Police Rules 6 (1) of the said Rules, I **Ijaz Ahmad**, Capital City Police Officer, Peshawar, hereby charge you **Inspector Gul Arif OTI PS Faqirabad** Peshawar under Rule 5 (4) of the Police Rules 1975 on the following allegations:-

At the conclusion of preliminary inquiry conducted by ASP/SDPO, Faqirabad against you Inspector Gul Arif Investigation Officer of the case FIR No. 153, dated 29.01.2015 PS Faqirabad wherein you demanded 10 Lac from applicant/accused as bribe. Complainant produced voice recording of yours as evidence during the preliminary enquiry proceedings.


Following allegations were established against you at the conclusion of enquiry proceedings:-

- i. You Inspector Gul Arif threatened applicant.
- ii. You pressurized applicant for wrong statement.
- iii. You demanded Rs. 10 Lac and received Rs. 09 Lac from the applicant.
- iv. The complainant also listened/collected voice recording in this matter.

3. And I hereby direct you further under Rules 6 (I) of the said Rules to put in a written defence within 7 days of the receipt of this Charge Sheet as to why the proposed action should not be taken against you and also stating at the same time whether you desire to be heard in person.

4. And in case your reply is not received within the specific period it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.


CAPITAL CITY POLICE OFFICER,
PESHAWAR

ATTESTED

ADVOCATE

عنوان: چارج شیٹ بمعہ کاروائی انضباطی

15

بجوال چارج شیٹ بحوالہ چھٹی نمبر 03/PA مورخہ 04.03.2015 مجاریہ CCPO صاحب معروض خدمت ہوں کہ مجھ پر جو الزامات لگائے گئے ہیں ان کی سلسلہ وار معروض خدمت ہوں۔

چارج شیٹ میں یہ لکھا گیا ہے کہ بحوالہ مقدمہ نمبر 153 جرم PPC 302/324/34 مورخہ 29.01.15 قحانہ فقیر آباد میں درخواست کنندہ ملزم ظفر سے اس کے متعلق مجھ سے جو جواب طلبی کی ہے اس کی جواب ذیل ہے۔

1. مقدمہ علت 153 مورخہ 29.01.15 جرم 302/324/34 قحانہ فقیر آباد کی تفتیش میرے ماتحت سب انسپکٹر شاہین اللہ کر رہا ہے۔ میرا صرف تعلق اس حد تک ہے کہ میں بطور انسپکٹر OI اس کی نگرانی پر معمور ہوں۔ پیشکش میں مجھ پر یہ الزام ہے کہ میں نے درخواست کنندہ کو دھمکایا ہے۔ جبکہ یہ حقیقت کے منافی ہے۔ میں نے اپنی تمام سروس میں کسی درخواست کنندہ یا مدعی کو نہ دھمکایا ہے اور نہ کسی کی بے جا بے عزتی کی ہے۔ میری جملہ سروس 35 سال ہے۔ جو سپاہی سے لیکر انسپکٹر تک مختلف عہدوں پر فائز رہ چکا ہوں۔
2. میں نے کبھی بھی یہ مناسب نہیں سمجھا کہ کسی بندے کو غلط طریقے سے یا غلط بیان کرنے کے لیے کہوں یہ سراسر غلط، من گھڑت اور بے بنیاد ہے۔
3. یہ بتایا گیا ہے کہ میں نے 10/1 لاکھ روپے کا مطالبہ کیا ہے اور 9/1 لاکھ روپے درخواست کنندہ سے وصول ہوئی ہے۔ اس کے متعلق میں حلفاً کہوں گا کہ یہ تفتیش میرے ساتھ نہیں تھی تو میں کیونکر درخواست کنندہ سے اتنی بڑی رقم کا مطالبہ کروں گا۔ کیونکہ 10/1 لاکھ روپے کی رقم ایک ماتحت اور ادنی پولیس آفیسر کا کسی سے لینے کی توقع ہرگز نہیں کر سکتا۔ اگر درخواست کنندہ کو پیش کیا جائے تو یہ واضح ہو جائے گا کہ واقعی میں نے اس سے اتنی بڑی رقم کا مطالبہ کیا تھا؟
4. درخواست کنندہ اور مدعی کو سننے کے بعد میری آواز کی ریکارڈنگ شامل کی گئی اس کے متعلق اتنا کہوں گا کہ وہ ریکارڈنگ افسران بالا خود سن لیں تو میری اوپر دی گئی وضاحت کی پول گھل جائے گی کہ میں کہاں تک قصور وار ہوں۔

میں آپ کو اپنا وضاحتی بیان دیتا ہوں جو آپ بخور مطالعہ کر کے حقیقت تک پہنچ جائیں گے۔ درخواست کنندہ ظفر مقدمہ علت نمبر 439 مورخہ 04.06.2014 جرم PPC 302/148/149 قحانہ فقیر آباد میں باقاعدہ نامزد ملزم تھا اور اس مقدمہ کی تفتیش بھی شاہین اللہ SI کر رہا تھا ملزم ظفر کی گرفتاری میری انفارمیشن پر دیار خان SHO قحانہ فقیر آباد اور مل خان SI انوشی گیشن سٹاف قحانہ فقیر آباد نے کی تھی۔ جس پر یہ شخص تالاں تھا کیونکہ یہ میری اطلاع پر گرفتار ہوا تھا۔ یہ ایک نامی گرامی کریمنٹل بندہ ہے اور یہ اس کے علاوہ کئی دوسرے جرائم میں بھی نامزد ملزم ہے۔ اس مقدمے میں محررانہ انوشی گیشن حمید اللہ HC قحانہ فقیر آباد حال قحانہ بھانہ ماڑی نے ملزم کو فوٹو گرائی کی تھی اس بات پر درخواست کنندہ بار بار یہی کہتا تھا کہ یہ تمام کارستانی گل عارف انسپکٹر OI قحانہ فقیر آباد کی ہے جو میری گرفتاری پر فوٹو گرائی کرانی اس کی کارستانی ہے۔ جس سے میرے ساک کو سخت نقصان پہنچا ہے اور ملزم بر ملا کہتا تھا کہ میں آپ لوگوں کو نہیں چھوڑوں گا۔ جب دوسرا واقعہ اہل عدالت نمبر 153 مورخہ 29.01.2015 جرم 302/324/34 قحانہ فقیر آباد درجن رجسٹر ہوا تو ASP صاحب فقیر آباد نے مجھے حکم دیا کہ ظفر کو تم گرفتار کرنا۔ جملہ آپریشنل سٹاف فقیر آباد ان کے ساتھ مل ہوئی ہے۔ اور اس کی گرفتاری سے گریز کرتے ہیں۔ میں نے ASP صاحب سے یہ کہا کہ چونکہ ملزم ظفر ہارڈ جسمکیاں وہی تھیں تو یہ شخص پہلے سے میرا مخالف ہے اور یہ کسی نہ کسی طریقے سے مجھے پھسانے کی کوشش کرے گا۔ لیکن ASP صاحب نے جواب کہا کہ ظفر نے مجھے سب پتہ ہے آپ ان کی گرفتاری عمل میں لائیں اور اس کے بعد میں نے حسب اہم ASP صاحب فقیر آباد ملزم ظفر کے گھر پر چھاپا لگا کر BE کرنے پر مجبور کر لیا۔ ملزم ظفر نے BBA کرنے کے بعد قحانہ فقیر آباد آ کر بھی مجھ سے کبھی بات نہیں کی اور نہ مجھ سے کبھی ملا ہے۔ اس کے بعد جب فقیر آباد نے مجھ سے پوچھا کہ ملزم ظفر کا کیا نام تو میں نے جواب دیا کہ ملزم ظفر نے BBA کر لی ہے اور اب ہر وقت SHO فقیر آباد کے ساتھ

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ADVOCATE

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بیٹھا رہتا ہے۔ پھر ایک دن ASP صاحب نے مجھے حکم دیا کہ ملزم ظفر کی میرے ساتھ ملاقات کرو اور تو اس وقت ملزم ظفر SHO تھانہ فقیر آباد کے ساتھ دفتر میں بیٹھا تھا تو میں نے ASP صاحب کو مطلع کیا کہ ظفر ابھی بھی تھانہ فقیر آباد میں SHO کے ساتھ موجود ہے تو اس پر ASP صاحب فقیر آباد کے ساتھ دفتر میں بھی SHO کے دفتر جا کر ملزم ظفر SHO صاحب کے دفتر میں بیٹھا تھا۔ ASP صاحب فقیر آباد ظفر کے ساتھ بات چیت کی تو ظفر ملزم نے ASP صاحب کو کہا کہ گل عارف کو باہر نکالو پھر بات کرتے ہیں۔ میرے باہر جانے کے بعد ملزم ظفر نے جو کچھ کہا مجھے اس کے بارے میں علم نہیں لیکن اب ملزم ظفر (درخواست کنندہ) نے من گھڑت کہانی بنا کر مسائل کو پریشان دسر گردان کر دیا ہے جو اس بذوق اذیسی اسکی ذوق گرانی کی تھی اور BBA کرانے پر مجبور کیا تھا۔ ASP صاحب فقیر آباد کو جملہ حالات کا پتہ ہے اس کو مد نظر رکھتے ہوئے مسائل کے اس جواب کو بغور پڑھنے کے بعد فیصلہ دیں کہ مسائل کس حد تک گہرے اور اگر مسائل کے خلاف کسی قسم کا ثبوت ہو تو مسائل اپنی استغنی پیش کر سکتا ہے۔ اور اگر ثابت نہ ہو تو ایسے ملزمان اور درخواست کنندگان کو ایسی سبق سکھانی چاہئے کہ آئندہ کے لیے کسی بے گناہ پولیس آفیسر کو جو جب الزام نہ ٹھرانے۔

09.03.2015

الحاضر

ایڈووکیٹ گل عارف پولیس لائن پشاور (سابقہ OII تھانہ فقیر آباد پشاور)

ATTESTED
ADVOCATE



OFFICE OF THE
SUPERINTENDENT OF POLICE
CANTT: PESHAWAR



No. 2508/PA dated 22/07/2015.

Annex: R/F

(17)

Capital City Police Officer, Peshawar

Subject: DEPARTMENTAL ENQUIRY AGAINST INSPECTOR GUL ARIF OII
PS FAQIRABAD.

Memo:

These are findings of departmental enquiry against Inspector Gul Arif, OII, PS Faqirabad. At the conclusion of preliminary enquiry conducted by ASP/SDPO, Faqirabad against him Inspector Gul Arif Investigation Officer of the case FIR No. 153, dated 29.01.2015 PS Faqirabad wherein he demanded 10 lac from applicant/accused as bribe. Complainant produced voice recording of his as evidence during the preliminary enquiry proceedings.

Following allegations were established against him at the conclusion of enquiry proceedings:-

- a. Inspector Gul Arif threatened applicant.
- ii. He pressurized applicant for wrong statement.
- iii. He demanded Rs. 10 lac and received Rs. 09 lac from the applicant.
- iv. The complainant also listened/collected voice recording in this matter.

In the above allegations the competent Authority (CCPO, Peshawar) has issued charge sheet/statement of allegations under Police Rules 1975 against Inspector Shaheen Ullah, OII PS Faqirabad and the undersigned has been appointed as enquiry officer so as to scrutinize the conduct of the accused officer.

In this regard statements of the following were recorded:-

- Statement of Inspector Gul Arif attached Flag "A".
- Statement of SI Shaheen Ullah attached at Flag "B".
- Statement of Salman attached at Flag "C".
- Statement of Diyar Khan SHO Faqirabad attached at Flag "D".

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ADVOCATE

Statement of Inspector Gul Arif

- The statement of Inspector Gul Arif, the then OII PS Faqirabad is as follow.
- a. The investigating officer of case FIR No: 153, dated 29.1.2015 U/S 302/324/34 PS Faqirabad was SI Shaheen Ullah (his subordinate) and he (Gul Arif) has just supervised it. Besides the allegation of threat by him of dire consequences to applicant (Zafar) gains no weight as throughout his entire service of 35 years from constable to Inspector he has never humiliated/intimidated anyone.
 - b. He has never compelled anyone for any wrong statement.
 - c. Regarding demand of Rs: 10 lac and receipt of Rs: 9 lac, he is of the view that he says on oath that since the same investigation was not carried out by him then how he can demand such huge amount from him? If the applicant is produced then it will become clear that either he has demanded such sums or otherwise?
 - d. After hearing applicant and complainant, recording of his voice has been included. The high ups may themselves listen to that particular recording which will unearth that to which extent he is involved?

He further stated that applicant Zafar is a nominated accused vide case FIR No: 439, dated 4.6.2014 U/S 302/148/149 PPC, PS Faqirabad which was investigated by SI Shaheen Ullah and accused Zafar was arrested in the case by SHO Diyar Khan and SI Misal Khan, Investigation PS Faqirabad on his (Insp: Gul Arif) information which had irritated/flared up Zafar against him. In this case HC Hameed Ullah, the then investigation HC PS Faqirabad had taken snapshots of accused and he/applicant considers that the same episode was played on connivance of Insp: Gul Arif. Thus applicant overtly says that he will never spare him (Insp:). When the above second incident (FIR 153/2014) took place then ASP Faqirabad directed Insp: Gul Arif for arrest accused Zafar as SHO Diyar was in good terms with Zafar. He raided and compelled him for BBA. After this the ASP Faqirabad directed him for convening his meeting with Zafar. In the meanwhile he was sitting with SHO Diyar in his office at PS Faqirabad, hence both ASP and Zafar met there but he does not know the outcomes of that meeting. Due to above mentioned reasons i.e snapshots and tighten the noose around him which compelled him for BBA, the applicant became annoyed and leveled the allegations under reference against him which are figment of imagination. Subsequently he stated that if the allegations are proved against him then he can resign and if disproved then such like accused may be taught a lesson so that he could not dare to do so with other Police officers in future.

ATTESSED
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ADVOCATE

(19)

Statement of SI Shaheen Ullah IO PS Faqirabad.

1. SI Shaheen Ullah, IO PS Faqirabad (accused officer) stated regarding the leveled allegations as under:-
- a. After registration of case FIR No: 153, dated 29.1.2015 U/S 302/324/34 PPC PS Faqirabad its investigation was made over to him.
 - b. The contents of FIR were drafted by SI Gul Shehzad, in-charge LRH in the shape of a murasla and sent to PS Faqirabad wherein Case was registered by SI Khaista Khan.
 - c. As per FIR a Jirga was constituted in Hujra of applicant Zafar Khan for affecting compromise between the parties and both the parties were hailing from one and the same village i.e Sur Kamar, Upper Dir District.
 - d. The applicant Zafar has been reported to have cordial relations with both parties. Hence, called them to his Hujra at Sardar colony. Similarly on the abetment of Zafar Khan a murder from another party took place. As far as the suspicion of Zafar Khan regarding his implication in the case by Police is concerned, the same is incorrect, as after incident the injured complainant of the case had given his statement to the SI posted at LRH. He drafted a murasla there. The injured complainant has charged applicant Zafar Khan along with other accused.
 - e. He had a dire need to proceed to village Sur Kamar/Upper Dir in connection with investigation of the case under reference as accused Naeem, Balol and Tariq were native of the same village. Since he (IO) was not familiar with that area and applicant Zafar Khan had cordial/family relations with them, therefore he made a mobile call to Zafar's son Salman (whereon usually conversation made with him) to arrange vehicle for him to visit there. He also told him as "chy za ba Nahay poray rarasedaly yem". It (Nahay) means in Pashto as Tuesday and not demanding of any kind of amount but it has been given a wrong direction. If voice recording is produced, the same will be explained.
 - f. The applicant has leveled allegation of Rs. 10 lac bribe against him but why should he demand such a huge amount from applicant as being subordinate he cannot expect such amount. If the applicant is produced the same will become crystal clear.
 - g. He has carried out investigation in a lawful manner but upon mere leveling of allegations against him he was suspended. As far as Inspector Gul Arif is concerned, he will give his statement.
 - h. During his entire service of about 36 years he has served diligently and has never brought bad name for Police department. He has further stated that he wants to be heard in person and his instant charge sheet may be filed.

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[Signature]
ADVOCATE

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Statement of Salman Khan

The sum and substance of the statement of Salman Khan s/o Haji Zafar Khan is that on 29.1.2015 a Jirga was constituted between the following two parties:-

Party No: 1 comprising upon Masoom Khan r/o Zer Sawni presently City Town, Paharipura Dalazak road, Peshawar

Party No: 2 comprising upon Behlol, Naeem r/o Sur Kaman, Dir Bala.

The father of second party namely Tamrez Khan was murdered three months back and they had suspicion regarding the same on party No: 1. Both the parties had cordial relations with his (Salman's) father for the last 20 year. Hence, they came to their hujra and were satisfied on the basis of oath on Quran. After this his father went home to fetch tea for those guests. In the meanwhile the 2nd party fired indiscriminately upon 1st party. As a result one died and another was injured. In retaliation due to firing of the 1st party two persons were injured. He (Salman) along with his father was removing the injured of 1st party to hospital. In the meanwhile Police (SHO, CIO, SDPO) Faqirabad reached, put the corps in ambulance and took him (Salman) to PS for recording his statement. When he was in PS he made call to his father to come there and describe the version to ASP/SDPO, therefore he was coming but thus he refrained him from coming to PS and in response his father has been booked in murder case, charged for the said offence in hospital rather the three persons of party No: 1 were charged. After sometimes he (Salman) told Inspector Gul Arif that since he had been suffering from fever and was feeling pain in his leg therefore his statement may be recorded. He went to ASP to discuss and on return told him that he (Salman) was being charged in murder case as well but can be exempted if Insp: Gul Arif is paid Rs: 10 lac as bribe. Thus after allowing discussion with his father, on the following day while he was being challaned to Court in a case U/S 15 AA, SI Shaheen Ullah of Investigation met him and asked to hand him over the settled amount of Insp: Gul Arif. He paid the same amount to him through Shiraz (cousin of Salman). He was present at moharrar staff office in connection with case file preparation. SI Shaheen Ullah made call to him regarding confirmation of receipt of amount and he (Salman) recorded the conversation regarding the same on his mobile. He has prayed for legal action against both Inspector Gul Arif and SI Shaheen Ullah followed by stringent action against them and return of the above mentioned amount.

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SUGGEST

Statement of Diyar Khan SHO Faqirabad.

Diyar Khan, SHO PS Faqirabad stated that being SHO of the PS as per his knowledge, Insp: Gul Arif and SI Shaheen Ullah, Investigation/PS Faqirabad had neither demanded any sort of amount from anyone nor they have been paid before him.

Findings

The undersigned has carried out the enquiry in detail. Neither of the accused police officials have confessed the allegations and deny having done any sort of malpractice. The only credible evidence available in the enquiry is the voice recording of SI Shaheen Ullah and complainant Suleman. The voice recording has been heard over and over again by the undersigned. SI Shaheen Ullah has also been confronted with the recording. SI Shaheen Ullah has replied to this that he had been talking to Suleman but during the course of the call, the voice quality was disturbed. Meanwhile, Shiraz (relative of Suleman) took the mobile from him and thereafter talked with Suleman. Perusal of the voice recording negates the version of Shaheen Ullah. It will be vividly clear to any impartial person that in the whole recording the voice is of SI Shaheen Ullah. Hence, this argument of SI Shaheen Ullah does not hold any substance. The transliteration of the recording is

Voice recording in Pushto version between Sulman & SI Shaheen Ullah (translated into English)

Sulman:-

Assalam-o-Alaikum, Kaka sanga hal de sihat de kha de (Assalam-o-Alaikum, uncle how are you, is your health ok),

SI Shaheen Ullah:-

Walaikum Assalam Sulman bai sanga ye sanga kaka de shta kana (Walaikum Assalam, Suleman brother how are you, is your uncle available)

Sulman:-

hagha kho os cha warpasi ring oko owato lag (he has just been rung up by some and has left for),

SI Shaheen Ullah:-

bas hagha sara me khabari koli kho za bia warta melo kam (I have to talk with him but will ring him up later on),

Sulman:-

che yakho za goram halak warsara wo hagha ta wayem che darsara pa telephone khabari oki gini bia ba zar korta razi za ba taso melo kam (I check to contact him through another boy if he is available with him for conversation with you telephonically otherwise he will arrive home soon then I will ring you up),

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ATTESTED
ADVOCATE

SI Shaheen Ullah:- ao za bs kacharo ta rawan yem (yes I am leaving for Katchery/Courts),

Sulman:- kha (ok),

SI Shaheen Ullah:- hagma mamila k ijazat akhlam da dagha na kana (I am taking permission in the matter from so and so),

Sulman:- kha kha (ok, ok),

SI Shaheen Ullah:- no bas dagha khabara me warsara kola (I had to talk with him such thing),

Sulman:- sahi da (it's ok),

SI Shaheen Ullah:- ma wel hagma dagha ta me wele kana Shahzad na de Shahzad (I say that I was telling to so-and-so regarding shehzad),

Sulman:- ao (yes),

SI Shaheen Ullah:- hagma staso landi na de sheraza, ao sheraz (that your short heighted is Sheraz, yes Sheraz),

Sulman:- gg (yes please yes please),

SI Shaheen Ullah:- landi ta me wel che mala ba gade nan k (I was telling to Shahzad for booking a vehicle for me today) ,

Sulman:- Ao da rata owaya che da makhki sa darkari radarkari de kana ma pa de poi ka pa de (yes, he told that if the next one has given you something or not, you should understand me on this),

SI Shaheen Ullah:- sa shay (what thing),

Sulman:- Waim da darla sa pesi mesi darkari de kana kana zan ye g'haly kary de sheraz haji warla dwa dre zala pesi warkari ve (I say if he has given you some money or not, he kept himself mum, Sheraz Haji has given him money for twice, thrice),

SI Shaheen Ullah:- bas aka hagma sta makhki che sa dagha magha shwe de kana bas hagma de wel che 10 de kho hagma 9 ve (all that happened before you is just that, was saying that it was ten but was nine),

Sulman:- kha (ok),

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[Signature]

aheen Ullah:- bas hagma shwe de bia mong na de ledali (ok that has been done, then we have not seen him),

man:- da ta ye wel Shaheen Ullah bam warki o Gul Arif lam (he was told that Shaheen Ullah will give and Gul Arif as well) ,

I Shaheen Ullah:- kha (ok),

Sulman:- no da bia na de darkari (then has he not given?),

SI Shaheen Ullah:- na agha bia monga na de ledali (no we have not seen him after that),

Sulman:- kha kha kha (ok, ok, ok),

SI Shaheen Ullah:- che khabara ba sta notice ki wi (that the thing will be in your notice),

Sulman:- za za bia tasara pa khpla khabari kom (ok, I will myself talk to you later on),

SI Shaheen Ullah:- za tek shwa no hagma ta me wel mata ba gade rakay za ba dagha la zam (ok, I was telling to him that I may be provided with vehicle, I will proceed to so and so),

Sulman:- za khabara kom haji saib de wati de za khabara kom (I am talking about, Haji Sahib has left for, I am talking about),

SI Shaheen Ullah:- za sahi shwa (ok).

The complainant of FIR No. 153, dated 29.1.2015 U/S 302/324/34 PPC PS Faqirabad, was called time and again to this office but he did not appear. However, he was contacted on the phone and was asked about the allegations leveled against Inspector Gul Arif. He replied that both Gul Arif and Shaheen came to him while he was under treatment and asked him whether Haji Zafar was involved in this offence or not. The complainant replied that Haji Zafar was not involved in this offence but later on Haji Zafar's name was also put in the accused list inter alia. Upon this, statement of Gul Shahzada, Incharge casualty LRH was also taken in which he has stated that Gul Arif and Shaheen did not persuade/force him to put the name of Haji Zafar in accused list. The CDR of Gul Arif and Shaheen do not coincide with the version of complainant of FIR and complainant of enquiry. On the whole day of 29th January, 2015, location of Gul Arif is not seen any way near to LRH. Had he gone to LRH, the same should have been reflected in his CDR.

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ADVOCATE

The only evidence on record which has been put up by Suleman (complainant of enquiry) is a voice recording of a conversation between Suleman and Shaheen. The conversation clearly shows that some money has been definitely taken by Shaheen Ullah. However, Shaheen is being heard saying, "He says it is 9 not 10". Also, when Suleman asks Shaheen whether he has given money to Gul Arif, Shaheen replies, "Ao Ao Ao (yes yes yes)". It is pertinent to mention that no direct evidence is available regarding Gul Arif taking illegal gratification from Suleman or Haji Zafar.

Logically speaking if A,B and C are three persons and A receives money from B and says to B that he has given money to C then this is no solid proof against C that C has received the same money until and unless supported by any material evidence.

Keeping in view all the available record, the allegations against on Gul Arif could not be proved.

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(RANA UMAR FAROOQ) PSP
SUPERINTENDENT OF POLICE
CANTT PESHAWAR

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ADVOCATE

3325/18

Annex: R/G
25

From: The Capital City Police Officer,
Peshawar,
To: The Assistant Inspector General of police,
Establishment, Khyber Pakhtunkhwa,
Peshawar.

No. 3934 /PA, dated Peshawar the 26 / 8 /2015.

Subject: **SUSPENSION OF IP GUL ARIF AND SI SHAHEEN ULLAH IN CASE FIR NO.153 DATED 20.1.2015 U/S 302/324/34 PPC PS FAQIRABAD PESHAWAR (COMPLAINANT HAJI ZAFAR KHAN)**

Memo: kindly refer to your office memo No. 358-60/PA, dated 25.5.2015 and this office memo No. 2860/PA dated 30.5.2015.

2- Inspector Gul Arif was issued Charge Sheet and summary of allegations on the basis of the following charges:-

At the conclusion of preliminary enquiry conducted by ASP/SDPO Faqirabad against Inspector Gul Arif, Investigation Officer of case FIR No. 153 dated 29.1.2015 u/s 302/324/34 PPC PS Faqirabad wherein he demanded 10 Lac from applicant/accused as bribe. Complainant produced voice recording of his as evidence during the preliminary enquiry proceedings.

- Besides, this the following allegations were raised against him during enquiry proceedings:-
- i. Inspector Gul Arif threatened the applicant.
- ii. He pressurized the applicant for giving a false statement.
- iii. He demanded Rs.10 Lac and received Rs. 9 Lac from the applicant.
- iv. The Complainant also record the voice of Inspector Gul Arif.

3- Mr. Rana Umar Farooq, SP-Cantt: was appointed as the E.O who in his findings (copy enclosed) mentioned that no direct evidence is available against Gul Arif taking illegal gratification from Suleman or Haji Zafar (complainant). He recommended that the allegations against Gul Arif could not be proven. As such the enquiry was filed by the then CCPO-Peshawar.

4- It is, therefore, requested that he may please be re-instated in service.

[Signature]
CAPITAL CITY POLICE OFFICER,
PESHAWAR.
24/8/15

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PROVOCATE

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Annex: R/H

26

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

dated Peshawar the 2nd September, 2015.

No. 9802-04/PPO



To: The Capital City Police Officer,
Peshawar

Subject: Suspension of IP Gul Arif and SI Shaheen Ullah in case FIR No. 153 date 20.01.2015 u/s 302/324/34 PPC PS Faqirabad Peshawar (Complaint by Hajj Zafar Khan)

Dear Sir, Please refer to your office letter No. 3934/PA, dated 26.08.2015 on the subject cited above.

After perusal, the Police Chief Khyber Pakhtunkhwa has desired for you the following:-
"The internal enquiry was conducted by ASP Faqirabad against Inspector Gul Arif and SI Shaheen Ullah. He declared both the officers guilty of connivance to implicate the complainant falsely in the case; and seeking and receiving illegal gratification. Later on SSP/Investigation conducted a preliminary enquiry to ascertain the real facts. As per the findings of his report, he found the charges leveled by ASP Faqirabad as substantiated and declared both the officers guilty. Despite the fact that the two enquiry officers found them guilty, SP Contr has declared only SI Shaheen Ullah guilty but has exonerated Inspector Gul Arif of all the charges.

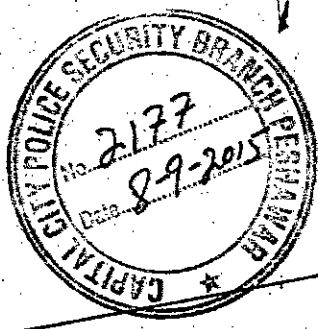
The enquiry is hereby returned with the direction to assign it to SP/Security for conducting denovo enquiry. The report of the enquiry must be submitted by 14.09.2015."

Encl: complete file
Pages (13)

(Principal Staff Officer)
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

- C.C:
- i. The W/IGP Khyber Pakhtunkhwa for favour of information please.
 - ii. The AIG/Establishment C.P.O Peshawar

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ADVOCATE

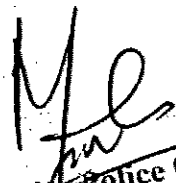


OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR
Phone No. 0919210989
Fax: 091-9212597

Annex: R/i
27

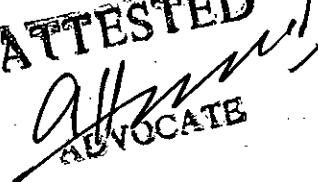
ORDER
DENOVO ENQUIRY PROCEEDINGS.

In compliance with the directions passed by Inspector General of Police, Khyber Pakhtunkhwa, Peshawar vide letter No.9802-04/PPO, dated 02.09.2015, enquiry against Inspector Gul Arif, previously conducted by Mr. Rana Umer Farooq, SP/Cantt: Peshawar, is hereby entrusted to Mr. Jehanzeb Khan, SP/Security Peshawar to carry out denovo proceedings and thoroughly probe into the allegations framed in the Charge Sheet and Summary of allegations already issued against Inspector Gul Arif Khan, the then OII PS Faqirabad.


Capital City Police Officer,
Peshawar.

No. 4113-14 /PA, dated Peshawar the 7 / 09 /2015.

- 1- Copy of the above is forwarded for information to the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar w/r to his letter quoted above.
- 2- SP/Security, Peshawar with the directions to expedite the proceedings and ensure fair and impartial enquiry to the matter and submit clear findings in light of material collected during denovo enquiry proceedings.

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ADVOCATE

Annex: R/J

28

No. 471 /PA
Dated 13/10/2015

REFERENCE ATTACHED

Subject:- FACTS FINDING INQUIRY REPORT U/R 6(1) (V) KPK POLICE RULE 1975 AND DE-NOVO INQUIRY AGAINST ACCUSED INSP: GUL ARIF.

De Novo Inquiry against subject accused Officer was referred to this office vide order bearing endst: no. 4113-14/PA, dated 07.09.201, in order to conduct fresh proceedings to ascertain alleged charges against accused officer, the competent authority being not satisfied with the Departmental Proceedings, conducted by Mr. Rana Umer Farooq SP. Cantt Peshawar.

2. Short facts are that ex-SI Shaheen Ullah, Investigating wing of PS Faqirabad, with the connivance of accused Insp: Gul Arif (Circle Insp: Investigation) during investigation of murder/attempting murder case vide FIR No. 153 dated 29.01.2015 of PS Faqirabad demanded illegal gratification of Rs. 10 lacs for release / discharge of applicant Haji Zafar Khan, however allegedly took Rs. 09 lacs from him, herein after called the applicant / complaint maker Haji Zafar Khan s/o Kharif Khan r/o Sardar Colony Budhni Pul, Charsadda Road.

3. The Inquiry Officer held guilty ex-SI Shaheen Ullah and on the finding report, he was dismissed from service vide Order dated 943-49/PA, dated 24.08.2015 by Competent Authority while the charges were re-referred for de-novo proceedings to the undersigned against accused Gul Arif to conduct proceedings afresh.

4. This office examined the following witnesses:

- a. Haji Zafar s/o Kharif Khan
- b. Sheraz Khan s/o Mumtaz Khan
- c. SI Shaheen Ullah (dismissed IO)
- d. Diar Khan, SHO PS Faqirabad
- e. Salman s/o Haji Zafar

5. The applicant / complaint maker Haji Zafar Khan, in his statement referred his son Salman that the payment of illegal gratification has been made to Shaheen Ullah, which is being supported through recorded conversation on mobile as payment of Rs. 9 lacs, however did not directly support the alleged payment to accused Insp. Gul Arif. It may be added here that through mobile conversation, Salman told his father that Gul Arif Inspector is demanding money for his release / discharge.

6. Witness Shiraz Khan also confirmed in his statement that payment of Rs. 9 lacs as illegal gratification was made to SI Shaheen Ullah, Investigator of the case.

7. In last, statement of accused Inspector Gul Arif was recorded who professed his request for filing of proceedings against him.

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ADVOCATE

8. The relevant record was thoroughly examined and it is evident that Rs. 9 lacs as illegal gratification has been paid to SI Shaheen Ullah, under the direct command of accused Insp. Gul Arif, however there is no direct dis-interested evidence which could suggest that the payment in lump sum or part thereof, has been paid to accused Inspector Gul Arif but this factum can not be discarded that SI Shaheen-Ullah was under the direct command of accused Inspector Gul Arif and further that on the payment of illegal gratification, witness Salman has talked on mobile cell for the payment of illegal gratification to accused Gul Arif for release / discharge of Gul Arif from the murder case. May be added here that lack of supervision in the whole episode on accused Inspector Gul Arif cannot be ruled out, therefore, the available record though do not suggest his direct involvement in receipt of payment of illegal gratification but clearly reflects his lack of supervision and command against his subordinate SI Shaheen Ullah.

In circumstances, poor command of the accused Inspector Gul Arif is being established, therefore, this office recommends one or more penalties to accused Inspector Gul Arif.

Submitted for your kind perusal and orders please.

All relevant records are enclosed herewith.

All incriminal papers (71)

13-10-2015

J. Khan

(JEHANZEB KHAN)
SUPERINTENDENT OF POLICE SECURITY
CAPITAL CITY POLICE PESHAWAR

WICCPO

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[Signature]
ADVOCATE



TO

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 0919210989
Fax: 091-9212597

Annex: R/K

(30)

No. 5046 /PA,

Dated Peshawar the 21/10/2015.

FINAL SHOW CAUSE NOTICE

I Mubarak Zeb, Capital City Police Officer, Peshawar as Competent Authority under P.R 1975, do hereby serve you Inspector Gul Arif, the then O.II PS Faqirabad as follow:-

2. (i) The Consequent upon the completion of Denovo inquiry conducted against you by Mr. Jahanzeb Khan, SP-Security for which you were given opportunity of hearing.
- (ii) On going through the findings and recommendation of the inquiry officer, the material on record and other connected papers including your defense before the said officers.

I am satisfied that you have committed the following acts/omission:-

It is evident that Rs. 9 lacs has been paid to SI Shaheen Ullah investigation officer of PS Faqirabad as illegal gratification by complainant for his release/ discharge from case FIR No. 153 dt: 20.1.2015 u/s 302/324/34 PPC PS Faqirabad. He (SI Shaheen Ullah) was working under your direct command/ supervision. As such you were held responsible for lack of poor supervision and command over your subordinate. Besides, Salman (Witness) also talked on his cell mobile cell to his father Zafar Khan for payment of illegal gratification to you for release/discharge them from the above mentioned FIR.

3. As a result there of I, as Competent Authority decided to impose upon you major/minor penalty including dismissal from service under the said Rules.
4. You are, therefore, require to Show Cause as to why the aforesaid penalty should not be imposed upon you.
5. If no reply to this notice received within 7-days of its delivery, it shall be resumed that you have no defense to put in and in that case an ex-part action shall be taken against you.
6. You are at liberty to be heard in person, if so wished.
7. Copy of the findings of the inquiry officers is enclosed.

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[Signature]
ADVOCATE

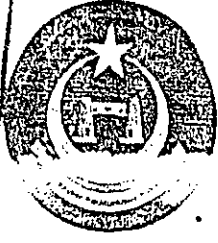
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CAPITAL CITY POLICE OFFICER,
PESHAWAR.

Annex: R/L

31



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,

Phone No. 091-9210989
Fax No. 091-9212597

OFFICE OF THE CAP,
PESHAWAR

ORDER

Inspector Gui Arif, the then O.II PS Faqirabad was placed under suspension by the Inspector General of Police, KPK vide No358-60 dt: 25.5.2015 and directed this office to conduct departmental enquiry against him. He was issued Charge Sheet and summary of allegations on the basis of the following allegations:-

- i. He threatened applicant.
- ii. He pressurized applicant for wrong statement.
- iii. He demanded Rs. 10 lac and received Rs.9 lac from the applicant.
- iv. The complainant also listened/collected voice recording in this matter.

Proper departmental proceedings were initiated against him and Mr. Rana Umar Farooq, SP-Cantt, was appointed as the E.O, who in his findings exonerated him. On receipt of the findings of the E.O. the the then CCPO, Peshawar filed the departmental enquiry. On finalization of enquiry a letter vide this office No.3934/PA dt: 26.8.2015, was sent to the Inspector General of Police, KPK for his re-instatement, but the Inspector General of Police, KPK disagreed with the findings of E.O and directed to initiate de-novo enquiry against him through SP-Security.

In compliance with the directions passed by Inspector General of Police, Mr. Jehabzeb Khan SP-Security was appointed as E.O vide this office order No.4113-14/PA dated 7.9.2015. He carried out a detailed enquiry and submitted his findings mentioned that it is evident that Rs.9 lacs has been paid to SI Shaheen Ullah IO of PS Faqirabad as illegal gratification by complainant for his release/discharge from case FIR No. 153 dt: 20.1.2015 u/s 302/324/34 PPC PS Faqirabad. He (SI SHaheen Ullah) was working under his command /supervision. As such he was held responsible for lack of proper supervision and command over his subordinates. On receipt of the findings of the EO, he was issued Final Show Cause Notice to which he replied.

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ADVOCATE

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The delinquent officer was called & heard in person in O.R. on 30.10.2015. The enquiry papers were perused. He has been given full opportunity to defend himself but he failed to do so. Though charge of illegal gratification could not be established against him in the de-novo enquiry. However, he was guilty of lack of proper supervision over his subordinates. Therefore, he is awarded the minor punishment of stoppage of two annual increments without cumulative effect.

[Handwritten Signature]

CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No. 5149-62 /PA dated Peshawar the 2 / 11 /15

Copies to the:-

1. Inspector General of Police, KPK w/r to 9802-04/PPO dt: 2.10.2015 with the request to re-instate him if approved, please.
2. SSsP-Ops: & Inv: Peshawar.
3. SsP/City /HQRs/Security Peshawar
4. PO/AS/CC/EC-I/EC-II/FMC/I-C Computer Cell & I/C Complaint Cell, Peshawar.

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ADVOCATE

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SSP/INV.
3/11/15

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1676 /ST

Dated 10 / 10 / 2016

To

The S.S.P Operations,
Peshawar.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 29.9.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

~~REGISTRAR~~
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.