

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 671 /2024

Hazrat GullAppellant

V E R S U S

PPO. & others.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service appeal with affidavit		1-4
2.	Copy of regularization order dated 01-03-2020	A	5-6
3.	Copy of transfer order dated 17-05-2022	B	7-9
4.	Copy of order dated 06-12-2023	C	10
5.	Copy of pay Slips	D	11-13
6.	Copy of removal order dated 05-01-2024 & application dated 15-01-2024	E & F	14-16
7.	Copy departmental Appeal and TCS receipt	G	17-18
8.	Vakalat Nama		19

Dated:-17-05-2024

Appellant

Through

Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 671 /2024

Hazrat Gull, Ex Constable No 397, Capital City Police Peshawar.
.....Appellant

V E R S U S

1. Superintendent of Police Head Quarters Capital City Police Peshawar.
2. Capital City Police Officer Khyber Pakhtunkhwa Peshawar.
.....Respondents

APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 05-01-2024 WHEREBY, THE APPELLANT HAS BEEN REMOVED FROM SERVICE AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:-

On acceptance of this appeal the impugned Order dated 05-01-2024 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was enlisted as Special Police Officer (SPO) in the year 2019 and later on regularized w.e.f 01.03.2020 along with others and since enlistment the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups. **(Copy of regularization order dated 01-03-2020 is enclosed as Annexure A).**
2. That the appellant was transferred to District Khyber on 17-05-2022, where he regularly performed his duties. **(Copy of transfer order dated 17-05-2022 is enclosed as Annexure B).**
3. That in the month of October 2023 fact finding inquiry was initiating and the appellant along with others were brought to police lines at about 10:00 PM on leave days i.e. Saturday and Sunday where he was forced to sign a blank paper and was also directed to deposit his service book, service card, cheque

2

book and ATM card etc., which are still not returned to the appellant despite repeated requests.

4. That the salary of the appellant was subsequently stopped, after the mentioned preliminary inquiry on the allegations of ghost/illegal/fake employees vide order dated 06-12-2023 **(Copy of order dated 06-12-2023 is enclosed as Annexure C)**
5. That the appellant was duly enlisted as SPO and later on regularized and he performed his duties honestly and also received salaries from respondent departments. **(Copy of pay Slips are enclosed as Annexure D)**
6. That in the meanwhile the appellant was removed from service vide order 05-01-2024, copy of which was obtained through RTI Commission on 15-01-2024. **(Copy of removal order dated 05-01-2024 & application dated 15-01-2024 is enclosed as annexure E & F)**
7. That the appellant visited the office of respondent No. 2 on 02.02.2024 to submit departmental appeal, however the same was not entertained where after the appellant sent his departmental appeal through registered courier (TCS) on 02.02.2024 which has not been responded so far. **(Copy departmental Appeal and TCS receipt are enclosed as Annexure G).**
8. That the impugned Order dated 05-01-2024 to the extent of appellant is against the law, facts and principles of natural justice on grounds inter alia as follows:-

G R O U N D S :-

- A. That the impugned order dated 05-01-2024 is illegal, unlawful and void ab-initio.
- B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules.
- C. That no charge sheet and show cause notice was issued to the appellant.
- D. That no regular inquiry was conducted in the matter to have found out the true facts and circumstances.

- E.** That no evidence was collected in support of the allegations thus the charges never stood established against the appellant.
- F.** That the appellant was not heard in person and ex parte action has been issued against him in violation of the principles of natural justice.
- G.** That there is no omission and commission on part of the appellant and the appellant could not be punished for the fault of others if any, strangely the alleged master mind have been transferred only and no action has been taken against them, hence the impugned order smacks malice. .
- H.** That the appellant has about 5 years of service with unblemished service record.
- I.** That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-17-05-2024

Appellant

Through

**Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan
&**

**Baseer Ahmad Shah
&**

**Ibad Ur Rehman Khalil
Advocates Peshawar**

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2024

HamzaAppellant

V E R S U S

PPO. & othersRespondents

A F F I D A V I T

I, Hazrat Gull, Ex Constable No 397, Capital City Police Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT



5



A

OFFICE OF THE CAPITAL CITY POLICE OFFICER,
PESHAWAR.

ORDER
No. SO-Budget/HD/15-29/2016 Vol-II: In pursuance of the provisions of Section 5 of the Khyber Pakhtunkhwa Special Police Officer (Regularization of Service) Act, 2019 (Khyber Pakhtunkhwa Act No. XXVII of 2019) and on the recommendation of Provincial Police Officer Khyber Pakhtunkhwa and approval of the Provincial cabinet, the Home and Tribal Affairs Department is pleased to notify herewith regularization of the following Special Police Officers (SPOs) working in CCP Peshawar under DHO Code PH4093-Peshawar City Police as Constables (BPS-07) with effect from 01.03.2020. Therefore, in the light of above notification the following Special Police Officers are hereby absorbed as Regular Constable (BPS-07) in Capital City Police, Peshawar. They are allotted Constabulary numbers noted against their names.

S.No.	Name & SPO Belt No.	Father Name	Allotted No.
1	UMAR AMJAD	MUHAMMAD AMJAD	
2	MUHAMMAD ISMAIL	YOUSAF	
3	MUHAMMAD HILAL	MUHAMMAD YOUNAS	
4	IRFAN	KHALID GUL	
5	MOEEN ALI	ABDUL MANAN	
6	QAZI SONAIL	IMAM DIN	
7	MUHAMMAD TAHIR	SARZAMIN	
8	HAMZA	MUSA KHAN	
9	JAMAL UD DIN	SHER DIL	
10	HAMID ALI	AHMAD ALI	
11	SHAHZAD ALI	MURAD ALI	
12	MUHAMMAD IFTIKHAR	SHAKIR ULLAH	
13	SIFAT ULLAH	AMIN ULLAH	
14	MUHAMMAD NAZ	TARIQ KHAN	
15	SALMAN SHEHZAD	SHAROAD GUL	
16	YOUNAS KHAN	GUL KHAN	
17	MUHAMMAD SALMAN	GUL KHAN	
18	USMAN	SALIM	
19	USMAN KHAN	JAVID KHAN	
20	JALAL UD DIN	SHERDIL KHAN	
21	MUHAMMAD UBAID	LAIQAT ALI SHAH	
22	SAID AMIN	MUHAMMAD AMIN	
23	QAHAZ MEHMOOD	TAJ MEHMOOD	
24	UMAR FAROOQ	ZAHOOR AHMAD	
25	BILAL	SALIM	
26	IMRAN	MUSTAQIM SHAH	
27	RAHIM GUL	ABDUL GANI	
28	WASIM SHOUKAT	SHOUKAT HUSSAIN	
29	AMIR HUSSAIN	RAHMAN HUSSAIN	
30	HAZRAT GUL	HABIB GUL	

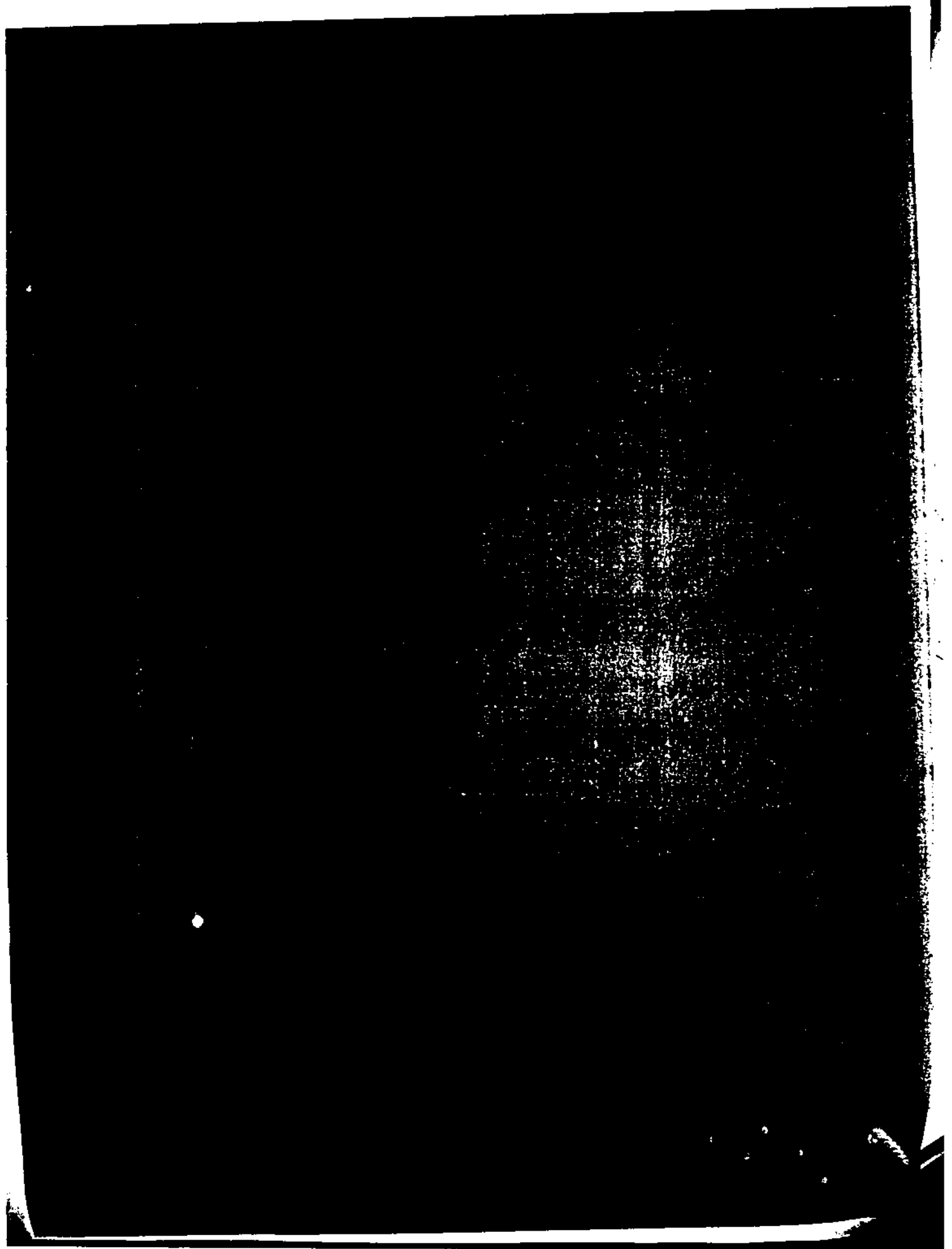
**OFFICE OF THE CAPITAL CITY POLICE OFFICER,
PESHAWAR**

ORDER

No. SO/Budget/HD/15-29/2016 Vol-II: In pursuance of the provisions contained in section 3 read with Section 5 of the Khyber Pakhtunkhwa Special Police Officer (Regularization of Service) Act, 2019 (Khyber Pakhtunkhwa Act No. XXVII of 2019) and on the recommendation of Provincial Police Officer Khyber Pakhtunkhwa and approval of the Provincial cabinet, the Home and Tribal Affairs Department is pleased to notify herewith regularization of the following Special Police Officers (SPOs) working in CCP Peshawar under DDO Code PR4093-Peshawar City Police as Constables (BPS-07) with effect from 01.03.2020.

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4.	IRFAN	KHALID GUL	
5.	MOEEN ALI	ABDUL MANAN	
6.	QAZI SOHAIL	IMAM DIN	
7.	MUHAMMAD TAHIR	SARZAMIN	
8.	HAMZA	MUSA KHAN	
9.	JAMAL UD DIN	SHER DIL	
10.	HAMID ALI	AHMAD ALI	
11.	SHAHZAD ALI	MURAD ALI	
12.	MUHAMMAD IFTIKHAR	SHAKIR ULLAH	
13.	SIFAT ULLAH	AMIN ULLAH	
14.	MUHAMMAD IJAZ	TARIQ KHAN	
15.	SALMAN SHEHZAD	SHAHDAD GUL	
16.	YOUSAF KHAN	GUL KHAN	
17.	MUHAMMAD SALMAN	GUL KHAN	
18.	USMAN	SALIM	
19.	USMAN KHAN	JAVID KHAN	
20.	JALAL UD DIN	SHERDIL KHAN	
21.	MUHAMMAD UBAID	LAIQAT ALI SHAH	
22.	SAID AMIN	MUHAMMAD AMIN	
23.	QARAZ MEHMOOD	TAJ MEHMOOD	
24.	UMAR FAROOQ	ZAHQOR AHMAD	
25.	BILAL	SALIM	
26.	JUNAID	MUSTAQIM SHAH	
27.	RAHIM GUL	ABDUL GANI	
28.	WASIM SHOUKAT	SHOUKAT HUSSAIN	
29.	AMIR HUSSAIN	RAHMAN HUSSAIN	
30.	HAZRAT GUL	HABIB GUL	



OFFICE OF THE CAPITAL CITY POLICE OFFICER,
PESHAWAR**ORDER**

No. SO/Budget/HD/15-29/2016 Vol-II: In pursuance of the provisions contained in section 3 read with Section 5 of the Khyber Pakhtunkhwa Special Police Officer (Regularization of Service) Act, 2019 (Khyber Pakhtunkhwa Act No. XXVII of 2019) and on the recommendation of Provincial Police Officer Khyber Pakhtunkhwa and approval of the Provincial cabinet, the Home and Tribal Affairs Department is pleased to notify herewith regularization of the following Special Police Officers (SPOs) working in CCP Peshawar under DDO Code PR4093-Peshawar City Police as Constables (BPS-07) with effect from 01.03.2020.

Therefore, in the light of above notification the following Special Police Officers are hereby absorbed as Regular Constable (BPS-07) in Capital City Police, Peshawar. They are allotted Constabulary numbers noted against their names.

S.No	Name & SPO Belt No.	Father Name	Allotted No.
1.	FARHAD ALI	KHAN SHAH	
2.	ALAM DIYAR	ZAKIR	
3.	IQBAL	LIAQAT ALI	
4.	MUHAMMAD ADNAN SHEHZAD	SHEHZAD GUL	
5.	IBNE AMIN	IQBAL AHMAD	
6.	QAZI IRFAN	QAZI ALAUDDIN	
7.	ALI ZEB	ALAM ZEB	

Sd/-
SP HQRS:
FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR.

OBNO.2064
Dated 27-06-2019

No. _____/OSI, dated Peshawar the / /2020.

Copy to all concerned.



7

B

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA,
Central Police Office,
Peshawar.
Gmail:- E4branchcpo@gmail.com

No. 3055-64 /E-IV, dated Peshawar, the 17/05/2022

ORDER

TRANSFER/POSTING:- the following Lower Subordinates of Khyber Pakhtunkhwa Police as noted against each their names, are hereby ordered with immediate effect:-

S#	NAME, RANK & NO.	FROM	TO
1.	LHC Burhan 5614	Elite Force Khyber Pakhtunkhwa	District Police Buner
2.	LHC Momin 4738	Elite Force Khyber Pakhtunkhwa	District Police Battagram
3.	Driver Constable Asad Khan 761	District Police Swat	Special Branch Khyber Pakhtunkhwa
4.	Constable Sibghat Ullah 450	FRP HQrs: Peshawar	District Police Charsadda
5.	Constable Noor Islam 234	District Police Charsadda	FRP HQrs: Peshawar
6.	HC Tasawar Abbas 7922	FRP Khyber Pakhtunkhwa	District Police DIKhan
7.	Constable Hazrat Gul 397	District Police Orakzai	District Police Khyber
8.	Constable Farhad Ali 945	District Police Orakzai Khyber Pakhtunkhwa	District Police Khyber

(DR. ZAHID ULLAH) PSP
AIG/ Establishment

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

ENDST: NO. & DATED EVEN:-

Copy forwarded to the:-

1. Regional Police Officer, Malakand Region Swat with reference to his office letter No. 3265-66/E, dated 21.03.2022
2. Regional Police Officer, Mardan Region Mardan w/r to his office letter No. 2355/IS dated 22.03.2022
3. Regional Police Officer, DIKhan Region DIKhan w/r to his office letter No. 1839/IS dated 25.03.2022



8

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

Gmail:- E4branchpo@gmail.com

No. _____ /E-IV, dated Peshawar, the _____ /2022

5. Commandant FRP Khyber Pakhtunkhwa w/r to his office letter No. 1020/EC, dated 31.01.2022, No. 801/EC, dated 25.01.2022
6. Deputy Inspector General of Police, Special Branch Khyber Pakhtunkhwa with reference to his office letter No. 1169/EB, dated 08.02.2022, No. 418/EB, dated 14.01.2022
7. Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa with reference to his office letter No. 343/EC/CTD, dated 10.01.2022
8. Deputy Commandant Elite Force, Khyber Pakhtunkhwa with reference to his office letter No. 3195/EF, dated 25.03.2022
- ✓ 9. District Police Officer, Chatral
10. District Police Officer, Shangla
11. District Police Officer, Orakzai
12. District Police Officer, Khyber

ذبحہ کے لئے

17 مارچ

46 روپے

DPD
Orakzai, O.A.S.I

(6)

میل

DPD/orakzai

11 مارچ

11:00

22-06-06

3055-64/E-V
17-05-2011

397

سورتن کورنگ

DPD
Orakzai

17

DPD
Khyber

ذبحہ کے لئے

ذبحہ کے لئے

ذبحہ کے لئے

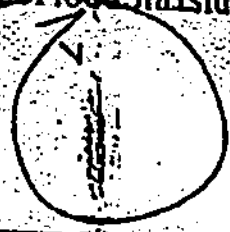
DPD
Orakzai

1. The Capital City Police Officer, Faisalabad
 2. USF HQ, Khyber
 3. Government Khyber
 4. [unclear]

On No. 1152 dated 11/27/2023
 No. 8824-PA-DPO-Khyber

Copies to:

DISTRICT POLICE OFFICER
 KHYBER



Sr.	Name/No.	Personnel No.
01	Unar Farooq s/o Zohoor Ahmad No. 4556	997181
02	Hazrat Gul s/o Habib Gul No. 397	00522449
03	Ibrar Akhtar s/o Javed Akhtar No. 319	532197
04	Saud Ali s/o Mustaqem Shah No. 4218	37673
05	Inam	699858
06	Muhammad Younas s/o Gul Khan No. 6208	377450
07	Salman Shehzad s/o Shehzad Gul No. 7168	00589967
08	Muhammad Imtiaz s/o Shakir Ullah No. 6221	700148
09	Faizan No. 354	0098163
10	Moeen Ali s/o Abdul Mannan No. 1529	985652
11	Shaukat Iqbal s/o Mir Khajam No. 1593	921365
12	Muhammad Ejaz s/o Tariq Khan No. 7466	553304
13	Muhammad Ubaid s/o Liaqat Ali No. 6472	395704
14	Farhad s/o Khan Shah No. 945	322369
15	Hamza s/o Musa Khan No. 1414	985649
16	Muhammad Tahir s/o Sher Zamin No. 6631	361979
17	Usman s/o Saleem No. 6018	544038
18	Faraz Mehmood s/o Toj Muhammad No. 6567	997180

20/11/2023, in pursuance of the directions of the Director, the pay of the following is hereby stopped with immediate effect till further orders.

ORDER

No. 8824-PA-DPO-Khyber
 OFFICE OF THE
 DISTRICT POLICE OFFICER
 KHYBER



16

00522449 HAZRAT GUL

CNIC: 1730102416117

Desig: CONSTABLE

(B0887886) Grade: 07 NTN:

Buckle No.: 272

Gazetted/Non-Gazetted: N

PAYMENTS

AMOUNT

DEDUCTIONS

AMOUNT

LOAN/FUND

PRINCIPAL

REPAID

BALANCE

0001 Basic Pay

19,040.00

3007 GPF Subscription

1,500.00-

GPF#:

13,110.00

1001 House Rent Allowance

2,384.00

353D Police wcl:Pud BS-1 t

381.00-

1210 Convey Allowance 20

1,500.00

3004 R. Benefits & Death C

450.00-

1300 Medical Allowance

1,500.00

1528 Unattractive Area A

1,000.00

1547 Ration Allowance

681.00

1567 Washing Allowance

150.00

1646 Constabulary R Allow

300.00

1902 Special Incentive Al

775.00

2168 Fixed Daily Allowanc

2,730.00

2314 Risk Allow Police -

7,400.00

2347 Author Ret Al:15% 22%

1,831.00

PAYMENTS

39,723.00

DEDUCTIONS

2,331.00-

NET PAY

37,392.00 01.06.2023 30.06.2023

Branch Code:250864

Faqirabad Dalazak Rd.Peshawar

ALLIED BANK LIMITED

Faqirabad Dalazak Rd.Peshawar Peshawar

Acct.No: 0010087395950012

kyber

54:1
 PERS #: 0052248
 NAME: HAZPAY CHL
 CONSTABLE
 CIVIC NO: 1770162416117
 GPF: Incentive Applied
 07 Active Temporary

PAYS AND ALLOWANCES:
 0001-Basic Pay
 1001-House Rent Allowance 451
 1210-CONWAY Allowance 2005
 1300-Medical Allowance
 1528-Quarters/Area Allow
 1547-Ballon Allowance
 1557-WASHING Allowance
 1646-Constabulary B Allowance
 1902-Special Incentive Allowance
 Gross Pay and Allowances
 46,700.00

GPF Balance 20,610.00
 3530-Police Welfare BS-1 To 1R
 4004-R. Benefits & Death Comp:

Total Deductions

D.O.B 21.07.1982
 13 Years 07 Months 01a Days

kyber

54:2
 PERS #: 0022349
 NAME: USHER CHL
 CONSTABLE
 CIVIC NO: 1770162416117
 GPF: Incentive Applied
 07 Active Temporary

PAYS AND ALLOWANCES:
 2168-Fixed Daily Allowance
 2314-Sub Allow (MILES) 2071
 2397-Motor Allow (MILES) 2125(217)
 2378-Adm Office All 2823 353

GPF Balance 20,610.00

Total Deductions

D.O.B 21.07.1982
 13 Years 07 Months 01a Days

kyber

54:3
 PERS #: 0022349
 NAME: USHER CHL
 CONSTABLE
 CIVIC NO: 1770162416117
 GPF: Incentive Applied
 07 Active Temporary

PAYS AND ALLOWANCES:
 2168-Fixed Daily Allowance
 2314-Sub Allow (MILES) 2071
 2397-Motor Allow (MILES) 2125(217)
 2378-Adm Office All 2823 353

GPF Balance 20,610.00

Total Deductions

D.O.B 21.07.1982
 13 Years 07 Months 01a Days

P Sec:001 Month:November 2023
 RK4037 -District Police Officer K
 DISTRICT POLICE OFFICER K
 KTN:
 GPF #:
 C14 #:

PAYS AND ALLOWANCES:
 2,730.00
 2,400.00
 1,831.00
 5,864.00

GPF Balance 20,610.00

Total Deductions

D.O.B 21.07.1982
 13 Years 07 Months 01a Days



13

LAST PAY CERTIFICATE
AC Flagstaff Guild
H. No. 529448

CAPITAL CITY POLICE DEPARTMENT
Trans/Ad 70 DPO 14628
30-08-2022

18130
4868
1530
1500
681
150
300
7400
795

Verified

Adhoc Retiral 2013
Fund Daily Allowance
Adhoc Retiral 2015
Adhoc Retiral 2022
Account Officer
A.G. K.P.K. Peshawar
1831
3090

Drawing & Disbursing Officer
For Capital City Police

[Signature]

18805
10.10



TABLE B

In compliance with the direction of the Hon'ble Minister of Finance, Government of India, the following information is furnished:

1. The name of the person who has been appointed as the Director of the Government of India, Ministry of Finance, for the purpose of the above mentioned scheme.

2. The name of the person who has been appointed as the Joint Director of the Government of India, Ministry of Finance, for the purpose of the above mentioned scheme.

3. The name of the person who has been appointed as the Deputy Director of the Government of India, Ministry of Finance, for the purpose of the above mentioned scheme.

4. The name of the person who has been appointed as the Assistant Director of the Government of India, Ministry of Finance, for the purpose of the above mentioned scheme.

(14)

E

OFFICE OF THE
SECRETARY TO GOVERNMENT
MINISTRY OF FINANCE
New Delhi

OFFICE OF THE
SUPERINTENDENT OF POLICE
HEADQUARTERS CCP PESHAWAR
Phone No. 091-9210737

ORDER

1. In compliance with the direction of DIG/HQrs: Khyber Pakhtunkhwa issued vide letter No. 101/PA/DIG/HQrs: dated 21.08.2023 and W/CCPO vide endst: No. 4242-51 dated 02.11.2023 Hazrat Gul s/o Habib Gul r/o Mohmand Agency presently Gulbela, Kochyan under Belt No. 397, (Personnel No. 00522449 Khyber) was found to be ghost/illegal employee. He was proceeded against on account of receiving illegal salaries through bank account despite the fact that he did not found in the official record: -
2. Accordingly, Enquiry Committee headed by the SSP Coordination was constituted to enquire into the allegations. The Enquiry Committee, after going through the pros and cons of the issue, held that illegal employee Hazrat Gul Belt No. 397 was fictitiously recruited by master minds of the then Account Branch i.e. Budget Officer Aslam, Senior Clerk Haji Shahid Ali and Pay Officer Tahir Shah who were siphoning out salary from national exchequer on his name. The masterminds of this scam adopted tactics like illegally employing a namesake of previous dismissed police employee, illegal/fake/ghost employees recruited through fake orders/OB entries and fake transfer orders and thereafter starting their salaries in connivance of AG office etc.
3. Hazrat Gul belt No. 397/5268, personnel No.00522449, Cell No.0309-9492459 CNIC No. 17301-0241611-7 enlisted in Police department through Shahid Haji on bribe of Rs.600,000/-, Shahid Haji introduced to him through SPO Iftikhar r/o Gulbela.
4. On 01.06.2022, he received his recruitment order through Iftikhar and reported to Police Lines, Shakas District Khyber. He served till date on the main gate of Police Lines Shakas. He received his monthly salary through cheque and ATM from Account No.0010047783950012 ABL Bank Dalazak Road.
5. After having been gone through all the available material on record including findings/recommendations of the Enquiry Committee, the undersigned is fully convinced that no process whatsoever was followed for his recruitment clearly violating the principle of open competition and transparency as envisaged for general recruitment in police and the only purpose was to draw salary on his name from the national exchequer by the delinquent officials of Pay Branch and their associates.

In this connection, it has also been observed in the judgment of the Apex Court at Pakistan vide Civil Petition No.4057 Of 2021 & C.M. Appeal No.1 Of 2022 wherein such illegal employments in a Government Department were declared illegal in which no pre-requisite criteria was being followed. Para-3 of the judgment ibid is reproduced for ready reference as under:

3. "Having heard learned counsel for the parties and going through the impugned judgment and on the basis of the comments filed by the Government of Khyber Pakhtunkhwa, it appears that at the time of appointing the petitioner no process was followed and the principle of transparency and open competition was entirely ignored. The petitioner was appointed in violation of the law and the rules and even if the termination letter does not mention so, it is clear and obvious from the record that this was indeed the case. Further no vested right to claim continuation of service has been pleaded or shown".

Hence, in exercise of the powers mentioned in Section 4(1)(b)(iii) of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014), Hazrat Gul personnel number 00522449 ghost/illegal employee is hereby removed from Police record. He is also liable to be proceeded against under Sections 110 & 115 of the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act No.11 of 2017) and other relevant provisions of the Pakistan Penal Code.

**SUPERINTENDENT OF POLICE
HQRS CCP PESHAWAR**

Dated Peshawar the 05/10/2024

Dated: 05/10/2024

No. 489-98 PA.

GR No. 47

Copies to:-

1. The Dy. Inspector General of Police, HQrs: Khyber Pakhtunkhwa at CPO Peshawar.
2. The Capital City Police Officer, Peshawar.
3. The Senior Superintendent of Police, Operations, Peshawar.
4. The Senior Superintendent of Police, Coordination, Peshawar.
5. The District Police Officer, Khyber.
6. The Pay Officer, EC-II, OASI, CRC & FMC.

6. In this connection, it has also been observed in the judgment of the Apex Court of Pakistan vide Civil Petition No.4057 of 2021 & C.M. Appeal No. 1 of 2022 wherein such illegal employments in a Government Department were declared illegal in which no pre-requisite criteria was being followed, Para-3 of the judgment ibid is reproduced for ready reference as under;

3. "Having heard learned counsel for the parties and going through the impugned judgment and on the basis of the comments filed by the Government of Khyber Pakhtunkhwa, it appears that at the time of appointing the petitioner no process was followed and the principle of transparency and open competition was entirely ignored. The petitioner was appointed in violation of the law and the rules and even if the termination letter does not mention so, it is clear and obvious from the record that this was indeed the case. Further no vested right to claim continuation of service has been pleaded or shown".

7. Hence, in exercise of the powers mentioned in Section 4(1)(b)(iii) of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014), Hazrat Gul personnel number 00522449 ghost/illegal employee is hereby removed from Police record. He is also liable to be proceeded against under sections 110 & 115 of the Khyber Pakhtunkhwa Police Act, 2017 (Khyber Pakhtunkhwa Act No. 11 of 2017) and other relevant provisions of the Pakistan Penal Code.

Sd/-
SUPERINTENDENT OF POLICE
HQRS CCP PESHAWAR

No.489-98/PA

Dated Peshawar the 05/01/2024.

OB NO.97

Dated: 05/01/2024.

Copies to:-

1. The Dy: Inspector General of Police, HQrs Khyber Pakhtunkhwa at CPO Peshawar
2. The Capital City Police Officer, Peshawar
3. The Senior Superintendent of Police, Operations, Peshawar
4. The Senior Superintendent of Police, Coordination, Peshawar
5. The District Police Officer, Khyber
6. The Pay Officer EC-II, QASI, CRC & FMC

پشاور

پولیس

15-01-2024

5868

پولیس

(درخواست نمائے)

انکوائری کے لئے درخواست

درخواست دینے کی کاپی

میں 2 جات میں سے ایک کو ترجیحی طور پر

تعمیرات کے لئے درخواست دینے کی کاپی

میں سے ملازمین کو ملازمین کے لئے

درخواست دینے کی کاپی

6-12-2023 کو میری درخواست

میں سے درخواست دینے کی کاپی

جات

Section:	
Date:	15/01/2024
Diary No:	11631

انکوائری کے لئے درخواست

پولیس کے لئے درخواست

16

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(17)

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Before the Capital City Police Officer, Peshawar

Subject:- Appeal against the Order dated 05-01-2024, of the Superintendent of Police, Head Quarters, Peshawar, whereby the appellant has been removed from service.

Respectfully Submitted:-

That the appellant was enlisted as Special Police Officer (SPO) in the year **2019** and later on Regularized w.e.f from 01-03-2020 along with others and since enlistment the appellant performed his duties with honesty and full Devotion to the entire satisfaction of his high ups. The appellant was transferred to District Khyber on 17-05-2022, where he regularly performed his duties and in the month of October, 2023 fact finding inquiry was initiated and the appellant along with others were brought to police Lines at about 10.00 P.M on leave days, i.e Saturday and Sunday where he was forced to sign a blank paper and was also directed to deposit his Service Book, Service Card, Check Book and ATM Card etc. which are still not returned to the appellant despite repeated requests. The salary of the appellant was subsequently stopped, after the mentioned preliminary inquiry on the allegations of ghost/illegal/Fake employees vide order dated 06-12-2023, and then the appellant was **removed from Police Record** vide Order dated 05-01-2024, which order is illegal and void ab-initio. The appellant was duly enlisted as SPO and later on regularized and he duly performed his duties. Thus the impugned order to the extent of the appellant is not tenable. The appellant was not heard and ex-parte action has been issued against him in violation of the principles of natural justice. No Charge Sheet and Show Causes Notice were issued to the appellant nor was any regular inquiry conducted in the matter. There is no omission or commission on part of the appellant and the appellant could not be punished for the fault of others if any. Strangely the alleged Masterminds have been transferred only and no action has been taken against them, hence the impugned order smacks malice.

It is therefore requested that on acceptance of this appeal impugned Order dated 05-01-2024 may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.


Hazrat Gull, Ex Constable
No 397, Capital City Police,
Peshawar R/O gulbella kochoyan
Cell # 0309-9451409

Dated: 02/02/2024

NIN No. K2832053



18



CN - 4765814173

CASH

2024 02 02 12 10

PEW PEW
Staff 122989

IPes 0.0
Route 33104

Name: HAZRAI GUL
Phone: 03099451409
Address: PESHAWAR

Name: CUP PA
Phone: 03099451409
Address: POLICE LINE PESHAWAR

Service CHG	139.0
Fuel Surcharge	26.0
Other Amount	0.0
VAS	8
Insurance CHG	0
KPST	27
	0

TOTAL

200.0

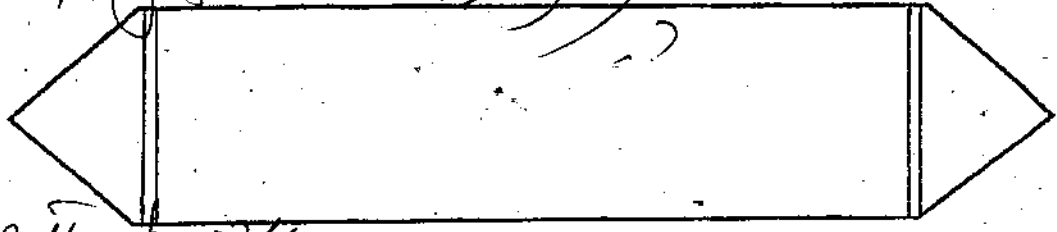
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بعدالت حسن خواتون کے لئے



2029ء بجانب APPELLA
حرفہ نقل بنام حکومت

BC-10-5543

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

حاصل
الکھڑا
الکھڑا

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی و کل کارروائی متعلقہ
آن مقام 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 ثالثتہ فیصلہ برحلاف دینے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک دروپینا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
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
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ مندر ہے۔

Signature

Signature

المرقوم 16
ماہ 2029ء

واہ العی

کے لئے منظور ہے۔

Signature

Signature

بمقام
Signature