


FORM OF ORDER SHEET

Court of _____

Appeal No. 468/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/03/2024	<p>The appeal of Mr. Tahir Nawaz resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 02.04.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

The appeal of Mr. Tahir Nawaz received today i.e on 22.03.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and re-submission within 15 days.

- 1- Memorandum of appeal is not signed by the appellant.
- 2- Check list is not attached with the appeal.
- 3- Affidavit is not attested by the Oath Commissioner.
- 4- Annexures of the appeal are unattested.
- 5- Departmental appeal is unsigned.
- 6- Annexures-A & J of the appeal are illegible be replaced by legible/better one.
- 7- Four more copies/sets of the appeal along with annexures i.e. complete in respect may also be submitted with the appeal.

No. 663 /S.T.

DT. 25-3 /2024.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Tahir Ali Khan Adv.
High Court Peshawar.

Respected Sir,

- 1- Removed
- 2- Removed
- 3- Removed
- 4- Removed
- 5- Removed
- 6- Removed
- 7- Removed

Resubmitted after compliance



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 468 /2024

Tahir Nawaz

VS


Police Department


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APPELLANT

THROUGH:


TAIMUR ALI KHAN
ADVOCATE HIGH COURT
0333-9390916


Shakirullah Toxani
Adv: Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 468 /2024

Mr. Tahir Nawaz, ASI
Investigation Wing, Karak.

APPELLANT

VERSUS

1. The Regional Police Officer Kohat Region Kohat.
2. The District Police Officer, Karak.

RESPONDENTS

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APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 16.11.2023, WHEREBY MAJOR PUNISHMENT OF REDUCTION IN RANK OF OFFICIATING INSPECTOR TO SUBSTANTIVE RANK OF SUB-INSPECTOR HAS IMPOSED UPON THE APPELLANT, AGAINST THE ORDER DATED 16.01.2024, WHEREBY MAJOR PUNISHMENT OF REDUCTION IN RANK FROM THE SUBSTANTIVE RANK OF SUB-INSPECTOR (SI) TO SUBSTANTIVE RANK OF ASSISTANT SUB INSPECTOR (ASI) FOR A PERIOD OF TWO YEARS (02) HAS IMPOSED UPON THE APPELLANT AND AGAINST THE ORDER DATED 28.02.2024, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDERS DATED 16.11.2023, 16.01.2024 AND 28.02.2024 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY KINDLY BE RESTORED TO HIS ORIGINAL RANK OF OFFICIATING INSPECTOR (BPS-16) AS HE WAS BEFORE THE

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ORDER DATED 16.11.2023 WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS HONORABLE TRIBUNAL DEEMS FIT AND PROPER THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as constable in the respondent department and since his appointment the appellant is performing his duty with devotion and honesty, whatsoever assigned to him and no complaint has been filed regarding his performance by his superiors and with the passage of the time the appellant was promoted to the rank of officiating Inspector (BPS-16) on regular basis along with other officials vide notification dated 19.04.2023. **(Copy of notification dated 19.04.2023 is attached as Annexure-A)**
2. That Superintendent Investigation Wing Karak through memo/letter submitted to respondent No.1 that investigation vide in Case FIR No.265 dated 10.05.2023 u/s 341/188/427/353/337 A910 147/148 PPC/7ATA PS Karak City were conducted by Inspector Sajjad Haider and on his transfer from investigation wing, investigation of the above mentioned case has been entrusted to Inspector Thair Nawaz (appellant) already post in the wing and mentioned in the letter/memo that the appellant reportedly used to gain/demand illegal gratification and disturbing irrelevant innocent people and requested that Inspector Tahir Nawaz (appellant) may please be transferred from this wing. **(Copy of memo/letter is attached as Annexure-B)**
3. That charge sheet along with statement of allegations were issued to the appellant in which the following allegations were leveled against the appellant that 'as per letter received from the W/RPO Kohat vide letter Endst: No.7911/EC dated 21.07.2023 that from perusal of the case file vide FIR No.265 dated 10.05.2023 u/s 341/188/427/353/337 A910 147/148 PPC/7ATA PS Karak City that you inspector Tahir Nawaz (appellant) during investigation process demand illegal gratification and disturbing irrelevant innocent persons. the appellant submitted his reply to the charge sheet in which he denied the allegations. **(Copies of charge sheet along with statement of allegations and reply are attached as Annexure-C&D)**
4. That inquiry was conduct against the appellant in which statements of different officials have taken by the inquiry officer in which all the officials stated that they does not know about anything regarding

the said inspector (appellant) has demand money from someone, even in the secret probe report no solid evidence was found against Inspector Tahir Nawaz (appellant) for his involvement in illegal activities and on the basis of statements/available record the inquiry gave its finding that that apparently there was no evidence against the Inspector Tahir Nawaz (appellant) of harassing any person or demanding anything from any person. No solid evidence has been found against him in this case, however, from his previous service record. It is clear that is a corrupt and dishonest person and although no solid evidence was found against the appellant on the allegations during the inquiry proceeding but despite that the inquiry officer found him guilty and recommended for major punishment. **(Copy of inquiry report as Attached as Annexure-E)**

5. That show cause notice was issued to the appellant which was properly replied by the appellant in which he again denied the allegations and he is innocent. **(Copies of show cause notice and reply to show cause notice are attached as Annexure-F&G)**
6. That the respondent No.02 passed an order dated 16.11.2023, whereby major punishment of reduction in rank from officiating inspector to substantive rank of sub inspector has been imposed upon the appellant. The appellant filed departmental appeal against the order dated 16.11.2023 on which respondent No.1. passed an order dated 04.01.2024, wherein he set aside the punishment of reduction from the rank of officiating Inspector to substantive rank of Sub Inspector and directed respondent No.2 to pass a speaking order on the departmental inquiry conducted against the appellant in accordance with KP Police Rules 1975 (amended in 2014) within a period of 15 days after the receipt of the order. **(Copies of order dated 16.11.2023, departmental and order dated 04.01.2024 are attached as Annexure-H,I&J)**
7. That respondent No. 2 passed another dated 16.01.2024, whereby major punishment of reduction in rank from the substantive rank of sub Inspector (SI) to Substantive rank of Assistant Sub Inspector (ASI) for a period of two (02) years with immediate effect was imposed upon the appellant. The appellant filed departmental appeal against the order dated 16.01.2024 which was also rejected on 28.02.2024. **(Copies of order dated 16.01.2024, departmental appeal and rejection order dated 28.02.2024 are attached as Annexure-K,L&M)**
8. That the appellant wants to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

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GROUND:

- A) That the impugned orders dated 16.11.2023, 16.01.2024 and 28.02.2024 are against the law, rules and norms of justice, therefore, not tenable and are liable to be set aside.
- B) That allegations leveled against the appellant were not proved during the inquiry proceeding, but despite major punishment of reduction in ranks has been imposed upon the appellant, which is against the norms of justice and fair play.
- C) That when allegations mentioned in the charge sheet were not proved against the appellant during the inquiry proceeding, then on which ground major punishment of reduction in ranks has imposed upon the appellant by the authority?
- D) That when allegations mentioned in the charge sheet were not proved against the appellant during the inquiry proceeding; the inquiry officer gave his finding that from his previous record the appellant is corrupt and dishonest but no one can be punished on the basis of his previous omissions as per superior courts judgments previous omission could not be made the justification for subsequent penalties and as such the impugned orders are liable to be set aside.
- E) That the appellant was promoted to the rank of officiating inspector (BPS-16) on regular basis along with other officials vide notification dated 19.04.2023 and mentioned in that notification that according to Rule 13.18 of Police Rules 1934 the appellant will be on probation for two (02) years and in the impugned order dated 16.11.2023 major punishment of reduction in rank from officiating inspector to substantive rank of sub inspector has been imposed upon the appellant and on his departmental appeal the respondent No.1 set aside the punishment of reduction from the rank of officiating Inspector to substantive rank of Sub Inspector and directed respondent No.2 to pass a speaking order on which respondent No.2 passed another dated 16.01.2024, wherein major punishment of reduction in rank from the substantive rank of sub Inspector (SI) to Substantive rank of Assistant Sub Inspector (ASI) for a period of two (02) years with immediate effect was imposed upon the appellant but under the Rule 13.18 of Police Rules 1934 police officer promoted in rank shall be on probation for two years and on conclusion of the probationary period a report shall be rendered to the authority to confirm the officer or revert him and probation officer may be reverted without departmental proceeding, which is not punishment, but an officer promoted on officiating basis reverted on departmental proceeding then it is punishment as in the case of the appellant, however in the order dated 16.01.2024 wherein major punishment of reduction in rank from the substantive rank of sub Inspector (SI) to Substantive rank of Assistant Sub Inspector (ASI) for a period of two (02) years with immediate effect

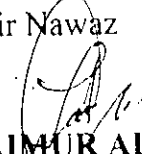
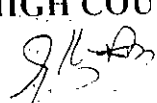
without considering the promotion of the appellant to the rank of officiating inspector is against the Rule 13.18 of Police Rules 1934 and as such as the order dated 16.01.2024 is illegal and coram-non-judice.

- F) That the allegations leveled against the appellant has not been proved during the inquiry proceeding and appellant has been punished for no fault on his part and as such the impugned orders are liable to be set aside.
- G) That the appellant has not been treated in accordance with law and rules and has been punished for no fault on his part.
- H) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that on the acceptance of this appeal, the impugned orders dated 16.11.2023, 16.01.2024 and 28.02.2024 may kindly be set aside and the appellant may kindly be restored to his original rank of Officiating Inspector (BPS-16) as he was before the order dated 16.11.2023 with all back and consequential benefits. Any other remedy, which this Honorable Tribunal deems fit and proper that may also be awarded in favour of appellant.


APPELLANT
Tahir Nawaz

THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
& 
SHAKIR ULLAH TORANI
ADVOCATE PESHAWAR

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. _____/2024

Tahir Nawaz

VS

Police Department

AFFIDAVIT

I, Tahir Nawaz, ASI Investigation Wing, Karak, (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.


DEPONENT



A 7

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA**

Dated Peshawar the, 19th April, 2023

NOTIFICATION

No. 233 /CPO/E-II, **PROMOTION INSPECTOR:-** As per recommendation of the Departmental Promotion Committee meeting dated 19.04.2023 held at CPO, the following confirmed Sub-Inspectors of Khyber Pakhtunkhwa Police on list "E" are hereby promoted to the rank of Officiating Inspectors (BPS-16) with immediate effect:-

S.NO	NAME & NO.	REGION	DPC RECOMMENDATION
1.	SI Saif ur Rehman No. P/368	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
2.	Lady SI Rizwana Hameed No. P/176	CCP Peshawar	The DPC examined her case and recommended her for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, she will be on probation for two (02) years.
3.	SI Muhammad Saleem No. H/164	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
4.	SI Abdullah No. MR/318	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
5.	SI Abdul Mateen No. MR/107	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
6.	SI Abdul Hakeem No. MR/25	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
7.	SI Gul Faraz No. P/549	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
8.	SI Hazrat Ali No.P/437	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

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S.NO	NAME & NO.	REGION	DPC RECOMMENDATION
9.	SI Muhammad Saeed No. H/167	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
10.	SI Noor ul Wahab No. MR/94	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
11.	SI Sabz Ali No. MR/136	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
12.	SI Nowshad Ali Shah No. MR/282	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
13.	SI Waheed Ullah No. B/24	Bannu	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
14.	SI Tariq Saleem No. D/28	DIKhan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
15.	SI Muhammad Tariq Usman No.K/44	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
16.	SI Abdur Rasheed No. D/36	DIKhan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
17.	SI Abdur Rasheed No. D/38	DIKhan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
18.	SI Haq Nawaz No. D/25	DIKhan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
19.	SI Muhammad Mushtaq No. D/35	DIKhan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis.

S.NO	NAME & NO.	REGION	DPC RECOMMENDATION
			According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
20.	SI Fazal Ellahi No. D/29	DIKhan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
21.	SI Sharifullah No. D/27	DIKhan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
22.	SI Anwar Khan No. MR/184	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
23.	SI Shah Wali No. D/47	DIKhan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
24.	SI Sartaj No. MR/330	Mardan	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
25.	SI Izhar Ali No. K/167	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
26.	SI Shakeel Ahmad No.K/183	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
27.	SI Malik Jan No. K/181	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
28.	SI Shah Duran No. K/173	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
29.	SI Yousaf Hayat No. K/182	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

S.NO	NAME & NO.	REGION	DPC RECOMMENDATION
30.	SI Muhammad Jamal No. K/180	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
31.	SI Hakim Khan No. K/100.	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
32.	SI Mujtaba Ali No. K/171	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
33.	SI Zardad Khan No.K/184	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
34.	SI Tahir Nawaz No. K/168	Kohat	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
35.	SI Zafar Hussain No.H/250	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
36.	SI Naseer Ahmad No.H/15	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
37.	SI Khan Waiz No. H/203	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
38.	SI Murad Ali No. H/187	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
39.	SI Muhammad Javed No. H/188	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
40.	SI Abdul Wajid No. H/186	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis.

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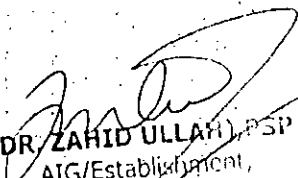
S.NO	NAME & NO.	REGION	DPC RECOMMENDATION
			According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
41.	SI Noor Nabi Shah No. H/193	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
42.	SI Sherdad Khan No. H/183	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
43.	SI Muhammad Aslam No. H/197	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
44.	SI Waris Khan No. H/202	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
45.	SI Tasveer Hussain Shah No. H/200	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
46.	SI Abdul Hamid No. H/201	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
47.	SI Muhammad Hayat No. H/192	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
48.	SI Muhammad Anwar No. H/29	Hazara	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
49.	SI Sardar Ali No. P/541	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
50.	SI Abdul Qayum No. P/496	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

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145.	SI Murad Ali No. P/520	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
146.	SI Bahar Ahmad No. P/153	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
147.	SI Israr-ud-Din No. P/433	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
148.	SI Noor Said No. P/546	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
149.	SI Maqbool Jehan No. P/425	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
150.	SI Zia-Ullah No. P/155	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
151.	SI Masood Khan No. P/200	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
152.	SI Iftikhar Ahmad No. P/513	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
153.	SI Zahid Hussain No. P/434	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (BPS-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.

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154.	SI Attaullah No.P/455	CCP Peshawar	The DPC examined his case and recommended him for promotion to the rank of Offg: Inspector (DPO-16) on regular basis. According to Rule 13-18 of Police Rule 1934, he will be on probation for two (02) years.
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(DR. ZAHID ULLAH) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

Copy forwarded to the:-

1. Accountant General Khyber Pakhtunkhwa.
2. All Heads of Police Units in Khyber Pakhtunkhwa.
3. DIG of Police HQrs Khyber Pakhtunkhwa.
4. All Regional Police Officers, in Khyber Pakhtunkhwa.
5. Capital City Police Officer, Peshawar.
6. PSO to the Worthy Inspector General of Police Khyber Pakhtunkhwa.
7. AIG of Police Legal, CPO Peshawar.
8. PA to the Addl: Inspector General of Police HQrs Khyber Pakhtunkhwa.
9. Office Supdt: Secret, Career Planning Branch, CPO.
10. UOP files.

Better Copy

B

To

The Regional Police Officer
Kohat Region Kohat

Subject: INFORMATION/NEGLIGENCE REPORT

Respected Sir,

Kindly with reference to the subject noted above. It is submitted that investigation vide in Case FIR No. 265 dated 10.05.2023 U/S 341/188/427/453/337-A (i)/147/148/ PPC/7ATA PS Karak City were conducted by Inspector Sajjad Haider within the ambit of law and rules and purely on merit basis. Furthermore, he had compiled the instant case file upto the mark and left no lacuna in the discharge of investigation. Moreover, after his transfer from this wing, Investigation of the above mentioned case has been entrusted to inspector Tahir Nawaz already posted in this wing.

It is pertinent to mention here that on one side he is not complete investigation such like important and sensitive case while on the other repeatedly he used to gain/demand illegal gratification and disturbing irrelevant innocent persons.

In view of the circumstances, it is therefore, very kindly requested that inspector Tahir Nawaz may please be transferred from this wing and any other suitable and honest Inspector may be transferred/posted in this wing to avoid any damage in the best interest of state, if so approved.

Superintendent
Investigation Wing

No. 91 / (Enq)
Dated 21/07/2023

CHARGE SHEET

I, SAJJAD AHMAD, District Police Officer, Karak as a competent authority, hereby charge you Inspector Tahir Nawaz IO PS Karak follow:-

"As per letter received from the W/RPO Kohat vide letter Endst: No. 7911/EC dated 21.07.2023 that from the perusal of the case file vide FIR No. 265 dated 10.05.2023 u/s 341/188/427/353/337A(i)/147/148 PPC/ATA Police Station Karak City that you Inspector Tahir Nawaz during the investigation process demanded illegal gratification and disturbing irrelevant innocent persons. This is quite adverse on your part and shows your negligence, malafide intentions and non-professionalism in the discharge of your official obligations. This act on your part is against service discipline and amounts to gross misconduct."

1. This act on your part is against the service discipline and amounts to gross misconduct. By the reason of your commission/omission, constitute misconduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department, you have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid.

2. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer SP Investigator Kohat is hereby appointed for the purpose of conducting enquiry.

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

3. Intimate whether you desire to be heard in person.
4. A statement of allegation is enclosed.

PA

For M. S.

Tahir Nawaz

District Police Officer, Karak

Office of the Subdt. of Police Kohat
Dt. No. 939
Dated 24/07/2023

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DISCIPLINARY ACTION


I, SAJJAD AHMAD, District Police Officer, Karak as a competent authority, is of the opinion that Inspector Tahir Nawaz IO PS Karak has rendered himself liable to be proceeded against on committing the following act/commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATIONS

"As per letter received from the W/RPO Kohat vide letter Endst. No. 7911/EC dated 21.07.2023 that from the perusal of the case file vide FIR No. 265 dated 10.05.2023 u/s 341/188/427/353/337A(i)/147/148 PPC/7ATA Police Station Karak City that Inspector Tahir Nawaz during the investigation process demanded illegal gratification and disturbing irrelevant innocent persons. This is quite adverse on his part and shows his negligence, malafide intentions and non-professionalism in the discharge of his official obligations. This act on his part is against service discipline and amounts to gross misconduct."

1. The enquiry Officers SP Investigation Kohat in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.

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


District Police Officer, Karak

No. 92 /Enq, dated 24 / 07 /2023. A

Copy to:-

3. The enquiry Officers for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department.
4. Inspector Tahir Nawaz IO PS Karak

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جناب عالی!

بحوالہ مشمولہ چارج شیٹ نمبری 91، مورخہ 21-07-2023 مجاریہ DPO صاحب کرک۔ معروض ہوں کہ مقدمہ علت نمبر 65 مورخہ 10-05-2023، جرم 188-7ATA، PPC 341,353,427,337A(I)، تھانہ کرک کی ابتدائی تفتیش انسپکٹر سجاد حیدر نے کی ہے۔ مورخہ 11-07-2023 کو سجاد حیدر کے تبادلہ پر مقدمہ ہذا کی تفتیش مجھے حوالہ ہوئی۔ تفتیش حوالہ ہونے کے بعد تقریباً 7/8 ملزمان نے عدالت سے BBA کر کے شامل تفتیش ہونے کے لئے حاضر ہو کر جس کو میں نے سرسری انٹارویو کیا ہے۔ اور گرفتار تصور ہو کر کارڈ گرفتاری بھی جاری کی ہے۔

میں نے کسی ملزم سے بھی نہ ڈیمانڈ کی ہے اور نہ ہی کسی فرد کو ذاتی مفاد حاصل کرنے کے لئے طلب کیا ہے۔ صرف اور صرف وقوعہ ہذا کی بابت سوالات کئے ہیں۔ الزامات بے بنیاد ہیں۔ ہر قسم کی صفائی کے لئے تیار ہوں۔ چارج شیٹ داخل دفتر کرنے کی استدعا کی جاتی ہے۔

گناہی طاہر نواز خان انسپکٹر
حال متعینہ کرک انویسٹی گیشن
34409128755
07-08-2023

INQUIRY FINDINGS REPORT AGAINST INSPECTOR TAHIR NAWAZ

Charge sheet based on statement of allegation with documents received from, DPO Karak vide No.91/(Enq) dated 21.07.2023, wherein in the following allegation were leveled against INSP; Tahir Nawaz. Content of allegation is as under:-

- I. "AS PER LETTER RECEIVED FROM THE WRPO KOHAT VIDE LETTER NO ENDST NO.9711/EC DATED 21.07.2023 THAT FROM THE PERUSAL OF THE CASE FILE VIDE FIR NO. 265 DATED 10.05.2023 U/S 341-188-427-353-337A PPC ATA POLICE STATION KARAK CITY THAT YOU INSPECTOR TAHIR NAWAZ DURING THE INVESTIGATION PROCESS DEMANDED ILLEGAL GRATIFICATION AND DISTURBING INNOCENT PERSON. THIS IS QUITE ADVERSE ON YOUR PART AND SHOWS YOUR NEGLIGENCE, MALAFIDE INTENTIONS AND NON PROFESSIONALISM IN THE DISCHARGE OF YOUR OFFICIAL OBLIGATIONS."
- II. "YOUR ACT ON YOUR PART IS AGAINST SERVICE DISCIPLINE AND AMOUNTS TO GROSS MISCONDUCT"

The undersigned was appointed as enquiry officer and above quoted charge sheet based on statement of allegation was served upon the defaulter against inspector Tahir Nawaz. With the direction to submit his written statement before the undersigned within stipulated period.

Reply of the defaulter official was received, placed on file and found un-satisfactory. In order to dig out the real facts the following witnesses were examined and their statements duly signed were placed on file.

1. STATEMENT OF SI INSPECTOR TAHIR NAWAZ

He stated in his written statement that Inspector Sajjad Haider initially investigated the case FIR No.265 dated 10.05.2023 u/s 341-353-427-337A (i) 188-7ATA PS Karak. After his transfer on 11.07.2023 the investigation of the case was handed over to him (Insp: Tahir). During course of investigation of the said case he not demanded anyone nor he called them for self interest.. (Statement attached)

2. SECRET REPORT

According to the secret probe report, no solid evidence was found against Inspector Tahir Nawaz for his involvement in illegal activities. (Report is attached)

3. STATEMENT OF MHC NASIR KHAN NO.567 PS KARAK

He stated that inspector Tahir Nawaz Khan is conducting investigation in case FIR No.265 dated 10.05.2023 u/s 341-353-427-337A (i) 188-7ATA PS Karak in which efforts are being made to trace 500/600 unidentified suspects. He further stated that he doesn't know about anything regarding the said inspector has demanded money from someone. (Statement attached).

4. STATEMENT OF OII YAR MUHAMMAD PS KARAK

He stated that inspector Tahir Nawaz Khan is conducting investigation in case FIR No.265 dated 10.05.2023 u/s 341-353-427-337A (i) 188-7ATA PS Karak. A total of 113 accused have been traced in the case so far, out of which 79 accused have been arrested. There are 500/600 unidentified accused in the case, to trace them, Inspector

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SHO AMEER SULTAN PS KARAK

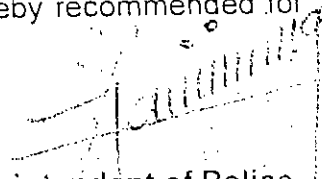
He stated that as he is performing duty in PS Karak as SHO. Inspector Tahir Nawaz is investigating officer of case FIR No. 265 dated 10.05.2023 u/s 341/353/427/147/149/188/7ATA PS Karak. He is trying to trace the 500/600 unidentified accused in the case. If during investigation anyone has complained against the said inspector to the High-ups regarding demanding money, then he has no knowledge about it. (Statement of SHO Ameer Sultan is attached)

FINDING

Keeping in view all the statements/available record it was found that apparently there was no evidence against Inspector Tahir Nawaz of harassing any person or demanding anything from any person but a careful study of all the statements revealed that it is the specialty of the people of District Karak that they complain verbally, but due to the fear of the police, they do not come forward and give any written statement. Inspector Tahir Nawaz's previous service record is also not good, it is his habit to take money from the people and implicate them in false cases. No solid evidence has been found against him in this case, however, from his previous service record, it is clear that he is a corrupt and dishonest person.

CONCLUSION

From the inquiry conducted so far/ previous service history of inspector Tahir Nawaz, the undersigned has reached to the conclusion that charges leveled against Inspector Tahir Nawaz is established and found guilty therefore, he is hereby recommended for Major Punishment if agreed, please.


Superintendent of Police,
Investigation Kohat

SP-MV
Final show cause to Insp Tahir Nawaz

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05/23

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No. 103 / Enq

Dated: 04/10/2023

FINAL SHOW CAUSE NOTICE
(UNDER RULE 5(3) KPK DISCIPLINARY AND EFFICIENCY RULES, 1975 (AMENDED 2014))

WHEREAS, you Inspector Tahir Nawaz IO PS Karak, proceeded against departmentally on the basis of allegations that as per letter received from the W/RPO Kohat vide Endst: No 7911/EC dated 21.07.2023, that upon perusal of the case file vide FIR No. 265 dated 10.05.2023 u/s 341,188,427,353,337A(i),147,148 PPC/7ATA Police Station Karak City that you Inspector Tahir Nawaz during the investigation process demanded illegal gratification and disturbing irrelevant innocent persons. This is quite adverse on your part and shows your negligence, malafide intentions and non-professionalism in the discharge of your official obligations. This act on your part is against service discipline and also amounts to gross misconduct.”

THEREFORE, you were served with Charge Sheet and statements of allegations under Police Disciplinary & Efficiency Rules 1975 (amended 2014) vide No. 91-92/Enq, dated 21.07.2023. SP Investigation Kohat was appointed as Enquiry Officer to conduct departmental enquiry against you, to which you submit your reply. After completion of enquiry, the Enquiry Officer submitted findings vide No. 723/PA dated 13.09.2023, in which the charges leveled against you Inspector Tahir Nawaz is established and found guilty and recommended for appropriate Punishment.

NOW, THEREFORE, I, SAJJAD AHMAD (PSP), District Police Officer, Karak have vested the power under Police Disciplinary & Efficiency Rules 1975 (amended 2014) liable to take action against you, which will render you

Your reply to this Final Show Cause Notice must reach to the office of the undersigned within **(07 days)** of the receipt of this Final Show Cause Notice. In case your reply is not received within the stipulated period, it shall be presumed that you have no defence and ex-parte action will be taken against you. Also state, whether you desire to be heard in person?

Inspector Tahir Nawaz

To ensure reply within stipulated time.

[Signature]
DISTRICT POLICE OFFICER,
KARAK

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جناب عالی!

بھائی شاکر نوس کی بابت معروض خدمت ہوں کہ مقدمہ عدالت نمبر 65 مورخہ 10-05-2023 جرم PPC سے قبل اس مقدمہ کی تفتیش سجاد حیدر انسپکٹر کر رہا تھا۔

مقدمہ میں میرے تعیناتی سے قبل سابقہ تفتیش افسران نے تقریباً 113 ملزمان کے خلاف قانونی کارروائی عمل میں لائی گئی تھی۔ اور عبوری چالان دیا گیا تھا۔

سائل کو جب تفتیش ہی تو 8 ملزمان نے عبوری ضمانت قبل از گرفتاری کر کے حسب معمول سرسری طور پر انٹارویویشن کیے گئے ہیں۔ اور انکو آری افسر نے ان افراد سے فرداً فرداً روگٹ کیے گئے ہیں۔ اور انکو آری افسر نے ان افراد سے فرداً فرداً میرے رویہ اور ناجائز مطالبہ کی بابت پوچھ بچھ کر چکا ہے۔ لیکن کسی نے بھی میہرے خلاف شکایت نہیں کی ہے۔

میرے خلاف جس نے بھی افسران صاحبان کو شکایت کی ہے۔ اسی شخص سے یہ وضاحت طلب کی جائے کہ سائل نے کیا مطالبہ کیا ہے۔ یا اپنے ذاتی مفاد کا کوئی سوال کیا ہے۔ اور سائل کو شکایت کنندہ پر چند سوالات کا موقع دیا جائے۔

سائل نے قبل ازیں بھی اپنی بے گناہی اور لاعلمی کا بیان دے چکا ہوں۔ انکو آری افسر نے سائل کو اپنی صفائی پیش کرنے کا موقع نہیں دیا ہے۔ خانیہ بیان ہے کہ سائل بے گناہ ہے۔ سائل جناب کی خدمت میں زبانی عرض معروض پیش کرنے کا خواہاں ہے۔ حتمی جواب عرض ہے۔

انسپکٹر طاہر نواز خان KB: ٹرک ونگ

ORDER

H (22)

This order will dispose off the departmental enquiry initiated against Inspector Tahir Nawaz posted at Investigation Wing Karak:-


"Facts are that as per letter received from the W/RPO Kohat vide letter Endst: No. 7911/EC dated 21.07.2023 that from the perusal of the case file vide FIR No. 265 dated 10.05.2023 U/s 341/188/427/353/337A(I) /147/148 PPC /7ATA Police Station City Karak that Inspector Tahir Nawaz during the investigation process demanded illegal gratification and disturbing irrelevant innocent persons. This is quite adverse on his part and shows his negligence, malafide intention and non-professionalism in the discharge of his official obligations. This act on his part is against service discipline and amount to gross misconduct."

He was served with Charge Sheet together with statement of allegations under Police Disciplinary Rules 1975 (amended 2014) vide No. 91-92/Enq. dated 21.07.2023. Mr. Jamil-Ur-Rehman SP Investigation Wing Kohat was appointed as Enquiry Officers to conduct departmental enquiry against him. After the completion of enquiry, the Enquiry Officer submitted his findings vide No 723/PA dated 13.09.2023, that the defaulter Inspector was found guilty on the basis of allegations leveled against him. The enquiry officer recommended the said Inspector for award of major punishment.

Thereafter, Final Show Cause Notice was issued to him vide this office No. 103/Enq. dated 04.10.2023. He submitted his reply to this effect and his reply was found unsatisfactory.

Keeping in view of above and having gone through available record, the undersigned come to the conclusion that he being a member of disciplined force, have acted in indiscipline and irresponsible manner and also shown non-professionalism in the discharge of his officials obligations. Therefore, I, **Sajjad Ahmad (PSP)** District Police Officer, Karak in exercise of the powers conferred upon me, he is hereby awarded with major punishment of reduction in Rank from Offg: Inspector to Substrative Rank of Sub-Inspector.

OB No. _____
Dated 1 /2023


District Police Officer, Karak

OFFICE OF THE DISTRICT POLICE OFFICER, KARAK

No. 9837-33 /Enq. Karak the 17/11 /2023

Copy of above is submitted to:-

1. The Regional Police Officer, Kohat, Region, Kohat for favour of information w/r to his office Endst: No. 7911/EC, dated 21.07.2023, please.
2. SP Investigation Wing Karak for information and necessary action.

Encls (24)

To,

The Regional Police Officer,
Kohat Region, Kohat

Through: PROPER CHANNEL

Subject: DEPARTMENTAL APPEAL

Respected Sir,

With due respect, appellant submits departmental appeal against the order of learned District Police Officer, Karak dated 06.11.2023 bearing OB No. 486 vide which major penalty of reduction from the rank of Inspector to the rank of Sub Inspector was imposed on appellant.

FACTS

1. That appellant was serving as Inspector now as Sub-Inspector in district Karak Police under your command and control. During posting period at district Karak appellant was rendered to disciplinary proceedings which culminated in passing the impugned order.
2. That the departmental proceedings were initiated against appellant on charges of demanding illegal gratification from the suspects involved in case FIR No. 265 dated 10.05.2023 under section 341/188/427/353/337-A(I)/147/148 PPC read with section 7 of Anti Terrorism Act, 1997 Police station City Karak and disturbing irrelevant person.
3. That appellant submitted reply in response to the charge sheet, contending therein that the criminal case under review was registered on 10.05.2023 and initial investigation was conducted in the case by predecessor in office of appellant namely Sajjad Haider Inspector Investigation in the case was handed over to appellant on 11.07.2023 i.e. after two months of its registration and submission of Interim challan by SHO City Karak.
4. That case FIR No. 265 was registered by operation wing of police of police station, city Karak against the participants of the unlawful assembly who blocked the Indus Highway and took the law into their hands while protesting against the arrest of chairman of "Pakistan Tehrik Insaf" (PTI). All the members of the unlawful assembly were charged in FIR including 24 by names who were leading the unlawful assembly.
5. That as a result of joint efforts of investigation and operation wings of police and with support of NADRA total 113 suspects were traced and

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To
The Regional Police Officer
Kohat Region Kohat

Through PROPER CHANNEL

Subject: DEPARTMENTAL APPEAL

Respected Sir:

With due respect, appellant Departmental appeal against the order of learned District Police Officer, Karak, dated 06.11.2023 bearing 486 vide which major penalty from the Karak from the rank of Inspector was imposed on appellant.

FACTS

- 1 That appellant was serving as Inspector now as Sub Inspector in District Karak Police under your command and control. During posting Karak appellant was rendered to disciplinary proceedings which culminated in passing the impugned order.
2. That the departmental proceedings was initiated against appellant on charge of demanding illegal gratifications the suspects involved in case FIR No. 265 dated 10.05.2023 under section 341/188/427/353/337-A/147/148 PPC with section 7 of Anti Terrorism Act, 1997 Police Station City Karak and disturbing irrelevant person.
3. That appellant submitted reply in response in the charge sheet, contending therein that the Criminal case under review was registered on 10.05.2023 and initial investigation was conducted in the case by predecessor in office of the appellant namely Sajjad Haider Inspector Investigation in the case was handed over to appellant on 11.07.2023 i.e after two months of its registration and submission of interim relief by SHO challan SHO City Karak.
4. That case FIR No. 265 was registered by appellant wing of Police Station city Karak against the participants of the unlawful assembly who blocked the Indus Highway and took the law into their hands while protesting against the arrest of chairman of "Pakistan Tehreek Insaf" (PTI). All the members of the unlawful assembly were charged in FIR including 24 by names who were leading the unlawful assembly.
5. That as a result of joint of Investigation and operation wings of police and with support of NADRA total 313 suspects was traced and identified.

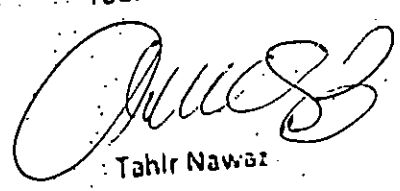
24

illegal gratification and harassing innocent persons against appellant
Therefore award of major penalty to appellant without identifying the
victims of alleged misconduct is against the law and rules governing
disciplinary actions.

- e) That initial investigation was conducted in the case FIR No 265 mentioned above by another officer. Investigation of the case was entrusted to appellant after about 02 months long period therefore, the charges of demand of illegal gratification from suspects or harassing innocent person at this related stage of investigation does not appeal to prudent mind. Again the enquiry officer clearly reported that the charges are unproved. Therefore award of major penalty on the basis of impugned charges against the norms of justice and fair play.
- f) That Circle Deputy Superintendent of Police and superintendent of Police investigation supervise the investigation processes but none of the said officer has ever advised or warned about the alleged charges. Therefore the alleged charges are groundless and without footings.
- g) That the whole departmental file has been prepared without complying with the procedure prescribed in the rules, therefore the subsequent action of passing of the impugned order based on defective proceedings is bad in eye of law and rules.
- h) That appellant may be allowed to advance additional grounds at the time of personal hearing.

It is therefore requested that impugned order may be set aside with all back benefits.

Your Obediently



Tahir Nawaz

Sub Inspector Investigation Wing Karak

Enclosure
Copy of impugned order

24

BETTER COPY

Illegal gratification harassing innocent persons against appellant. Therefore award if major penalty to appellant without identifying the victims of alleged misconduct the law and rules governing disciplinary actions.

- e). That initial investigation was conducted in the case FIR No. 265 mentioned above by another officer. Investigation of the case was entrusted to appellant after about 2 months long period therefore, the charges of demand of illegal gratifications for suspects or harassing innocent person at this related stage of investigation does not appeal to prudent mind again the enquiry officer clearly reported that the charges are unproved. Therefore award of major penalty on the basis of impugned charges against the norms of justice and fair play.
- f). That circle Deputy Superintendent of Police and Superintendent Police Investigation supervise the investigation process but none of the said officer has ever advised or warned about the alleged charges. Therefore the alleged charges are groundless and without footing.
- g). That the whole departmental file has been prepared without complying with the procedure prescribed in the rules, therefore the subsequent action of passing of the impugned order based on defective proceedings is bad in eye of law and rules.
- h). That appellant may be allowed to advance additnal grounds at the time of personal hearing.

It is therefore requested that impugned order may be set aside with all back benefits.

Your Obediently

Tahir Nawaz

Sub Inspector Wing Karak

Enclose

Copy of impugned order

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19/12/23
ORDER.

J (25)



This order will dispose of the departmental appeal preferred by SI Fasih Sarwar No. K/168 of Investigation Karak against the order of District Police Officer, Karak whereby he was awarded major punishment of reduction from the rank of Offg. Inspector to the substantive rank of Sub Inspector vide OB No. 486, dated 16.11.2023. Brief facts of the case are that SP Investigation Karak sent information report against the above named Offg. Inspector to the undersigned vide letter No. Nil dated 21.07.2023, that no appellant who posted as Inspector in Investigation Karak was entrusted the investigation of Case FIR No. 275 dated 10.05.2023 u/s 341/188/427-353/337A(b)/147/148 PPC / TAT, PS City Karak on the transfer of his predecessor Inspector Sajid Hussain. The SP Investigation stated in his letter that on one side the appellant is not competent to investigate such like important and sensitive case while on the other hand reportedly he demanded illegal gratifications and disturbing irrelevant and innocent persons. The report of SP Investigation Karak was sent to DPO Karak for initiating proper departmental proceedings against the delinquent officer.

District Police Officer, Karak initiated proper departmental enquiry proceedings against him and SP / Investigation Kohat was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities submitted his findings wherein he found appellant guilty of the charges leveled against him. He recommended him for major punishment under the relevant rules. DPO Karak had issued Final Show Cause Notice to the delinquent officer. However, his reply was found unsatisfactory.

Keeping in view the recommendations of the Enquiry Officer and in view of the facts of the case, the delinquent officer was awarded punishment of reduction from the rank of Offg. Inspector to substantive rank of Sub Inspector under the relevant rules by the District Police Officer, Karak vide OB No. 486 dated 16.11.2023.

Feeling aggrieved from the order of District Police Officer, Karak, the appellant preferred the instant appeal. He was summoned and heard in person in Quary Room at 11 in the office of the undersigned on 19.12.2023. From the perusal of the record, it has been ascertained that the appellant was promoted as Offg. Inspector on 19.04.2021. He has been duly confirmed as Inspector. Consequently, in accordance with the substantive rank of Sub Inspector Section 4(2)(b) of the Khyber Pakhtunkhwa Police Rules 1975 (As Amended in 2014) provides that reversion from an Officiating rank is not a punishment. Thus the appellant is entitled to hold the substantive rank of SI.

Foregoing in view, I, Sd/- FC, S.S. Regional Officer being the appellate authority, hereby set aside the punishment of reduction from the rank of Officiating Inspector to substantive rank of Sub Inspector awarded by District Police Officer Karak vide order No. 486 dated 16.11.2023. The departmental enquiry conducted against the appellant stands pending before the District Police Officer, Karak. It is directed to the DPO to pass a speaking order on the departmental enquiry within 15 days from the date of receipt of this order in accordance with the Khyber Pakhtunkhwa Police Rules 1975 (As Amended in 2014) within a period of 15 days after the receipt of this order at this office.

Order Announced
19.12.2023

FC, S.S. Regional Officer

Copy forwarded to District Police Officer, Karak for information and necessary action w/r to his office Memo. No. 4939 FC, dated 05.12.2023. C/Sd/- FC, S.S. Regional Officer Roll, Fauji Misal and Enquiry File No. FC/168/2023 hereon.

K

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ORDER

in pursuance of the WIRPO Kohat Region Kohat office order Endst No 175/EC dated 04.01.2024 passed on the departmental appeal of Offr. Inspector Tahir Nawaz of Investigation Wing Karak against the WIRPO Kohat, being the appellate authority, set aside the punishment of reduction from the rank of Officiating Inspector to substantive rank of Sub Inspector awarded by this office vide Order Book No 488 dated 16.11.2023. The departmental enquiry against the appellant stands pending in hand and this office was directed to pass a speaking order on the departmental enquiry conducted against the appellant strictly in accordance with the Khyber Pakhtunkhwa Police Rules 1975 (as amended in 2014) within a period of 15 days after the receipt of the order.

Facts are that as per letter received from the WIRPO Kohat vide letter Endst No 111/EC dated 21.07.2023 that SP Investigation wing Karak sent information report against Inspector Tahir Nawaz in worthy RPO Kohat that the appellant/defaulting Inspector who posted as IO in Police Station Karak was entrusted the investigation of case FIR No 285 dated 10.05.2023 U/S 141/188/427/353/337A(i), 147/148 PPC, 7ATA Police Station City Karak. The SP Investigator stated in his letter that on one side the appellant/defaulting Inspector is not compliant to investigate such an important and sensitive case while on the other hand reportedly Inspector Tahir Nawaz during the investigation process demanded illegal gratification and detouring irrelevant innocent persons. This is quite adverse on his part and shows his negligence, mala fide intention and non-professionalism in the discharge of his official obligations. This act on his part is against service discipline and amount to gross misconduct.

In this regard, he was served with Charge Sheet together with statement of allegations under Police Disciplinary Rules 1975 (as amended in 2014) vide No 91-02/Enq dated 21.07.2023. Mr Jamil-Ur-Rehman SP Investigation Wing Kohat was appointed as Enquiry Officer to conduct departmental enquiry against him. After the completion of enquiry the Enquiry Officer submitted his findings vide No 723/PA dated 13.09.2023, that the defaulting Inspector was found guilty on the basis of allegations leveled against him. The enquiry officer recommended the said Inspector for award of major punishment.

Thereafter Final Show Cause Notice was issued to him vide this office No 103/Enq dated 04.10.2023. He submitted his reply to this effect and his reply was found unsatisfactory.

From the perusal of the record it is transpired that appellant/defaulting Inspector was promoted offr. Inspector on 19.04.2023. He has not yet been confirmed as Inspector. Consequently, he is holding the substantive rank of Sub Inspector. Section 4(02)(b) of the Khyber Pakhtunkhwa Police Rules 1975 (as amended in 2014) provides that reversion from an officiating rank is not a punishment. Thus the appellant/defaulting Inspector is currently holding the substantive rank of Sub Inspector.

Keeping in view of above and having gone through available record and recommendations of the enquiry officer, reversion/reduction from Officiating rank of Inspector to substantive rank of sub inspector is not a punishment as per Section 4(02)(b) of the Khyber Pakhtunkhwa Police Rules-1975 (as amended in 2014), therefore, I, Muhammad Waqas Khan (PSP) District Police Officer, Karak, in exercise of the powers conferred upon me, hereby impose major punishment of reduction in rank from the substantive rank of Sub Inspector (SI) to substantive rank of Assistant Sub Inspector (ASI) for a period of two (02) years with immediate effect.

OB: 22
Dated: 16.01.2024

OFFICE OF THE DISTRICT POLICE OFFICER, KARAK

No 99-100 /Enq, Karak the 16.01.2024

Copy of above is submitted for favour of information to

1. The Regional Police Officer, Kohat, Region, Kohat for favour of information.
2. The SP Investigation Wing Karak for information and necessary action.

District Police Officer, Karak

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District Police Officer, Karak

K (26)

Better Copy

In pursuance of the W/RPQ Kohat Region Kohat office order Endst No. 175/EC dated 04.01.2024 passed on Departmental appeal of Offg Inspector Tahir Nawaz of Investigation Wing Karak where in the W/RPO Kohat, being the appellate authority set aside the punishment of reduction from the rank of Officiating Inspector to substantive rank of Sub Inspector awarded by the Office vide order Book No 486 dated 16.11.2023. the Departmental inquiry against the appellant stands pending in hand and this office was directed to pass a speaking order on the departmental enquiry conducted against the appellant strictly in accordance with the Khyber Pakhtunkhwa Police Rules 1975 (as amended in 2014) within a period of 15 days after the receipt of the order.

"Facts are that as per letter received from the W/RPO Kohat vide letter No 7011/EC dated 21.07.2023 that SP Investigation Wing Karak sent information report against Inspector Tahir Nawaz to Worthy RPO Kohat that the appellant/defaulters inspector while posted as IO in Police Station Karak was entrusted the Investigation of case FIR No. 265 dated 10.05.2023 U/S 341/188/427/353/337-A (i)/147/148/7ATA Police Station City Karak. The SP Investigation stated in his letter that on one side the appellant/defaulters Inspector is not competent to Investigate such like important and sensitive case while on the other hand reportedly Inspector Tahir Nawaz during the Investigation process demanded illegal gratification and disturbing irrelevant innocent persons. This a quite adverse on his part and shows his negligence, malafide intention and non-professionalism in the discharge of his official cognations. This act on his part is against discipline and amount in gross misconduct.

In this regard, he was served with Charge Sheet together with Statements of allegations under Police Rules Disciplinary Rules 1975 (as amended in 2014) vide No. 91-92/Enq dated 21.07.2023 Mr Jamil Ur Rehman SP Investigation Wing Kohat was appointed as Enquiry Officers to conduct departmental enquiry against him. After the completion of enquiry the Enquiry Officer submitted his findings vide No. 723/PA dated 13.09.2023 that the defaulter Inspector was found guilty on the basis of allegations leveled against him. The enquiry officer recommended the said Inspector for award of major punishment.

Thereafter Final Show Cause Notice was issued to him vide this Office No 103/Eng dated 04.10.2023. He submitted his reply was found unsatisfactory.

From the perusal of the record it is transpired that appellant/defaulters Inspector was promoted offg Inspector on 19.10.2023. He has not yet been confirmed as Inspector. Consequently he is holding the substantive rank of Sub Inspector Section 5 (2) (b) of the Khyber Pakhtunkhwa Police Rules 1975 (as amended in 2014) provides that reversion from an officiating rank is not a punishment. That the appellant/defaulters Inspector is currently holding the substantive rank of Sub Inspector.

Keeping in view of above and having gone through available record and recommendations of the enquiry officer reversion/reduction from Officiating rank of Inspector to substantive rank of sub inspector is not a punishment as per Section 4 (2) (b) of the Khyber Pakhtunkhwa Police Rules 1975 (as amended in 2014) therefore I, **Muhammad Waqas Khan (PSP)** District Police Officer, Karak in exercise of the powers conferred upon me hereby impose major punishment of reduction in rank from the substantive rank of sub Inspector (SI) to sustentative rank of Assistant Sub Inspector (ASI) for a period of two (2) years with immediate effect.

OB No. 22

Dated 16/01/2024

District Police Officer Karak

OFFICE OF THE DISTRICT POLICE OFFICER KARAK

No. 99-100/Enq, Karak the 16.01.2024

Copy of above is submitted for favour of information to

1. The Regional Police Officer, Kohat Region, Kohat for favour of information was quoted.
2. The SP Investigation Wing Khyber Pakhtunkhwa Karak for information and necessary action.

District Police Officer Karak

L (27)

To,

The Regional Police Officer,
Kohat Region, Kohat

Through: PROPER CHANNEL

Subject: DEPARTMENTAL APPEAL

Respected Sir,

With due respect, appellant submits departmental appeal against the order of learned District Police Officer, Karak dated 16.01.2024 bearing OB No. 22 vide which major penalty of reduction from the substantive rank Sub Inspector of to the rank of Assistant Sub Inspector was imposed on the appellant.

FACTS

1. That appellant was promoted to the rank of Inspector vide Order of Worthy Inspector General of Police Khyber Pakhtunkhwa bearing No. 233/CPO/E-II dated 19.04.2023. Appellant was posted in investigation wing District Karak. Appellant was proceeded against departmentally on charges of demanding illegal gratification from the suspects involved in case FIR NO. 265 dated 10.05.2023 under Section 341/188/427/353/337-A(I)/148/149 PPC read with Section 7 of Anti Terrorism Act. The departmental proceedings culminated in passing the order of reversion of appellant from the substantive rank of Inspector to the rank of Sub Inspector vide Order of District Police Officer, Karak dated 06.11.2023 bearing OB No. 486.
2. That appellant submitted departmentally appeal against the aforementioned penalty order before your good office. The departmental appeal was disposed of by your good office vide order No. 175/EC dated 04.01.2024, wherein the reversion order from the rank of Inspector to the rank of Sub Inspector was set aside and case was remanded to District Police Officer, Karak for passing speaking order and the departmental enquiry already conducted was order to the stand pending. Learned District Police Officer Karak without first issuing order of re-instating appellant in the rank of inspector and providing appellant any opportunity of defence, passed the impugned order of reduction in rank of the substantive rank of Sub- Inspector to Assistant Sub Inspector.
3. That the appellant had earlier submitted reply in response to the charge sheet, contending therein that the criminal case under review was registered on 10.05.2023 and initial investigation was conducted in the case by predecessor in office of the appellant namely Sajjad

Haider Inspector. Investigation in the case was handed over to the appellant on 11.07.2023 i.e. after two months of its registration and submission of interim Challan by Station House Officer City Karak.

4. That actually case FIR No. 265 was registered by operation wing of Police of Police station city Karak against the members of the unlawful assembly who blocked the Indus Highway and took the law into their hands while protesting against the arrest of chairman of "Pakistan Tehrik Insaf" (PTI). All the members of the unlawful assembly were charged in FIR including 24 by names who were leading the mob.
5. That as a result of joint efforts of investigation and operation wings of Police and with support of NADRA total 113 suspects were traced and identified, and the case filed had remained in custody of Anti Terrorism Court, Kohat in connection with District Police Officer Karak issued order of reversion of appellant from the rank of Inspector to the rank of Sub-Inspector disposal of bail petitions.
6. That on 21.07.2023 that is after ten (10) days of assuming the charge of investigation of the case, charge sheet was issued to the appellant on the basis of aforementioned charges, appellant submitted plausible reply and the inquiry officer without collecting any evidence in support of the charges made recommendation of award of penalty to appellant.
7. That appellant filed departmental appeal and your good office remand the case to District Police Officer, Karak for passing speaking order but the District Police Officer without complying with your good office directions passed the impugned order. Hence the departmental appeal on the following grounds.

GROUND:

- a) That the impugned order has been passed in clear violation of the directions contained in the order passed in departmental appeal of appellant as the order of reversion from the rank of Inspector was set aside by your good office but no order of re-instatement in rank of Inspector was issued. Again your good office has issued order that inquiry stand pending but inquiry was not entrusted enquiry officer. Furthermore, appellant was regularly promoted to the rank of Inspector vide order of Worthy Inspector General of Police on the basis of seniority cum fitness after recommendations of departmental promotion committee District Police Officer Karak has wrongly held that the promotion of appellant to the rank of Inspector was no

promotion: Actually promotion to the rank of Inspector by Regional Police Officer within the meaning of Police Rules 13.4 is no promotion. Any promotion made in pursuance of recommendations of departmental promotion committee is regular promotion. District Police Officer Karak did not provide chance of defence to appellant and issued the impugned order at the back of appellant.

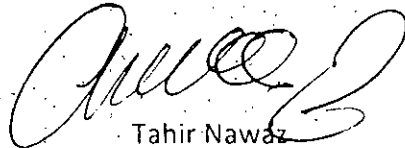
- b) That it is well settled principle of disciplinary proceedings that inquiry officer will be confined to the allegations leveled in the charge sheet. He is not authorized to travel beyond the ambit of such allegations. Inquiry Officer has reported in clear terms that there was no evidence against appellant of harassing any person or demanding illegal gratification. Enquiry Officer has reported the appellant guilty because previous service record of appellant was not good. The allegations of possessing patchy record of service are neither mentioned in charge sheet nor in Show Cause Notice. Hence, the alleged findings of inquiry officer are defective therefore; the impugned order based on that enquiry report had no legal sanctity and worth set aside.
- c) That Inquiry Officer has carried out open and secret inquiry but failed to collect any evidence in support of the charges of demanding illegal gratification and harassing innocent persons. Enquiry officer has also based the opinion of blemished record of service of appellant on no evidence or reference to any specific lapses and omissions on the part of appellant. Therefore, the inquiry proceedings have been carried out in flagrant violations of rules; hence the impugned order is void ab-initio.
- d) That this is on the record that the enquiry officer has examined the witnesses in absence of appellant as no chance of cross examination of the witnesses was provided to the appellant. The witnesses categorically stated that no evidence was available in support of charges. Therefore the impugned order is not tenable.
- e) That major penalty of reduction in rank was awarded to appellant but the complaint maker of the alleged charges is still unknown. Appellant is still unaware that who made complaint of demanding illegal gratification and harassing innocent persons against the appellant. Therefore, award of major penalty to appellant without identifying the victims of alleged misconduct is against the law and rules governing disciplinary actions.

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- f) That initial investigation was conducted in the case FIR No. 265 mentioned above by another officer. Investigation of the case was entrusted to appellant after about 02 months long period therefore, the charges of demand of illegal gratification from suspects or harassing innocent person at this belated stage of investigation does not appeal to prudent mind. Again the enquiry officer clearly reported that the charges are unproved. Therefore award of major penalty on the basis of unproved charges is against the norms of justice and fair play.
- g) That Circle Deputy Superintendent of Police and superintendent of Police Investigation supervising the investigation processes but none of the said officer has ever advised or warned about the alleged charges. Therefore, the alleged charges are groundless and without footings.
- h) That the whole departmental file has been prepared without complying with the procedure prescribed in the rules, therefore, the subsequent action of passing of the impugned order based on defective proceedings is bad in eye of law and rules.

It is therefore requested that impugned order may be set aside with all back benefits.

Your Obediently



Tahir Nawaz

Assistant Sub Inspector Investigation Wing Karak

Enclosure

Copy of impugned order

This order will dispose of the departmental appeal preferred by ASI Tabir Aswaz No. K/168 of Investigation Karak against the order of District Police Officer, Karak whereby he was awarded major punishment of reduction from the substantive rank of Sub Inspector to the rank of Assistant Sub Inspector vide OB No. 22, dated 16.01.2024. Brief facts of the case are that SP Investigation Karak sent a report against the above named Offg. Inspector to the undersigned vide letter No. Nil dated 21.07.2023, that the appellant, while posted as Investigation Officer in Police Station City Karak, was entrusted with the investigation of Case FIR No. 265 dated 10.05.2023 u/s 341/188/427/353/337A(i)/147/ 148 PPC / 7ATA PS City Karak. The SP Investigation stated in his letter that on one hand the appellant is not competent to investigate such like important and sensitive case while on the other hand, reportedly he used to demand illegal gratifications and disturbing irrelevant innocent persons. The report of SP Investigation Karak was sent to DPO Karak for initiating proper departmental proceedings against the delinquent officer.

District Police Officer, Karak initiated proper departmental enquiry proceedings against him and SP Investigation Kohat was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities submitted his findings wherein the appellant was found guilty of the charges leveled against him and recommended him for major punishment under the relevant rules. DPO Karak issued Final Show Cause Notice to the delinquent officer and his reply to which was found unsatisfactory.

Keeping in view the recommendations of the Enquiry Officer and circumstances of the case, the delinquent officer was awarded punishment of reduction from Offg. Inspector to the substantive rank of Sub Inspector by the District Police Officer, Karak vide OB No. 486 dated 16.11.2023.

Feeling aggrieved from the order of District Police Officer Karak, the appellant preferred appeal before the undersigned. He was summoned and heard in person in orderly manner on 19.12.2023. From the perusal of record, it transpired that the appellant was promoted as Officiating Inspector on 19.04.2023. He had not yet been confirmed as Inspector. Consequently, he was holding the substantive rank of Sub Inspector. Section 4 (2)(b) of the Khyber Pakhtunkhwa Police Rules 1975 (as amended in 2014) provides that reversion from an Officiating rank is not a punishment.

Based on the above, the order of punishment from the rank of Offg. Inspector to the substantive rank of Sub Inspector issued by District Police Officer Karak vide OB No. 486 dated 16.11.2023 was set aside and, consequently, the departmental enquiry against the delinquent officer stood pending before the DPO Karak. District Police Officer Karak was directed to pass a speaking order on the departmental enquiry conducted against the appellant strictly in accordance with Khyber Pakhtunkhwa Police Rules 1975 (as amended in 2014).

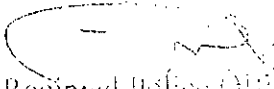
Consequent upon the above directions, District Police Officer Karak awarded major punishment of reduction in rank from the substantive rank of Sub Inspector to substantive rank of Assistant Sub Inspector for a period of two years with immediate effect vide OB No. 22 dated 16.01.2024.

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Being dissatisfied from the order of District Police Officer, Karak, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 20.02.2024. However he could not present any plausible grounds to justify his misconduct.

Foregoing in view, I, Sher Akbar, PSP, S.St, Regional Police Officer, Kohat, being the appellate authority, am of the considered opinion that the charges leveled against him have been fully established. The punishment awarded by the District Police Officer, Karak to the appellant is justified and, therefore, warrants no interference. Hence, appeal of ASI Tahir Nawaz No: K/168 is hereby rejected, being devoid of substance and merit.

Order Announced
20.02.2024


Regional Police Officer
Kohat Region

No. 1302 /EC, Dated Kohat the 28/02/2024

Copy forwarded to District Police Officer, Karak for information and necessary action w/r to his office Memo: No. 436/EC, dated 01.02.2024. 02 Service Books & 01 Service Roll, Fauji Misal and Enquiry File are returned herewith.

VAKALAT NAMA

NO. _____/2024

IN THE COURT OF KP Service Tribunal, Peshawar

Tahir Nawaz

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Department

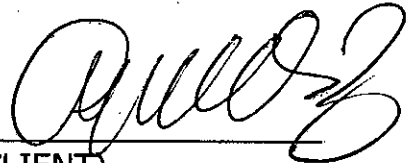
(Respondent)
(Defendant)

I/We, Tahir Nawaz

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2024



(CLIENT)

ACCEPTED

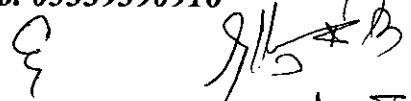


TAIMUR ALI KHAN
Advocate High Court

BC-10-4240

CNIC: 17101-7395544-5

Cell No. 03339390916



Adv: Shaki Rana Torani