


FORM OF ORDER SHEET

Court of _____

Appeal.No. 650/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	13/05/2024	<p>The appeal of Mr. Muhammad Ubaid presented today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 15.05.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 650 /2024

Muhammad Ubaid.....Appellant

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	5-8
3.	Copy of transfer order dated 28-09 2021	B	9-10
4.	Copy of order dated 06-12-2023	C	11
5.	Copy of pay Slips	D	12-13
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	17-19
8.	Vakalat Nama		

Dated:-13-05-2024

Ubaid
Appellant

Through

Fazal Shah Mohmand
Fazal Shah Mohmand
Advocate,

Supreme Court of Pakistan

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841

Email:- fazalshahmohmand@gmail.com

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No 650 /2024

Muhammad Ubaid, Ex Constable No.6472, 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 ~~28-09~~ 28-09-2021, where he regularly performed his duties. **(Copy of transfer order dated 28-09-2021 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

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:-

GROUND 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:-13-05-2024

Ubaid
Appellant

Through

eeef
Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan
&

Baseer Ahmad Shah
&
Baseer

Ibad Ur Rehman Khalil
Advocates Peshawar

Ibad Rehman

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2024

Muhammad Ubaid.....**Appellant**

V E R S U S

PPO. & others.....**Respondents**

A F F I D A V I T

I, Muhammad Ubaid, Ex Constable No.6472, 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.

Ubaid

DEPONENT

ATTESTED

Sl No	Name & SPO Belt No.	Father Name	Allotted No.
1	MUHAMMAD ISMAIL	MUHAMMAD YUNAS	
2	MUHAMMAD ISMAIL	YOUSAF	
3	MUHAMMAD HILAL	MUHAMMAD YUNAS	
4	IRFAN	KHALID GUL	
5	MOEEN ALI	ABDUL MANAN	
6	QAZI SOHAIL	IMAM DIN	
7	MUHAMMAD TAHIR	SARZAMIN	
8	HANZA	MUSA KHAN	
9	JANAL UD DIN	SHER DIL	
10	HANID ALI	AHMAD ALI	
11	SHAHZAD ALI	MURAD ALI	
12	MUHAMMAD IFTIKHAR	SHAKIR ULLAH	
13	SIRAT ULLAH	AMIN ULLAH	
14	MUHAMMAD IJAZ	TARIQ KHAN	
15	SALMAN SHEHZAD	SHAHZAD GUL	
16	YOUNAS KHAN	GUL KHAN	
17	MUHAMMAD SALMAN	GUL KHAN	
18	USMAN	SAJID	
19	USMAN KHAN	SAJID	
20	JALAL UD DIN	LAIQAT ALI SHAH	
21	MUHAMMAD UBAYD	MUHAMMAD AMIN	
22	SAID AMIN	TAL MEHMOOD	
23	GAHAZ MEHMOOD	ZAHOR AHMAD	
24	UMAR FAROQ	SALIM	
25	RIYAZ	MUSTAQIM S. IAH	
26	IMRAN	ABDUL GANI	
27	WASIM SHOUKAT	SHOUKAT HUSSAIN	
28	AMIR HUSSAIN	RAHMAN HUSSAIN	
29	HAZRAT GUL	HARIB GUL	

Section 5 of the Khyber Pakhtunkhwa Special Police Officer (Regulation 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 the regularization of the following Special Police Officers (SPOs) working in CP Peshawar under DPO (File #K4093-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 being absorbed as Regular Constable (BPS-07) in Capital City Police, Peshawar. They are listed in the following table with their names.

OFFICE OF THE CAPITAL CITY POLICE OFFICER, PESHAWAR.



A 5

**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.	UMAR AMJAD	MUHAMMAD AMJAD	
2.	MUHAMMAD ISMAIL	YOUSAF	
3.	MUHAMMAD HILAL	MUHAMMAD YOUNAS	
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	ZAHOOR 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	

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ATTESTED

OFFICER IN CHARGE OF THE CAPITAL CITY POLICE OFFICER,
PESHAWAR.

Reference: HO 15-29 2-16 Vol-II: In pursuance of the provisions contained in section 5 of the Khyber Pakhtunkhwa Special Police Officer (Regularization) Act, 2019 (Khyber Pakhtunkhwa Act No. XXV) of 2019) and on the recommendation of the Provincial Police Officer Khyber Pakhtunkhwa and approval of the Director, Federal Affairs Department is pleased to notify herewith the following Special Police Officers (SPO) working in Capital City Police Officer Peshawar City Police as constables (BPS-07) with effect from 1.03.2020. In the light of above notification the following Special Police Officers are to be treated as Regular Constable (BPS-07) in Capital City Police, Peshawar. They are to be given seniority numbers noted against their names.

Name & SPO Belt No.	Father Name	Allotted No.
FARHAD ALI	KHAN SHAH	
MAJID ALI	LIAQAT ALI	
SAADAT ALI	SHEHZAD GUL	
QAZI ALAUDDIN	IQBAL AHMAD	
ALAM ZEEN	QAZI ALAUDDIN	
	ALAM ZEEN	

[Signature]
SPOIC
FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR.

DIRNO. 2064
Dated 27.06.2020

OSI, dated Peshawar the _____/2020.

Copy to all concerned

[Signature]
ATTESTED

**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.

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B - 9 -

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

ORDER

Driver Constable Mohammad Ubiad No. 6472 is hereby transferred from Capital City Police Peshawar to DPO Khyber on his own request on loan basis with immediate effect.

[Signature]
For CAPITAL CITY POLICE OFFICER
PESHAWAR

No 17671-73/OASI dated Peshawar the, 28 / 09 / 2021

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

1. DPO Khyber.
2. PO CCP Peshawar.
3. FM CCP Peshawar.

call
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~~SECRET~~
051
Khyber Pakhtunkhwa
Government
Peshawar

جناب ڈپٹی ڈائریکٹر
سی ایف ایف
پشاور
پشاور

28/05/2021
36422 ڈی ایچ ڈی 17691-73 (پشاور)

06/10/2021 10:00
لو
سی ایف ایف

06/10/2021
37:50
لو
سی ایف ایف
051

OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER



No. 8824 /PA-DPO Khyber

Dated: 06/12/23

ORDER

With reference to Office Letter No. 20279/PA-SP-Coord, dated Peshawar, the 30/11/2023, in pursuance of the directions, the pay of the following is hereby stopped with immediate effect till further orders.

Sr.	Name/No.	Personnel No.
01	Umar Farooq s/o Zahoor Ahmad No. 4656	997181
02	Hazrat Gul s/o Habib Gul No. 397	00522449
03	Ibrar Akhtar s/o Javed Akhtar No. 319	532147
04	Saud Ali s/o Mustaqeem Shah No. 4248	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 Iftikhar s/o Shakir Ullah No. 6221	700148
09	Faizan No. 354	0098163
10	Moeen Ali s/o Abdul Manan No. 1529	985652
11	Shukat Iqbal s/o Mir Khatam 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. 6048	544048
18	Faraz Mehmood s/o Taj Muhammad No. 6567	997180

DISTRICT POLICE OFFICER
KHYBER

OP No. 1159 /dated 06/12/2023
No. 8825-29/PA-DPO Khyber

Copies to:

1. The Capital City Police Officer, Peshawar
2. DSP HQ, Khyber
3. Accountant Khyber
4. Service Record Branch
5. HRMIS Branch, Khyber

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D (12)

Sheet no. 1

S#:1 khyber P Sec:001 Month:November 2023
KH4037 -District Police Officer Kh
DISTRICT POLICE OFFICER K

Pers #: 00395704 Buckle: 42
Name: MUHAMMAD UBAID
CONSTABLE NTN:
CNIC No.2120331660047 GPF #: Old #:
GPF Interest Applied
07 Active Temporary KH4037

PAYS AND ALLOWANCES:
0001-Basic Pay 27,230.00
1001-House Rent Allowance 45% 2,384.00
1210-Convey Allowance 2005 1,932.00
1300-Medical Allowance 1,500.00
1528-Unattractive Area Allow 1,000.00
1547-Ration Allowance 1,000.00
1567-Washing Allowance 100.00
1646-Constabulary R Allowance 300.00
1902-Special Incentive Allowance 775.00
Gross Pay and Allowances 56,485.00

DEDUCTIONS:
IT Payable 958.65 Deducted 687.00 TAX: (3609) 137.00
GPF Balance 20,882.00 Subrc: 1,500.00
3530-Police welf: Fud BS-1 to 18 545.00
4004-R. Benefits & Death Comp: 450.00

Total Deductions 2,632.00
53,853.00

D.O.B 23.03.1989 LFP Quota: UNITED BANK LIMITED
15 Years 11 Months 000 Days 0109000277681629

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ATTES

S#:2 khyber P Sec:001 Month:November 2023
KH4037 -District Police Officer Kh
DISTRICT POLICE OFFICER K

Pers #: 00395704 Buckle: 42
Name: MUHAMMAD UBAID
CONSTABLE NTN:
CNIC No.2120331660047 GPF #: Old #:
GPF Interest Applied
07 Active Temporary KH4037

PAYS AND ALLOWANCES:
2148-15% Adhoc Relief All-2013 361.00
2168-Fixed Daily Allowance 2,730.00
2199-Adhoc Relief Allow @10% 243.00
2314-Risk Allow Police - 2021 7,400.00
2378-Adhoc Relief All 2023 35% 9,530.00

Gross Pay and Allowances 56,485.00
DEDUCTIONS:
IT Payable 958.65 Deducted 687.00 Subrc:
GPF Balance 20,882.00

Total Deductions 2,632.00
53,853.00

D.O.B 23.03.1989 LFP Quota: UNITED BANK LIMITED
15 Years 11 Months 000 Days 0109000277681629

13

00395704 MUHAMMAD UBAID

CNIC: 2120331660047

Desig: CONSTABLE

(80887958) Grade: 07 NTN:

Buckle No.: 42

Gazetted/Non-Gazetted: N

PAYMENTS	AMOUNT	DEDUCTIONS	AMOUNT	LOAN/FUND	PRINCIPAL	REPAID	BALANCE
0001 Basic Pay	27,230.00	3007 GPF Subscription	1,500.00-		GPF#:		16,382.00
1001 House Rent Allowance	2,384.00	3530 Police wel:Fud BS-1 t	545.00-		INCOME TAX 1,645.56	276.00	1,370.50
1210 Convey Allowance, 20	1,932.00	4004 R. Benefits & Death C	450.00-				
1300 Medical Allowance	1,500.00	3609 Income Tax	138.00-				
1528 Unattractive Area A	1,000.00						
1547 Ration Allowance	1,000.00						
1567 Washing Allowance	100.00						
1646 Constabulary R Allow	300.00						
1902 Special Incentive Al	775.00						
2148 15% Adhoc Relief All	361.00						
2168 Fixed Daily Allowanc	2,730.00						
2199 Adhoc Relief Allow @	243.00						
2314 Risk Allow Police -	7,400.00						
2376 Adhoc Relief All 202	9,530.00						
PAYMENTS	56,485.00	DEDUCTIONS	2,633.00-		NET PAY	53,852.00	01.08.2023 31.08.2023
Branch Code:210283	CHARSADDA ROAD	UNITED BANK LIMITED			PESHAWAR	Acct.No: 0109000277681629	

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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 Muhammad Ubaid Belt No. 6472, personnel Number 395704 (Khyber) son of Liaqat Ali resident of Landi Kotal, presently at Bashir Abad Peshawar 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 Coordinations was constituted to enquire into the allegations. The Enquiry Committee, after going through the pros and cons of the issue, held that Illegal employee Muhammad Ubaid Belt No. 6472 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. In the instant case one Muhammad Ubaid belt No. 6472, Cell No. 0318-9348539, CNIC No. 21203-3166004-7, stated that after passing eight class exam he started driving Rickshaw for livelihood. His elder brother Aslam Baig, who has property business at Khwaja Town, have friendship with Haji Shahid Accountant Police Lines, Peshawar talked with him for his job in Police Department as Police Constable and dealt with him on Rs.450,000/-. He sold his Rickshaw over Rs.315,000/- and also sold some Jewelry of Rs.140,000/- and after setting the requisite amount, he went to Haji Shahid's house and handed over him that amount. After some days, his brother informed him to meet Haji Shahid in his garments shop at Meena Bazar Peshawar where he handed over him his appointment order and also Police service card. He went to Khyber Police Lines, made his arrival vide DD No.10, dated 07-10-2021 and started his duty at Khyber Police Lines. OASI Khyber Rafi Ullah deputed him to MT staff as driver and since then he is serving as driver in MT staff District Khyber. After joining Police Department, he opened his account in United Bank Charsadda Road and since that he is receiving his salary through that bank account. Haji Shahid at his home took his finger prints on Service Roll. He did not pass any medical test or physical checkup. He did not attend any training nor went to Police Lines, Peshawar for any recruitment process.

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4. Report from OASI regarding belt No.6472 obtained and according to report at this belt number, Ubaid Ullah Constable is serving in CCP, Peshawar and presently on duty at DAR, Peshawar. Similarly, according to CRC report, the Constable serving at this number has verified Service Roll and documents. Service Record from Establishment Branch, District Khyber received, Service Roll analyzed and found that the Service Roll have fake orders, fake/bogus OB numbers and scanned signatures.

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.

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), Muhammad Ubaid personel number 395704 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.II of 2017) and other relevant provisions of the Pakistan Penal Code.

369-78

No. _____/PA:

OB No. 86

**SUPERINTENDENT OF POLICE
HQRS CCP PESHAWAR**

Dated Peshawar the 05/01/2024.

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, OASI, CRC & FMC

u/b
ATTESTED

ATTEST
[Signature]

سی سی ٹی پشاور

سی سی ٹی پولیس

15-01-2024

6479

15-01-2024

(ان کی درخواست لف ہے)

تا ہم انہوں نے وصول کرنے سے انکار کر دیا

درخواست دینے کی کوشش کی

میں نے جناب ایس ٹی پٹنہ کو ایئر کوآرڈر پر جانسی حکم کی رائے کی ہے

تاہم مجھے انہی ایک پر جانسی کے حکم کی رائے فراہم نہیں کی گئی

سمت سے ملازمین کو جانسی سے جانسی کیا گیا ہے

البرطانیہ کے تحت بند کی گئی جس کے بعد مجھے محکمہ کے پتے پر

رجسٹرڈ اور مورخہ 6-12-2023 کو میری تیجواہ مخصوص

گزارش ہے کہ میں محکمہ پولیس میں بطور کانستبل ڈیوٹی انجام

دینا چاہتا ہوں

Section:	
Date:	15/01/2024
Diary No:	11634
KP-RTI COMMISSION	

جناب ادرخواست برائے عطا کی حکم پر جانسی

بخدمت جناب ڈائریکٹر رائٹ ٹو انفارمیشن جینر پختونخوا پشاور

F-16

G -17-

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 06-08-2021, 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.

Ubaid

Muhammad Ubaid, Ex Constable
No 6472, Capital City Police, Peshawar
R/O Khwaja Town Peshawar
Cell #.0318-9348539

Dated: 02/02/2024

ATTESTED

ATTACHED

CN Print Charges

Service Chg	139.0
Fuel Surcharge	26.0
Other Amount	0.0
VAS	8
Insurance Chg	0
KPST	27
Premium	0
TOTAL	200.0

Name : M UBALD
 Phone : 03475600195
 Address : KHWAJA TOWN PESHAWAR
 CNIC : 1730103605537

Name : CCP PA
 Phone : 03475600195
 Address : POLICE LINE PESHAWAR

PLW PLW Staff: 122989
 Ips - 0.5
 Route: X33104

CASH 2024-02-02 15:24

CN: 4765814189




18-

ATTACHED
cut

From: Muhammad Usaid
Address: 35K Street, Haveli, District Bhatnagar
Phone: 0347-5600295

اب آپ موبائل پر پورے نمبر کے ساتھ کبھی پائی نہیں اور فون کے پر
ہاں لی ایک بھی میں کسی ایسی ایپس میں پائی ہیں پتہ تو یہ ہے




 - کے لئے منظور ہے۔
 13/12/2024
 سہ ماہی
 (15/12/2024)
 سہ ماہی

2024 13 اپریل

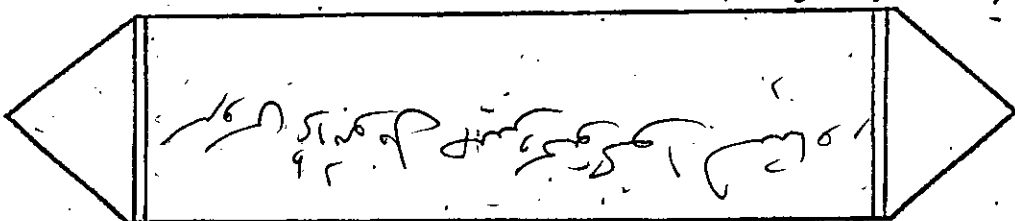
مقدمہ نمبر 2024/2319
 مقدمہ نمبر 2024/2319 کے لئے منظور ہے۔
 13/12/2024
 سہ ماہی

اپنے پرکھے

Service - Appeal - دعویٰ
 رقم
 مقدمہ
 برائے

BC-10-5543

Appellant 2024



نمبر الٹا

در عدالت سابقہ لٹریچر کے تحت رقم 2024/2319