

Cost of Rs. 5,000/- received in Service Appeal No. 165/2024,

Titled Habib Ux Rehman Vs. VS. Police Deptt

in the office of Registrar Vide Order 23/05/2024 Dated:

10/06/2024.


10/6/24.

REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal, Peshawar

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 165/2024

Habib Ur Rehman,
Ex- Offg: ASI No. 348,
Police Lines Kohat.

.....Petitioner

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region, Kohat
3. The District Police Officer, Kohat.

.....Respondents

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Deponent

P-1

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 165/2024

Habib Ur Rehman,
Ex- Offg: ASI No. 348,
Police Lines Kohat.

.....Petitioner

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13296

Dated 10-06-2024

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region, Kohat
3. The District Police Officer, Kohat.

.....Respondents

COMMENTS ON BEHALF OF RESPONDENTS NO. 1, 2 & 3.

Respectfully Sheweth:-

The Parawise comments are submitted as under:

Preliminary Objections:-

- i. That the appellant has got no cause of action.
- ii. That the appellant has got no locus standi to file the Instant appeal.
- iii. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- iv. That the appellant is estopped by his own conduct to file the instant petition.
- v. That the appeal is bad in eyes of law and not maintainable.
- vi. That the appellant has not approached the honorable Tribunal with clean hands.
- vii. That the appeal is badly time barred.

On Facts

1. Correct to the extent of service of appellant, however, as per his service record, there are some bad entries including removal / dismissal from service on account of fraudulent activities. (Copy of bad entries attached as annexure A).
2. Correct to the extent of complaint against appellant, however, as per the service record, the appellant has been involved in many fraud cases on account of which he was dismissed and suspended many times in the such cases. Appellant has taken huge amount from various people which includes Gul Rehman, Umar Saeed, Qudratullah and Muhammad Owais etc. In this regard complaint in written form was submitted to respondent No. 3 by Muhammad Owais r/o Sheikhan against the appellant stating therein that he sold a motor car GLI white colour for 15 lac on 05/06/2022 in the presence of witnesses as mentioned in the complaint. They agreed that the complainant would pay 5 lac

in advance and the remaining amount within 15 days to the appellant. The appellant was promised that after providing the legal documents for the vehicle within 15 days, the motor car would be handed over to the complainant. After the 15-day period expired, the appellant was asked to hand over the car, but he asked for more time and began to act evasively, refusing to implement the agreement. Muhammad Owais submitted a written complaint that the appellant sold a motor car but neither he handed over the motor car nor returned the amount which was paid in advance. **(Copy of Complaint dated 08.05.2023 is attached as Annex "B")**.

- 3. Para No. 3 of the appeal is correct to the extent that on the basis of complaint mentioned in the para above, preliminary inquiry was conducted, during which the contents of complaint were found correct, hence in pursuance of such preliminary inquiry proper departmental inquiry was initiated. **(Copy of preliminary inquiry, charge sheet, summary of allegation are attached as annexure "C & D")**.
- 4. Incorrect and misleading, on account of fraudulent act he was charge sheeted and proper departmental inquiry was initiated against the appellant. The enquiry officer after fulfilling all the codal formalities submitted findings, wherein the enquiry officer reported that the appellant is involved in illegal activities and found guilty for the commission of fraud. During proceedings the appellant was given opportunity of personal hearing but he failed to produce any cogent evidence in support of his innocent. Consequent upon receipt of findings recommendation of the enquiry officer the appellant was served with Final Show Cause Notice, the reply of show cause notice was found unsatisfactory. Hence, awarded major punishment of "dismissal from service" in accordance with rules vide order dated 16.08.203. **(Copies of inquire report, Final Show Cause Notice and dismissal order are attached as Annex "E, F & G")**.
- 5. Incorrect: As already explained in above preceding Para, hence, proper opportunity of defense was provided and before passing final order, appellant was heard in person.
- 6. Correct to the extent that the appellant filed departmental appeal, however he failed to provide cogent justification regarding his allegations hence, his appeal was rejected on solid grounds by the appellate authority through speaking order.
- 7. That appellant has got no cause of action to file the instant appeal, which is devoid of merit.


GROUND:-

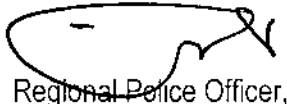
- A. Incorrect: The order of respondents are quite legal and in accordance with law/rules.

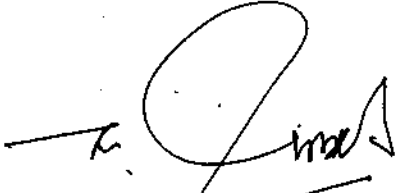
- B. Incorrect: The enquiry Officer conducted enquiry proceedings strictly, in accordance with Law / rules, during which appellant was found guilty and awarded major punishment, in accordance with rules.
- C. Incorrect: Proper opportunity of defense and personal hearing was provided to the appellant. Appellant was treated as per law.
- D. Incorrect: As already explained in preceding above para. The order of respondents are quite legal and in accordance with law/rules.
- E. Incorrect: The appellant has been treated in accordance with law/rules. The allegations against appellant have already been proved in the enquiry.
- F. The allegations against appellant were of serious nature and the same were proved during departmental inquiry. After proper departmental inquiry and fulfilled all codal formalities to appellant was dismissed from service in accordance with law / rules.

Prayers:-

In view of the above, it is prayed that the appeal being not maintainable may graciously be dismissed with costs, please.


 District Police Officer,
 Kohat
 (Respondent No. 3)
(MUHAMMAD OMER KHAN) PSP


 Regional Police Officer,
 Kohat
 (Respondent No. 2)
(SHER AKBER) PSP, S.St


 DIG / Legal, CPO
 For Provincial Police Officer,
 Khyber Pakhtunkhwa, Peshawar
 (Respondent No. 1)
(DR. MUHAMMAD AKHTAR ABBAS) PSP

P-4

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 165/2024

Habib Ur Rehman,
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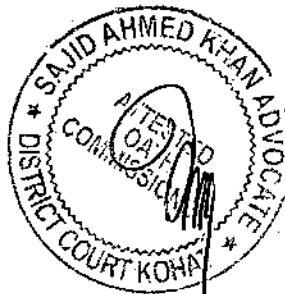
.....**Respondents**

AFFIDAVIT

I, Muhammad Omer Khan, District Police Officer, Kohat Respondent No. 3 do hereby solemnly affirm and declare on oath that the contents of reply to the appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.

It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense is struck off.


(MUHAMMAD OMER KHAN) PSP
 District Police Officer,
 Kohat
 (Respondent No. 3)



Annex-A
P-05

BAD ENTRIES RECORD OF EX ASI HABIB UR REHMAN

Bad	Remarks
1. 02 days Quarter Guard 2. Leave without pay 02 days 3. Forfeiture of 02 years approved Service	The punishment of Removal from Service was converted into minor punishment of Forfeiture of 01 year approved Service by CPO Peshawar and reinstated him into service.
4. Fine Rs. 1000/- 5. Leave without pay 01 day 6. Warning 7. Forfeiture of 02 years approved Service 8. Censure 9. Reduction from the rank of HC to C-I Constable 10. Warning 11. Removal from Service 12. Dismissal from service	

Attested
Habib

۵۔ یہ کہ مسائل نے برخلاف مسئول علیہ حبیب الرحمن ASI مورخہ 22.07.2022 کو جناب DPO صاحب کو درخواست بابت قانونی کارروائی در
کردرخواست کی نقل ہمراہ لطف سے درخواست پر SHO تھانہ ٹی نے مسائل و مسئول علیہ کو مورخہ 03.02.2023 طلب کر کے جو تھانہ ٹی میں
ASI مذکورہ نے مسائل کیساتھ اقرار نامہ تحریر کر کے مبلغ -/5,00,000 لاکھ روپے میں ہے۔ -/2,50,000 روپے مورخہ 20.03.2023
کو ادا کرنے اور بقایا رقم /2,50,000 روپے مورخہ 05.05.2023 کو دیے اقرار نامہ تحریر کیا۔ اقرار نامہ کی نقل ہمراہ لطف ہے۔

۶۔ یہ کہ اقرار نامہ کے باوجود مسئول علیہم نے مسائل کو آج تک کوئی رقم ادا نہیں کی۔

۷۔ یہ کہ آج مورخہ 08.5.2023 کو حبیب الرحمن ASI کو ہاٹ پکھری میں موجود پا کر جس سے رقم کا مطالبہ کیا مسئول علیہ نے بجواب مسائل کو انخوا
کرنے وقت کرنے، اور مسائل کے Guest House پر چھاپہ لگانے اور نشیات کے مقدمات میں پھنسانے کی سنگین دھمکیاں دی اور وارنگ
دی کہ کوئی اقرار نامہ وغیرہ نہیں ہے۔ میں DPO و DiG کی پرواہ نہیں کرتا اور آپ کون ہیں۔

۸۔ یہ کہ مسئول علیہ محکمہ پولیس کی بنیادی کا باعث بھی بن رہا ہے اور پولیس کی وردی اور اپنے عہدے کا غلط استعمال کر رہا ہے۔ پولیس کی وردی کا ناجائز
فائدہ اٹھا کر مسائل کی رقم ہڑپ کرنا چاہتا ہے۔ جس کے خلاف محکمہ کارروائی اور قانونی کارروائی کی ضروری ہے۔

لہذا بذریعہ درخواست استدعا ہے کہ مسئول علیہ کے خلاف قانونی کارروائی کی جا کر من مسائل کو گاڑی دلوائی جائے یا بصورت دیگر
رقم مبلغ -/5,00,000 روپے برآمد کر کے من مسائل کے حوالے کئے جائے۔ قانونی کارروائی کی استدعا ہے۔
مسائل آپ صاحب کا نام دعا گورہیگا۔

مورخہ: 08.05.2023

محمد اویس ولد جہاز زیب خان
سکنہ شیخان تحصیل ضلع کوہاٹ

شناختی کارڈ: 7-9789441-14301

رابطہ نمبر: 0334-8897371

Attested
Muhammad



No 3306-07/PA

Office of the
District Police Officer,
Kohat

Dated 23-6-2023

Annex G
P-08

CHARGE SHEET

I, **MR. FARHAN KHAN PSP, DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules (amendments 2014) 1975, am of the opinion that you **ASI Habib Ur Rehman Police Lines Kohat** rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. ***As per preliminary enquiry conducted by SP Operations Kohat, you ASI Habib Ur Rehman has taken a huge amount from various people i.e Gul Rehman, Umar Saeed, Qudrat Ullah etc, whereas a complaint submitted by one Muhammad Owais r/o Sheikhan, that you have sold a motor car GLI white color fraudulently and taken Rs: 05 lac an advance but neither the motor car was handed over to him nor the amount return up till now.***
- ii. ***Your above act shows in-efficiency, irresponsibility and professional gross misconduct on your part.***

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

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

4. A statement of allegation is enclosed.

*Attested
Nadeem*

**DISTRICT POLICE OFFICER,
KOHAT**



No 3306-07/PA

Office of the
District Police Officer,
Kohat

Dated 23-6-2023

DISCIPLINARY ACTION

I, **MR. FARHAN KHAN PSP, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **ASI Habib Ur Rehman Police Lines Kohat** have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

- i. *As per preliminary enquiry conducted by SP Operations Kohat, you ASI Habib Ur Rehman has taken a huge amount from various people i.e Gul Rehman, Umar Saeed, Qudrat Ullah etc, whereas a complaint submitted by one Muhammad Owais r/o Sheikhan, that you have sold a motor car GLI white color fraudulently and taken Rs: 05 lac an advance but neither the motor car was handed over to him nor the amount return up till now.*
- ii. *Your above act shows in-efficiency, irresponsibility and professional gross misconduct on your part.*

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations SP/INV: K6 is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

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

**DISTRICT POLICE OFFICER,
KOHAT**

No 3306-07/PA, dated 23-6-2023.

Copy of above to:-

1. SP/INV: K6 :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Accused official**:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

*Attested
Prleen*

Annex - E
P-10 (11)

FINDING REPORT

DEPARTMENTAL ENQUIRY AGAINST ASI HABIB UR REHMAN

The Undersigned was appointed as enquiry officer in the above enquiry issued from the office of the worthy District Police Officer, Kohat against the above named with the following allegations:-

1. That one Muhammad Qais s/o Abul Hassan r/o Usterzal Payan complaint against you that you had made a demand of Rs: 900,000/- regarding employment in FIA out of which you have received Rs: 400,000/- You neither complied with you illegal commitment nor returned the amount to the complainant.
2. Thus you have indulged himself in illegal activities and committed gross professional misconduct.
3. That from the above, and your previous record you are ill-reputed.

ENQUIRY PROCEEDINGS:-

In connection of enquiry Habib Ur Rahman ASI (defaulter) was summoned and heard in person, necessary cross-questions were also carried out by the undersigned but he couldn't submit any plausible reply regarding the allegations framed against him. He was asked regarding the same amount of four Lac by the undersigned which is claimed by complainant Muhammad Qais. Upon this ASI Habib submitted his narrative in writing, he disclosed that he deals in the same things and also admitted the same amount had been taken from Muhammad Qais by third party rather than him. The undersigned asked him can he indulge in these kinds of illegal activities, upon this he replied, "It is not illegal because the same deal is a private one therefore I did". (Statements are enclosed with enquiry). He verbally admitted before the office of the undersigned that it is true he had taken Rs: 400,000/- from Muhammad Qais in connection of FIA job but he cannot submit in a written statement.

Habib claimed that a loan transaction had been going on between him and Muhammad Qais since long ago. He also revealed that he gave a loan 12 Lacs to Muhammad Qais in connection with a building hotel. But the allegations of Habib have been rejected by Muhammad Qais. He told that if he has any evidence or proof then produce it in this regard but Habib could not do so.

STATEMENT OF COMPLAINANT MUHAMMAD QAIS:

For further inquiring complainant, Muhammad Qais was summoned and heard in person. He along with his brother Mujtaba produced a Pashto Voice recording in which ASI Habib Ur Rehman demanded 9 lac amount in connection with FIA job from Muhammad Qais and his brother. He had taken 4 lac from them and 5 lac would be taken after the appointment of FIA job of Muhammad Qais. Important points of this recording have been written on plain paper which is enclosed with enquiry. On 17.06.2022 complainant Muhammad Qais arrived at this office and he told that said ASI came to his house regarding the same amount and said "if you take back your complaint I will give you 4 lac amount as soon as possible".

STATEMENT OF MUJTABA HASSAN:

In connection of inquiry brother of the complainant, Mujtaba Hassan was summoned and heard in person in which he disclosed and produced a Pashto voice recording in which ASI Habib Rahman has taken Rs: 400,000/- from him, and other conversation was also discussed in this regard which is discussed in the statement of said above complainant.

*Attested
Sham*

STATEMENT OF EYE WITNESS MUHAMMAD TARIQ

P. (12) 12

In connection of inquiry he was summoned and heard in person he revealed that he is the eye witness of Jirga which occurred between Muhammad Qais and ASI Habib Ur Rehman in which Habib Ur Rehman categorically admitted "I will give your amount but I need some time for this purpose because I have got domestic issues". (Statement of Muhammad Tariq is enclosed with inquiry)

CONCLUSION:-

It is clear that said ASI Habib Ur Rehman had taken bribes from complainant Muhammad Qais and his brother Mujtaba, which is illegal activity and as an employee of the Police Department, he is trying to tarnish the name of Police department. He had already been dismissed from Police department due to these kind of illegal activities.

RECOMMENDATIONS:-

In view of above discussion, he is recommended for major punishment and registration of FIR for stealing money from public by virtue of his office, please.

Submitted please.

Usama Amin Cheema

(Usama Amin Cheema)
Assistant Superintendent of Police,
HQrs. Kohat.

*Attested
Saleem*

DEPARTMENTAL INQUIRY AGAINST ASI HABIB UR REHMAN OF POLICE LINES

This is departmental inquiry report against the ASI Habib ur Rehman posted in Police Lines Kohat for the allegation mentioned below:

- i. ASI Habib ur Rehman while posted at Police Lines Kohat being involved/arrested in criminal case vide FIR No, 68 dated, 13.02.2023 u/s 419,420 PPC, 118,119,120 Police Act 2017 PS Usterzai.
- ii. Your above act show in-efficiency, irresponsibility and professional gross misconduct on your part.

DEPARTMENTAL PROCEEDINGS:

Charge Sheet and summary of allegation was issued and served upon the delinquent official. The undersigned was appointed as inquiry officer vide your office Edst: No. 769-70/PA dated 15.02.2023.

STATEMENT OF DEFAULTER:

ASI Habib ur Rehman is submitted written statement and stated that applicant Muhammad Qais s/o Abu al Hassan r/o Usterzai Payan had preferred same complaint 02 years before to worthy RPO Kohat. And the matter was enquired by the then SDPO HQr Kohat and also the applicant withdraw his complaint back. The then SDPO HQ had completed the enquiry and recommended filed. He further stated that after 09 months applicant has preferred the same complaint again to DPO Kohat in which he was suspended and then he appeared before worthy Regional Police Officer, Kohat for appeal. The Worthy Regional Police Officer, Kohat reinstated him in service.

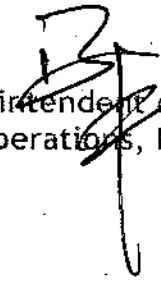
INQUIRY:

Defaulter ASI Habib ur Rehman was summoned and heard in person. The relevant record were also thoroughly perused.

RECOMMENDATION:

Keeping in view of above, the above named ASI Habib ur Rehman has been exonerated from the charges leveled against him. However, he is recommended for *minor punishment as censure and warned to be careful in future.*

No. 121 /SP-Ops
Dated 22/02/2023.


Superintendent of Police
Operations, Kohat

Attested
Saleem

Attested
Saleem



Annex - F
P-13

**OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT**

Tel: 0922-920116 Fax 920125

No 4002 /PA dated Kohat the 24/7/2023

FINAL SHOW CAUSE NOTICE

1. I, **Mr. Farhan Khan PSP, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you **Offg: ASI Habib Ur Rehman Police Lines Kohat** as follow:-

i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 3306-07/PA dated 23.06.2023.

ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

a. **As per preliminary enquiry conducted by SP Operations Kohat, you ASI Habib Ur Rehman has taken a huge amount from various people i.e Gul Rehman, Umar Saeed, Qudrat Ullah etc, whereas a complaint submitted by one Muhammad Owais r/o Sheikhan, that you have sold a motor car GLI white color fraudulently and taken Rs: 05 lac an advance but neither the motor car was handed over to him nor the amount return up till now.**

b. **Your above act shows in-efficiency, irresponsibility and professional gross misconduct on your part.**

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules **ibid.**

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

4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

*Attested
Farhan*

**DISTRICT POLICE OFFICER,
KOHAT**



Annex - G
P-14

**Office of the
District Police Officer,
Kohat**

Ph: #. 0922-9260116 Fax #. 0922-9260125

ORDER

This order will dispose of departmental proceedings conducted against Offg: ASI Habib Ur Rehman (**hereinafter called accused official**) under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014), on the below score of charges:-

As per preliminary enquiry conducted by SP Operations Kohat, Offg: ASI Habib Ur Rehman has taken a huge amount from various people i.e Gul Rehman, Umar Saeed, Qudrat Ullah etc, whereas a complaint submitted by one Muhammad Owais r/o Sheikhan, that he has sold a motor car GII white color fraudulently and taken Rs: 05 lac an advance but neither the motor car was handed over to him nor the amount return up till now.

The above act shows in-efficiency, irresponsibility and professional gross misconduct on his part.

For the above, serious / professional misconduct of the accused officiating ASI. Charge sheet alongwith statement of allegations was served upon the accused ASI and SP Investigation Kohat was appointed as enquiry officer to scrutinize the conduct of the defaulter ASI. The enquiry officer stated that ASI Habib Ur Rehman was repeatedly summoned verbally and written reports to join the inquiry proceedings and to receive his charge sheet but he deliberately avoiding the inquiry. His this act is gross misconduct and punishable u/s 118 (c) (g) Police Act 2017. Moreover, he has received a huge amount from different people fraudulently which is also a criminal act u/s 419,420,468,471 PPC.

The accused official was issued Final Show Cause Notice but his reply was found unsatisfactory.

The accused official was called in O.R held in this office on 16.08.2023 and heard in person, but his version amounts to admission / confession of his illegal practice / corruption and misconduct.

Record gone through which indicates that the accused official being member of a disciplined department indulged himself in illegal activities, cheating / frauds with complainant. Hence, the accused official misused his authority, bring bad name to a disciplined force and he is a stigma on Police. Hence, the charges leveled against the accused official are established beyond any shadow of doubt and his retention in department shall damage the image of Police.

Therefore, in exercise of powers conferred upon me under the **rules ibid I**, Farhan Khan PSP, District Police Officer, Kohat impose a major punishment of **Dismissal from service** on accused Offg: ASI Habib Ur Rehman with immediate effect.

Announced
16.08.2023

OB No. 671
Date 16-08-2023

No 4700-02/PA dated Kohat the 16-08-2023.

Copy of above to the:-

1. R.I/Reader/SRC/OHC/Pay Officer for necessary action.

DISTRICT POLICE OFFICER,
KOHAT

Attested
[Signature]

P-15

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 165/2024

Habib Ur Rehman,
Ex- Offg: ASI No. 348,
Police Lines Kohat.

.....Petitioner

VERSUS

- 4. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 5. The Regional Police Officer, Kohat Region, Kohat
- 6. The District Police Officer, Kohat.

.....Respondents

AUTHORITY LETTER

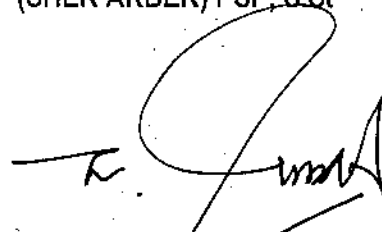
Mr. Arif Saleem steno (Focal Person) of this office is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.



District Police Officer,
Kohat
(Respondent No. 3)
(MUHAMMAD OMER KHAN) PSP



Regional Police Officer,
Kohat
(Respondent No. 2)
(SHER AKBER) PSP, S.St



DIG / Legal CPO
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 1)
(DR. MUHAMMAD AKHTAR ABBAS) PSP

P-16
E (12)

ORDER.

This order will dispose of the departmental appeal preferred by Ex: Offg: ASI Habib-ur-Rehman No. 348 of district Kohat against the order of District Police Officer, Kohat whereby he was awarded major penalty of dismissal from service vide OB No. 671, dated 16.08.2023.

Brief facts of the case are that as per preliminary enquiry conducted by SP Operation Kohat against Offg: ASI Habib-ur-Rehman has taken huge amount from various people i.e, Gul Rehman, Umer Saeed, Qudrat Ullah etc. A complaint was submitted by one Muhammad Owais r/o Sheikhan that he has sold to him a Motor Car GLI white color fraudulently and taken Rs. 500000/- in advance but neither the Motor Car was handed over to him nor the amount was returned uptill now.

On the basis of above misconduct, Charge Sheet alongwith Statement of Allegations was served upon the Ex; Offg: ASI. SP Inv: Kohat was appointed as Enquiry Officer to conduct regular departmental enquiry against the defaulter Offg: ASI. The enquiry officer reported that ASI Habib-ur-Rehman was repeatedly summoned verbally and through written summons to join the enquiry proceedings and to receive his Charge Sheet but he was deliberately avoiding the enquiry. He further reported that he has received a huge amount from different people fraudulently, which is criminal act u/s 419/420/468/471 PPC.

Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances, the delinquent officer was awarded major punishment of dismissal from service under the relevant rules by the District Police Officer, Kohat vide OB No. 671 dated 16.08.2023.

Feeling aggrieved from the order of District Police Officer, Kohat, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 19.12.2023. During personal hearing the appellant did not advance any plausible explanation in his defense. He had earlier been removed from service vide OB No. 421 dated 16.06.2021 on the charges that he had received huge amount from different people fraudulently for employment in FIA. Moreover, he was also dismissed from service vide OB No. 330 dated 20.09.2022 on the charge that he had fraudulently received huge amount from another person for employment of his son in FIA. On both occasions, he was later reinstated in service. However, he did not mend his ways. On the contrary, he continued with this irresponsible conduct with impunity. The retention of such officer in a disciplined force is bound to tarnish the image of Police amongst the public.

Foregoing in view, I, Sher Akbar, PSP, S.St, Regional Police Officer, Kohat, being the appellate authority, am of the considered opinion that the punishment awarded to the appellant is justified and, therefore, warrants no interference. Hence, appeal of Ex: Offg: ASI Habib-ur-Rehman No. 378 is hereby rejected, being devoid of substance and merit.

Order Announced
19.12.2023

CHE/SRE
SP
26/12/23

District Police Officer

Regional Police Officer,
Kohat Region

No. 134/4-15 /EC, Dated Kohat the 27/12 /2023

Copy forwarded to District Police Officer, Kohat for information and necessary w/r to his office Memo: No. 7739/LB, dated 27.11.2023. His Service Record and Fauji Misal are returned herewith.

2. Ex: Offg: ASI Habib-ur-Rehman of district Kohat.

Attested
Mahmud

9038
27/12/23

(D)