

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

**Service Appeal No. 2450/2023**

BEFORE: MRS. RASHIDA BANO .... MEMBER(J)  
MISS FAREEHA PAUL .... MEMBER(E)

Muhammad Khafī, Ex-ASI, Police Station MRS, Kohat.....(Appellant)

Versus

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

Mr. Taimur Ali Khan,  
Advocate ... For appellant

Mr. Asif Masood Ali Shah,  
Deputy District Attorney ... For respondents

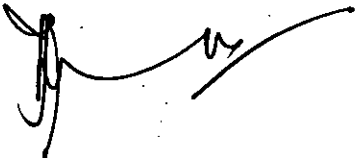
Date of Institution..... 22.11.2023

Date of Hearing..... 06.03.2024

Date of Decision..... 06.03.2024

**JUDGEMENT**

FAREEHA PAUL, MEMBER (E):The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 16.08.2023, whereby major punishment of dismissal from service was imposed upon the appellant and against the order dated 13.11.2023, whereby his departmental appeal was rejected. It has been prayed that on acceptance of the appeal, the impugned orders dated 16.08.2023 and 13.11.2023 might be set aside and the appellant might be reinstated into his service with all back and consequential benefits, alongwith any other remedy which the Tribunal deemed fit and appropriate.

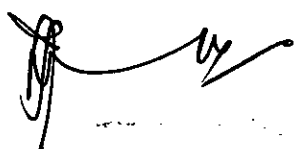


SCANNED

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed in the respondent department as constable in the year 1995 and was promoted to the rank of ASI after completion of mandatory training and courses. While performing his duty, charge sheet alongwith statement of allegations were issued to him on baseless allegation of link with drug peddlers and outlaws without specification of any occurrence. He submitted proper reply to the charge sheet in which he denied the allegations leveled against him. An inquiry was conducted against him in which no statement from any one was recorded about the allegation nor any opportunity of cross examination was given to him and the Inquiry Officer found him guilty on presumption. Show cause notice was issued to him which was duly replied, but he was dismissed from service vide order dated 16.08.2023. Feeling aggrieved, he filed departmental appeal on 27.08.2023, which was rejected on 13.11.2023; hence the instant appeal.

3. Respondents were put on notice who submitted their joint parawise comments on the appeal. We heard the learned counsel for the appellant as well as learned Deputy District Attorney for the respondents and perused the case file with connected documents in detail.


4. Learned counsel for the appellant, after presenting the case in detail, argued that in the charge sheet and statement of allegations no occurrence was specified nor names of drug peddlers and outlaws, allegedly having links and relationship with the appellant, had been shown. He further argued that no proper and regular inquiry was conducted, no statement was recorded, nor any opportunity of cross examination was given to him. In the inquiry report it was



mentioned that from CDR the accused appellant official, i.e the appellant, was in contact with drug peddlers and outlaws. He further argued that the Inquiry Officer had given his finding that from secret and reliable/credible sources it was found that the appellant had contact with the drug peddlers but no phone number of drug peddlers or outlaws was cited in the inquiry report. He requested that the appeal might be accepted.

5. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that charge sheet alongwith statement of allegations was served upon the appellant to the effect that the appellant while posted at PS MRS, Kohat had connection with drug peddlers and outlaws and was bringing bad name to Police Force. He submitted reply to the charge sheet, which was found not satisfactory. He further argued that during the course of inquiry, it was established that the appellant had connection with drug peddlers and outlaws, and he was recommended for award of punishment. Final show cause notice was issued to the appellant, reply to which was found unsatisfactory. He was also heard in person but could not extend any cogent explanation. Learned DDA requested that the appeal might be dismissed.

6. The appellant was proceeded against departmentally on the charges of having links with drug peddlers and outlaws, and awarded major penalty of dismissal from service. An inquiry was conducted and according to the Inquiry Officer he examined the CDR. He also mentioned about some "reliable and credible source" based on which it was proved that the appellant had links with drug peddlers. Inquiry report is silent on the point whether record of CDR and the information gathered from the "reliable and credible source" was placed



before the appellant and any opportunity was provided to him for cross examination or not. The entire procedure looks like a one sided affair in which principles of fair trial have been vehemently ignored.

7. In view of the above, we are unison that the charges levelled against the appellant were not proved in the Inquiry Report and hence he could not be punished for any wrong that had not been done by him. The appeal in hand is, therefore, allowed as prayed for. Cost shall follow the event. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 06<sup>th</sup> day of March, 2024.*



(FARZEHA PAUL)  
Member (I)



(RASHIDA BANO)  
Member(J)

SCANNED  
K  
Peshawar

\*F-1-Subhan P.S\*


SA 2450/2023


06<sup>th</sup> Mar. 2024 01. Mr. Faimur Ali Khan, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 04 pages, the appeal in hand is allowed as prayed for. Cost shall follow the event. Consign.

03. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 06<sup>th</sup> day of March, 2024.*

SCANNED  
KPST  
Peshawar

  
(FARZANA PAUL)  
Member (F)

  
(RASHIDA BANO)  
Member(J)

\*Fazal Subhan PS\*


2450/23

25<sup>th</sup> Jan. 2024

SCANNED  
KPST  
Peshawar

01. Appellant present in person. Mr. Muhammad Jan, District Attorney alongwith Arif Saleem, Stenographer for the respondents present.

02. Reply/comments on behalf of the respondents received through office and a copy whereof handed over to the appellant. To come up for rejoinder, if any, and arguments on 06.03.2024 before the D.B. P.P. given to the parties.

  
(Farceha Paul)  
Member(E)


*\*Fazle sabhan P.S\**

28<sup>th</sup> Nov. 2023

01. Learned counsel for the appellant present. Preliminary arguments heard and record perused.

02. Point raised need consideration. The appeal is admitted to full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to the respondents through TCS, the expenses of which shall be deposited by the appellant within 03 days. To come up for written reply/comments on 04.01.2024 before the S.B. Parcha Peshi given to the learned counsel for the appellant.


SCANNED  
KIST  
Peshawar

  
(FAREEHA PAUL)  
Member (E)

*\*Fazle Subhan, P.S \**

04.01.2024 1. Appellant in person present. Mr. Habib Anwar, Additional Advocate General alongwith Mr. Arif Saleem, Stenographer for the respondents present.

2. Reply/comments on behalf of respondents not submitted. Representative of the respondents requested for time to submit reply/comments. Granted. To come up for reply/comments on 25.01.2024. before S.B. P.P given to the parties.

  
(Muhammad Akbar Khan)  
Member (E)

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. \_\_\_\_\_

**2450 / 2023**

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	13
1	22/11/2023	The appeal of Mr. Muhammad Khan resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>28-11-2023</u> . Parcha Peshai is given to the counsel for the appellant.

**SCANNED  
KPST  
Peshawar**

By the order of Chairman

  
REGISTRAR



# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

## CHECK LIST

Case Title: Muhammad Khan v/s Police Deptt

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Taimur Ali Khan

Signature: \_\_\_\_\_

Dated: \_\_\_\_\_

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

SERVICE APPEAL NO. 2450 /2023

**SCANNED**  
**KPST**  
**Peshawar**

Muhammad Khan

VS

Police Department

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S.No.	Documents	Annexure	P. No.
1	Memo of Appeal	-----	01-04
2	Affidavit	-----	05
3	Copy commendation certificates	A	06-15
4	Copies of charge sheet along with the statement of allegations and reply	B&C	16-18
5	Copy of inquiry report	D	19-20
6	Copies of show cause notice and reply	E&F	21-22
7	Copy of dismissal order dated 16.08.2023, departmental appeal and rejection order dated 13.11.2023	G,H&I	23-31
10	Vakalat Nama	-----	32

THROUGH:

**APPELLANT**



**TAIMUR ALI KHAN**  
**(ADVOCATE HIGH COURT)**

Cell# 0333-9390916

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 9331

SERVICE APPEAL NO. 2450 /2023

Dated 22-11-2023

Muhammad Khan, Ex-ASI,  
Police station MRS, Kohat.

(APPELLANT)

VERSUS

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

(RESPONDENTS)

-----  
APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974  
AGAINST THE ORDER DATED 16.08.2023, WHEREBY  
MAJOR PUNISHMENT OF DISMISSAL FROM  
SERVICE WAS IMPOSED UPON THE APPELLANT  
AND AGAINST THE ORDER DATED 13.11.2023,  
WHEREBY THE DEPARTMENTAL APPEAL OF THE  
APPELLANT HAS REJECTED FOR NO GOOD  
GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE  
ORDER DATED 16.08.2023 AND 13.11.2023 MAY  
KINDLY BE SET ASIDE AND THE APPELLANT MAY  
BE REINSTATED INTO HIS SERVICE WITH ALL  
BACK AND CONSEQUENTIAL BENEFITS. ANY  
OTHER REMEDY, WHICH THIS HONORABLE  
TRIBUNAL DEEMS FIT AND APPROPRIATE THAT,  
MAY ALSO, BE AWARDED IN FAVOUR OF  
APPELLANT.

Filed to Registrar  
23/11/23

**RESPECTFULLY SHEWETH:**

**FACTS:**

1. That the appellant was appointed in the respondent department as Constable in the year 1995 and was promoted to the rank of ASI after completing completed mandatory training and courses. The appellant since his appointment has performed his duty with great devotion and honesty, whatsoever assigned to him and due to excellent performance number of commendation certificates along with cash rewards was awarded to the appellant by his superiors. **(Copy commendation certificates are attached as Annexure-A)**
2. That the appellant while performing his duty in such capacity, charge sheet along with statement of allegations were issued to the appellant on baseless allegation of link with drug peddlers and outlaws without specification of any occurrence. The appellant submitted proper reply to the charge sheet in which he denied the allegations and clearly mentioned in his reply that he took against all the accused according to law which is on record and has no contact with drug peddlers and outlaws and baseless allegation was leveled against him. **(Copies of charge sheet along with the statement of allegations and reply are attached as Annexure-B&C)**
3. That inquiry was conducted against the appellant in which statement of any person was not recorded about the allegation nor gave opportunity of cross examination to the appellant if any person recorded his statement, but despite the inquiry officer found him guilty on presumption basis. **(Copy of inquiry report is attached as Annexure-D)**
4. That show cause notice was issued to the appellant which was replied by the appellant in which he mentioned that the reply submitted by him in response of charge sheet is his reply to the show cause notice and once again denied the allegation. **(Copies of show cause notice and reply are attached as Annexure-E&F)**
5. That on the basis of baseless allegation, the appellant was dismissed from service vide order dated 16.08.2023. The appellant being aggrieved from dismissal order dated 16.08.2023 filed departmental appeal on 27.08.2023, which was rejected on 13.11.2023 for no good grounds. **(Copies of dismissal order dated 16.08.2023, departmental appeal and rejection order dated 13.11.2023 are attached as Annexure-G,H&I)**

6. That the appellant now wants to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

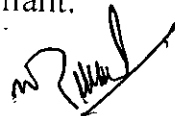
**GROUND:**

- A) That the impugned orders dated 16.08.2023 and 13.11.2023 are against the law, facts, norms of justice and material on record, therefore, not tenable and liable to be set aside.
- B) That in charge sheet and statement of allegations it was alleged on the appellant that you while posted at PS MRS is alleged to have link with drug peddlers and outlaws without specification of any occurrence or mentioned names of drug peddlers and outlaws with the appellant was allegedly having links and relationship, which means that baseless allegation was leveled on the appellant and on the basis of that baseless allegation the appellant was dismissed from service, which is against the norms of justice and fair play.
- C) That no proper and regular inquiry was conducted against the appellant as no statement was recorded of any person about the allegation during the inquiry proceeding nor gave opportunity of cross examination to the appellant if any person recorded his statement, which is violation of law and rules and such the impugned order is liable to be set aside on this ground alone.
- D) That in the inquiry report as well as in the impugned dismissal order dated 16.08.2023, it was mentioned that from CDR the accused (appellant) official were in contact with drug peddlers and out laws, but no mobile number of drug peddlers or outlaws has been cited in the dismissal order or in inquiry report with whom the appellant was having alleged links and relationship. Thus only reference of the CDR and not mentioning mobile number of the drug peddlers and outlaws is not sufficient for punishment of the appellant, which means that the appellant was punished on presumption basis which is not permissible under the law.
- E) That when valid evidence/substance was not find against the appellant on the allegation by the inquiry officer, then the inquiry officer gave his finding that from secret and reliable/credible source it was found that the appellant has contact with the drug peddlers, but as per judgment of superior courts judgments, no one can be punished on the reference of secret sources. Hence the punishment awarded to the appellant is not maintainable and liable to be set aside.
- F) That the inquiry officer mentioned in his inquiry report that the appellant has more than one mobile number on his name, the

objection raised by the inquiry officer regarding more than one number on the name of the appellant is no legal objection and such point cannot be made a ground of punishment to the appellant.

- G) That the appellant has right of fair defence under Article-10-A of the Constitution of Pakistan which was not observed by the inquiry officer during inquiry proceeding, which is clear violation of Article-10-A of the Constitution of Pakistan.
- H) That the appellant clearly denied the allegation leveled against him in his reply to charge sheet, but without observing the reply charge sheet of the appellant and without conducting regular and proper inquiry, the inquiry officer found him guilty, which is against the norms of justice and fair play.
- I) That no single evidence was collected by the inquiry officer against the appellant about the allegation during inquiry proceeding, but despite that the appellant was found guilty by the inquiry officer, which is against the norms of justice and fair play.
- J) That the appellant has not been treated in accordance with law and rules and has been condemned unheard throughout.
- K) 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 orders dated 16.08.2023 and 13.11.2023 may kindly be set aside and the appellant may be reinstated into his service with all back and consequential benefits. Any other remedy, which this honorable tribunal deems fit and appropriate that, may also, be awarded in favour of appellant.



**APPELLANT**  
Muhammad Khan

THROUGH:



**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**

**SERVICE APPEAL NO. \_\_\_\_\_/2023**

**Muhammad Khan VS Police Department**  
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**AFFIDAVIT**

I, Muhammad Khan, Ex-ASI, Police station MRS, Kohat, (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.



A handwritten signature in black ink, appearing to be "M Khan", written over a checkmark.

**DEPONENT**

A 6

# DISTRICT KOHAT POLICE



ATTACHED

*Commendation Certificate III*  
is awarded to

IHC Muhammad Khan No. 315

In recognition of

For his good performance during official duty with

Cash Reward of Rs. 500/-

O.B. No. 282

Dated 21-02-2019

District Police Officer  
Kohat



7

# DISTRICT KOHAT POLICE



ATTACHED

## Commendation Certificate III

is awarded to

14C *Muhammed Khan P.S MRS.*

In recognition of

*his good performance during duty*

*Cash reward Rs=300/-*

O.B. No. 288-14

Dated 22-2-2019

*[Signature]*  
District Police Officer  
Kohat

8

# DISTRICT KOHAT POLICE



ATTACHED

## Commendation Certificate III

is awarded to

111C Muhammad Khan P.S MRS -

In recognition of

his good performance during duty

Cash reward Rs 500/-

O.B. No. 394

Dated 22.03.2019.

District Police Officer  
Kohat

DISTRICT KOHAT POLICE



ATTACHED

*Commendation Certificate III*  
*is awarded to*

IHC Muhammad Khan No 315

*In recognition of*

For his good Performance during official duty

with Cash Reward of Rs. 300/-.

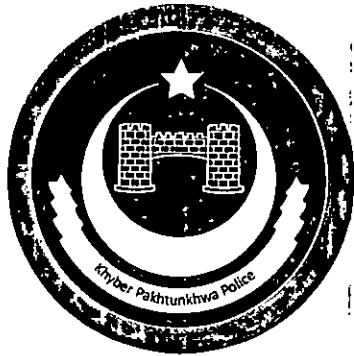
O.B. No. 402

Dated 27-03-2019

District Police Officer  
Kohat

10

# DISTRICT KHOAT POLICE



*Commendation Certificate III  
is awarded to*

*IHC Muhammad Khan P.S 1925*

*In recognition of*

*his good performance  
during duty Cash reward Rs21000/-*

O.B. No. 544-

Dated 15-5-2019

**ATTESTED**

*[Signature]*  
District Police Officer  
Kohat

③  
11

# DISTRICT KHOAT POLICE



*Commendation Certificate III  
is awarded to*

IHC Muhammad Khan P. S MRS.

*In recognition of*

his good performance (Best best officer)  
during the month of may 2019.

Cash reward Rs 1000/-

O.B. No. 740

Dated 24-6-19

ATTESTED

District Police Officer  
Kohat

DISTRICT KOHAT POLICE



Commendation Certificate III  
is awarded to

ASI Muhammad Khan P.S City

In recognition of

His good performance during

Muharram duty 2020, Cash reward  
Rs = 500/-

OE. No. 2007 / P0

Dated 01-09-2020

HIJAZI

District Police Officer  
Kohat



Khyber Pakhtunkhwa  
Commendation Certificate

CLASS I

Granted by

Inspector General of Police, Khyber Pakhtunkhwa

To

ASI MUHAMMAD KHAN (CHOWKI INCHARGE)

Son of

SAMANI KHAN

District

KOHAT

in Recognition of

GOOD PERFORMANCE IN CASE FIR NO. 324 (ATEI) D. 03.2021 PS MRS

Dated 30/04/2021

No. 644/PP0

Inspector General of Police  
Khyber Pakhtunkhwa

ISSUED

**POLICE DEPARTMENT DISTRICT KOHAT**

**OFFICE OF THE DISTRICT POLICE OFFICER**



REGISTERED

**DISTRICT KOHAT**

**COMMENDATION CERTIFICATE CLASS-III**

*With Cash Reward Of Rs. \_\_\_\_\_*

*Granted to Mr.*

*Muhammad Khan<sup>ASI</sup> / C D. D. Mills Area.*

District Kohat in Recognition of Good Performance of Duties

*in encounter of assailant involved in 3 cases  
of Dociety with murder of P.S City & MRS*

OB No 502

Dated: 17-12-2022

*[Signature]*  
District Police Officer  
Kohat



15  
POLICE DEPARTMENT DISTRICT KOHAT

OFFICE OF THE DISTRICT POLICE OFFICER



ATTACHED

DISTRICT KOHAT

COMMENDATION CERTIFICATE CLASS -III

With Cash Reward of Rs. \_\_\_\_\_

Granted to Mr.  
Muhammad Khan SHO P-S Jungle Khel

District Kohat in Recognition of Good Performance of Duties

and excellent performance.

Cash reward Rs 21000/-

OB No

188

Dated:

22-2-2023

  
District Police Officer  
Kohat



No 3071-72/PA

Office of the  
District Police Officer,  
Kohat

Dated 14-6-2023

B: (16)

**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 **Offg: ASI Muhammad Khan** 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. ***You Offg: ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.***
- ii ***Your above act is bring bad name to the Police department 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.

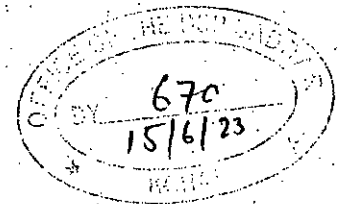
3. You are, therefore, required to submit your written statement within 07 days of the receipt of this Charge Sheet to the enquiry officer.

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.

Received

DISTRICT POLICE OFFICER,  
KOHAT



**ATTACHED**



No. 3071-72/PA

Office of the  
District Police Officer,  
Kohat

Dated 14-6-2023

**DISCIPLINARY ACTION**

1, **MR. FARHAN KHAN PSP, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **Offg: ASI Muhammad Khan** 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. ***You Offg: ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.***
- ii. ***Your above act is bring bad name to the Police department and professional gross misconduct on your part.***

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SDPO Saddar Kohat** 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. 3071-72/PA, dated 14-6-2023.

Copy of above to:-

1. **SDPO Saddar Kohat** :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Delinquent 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.

**RECEIVED**



جناب عالی!

بحوالہ چارج شیٹ نمبر PA/72-3071 مورخہ 14.06.2023 احکام نمبر S/670 مورخہ 15.06.2023 مجاریہ جناب DPO صاحب کوہاٹ معروض خدمت ہوں کہ چارج شیٹ ہذا میں من سائل کے خلاف بدوران بحیثیت ASHO تھانہ MRS تعیناتی منشیات فروشوں اور غیر قانونی افراد کے ساتھ رابطے رکھنے کا الزام لگایا گیا ہے حالانکہ من سائل تھانہ MRS اور انچارج چوکی ملز ایریا تعیناتی کے دوران جرائم پیشہ عناصر اور خاص کر منشیات فروشوں کے خلاف ایمانداری سے کارروائی کر کے متعدد مقدمات درج رجسٹرڈ کر کے جن میں بعض منشیات فروش اب بھی ڈسٹرکٹ جیل کوہاٹ میں بند باسلاسل ہے ان کے علاوہ تھانہ جنگل نیل، سٹی میں تعیناتی کے دوران اور دیگر تھاناجات میں تعیناتی کے دوران بھی منشیات فروشوں اور دیگر غیر قانونی افراد جرائم پیشہ عناصر کے خلاف قانون کے مطابق کارروائی کی ہے جو ریکارڈ بطور ثبوت تھانہ جات میں موجود ہے علاوہ ازیں من سائل نے منشیات فروش مسی ماجد ولد قیس خان سکنتہ تپی کے خلاف کارروائی کر کے جس سے منشیات ریکوری کر کے مذکورہ کے خلاف مقدمہ درج رجسٹرڈ ہو کر بعد میں ملزم نے من سائل کے خلاف عدالتوں میں بنی بنائی سازش کے رٹ دائر کر کے جو عدالت منسجٹریٹ صاحب 1 نے من سائل کو زیر دفعہ 337L(ii) میں چارج کر کے جس پر من سائل نے ناانصافی کرنے پر شور شرابہ کر کے من سائل کو ڈسٹرکٹ جیل بھجوایا گیا ہے اور اب بھی مقدمہ عدالت میں زیر سماعت ہے جس پر من سائل کو ذاتی دشمنی بن چکی ہے ان کے علاوہ بھی من سائل علاقہ تھانہ سٹی اور حدود چوکی ملز تھانہ MRS میں روڈ ڈکیتوں ملزمان کے خلاف کارروائی کر کے جو بھی ریکارڈ تھانہ جات سٹی اور MRS پر موجود ہے۔ جس سے سائل کو ذاتی دشمنی بن چکا ہے۔ من سائل کا یہ سوچ سے بالاتر ہے کہ منشیات فروشوں اور غیر قانونی افراد سے ایسے رابطے کریں کہ جو محکمہ پولیس کے لئے بدنامی کا سبب بنے۔ انشاء اللہ من سائل کا یہ ایمان ہے کہ نہ تو منشیات فروشوں اور نہ ہی غیر قانونی سرگرمیوں میں ملوث افراد کے ساتھ نہ رابطے تھے اور نہ ہیں اور نہ ہوں گے۔ جہاں تک من سائل کے خلاف الزامات لگائے گئے ہیں بالکل بے بنیاد اور من گھڑت ہیں یہ تمام تر سازشوں کی بنیاد پر ہوتا رہتا ہے اور من سائل منشیات فروشوں اور جرائم پیشہ ورانہ لوگوں پر حلف اٹھانے پر ہر وقت تیار ہے اور روز قیامت کے دن بھی ذمہ دار ہوں گا۔ مزید بدوران پیشی افسران بالا صاحبان کو تمام تر حقیقت سامنے بیان کرونگا ان کے علاوہ من سائل نے قبل ازیں بھی ایمانداری اور خوش اسلوبی سے ڈیوٹی سرانجام دی ہے اور دوں گا۔ جن کا تمام تر تھانہ جات میں ریکارڈ بطور ثبوت موجود ہیں اور انشاء اللہ من سائل سے ضلع بھر میں کسی اور عہدیدار نے منشیات فروشوں کے خلاف کارروائی نہیں کی ہوگی اور آئندہ بھی خوش اسلوبی اور ایمانداری سے ڈیوٹی سرانجام دوں گا۔

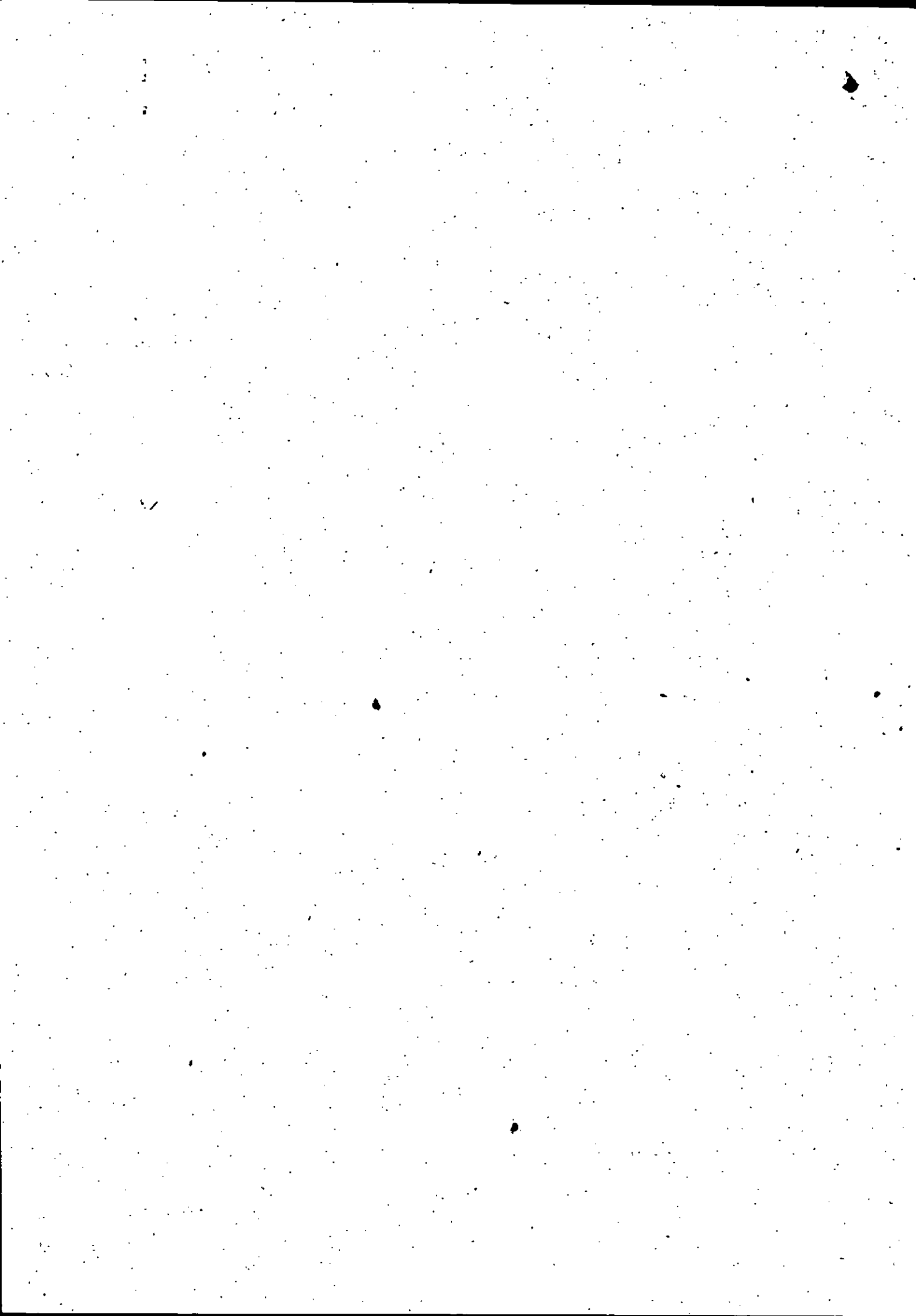
جن منشیات فروشوں اور غیر قانونی افراد کا من سائل کے ساتھ رابطہ تعلق تحریر ہے ان کو چارج شیٹ میں نوٹس نہیں کیا گیا ہے۔

استدعا ہے کہ من سائل کا چارج شیٹ بلا مزید کارروائی کے داخل دفتر فرمایا جائے۔

المرقوم 22.06.2023

دستخط

ATTACHED





# ایڈوائزر ایس ڈی پی او صدر سرکل کوہاٹ

فون نمبر: 09229260120

19

21/07/23

464/PA

بخدمت: جناب DPO صاحب کوہاٹ

عنوان: فاسٹ ٹیک محکمہ کارروائی بر خلاف محمد خان ASI

جناب عالی!

مخوالہ مشورہ چارج شیٹ نمبری PA/72-3071 مورخہ 14.06.2023 بجاریہ جناب DPO صاحب کوہاٹ معروض ہوں کہ محمد خان ASI کے خلاف چارج شیٹ میں ملاحظہ، الزامات کے بابت سن SDPO صدر سرکل نے ذیل کارروائی / انکوآری عمل میں لائی۔

## الزامات:

1. ASI Muhammad Khen while posted at PS MRS is alleged to have links with drug peddlers and outlaws.
2. His above act is bring bad name to the Police department and professional gross misconduct on your part.

## بیان ASI محمد خان:

انکوآری برائے اسلئے میں ASI محمد خان کو طلب کر کے تھیں استاٹیا نہ کو رو نے چارج شیٹ میں بیان کیا ہے کہ میں میرے خلاف بد دوران کشیت ASHO تھانہ MRS تعیناتی نشیات فروشوں اور غیر قانونی افراد کے ساتھ رابطے رکھنے کا الزام لگایا ہے حالانکہ میں اسلئے تھانہ MRS اور انچارج چارجی تعیناتی کے دوران جرائم پیشہ عناصر اور قس کو نشیات فروشوں کے خلاف ایٹاڈ اری سے کاروائی کر کے متعدد مقدمات درج رجسٹر کر کے جن میں بعض نشیات فروشان اب بھی ڈسٹرکٹ ٹیبل میں بد مسائل ہیں ان کے علاوہ تھانہ چنگل ٹیبل میں تعیناتی کے دوران اور دیگر تھانہ جات میں تعیناتی کے دوران بھی نشیات فروشوں اور دیگر غیر قانونی افراد، جرائم پیشہ عناصر کے خلاف قانون کے مطابق کاروائی کی ہے جو ریکارڈ بطور ثبوت تھانہ جات میں موجود ہیں۔

ملاحظہ فرمائیں اسلئے میں اسلئے نے نشیات فروشوں کی ملاحظہ و تھیں خان سکھ پانی کے خلاف عدالتوں میں جی بی بی سائز کے رٹ دائر کر کے جرمانہ جت جت صاحب اسلئے میں اسلئے کو رو رو (ii) 1-337 میں چارج کر کے جس پر میں اسلئے نے استاٹیا نہ کرنے پر مشورہ لیا کہ میں اسلئے کو ڈسٹرکٹ ٹیبل بجھوایا گیا اور اب بھی مقدمہ درج ہے جس پر میں اسلئے کو رو رو، فہمی میں چکی ہے۔ میں اسلئے نشیات فروشوں اور جرائم پیشہ ورانہ لوگوں پر خلاف الزامات کو بروقت تیار ہے اور رو رو تیار ہے ان بھی اسلئے دار ہو گا مزید بد دوران تھیں انصران بالا سا جان کو تمام تر حقیقت سامنے بیان کروں گا۔ جہاں تک میں اسلئے کے خلاف الزامات لگائے گئے ہیں بالکل ہے بنیاد اور میں عزت میں یہ تمام تر سازشوں کی بنیاد پر ہو رہا ہے۔ یہ میرا بیان ہے۔ (تفصیلی بیان لف ہا)۔

## انکوآری آفیسر:

جملہ حالات، واقعات اور سروس ریکارڈ کی روشنی میں پایا گیا کہ مذکورہ بحیثیت کانسٹیبل مورخہ 23.04.1995 کو ملکہ پولیس میں بھرتی ہوا۔ دوران سروس مذکورہ تقریباً 05 دفعہ مختلف نوعیت کے الزامات میں نوٹ ہو کر ملکہ سے معطل ہوا ہے اور متعدد دفعہ انصران بالا لے کر جرائم پیشہ عناصر / سنگرز کے ساتھ رو ایڈ کار سربکار میں غفلت، قانون کا غلط استعمال اور تجاؤز، کرپشن، مازید رویہ رکھنے، کرپشن مقدمہ میں نوٹ ہونے، ذہنی سے غیر حاضر کی ہونے پر چارج شیٹ / شوکارڈ دیئے ہیں اور Minor سزائیں دی ہیں جبکہ تھیں آریں بھی مذکورہ ASI کو کرپشن، In-efficient پولیس آفیسر اور جوام ان کی کے ساتھ غیر مہذبانہ رویہ رکھنے پر جناب DPO صاحب نے مخوالہ PA/1094/ASI-OB No. محمد خان کو Written وارنگ اور آئینہ کے لئے ملاحظہ کیے کی سزا دی تھی اور اسی طرح کرپشن پولیس FIR نمبر 771 مورخہ 12.12.2022 جرم 189/186(ii)/506 تھانہ کینٹ میں نوٹ ہونے پر مذکورہ کو مخوالہ آرڈر نمبر PA/744 مورخہ 15.12.2022 کو معطل کیا گیا۔ (جملہ چارج شیٹ بائے، شوکارڈ نوٹس لف اور ٹاٹل ملاحظہ ہیں)۔

ازدفتر ڈی ایس پی صدر سرکل کوہاٹ

464/PA

بخدمت جناب DPO صاحب کوہاٹ

عنوان: فائنڈنگ حکمانہ کاروائی برخلاف محمد خان ASI

جناب عالی:

بحوالہ مشمولہ شیٹ نمبری PA/22-3071 مورخہ 14.06.2023 مجاریہ جناب DPO صاحب کوہاٹ مفروض ہوں کہ محمد خان ASI کے خلاف چارج شیٹ میں عائد شدہ الزامات کے بابت من SDPO صدر سرکل نے ذیل کاروائی انکوائری عمل میں لائی۔

الزامات

1. ASI Muhammad Khan while posted as PS ,MRS is alleged to have links with drug peddlers and outlaws.
2. his above act is bring name to the Police department and professional gross misconduct on your part.

بیان ASI محمد خان

انکوائری ہذا کے سلسلے میں ASI محمد خان کو طلب کر کے مذکورہ نے چارج شیٹ میں بیان کیا ہے کہ میرے خلاف دوران بحیثیت ASHO تعیناتی منشیات فروشوں اور غیر قانونی افراد کے ساتھ رابطے رکھنے کا الزام لگایا ہے حالانکہ من ساکھ تھانہ MRS انچارج کی تعیناتی کے دوران جرائم پیشہ عناصر اور خاص کر منشیات فروشوں کے خلاف ایمانداری سے کاروائی کر کے متعدد مقدمات درج رجسٹرڈ کر کے جن میں بعض منشیات فروش اب بھی ڈسٹرکٹ جیل میں بند سلاسل ہیں۔ اس کے علاوہ تھانہ چنگل خیل سٹی میں تعیناتی کے دوران اور دیگر تھانہ جات میں تعیناتی کے دوران بھی منشیات فروشوں اور دیگر غیر قانونی افراد جرائم پیشہ عناصر کے خلاف قانونی کاروائی کی جائے جو ریکارڈ بطور ثبوت تھانہ جات میں موجود ہیں۔

علاوہ ازیں من ساکھ نے منشیات فروش مسکی ماجد ولد قیس خان سکھ کے خلاف عدالتوں میں بنی ہوئی سازش کے رٹ دائر کر کے عدالت مجسٹریٹ صاحب نے من ساکھ کو زیر دفعہ (ii) 337 میں چارج کر کے جس پر من ساکھ نے انصافی کرنے پر شور شرابا کر کے من ساکھ کو ڈسٹرکٹ جیل بھیجا اور اب بھی مقدمہ زیر سماعت ہے جس پر من ساکھ کو ذاتی دشمنی بن گئی ہے من ساکھ منشیات فروشوں اور جرائم پیشہ لوگوں پر حلف اٹھانے کو ہر وقت تیار ہے اور روز قیامت کے دن بھی ذمہ دار ہو گا مزید بدوران پیشی افسران بالا صاحبان کو تمام تر حقیقت سار منے بیان کرونگا۔ جہاں تک من ساکھ کے خلاف الزامات لگائے گئے ہیں بے بنیاد اور من گھڑت ہیں یہ تمام تر سازشوں کی بنیاد پر ہوتا رہتا ہے یہ میرا بیان ہے۔ (تفصیلی بیان بذالذات ہے)۔

انکوائری آفیسر

جملہ حالات واقعات اور سروس ریکارڈ کی روشنی میں پایا گیا کہ مذکورہ بحیثیت کنسٹیبل مورخہ 23.04.1995 کو محکمہ پولیس میں بھرتی ہوا دوران سروس مذکورہ تقریباً پانچ دفعہ مختلف نوعیت کے الزامات میں ملوث ہو کر محکمہ سے معطل ہوا ہے۔ اور متعدد دفعہ افسران بالانے جرائم پیشہ عناصر / سمگلرز کے ساتھ روابط کار سرکار میں غفلت قانون کا غلط استعمال و تجاوز کر پشن نازیبا رویہ رکھنے کر میمنٹل مقدمہ میں نوٹ ہونے سے ڈیوٹی سے غیر حاضر ہونے پر چارج شیٹ / شوکاڑ دیے ہیں اور minor سزائیں دی ہیں جبکہ قبل ازیں بھی مذکورہ ASI کو کرپشن In-efficient پولیس آفیسر عوام الناس کے ساتھ غیر مہذبانہ رویہ رکھنے پر جناب ڈی پی او صاحب نے بحوالہ GB No , 1094/PA ASI محمد خان کو Written وارننگ اور آئیندہ کے لیے محتاط رہنے کی سزا دی تھی۔ اور اسی طرح کر میمنٹل کیس ایف آئی آر نمبر 771 مورخہ 12.12.2022 جرم 189/86/ (ii) 506 تھانہ کینٹ میں ملوث ہونے پر مذکورہ کو بحوالہ آرڈر نمبر PA/744 مورخہ 15.12.2022 کو معطل کیا۔ (جملہ چارج شیٹ ہا۔۔۔ شوکاڑ نوٹسز لف اور قابل ملاحظہ ہیں)۔

ATSTED



دوران انکو ٹری ASI محمد خان کو طلب کر کے الزامات کے بارے میں تفصیلی گفت شنید ہوئی، مگر اس سوالات جوابات میں کوئی لاپرواہی کے جواب چارج شیٹ کو ملاحظہ کیا گیا نہیں اور دستخطی مذکورہ کے جوابات سے مطابقت نہیں ہو بلکہ بد دوران انکو از خود ظاہر کیا کہ میں نے سرکاری ذیلی کے لحاظ سے منشیات فروشوں وغیرہ کے ساتھ روابط رکھے ہیں، علاوہ انہیں مذکورہ کے گراس سوالات و جوابات میں بھی ریکارڈ کے مطابق تضاد پایا جاتا ہے۔

دوران انکو ٹری مذکورہ نے اپنا زیر استعمال نمبر 9666548-0333 ظاہر کر کے جبکہ CDR طلب کر کے ملاحظہ کیا گیا جبکہ الزام نامہ کے شناختی کارڈ نمبر 7-6990003-14202 پر اعداد نمیل نامہ 1، اعداد زون سم اور 2 یو فون سمز Activate ہیں جو مختلف طریقوں / بوشیاری سے یا کسی اور کے نمبر سے منشیات فروشوں کے ساتھ روابط رکھتے ہیں۔ (CDR رپورٹ لف ہے) تاہم خفیہ پتہ برادر اور Reliable/Credible سروس سے معلوم ہوا کہ مذکورہ ASI کا منشیات فروشان کے ساتھ تعلقات اور روابط موجود ہیں۔

کی گئی انکو ٹری سے زیر دستخطی اس نتیجے پر پہنچا کہ ASI محمد خان کے منشیات فروشوں کے ساتھ ایک اور رابطہ موجود ہیں جو محکمہ پولیس کے لیے بدنامی کا باعث ہے۔ انکو ٹری ہذا میں ASI محمد خان کو منہ پر پایا جاتا ہے۔ لہذا مذکورہ کو مناسب سزایا مطلع بدو کرنے کی سفارش کی جاتی ہے۔

سید  
ایس ڈی پی او صدر سرنکل  
کوہاٹ

ATTSTED

دوران انکوائری ASI محمد خان کو طلب کر کے الزامات کے بارے میں تفصیلی گفت شنید ہوئی کر اس سوالات اور جوابات عمل میں لائے گئے جو اب چارج شیٹ کو ملاحظہ کیا گیا لیکن زیر دستخطی مذکورہ کے جوابات سے مطمئن نہیں ہو بلکہ بدوران انکوائری از خود ظاہر کیا کہ میں نے سرکاری ڈیوٹی کے لحاظ سے منشیات فروشوں وغیرہ کے ساتھ رابطے رکھے ہیں علاوہ انہیں مذکورہ کے کر اس سوالات جوابات میں بھی ریکارڈ کے مطابق تضاد پایا جاتا ہے۔

دوران انکوائری مذکورہ نے اپنا استعمال نمبر 03339666548 ظاہر کر کے جس پر سی ڈی آر طلب کر کے ملاحظہ کیا گیا جبکہ الزام علیہ کے شناختی کارڈ نمبر 7-6990003-14202 پر ایک ٹیلی نار سم ایک عدد زونگ سم اور دو یون سم ایکٹیو ہیں جو مختلف طریقوں / ہوشیاری سے یا کسی اور کے نمبر سے منشیات فروشوں کے ساتھ روابط رکھتے ہیں۔ (CDR رپورٹ لف ہے) تاہم خفیہ پتہ براری اور Reliable/Credible سورس سے معلوم ہوا کہ مذکورہ ASI کا منشیات فروشان کے ساتھ روابط موجود ہیں۔

کی گئی انکوائری سے زیر دستخطی اس نتیجے پر پہنچا کہ ASI محمد خان کے منشیات فروشوں کے ساتھ لنک / روابط موجود ہیں۔ جو محکمہ پولیس کے لیے بدنامی کا باعث ہے انکوائری انہذا میں ASI محمد خان گنہگار پایا جاتا ہے۔ لہذا مذکورہ کو مناسب سزایا ضلع بدر کرنے کی سفارش کی جاتی ہے۔

ایس ڈی پی اوصدر سرکل  
کوہاٹ

ATTSTED



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-920116 Fax 920125  
No 4001 /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 Muhammad Khan** 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. 3071-72 /PA dated 14.06.2023.
- 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. ***You Offg: ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.***
- b. ***Your above act is bring bad name to the Police department 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.

**ATTACHED**

**DISTRICT POLICE OFFICER,  
KOHAT**

صالحی :-  
عالم شمول ٹائٹل شوپاز ٹرنس انکم ٹری 4501/PA  
مرحوم 24<sup>07</sup> 2023 عمار ظہار ڈیڑھ لاکھ روپے اور تھوڑے عرصے  
شدت میں۔

آئی سی سی شوپاز ٹرنس میں جو الزام عائد ہے  
جن کا بابت انکو ٹری انہر کو مختصر طور پر لکھا گیا ہے  
جمع کیا ہے۔ وہیں سہرا بیان ہے بیان عامی بلکہ مشور  
سہرا لکھا ہے۔

دوبارہ واضح کیا گیا ہے کہ اسٹیل گاڑی الزامات کے لئے  
کمان نم ہے جو ہے بنا ہے۔  
مذکورہ دوران میں وہی ضحائی میں لکھا ہے۔

صالحی :-  
بے گناہ جن کو لکھا ہے کہ انکو ٹری میں ملے ہوئے  
گاڑی وہی ہے کہ اس وقت فرسٹ اسٹیل گاڑی ہے۔

Asi Police. Lahore

ATTS/EE



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT  
Tel: 0922-9260116 Fax 9260125

9  
23

## ORDER

This order will dispose of departmental enquiry against Offg: ASI Muhammad Khan of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Facts arising of the case are that Offg: ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.

The above act is bringing bad name to the Police department 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 SDPO Saddar Kohat was appointed as enquiry officer to scrutinize the conduct of the defaulter ASI. The enquiry officer stated that the allegations / links of the said ASI has been proved with drug peddlers and outlaws, which has been established from CDR and investigation that the accused official were in contact with the drug peddlers and earned a bad name to the entire department. Therefore, the allegations leveled against the defaulter official has been established beyond any shadow of doubt and recommended for punishment.

He was issued Final Show Cause Notice, reply of Final Show cause Notice received and found un-satisfactory. He was also called in O.R, heard in person on 16.08.2023 and did not submit plausible explanation in his defense.

In view of the available record, I agree with the findings of enquiry officer, therefore, in exercise of powers conferred upon me under the rules ibid I, Farhan Khan PSP, District Police Officer, Kohat is hereby awarded major punishment of dismissal from service with immediate effect, kit etc be collected and report.

Announced  
16.08.2023

~~DISTRICT POLICE OFFICER,  
KOHAT~~

OB No. 679  
Dated 16-08-2023  
No. 4703-08 /PA dated Kohat the 16-08-2023.

1. Copy of above is submitted for favor of information to the:-  
Regional Police Officer, Kohat please.
2. R.I/Reader/Pay officer/SRC/OHC for necessary action.

~~ATTACHED~~

~~DISTRICT POLICE OFFICER,  
KOHAT~~

THE HONOURABLE DEPUTY INSPECTOR GENERAL OF POLICE  
KOHAT REGION KOHAT

H 24

APPEAL UNDER RULE 11 OF THE POLICE RULES 1975  
(AMENDED 2014) AGAINST ORDER OF THE WORTHY  
DISTRICT POLICE OFFICER KOHAT DATED 16-08-2023  
VIDE WHICH THE APPELLANT WAS DISMISSED FROM  
SERVICE WITHOUT ANY LAWFUL JUSTIFICATION.

EL  
20/8

Respected Sir,

With great respect and veneration, the appellant may graciously be allowed to submit the following for your kind and sympathetic consideration;

Facts of the Case:

1. That the appellant was enrolled as Police Constable on 23-4-1995.
2. That the subsequent to his enrolment as constable the appellant worked hard and successfully qualified the Basic Recruit Course and thereafter also qualified AI, BI, intermediate courses/exams.
3. That on account of qualifying his professional courses and examinations, the appellant with the blessings of Allah "Almighty" promoted from the rank of constable to the rank of LHC and then Head Constable and till the punishment he was serving at the rank of ASI.
4. That since the appellant was performing his duty purely on merits and he was very much active in curbing menace of narcotics, arms and ammunition and anti social elements with bravery and

~~ATTSTED~~

courage, therefore the appellant became favourite of his respectable officers and resultantly the appellant was assigned a number of sensitive and risky duties which he accomplished satisfactorily and to the satisfaction of his seniors.

5. That on account of his good performance the appellant was awarded a number of commendation certificates coupled with cash rewards.
6. That till the initiation of departmental enquiry appellant was posted in police station MRS which is one of the heaviest police stations of the district.
7. That to the utter surprise of the appellants a show cause notice and statement of allegations were served upon the appellant where-in it was alleged that while posted at P.S. MRS the appellant had allegedly was having links with drug peddlers and out laws and secondly that the alleged act of the appellant was brining bad name to the Police Deptt: and also amounts to professional misconduct on the part of the appellant.
8. That the appellant furnished reply to the charge sheet and the statement of allegations accordingly wherein, the appellant categorically denied the allegations and termed them as false, baseless, incorrect and without foundation however, the competent authority proceeded enquiry against the appellant through the enquiry officer.
9. That during enquiry, the appellant was only once summoned by the enquiry officer wherein upon his direction the appellant submitted his written statement which is enclosed herewith for ready reference.
10. That thereafter, the appellant was served with the Final Show Cause Notice to which the appellant accordingly submitted his

~~ATTACHED~~

reply and once again denied the allegations. (Copy of reply is enclosed)

11. That ultimately, vide order dt;16-8-2023 the competent authority dismissed the appellant with immediate effect. (Copy of the order is enclosed).

12. That upon the impugned order the appellant has legal and factual reservations.

13. That the legal and factual reservations upon the impugned orders have made it highly doubtful and legally non sustainable; hence it deserves to be set aside in the great interest of law and justice.

14. That following are some of the grounds of appeal among the other which are being detailed for your kind and sympathetic consideration.

Grounds of Appeal:

A. That the impugned order of dismissal from service of the appellant dated 16-08-2023, is not in accordance with law, facts, rules and principles of justice, hence it is not sustainable in the eyes of law and liable to be set aside.

B. That perusal of the charge sheet and statement of allegation would show that it is vague, uncertain and unspecific hence both of them are not operative on the rights of the appellant and no punishment whatsoever can be awarded on the basis of such vague and dubious documents.

C. That neither the charge sheet nor the statement of allegations have mentioned names of the drug peddlers and outlaws with whom the appellant was allegedly having links and relationship.

ATTORNEY



- D. That the charge sheet has not mentioned nature of relationship of the appellant with the drug peddlers and outlaws.
- E. That the charge sheet has also not mentioned mobile numbers of the drug peddlers and outlaws with whom the appellant was having alleged links.
- F. That the charge sheet has also not mentioned that to the drug peddlers and outlaws how much benefit was given by the appellant.
- G. That although the impugned order has referred to the CDR and alleged that links between the appellant and the drug peddlers and outlaws existed but surprisingly no mobile numbers of drug peddlers or outlaws has been cited in the order or by the enquiry officer with whom the appellant was having alleged links and relationship. Thus only reference to the CDR and not mentioning mobile number of the outlaws and drug peddlers is not sufficient for conviction /punishment of the appellant.
- H. That for justifying punishment it is mandatory for the enquiry officers to ascertain mobile numbers of the drug peddlers and outlaws with whom the appellant was allegedly having links and thereafter should have obtained transcript of the alleged conversation between the drug peddlers and outlaws but neither mobile numbers of the alleged drug peddlers and outlaws were ascertained nor transcript of the conversation between the drug peddlers, outlaws has been obtained, hence reference to the CDR is of no use to the punishing authority. Hence only mentioning the name of CDR does not justify punishment to the appellant.
- I. That for awarding punishment, the authority is required to show some substantial evidence against a delinquent official but in this

~~ATTSTED~~

case not an iota of evidence against the appellant is available. Hence punishment awarded to the appellant cannot be justified.

- J. That the enquiry officer neither recorded evidence of the prosecution witnesses nor provided opportunity to cross examine the witnesses.
- K. That through, mobile number of the appellant were obtained by the enquiry officer but nothing objectionable was traced from the said numbers.
- L. That more then one mobile number issued to the person constitutes no offence unless and until something objectionable is ascertained from such numbers. Hence objection raised by the enquiry officer regarding issue of more than one mobile number in the name of the appellant is of no legal consequence and such a point cannot be made ground of punishment to the appellant.
- M. That when the enquiry officer could not find any substance which could be a valid ground for punishment, he based his findings on the reliable sources and made it the significant grounds of punishment to the appellant which under the universally accepted principle cannot be made a ground of punishment. Hence punishment awarded to the appellant has got no legal sanction.
- N. That if the intelligence agencies were having any substantive evidence against the appellant, their statements were required to be recorded by the enquiry officer. Only reference that from the sources of the intelligence agencies it was known that the appellant was having links with the drug peddlers is not sufficient material for awarding punishment to the appellant.
- O. That the inquiry officer conducted one sided enquiry against the appellant. The appellant was not provided his legal and due right to defend himself during the enquiry proceedings.

**ATTSTED**

P. That conducting unilateral enquiry is also a violation of the Basic Human Rights. Article 10-A of the <sup>Constitution</sup> construction has envisaged that an accused or defaulter has to be ensured just, fair and transparent trial / enquiry.

If entire record is perused, one can safely conclude that enquiry against the appellant was neither fair nor just and transparent. Hence at this score too the impugned punishment order is not sustainable in the eyes of law.

Q. That the appellant has 28 years service to his credit in the Police Deptt. Appellant is conscious to this fact that being members of the law enforcing agency he is not supposed to show the leniency to the antisocial elements. Such elements have to be crushed ruthlessly in the interest of society at large.

The appellant assure your goodself that he has no links with the drug peddlers. The appellant is absolutely innocent.

R. That the punishment awarded to the appellant seems to be the outcome of some misunderstanding.

S. That the impugned punishment has lowered position of the appellant in the eyes of his colleagues, respectable senior officers and among his family members.

T. That no iota of evidence against the appellant exist which could attract the punishment awarded to the appellant

U. That the appellant has large family. The punishment will deprive them the only sources of income and they may be forced to land in starvation and the appellant in such case is likely to sustain irreparable loss.

V. That the charge sheet and the statement of allegations are general in nature and such general allegations cannot be made the basis of punishment.

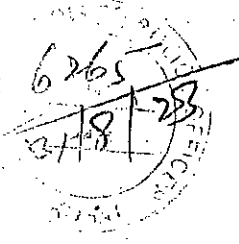
~~ATTSTED~~

W. That if deemed proper the appellant may kindly be heard in person.

Prayer:

In view of the above discussion it is humbly prayed / requested that the impugned punishment order of dismissal from service of the appellant dated 16-08-2023 may kindly be set aside being not in accordance with law and principles of justice, unilateral, one sided and being legally defective and not sustainable the eyes of law. Appeal being moved by the appellant may please be accepted and he may be graciously be reinstated in service from date of punishment i.e. 16-08-2023 with all back benefits. The appellant will be highly obliged and he will pray for your long life and prosperity throughout his life for this act of kindness.

Thanking you in anticipation.



Dated: 27-08-2023.

Yours Obediently,

*Muhammad Khan*  
27/08-23

Muhammad Khan (Appellant)  
Ex-ASI, Kohat  
Resident of Noora Killa Sabir Abad  
District Karak.  
Cell No. 0333-9666548.

*DP Kohat*

*For comments to provide  
in s/Record/enquiry file.*

*No. 2370-110  
off. 25-09-23*

*[Signature]*  
27/08/23

*DSP/L*  
*For comments*

*[Signature]*  
District Police Officer  
Kohat

**ATTSTED**

ORDER.

I (31)

This order was issued in pursuance of the recommendations submitted by the undersigned **Muhammad Khan** of district Kohat against the order of District Police Officer, Kohat whereby he was awarded major penalty of dismissal from service vide OB No. 672 dated 16.08.2023. Brief facts of the case are that the appellant while posted at PS MRS Kohat was proceeded against departmentally to the effect that he had links with drug peddlers and other outlaws. This act of the defaulter has earned bad name for the department which amounts to gross professional misconduct on his part.


Proper departmental enquiry proceedings were initiated against him and SDPO Saddar, 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. He was, therefore, recommended for penalty under the relevant rules.

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. 672 dated 16.08.2023.

Feeling aggrieved from the order of District Police Officer, Kohat the appellant preferred the instant appeal. He was heard personally by the undersigned in the office of the undersigned on 24.10.2023. During personal hearing the appellant did not advance any plausible explanation in his defense.

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 established beyond any shadow of doubt. He has rendered himself unfit for retention in a disciplined force. Hence, appeal of **Ex-ASI Muhammad Khan** is hereby **rejected**, being devoid of substance and merit.

Order Announced  
24.10.2023

  
Regional Police Officer,  
Kohat Region

No. 11876 /EC, Dated Kohat the 13<sup>th</sup> /2023

Copy forwarded to District Police Officer, Kohat for information and necessary w/r to his office Memo No. 10813 dated 24.10.2023.

**ATTSTED**

Order

This order will be dispose of the departmental appeal preferred by Ex-ASI Muhammad Naeem of District Kohat against the order of District Police Officer Kohat whereby he was awarded major penalty of dismissal from service vide OB No. 872 dated 16.08.2023. Brief facts of the case are that the appellant while posted at PS MRS Kohat was proceeded against departmentally to the effect that he had links with drug peddlers and other outlaws. This act of the defaulter has earned bad name for the department with amounts to gross professional misconduct on his part.

Proper departmental enquiry proceedings were initiated against and SDPO Saddar, Kohat was nominated as Enquiry Officer. The Enquiry Officer after fulfilling of codal formalities submitted his findings wherein the appellant was found guilty of the charges leveled against him. He was, therefore recommended for penalty under the relevant rules.

Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances, the delinquent officer was awarded major penalty punishment of dismissal from service under the relevant rules by the District Education Officer Kohat OB No. 672 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 office of the undersigned on 24.10.2023. During personal hearing the appellant did not advance any plausible explanation in his defense.

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 established beyond any shadow of doubt, He has rendered himself unfit for retention in a disciplined force. Hence, appeal of **ExW-ASI Muhammad Khan** is hereby rejected, being devoid of substance and merit.

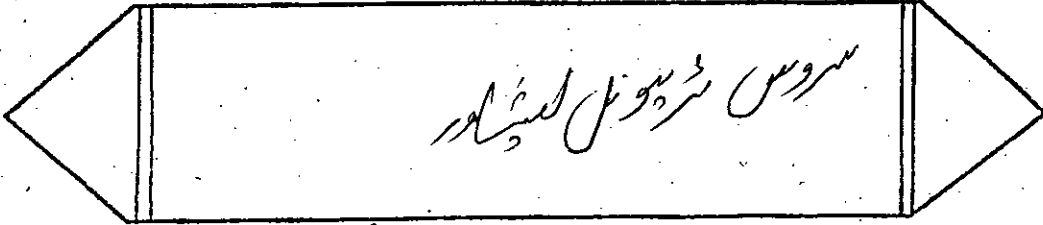
Order announced

No. 11876/EC, dated Kohat the 13/2023

Copy forwarded to District Police Officer Kohat for information. And necessary r/w to his office memo No 6998/LB, dated 12.10.2023 his service record.

**ATTSTED**  


## بعدالت



محمد خان سید 2، منجانب  
محمد خان بنام محکمہ پولیس

موزخہ  
مقدمہ  
دعویٰ  
جرم

## باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
آن مقام لیسٹ اور کپٹن کے لیے پھول علی خان (ٹریڈ مارک)  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دینے جو جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ  
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکورہ کریں۔ لہذا اوکالت نامہ لکھ دیا کہ سند ہے۔

Accepted  
&  
Attested

الرقوم \_\_\_\_\_ ماہ \_\_\_\_\_ 20 \_\_\_\_\_

واہ العیوب \_\_\_\_\_

کے لئے منظور ہے۔

Handwritten signature

بمقام

3689

Provincial ORIGINAL  
STATE BANK OF PAKISTAN, SBPSC (BANK), PESHAWAR

GS 190-NWFP-285 F.S. 1,000 P.F. 00-14 66 2020-(9)

TT # TT2333403689 Date 30 NOV 2023

Received Cash #####100.00

[Rupees One Hundred Only]

Treasury / Sub-Treasury  
Chalan of Cash paid into the Peshawar  
State Bank of Pakistan

Inputter  
BAQIR.111960

Authorizer

CHALAN NO. Peshawar

ISRA (to be filled in by the remitter)				To be filled in by the Departmental officer or the Treasury	
By whom tendered	Name or Designation and address of the person on whose behalf money is paid	Full particulars of the remittances and of authority (if any)	Amount	62-11215 Head of Account 3501001	Order to the Bank *

Name

*Security fee (Refundable)  
Rs-100/- One Lakh only  
in appeal No. 7850/23*

Date

Correct  
Received and grant  
receipts.

Signature and full  
designation of the  
officer ordering the  
money to be paid in

CHAIRMAN  
Service Tribunal  
KPK, Peshawar

*M. Khan*

Total (A)

*100/-*

(a) (in words) Rupees

\* To be used only  
in the case of  
remittances to Bank  
through an officer  
of the Government.

Received

Date

Treasury Officer

Treasurer

Accountant

Manager

Particulars

Amount  
Rs. Paisa.

PROVINCIAL  
Account-1  
Coin.  
Notes (with details) ✓  
Cheques (with details)  
Total: 100.00  
30 NOV 2023  
N.W.F.P. - A & T - 199  
Head of Account Verified  
at Treasury Office Peshawar

for *M. Khan*  
CHAIRMAN  
Service Tribunal  
KPK, Peshawar



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**

Service Appeal No. 2450/2023

Service appeal No. 2450/2023  
Muhammad Khan  
Ex-ASI, District Kohat

..... Appellant

**VERSUS**

**SCANNED  
KPST  
Peshawar**

25/11/24

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

..... Respondents

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3.	Copy of charge sheet & statement of allegation	A&B	6-7
4.	Reply in charge sheet	C	8
5.	Copy of inquiry finding report & statement of complainant	D&E	9-10
6.	Copy of Final Show Cause Notice & reply of FSCN	F	11-12
7.	Copy of dismissal order dated 16.08.2023	H	13
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9.	Authority Letter		15

*Muhammad Khan*  
DEPONENT

P-1

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
**SERVICE TRIBUNAL, PESHAWAR**

---

Service Appeal No. 2450/2023  
Muhammad Khan  
Ex-ASI, District Kohat

..... Appellant

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10765

Dated 25/1/24

**VERSUS**

**SCANNED**  
**KPST**  
**Peshawar**

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

..... Respondents

**PARAWISE COMMENTS BY RESPONDENTS.**

**Respectfully Sheweth:-**  
**Preliminary Objections:-**

- i. That the appellant has got no cause of action to file the instant appeal, hence it is liable to dismissed in limine.
- ii. That the appellant has not come to this Honorable Tribunal with clean hands.
- iii. That the appellant is estopped to file the instant appeal due to his own conduct.
- iv. That the appeal in its present form is legally defective because the Provincial Govt of KP has not been arranged as party in the instant appeal.
- v. That the instant appeal is not entertainable, hence, is liable to be dismissed.

**On Facts:-**

1. Correct to the extent that the appellant was appointed as Constable and promoted to the rank of ASI. However, every Police officer is liable to perform his duty with devotion and fidelity. Rewards and punishments are part of Police service and are rendered as per law / rules.

2. Correct to the extent that Charge Sheet alongwith statement of allegations was served upon the appellant to the effect that the appellant while posted at PS MRS, Kohat had connivance with drug peddlers and out laws and was bring very bad name to Police Force. The appellant submitted reply which, however, was not found cogent as during course of inquiry, it was established that the appellant has connection with drug peddlers and outlaws thus, was recommended for award of punishment as held guilty of the charges against him. (Copy of charge sheet its reply with finding report are attached as annexure A, B & C respectively).

3. Incorrect, during the enquiry proceedings, due process was followed and the appellant was provided due and legal opportunity to defend himself. At the conclusion of enquiry, the inquiry officer put forth genuine, convincing and plausible grounds in findings on the basis of which the appellant was awarded punishment of dismissal from service.

4. Correct to the extent of Final Show Cause Notice issued to the appellant by the competent authority after the inquiry officer found him guilty of the charges. The appellant's reply to the Final Show Cause Notice was found unsatisfactory. Besides the appellant was also heard in person. However, he could not extend any cogent explanation thus, was awarded punishment. (Copy of FSCN and its reply is attached as annexure D & E).

5. Correct to the extent that the appellant was dismissed from service vide order dated 16.08.2023 while his appeal was rejected by the respondent No. 2 vide order dated 13.11.2023 being devoid of substance and merits. However, it is incorrect that the allegations leveled against the appellant are baseless. (Copy of order dated 16.08.2023 & 13.11.2023 is annexure F & G).

6. Incorrect, the appellant has been proceeded departmentally as per law & rules. Therefore, the appellant's instant appeal is not maintainable in law and is liable to be dismissed on following grounds:

**On Grounds:-**


A. Incorrect, both the dismissal order dated 16.08.2023 and the appellate order dated 13.11.2023 are quite lawful, in accordance with law and facts, hence they require no interference and deserve to be upheld. (Copy of both orders are already annexed).


- B. Correct, the competent authority is not legally required to disclose each and every fact in the charge sheet. During enquiry proceedings it has been established beyond any shadow of doubt that the appellant was having links with drug peddlers and-out laws. Such conduct is unbecoming of a good Police officer and thus the respondent department has rightly dismissed the appellant from service. (Copy of inquiry proceedings are already annexed.
- C. Incorrect, proper and legal inquiry was conducted against the appellant wherein the appellant was given proper and full opportunity to defend himself. The appellant failed to rebut allegations leveled against him and ultimately the respondent department was left with no other option except to dismiss the appellant from service.
- D. Incorrect. The impugned order being questioned by the appellant contains significant and material which is acceptable in the eyes of law. Hence, the punishment order of the appellant order cannot be questioned. Both the orders are quite legal and thus cannot be called in question.
- E. Incorrect, contention of the appellant that punishment on the basis of secret and reliable sources is not sustainable in view of the judgments of the superior courts, is misconstrued because every judgment is based on its own merits, fact and circumstances of this case may not be identical with the judgments of the superior court. Moreover, the appellant has not pointed out specific judgments being identical with instant appellant hence, this para is neither convincing nor appealing to the prudent mind. On such a vague and ambiguous grounds a lawful order cannot be set aside on the wishes of the appellant.
- F. Incorrect, the ground being highlighted by the inquiry officer in his findings has been wrongly interpreted by the appellant. Keeping more than one mobile number is not illegal however, their misuse for illegal purposes is illegal and objectionable purposes. Hence, it is not open for the appellant to make this point as source of his exoneration from the charges leveled against him.
- G. Incorrect, the appellant was given right of fair, and independent trial /inquiry. The inquiry fulfilled all legal and codal formalities, hence, the impugned orders cannot be made questionable. The respondents cannot imagine to violate the provisions of any law including the Constitution of Pakistan.



- H. Incorrect, the appellant has denied the charges leveled against him, however, with not plausible or cogent grounds.
- I. Incorrect, ample evidence sufficient to award the appellant punishment as provided under the law / rules.
- J. Incorrect, the appellant was treated in accordance with law and rules. If contention of the appellant would have been true then he should have raised objection during the inquiry proceedings. By keeping silent and not raising any objection during the enquiry proceedings, lead a prudent mind that the appellant was treated in accordance with law / rules during the inquiry proceeding.
- K. The respondent department may also be allowed to advance additional grounds at the time of hearing before this Honorable Tribunal.

**PRAYER:-**

It is therefore, prayed that the appeal being without any substance may kindly be dismissed with costs while the impugned orders of dismissal of the appellant from service dated 16.08.2023 and dismissal of departmental appeal by the respondent No. 2 dated 13.11.2023 may graciously be upheld being lawful on one hand and in the interest of law, justice and fair play on the other.

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

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

  
 DIG/ Legal, CPO  
 For Inspector General of Police,  
 Khyber Pakhtunkhwa, Peshawar  
 Respondent No. 1  
 (DR. MUHAMMAD AKHTAR ABBAS)  
 Incumbent  


BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 2450/2023  
Muhammad Khan  
Ex-ASI, District Kohat

..... Appellant

**VERSUS**

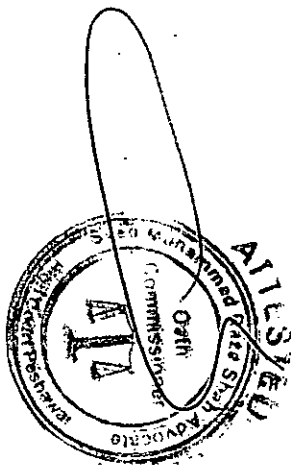
1. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. Regional Police Officer, Kohat.
3. Regional Police Officer, Kohat.

..... Respondents

**AFFIDAVIT**

I, Farhan 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. /cost



*(Handwritten Signature)*  
 (FARHAN KHAN) PSP  
 District Police Officer,  
 Kohat  
 (Respondent No. 3)

25 JAN 2024



No 3071-72/PA

Office of the  
District Police Officer,  
Kohat

Dated 14-6-/2023

**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 **Offg: ASI Muhammad Khan** 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. ***You Offg: ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.***
- ii. ***Your above act is bring bad name to the Police department 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 07 days 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.

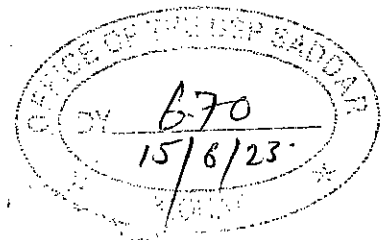
4. A statement of allegation is enclosed.

Received.

15/6/23

Attested  
Nabeem

DISTRICT POLICE OFFICER,  
KOHAT





No 3071-72/PA

Office of the  
District Police Officer,  
Kohat

Dated 14-6-2023

**DISCIPLINARY ACTION**

I, **MR. FARHAN KHAN PSP, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you **Offg: ASI Muhammad Khan** 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. ***You Offg: ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.***
- ii ***Your above act is bring bad name to the Police department and professional gross misconduct on your part.***

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations **SDPO Saddar Kohat** 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. 3071-72/PA, dated 14-6-2023.

Copy of above to:-

1. **SDPO Saddar Kohat** :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.
2. The **Delinquent 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  
[Signature]



## بیان ازان ASI محمد خان متعینہ پولیس لائن کوہاٹ

جناب عالی!

بحوالہ چارج شیٹ نمبر PA/72-3071 مورخہ 14.06.2023 احکام نمبر S/670 مورخہ 15.06.2023 بحاریہ جناب DPO صاحب کوہاٹ معروض خدمت ہوں کہ چارج شیٹ ہذا میں من سائل کے خلاف بدوران بحیثیت ASHO تھانہ MRS تعیناتی منشیات فروشوں اور غیر قانونی افراد کے ساتھ رابطے رکھنے کا الزام لگایا گیا ہے حالانکہ من سائل تھانہ MRS اور انچارج چوکی ملز ایریا تعیناتی کے دوران جرائم پیشہ عناصر اور خاص کر منشیات فروشوں کے خلاف ایمانداری سے کارروائی کر کے متعدد مقدمات درج رجسٹرڈ کر کے جن میں بعض منشیات فروش اب بھی ڈسٹرکٹ جیل کوہاٹ میں بند باسلاسل ہے ان کے علاوہ تھانہ جنگل خیل، سٹی میں تعیناتی کے دوران اور دیگر تھانجات میں تعیناتی کے دوران بھی منشیات فروشوں اور دیگر غیر قانونی افراد جرائم پیشہ عناصر کے خلاف قانون کے مطابق کارروائی کی ہے جو ریکارڈ بطور ثبوت تھانہ جات میں موجود ہے علاوہ ازیں من سائل نے منشیات فروش مسی ماجد ولد قیس خان سلٹہ تپی کے خلاف کارروائی کر کے جس سے منشیات ریکوری کر کے مذکورہ کے خلاف مقدمہ درج رجسٹرڈ ہو کر بعد میں ملزم نے من سائل کے خلاف عدالتوں میں بنی بنائی سازش کے رٹ دائر کر کے جو عدالت منجسٹریٹ صاحب 1 نے من سائل کو زیر دفعہ 337L(ii) میں چارج کر کے جس پر من سائل نے نا انصافی کرنے پر شور شرابہ کر کے من سائل کو ڈسٹرکٹ جیل بھجوا یا گیا ہے اور اب بھی مقدمہ عدالت میں زیر سماعت ہے جس پر من سائل کو ذاتی دشمنی بن چکی ہے ان کے علاوہ بھی من سائل علاقہ تھانہ سٹی اور حدود چوکی ملز تھانہ MRS میں روڈ ڈکیتوں ملزمان کے خلاف کارروائی کر کے جو بھی ریکارڈ تھانہ جات سٹی اور MRS پر موجود ہے۔ جس سے سائل کو ذاتی دشمنی بن چکا ہے۔ من سائل کا یہ سوچ سے بالاتر ہے کہ منشیات فروشوں اور غیر قانونی افراد سے ایسے رابطے کریں کہ جو محکمہ پولیس کے لئے بدنامی کا سبب بنے۔ انشاء اللہ من سائل کا یہ ایمان ہے کہ نہ تو منشیات فروشوں اور نہ ہی غیر قانونی سرگرمیوں میں ملوث افراد کے ساتھ نہ رابطے تھے اور نہ ہیں اور نہ ہونگے۔ جہاں تک من سائل کے خلاف الزامات لگائے گئے ہیں بالکل بے بنیاد اور من گھڑت ہیں یہ تمام تر سازشوں کی بنیاد پر ہوتا رہتا ہے اور من سائل منشیات فروشوں اور جرائم پیشہ ورانہ لوگوں پر حلف اٹھانے پر ہر وقت تیار ہے اور روز قیامت کے دن بھی ذمہ دار ہونگا۔ مزید بدوران پیشی افسران بالا صاحبان کو تمام تر حقیقت سامنے بیان کرونگا ان کے علاوہ من سائل نے قبل ازیں بھی ایمانداری اور خوش اسلوبی سے ڈیوٹی سرانجام دی ہے اور دونگا۔ جن کا تمام تر تھانہ جات میں ریکارڈ بطور ثبوت موجود ہیں اور انشاء اللہ من سائل سے ضلع بھر میں کسی اور عہدیدار نے منشیات فروشوں کے خلاف کارروائی نہیں کی ہوگی اور آئندہ بھی خوش اسلوبی اور ایمانداری سے ڈیوٹی سرانجام دونگا۔

جن منشیات فروشوں اور غیر قانونی افراد کا من سائل کے ساتھ رابطہ تعلق تحریر ہے ان کو چارج شیٹ میں نو مینٹ نہیں کیا گیا ہے۔

استدعا ہے کہ من سائل کا چارج شیٹ بلا مزید کارروائی کے داخل دفتر فرمایا جائے۔

المرقوم 22.06.2023

Attested  
Saleem

دستخط



# از دفتر ایس ڈی پی او صدر سرکل کوہاٹ

فون نمبر: 09229260120

P-9

مورخہ: 21/07/23

بیٹہ نمبر: 464/PA

بخدمت: جناب DPO صاحب کوہاٹ

عنوان: فائنڈنگ حکمانہ کارروائی بر خلاف محمد خان ASI

جناب عالی!

بحوالہ مشمولہ چارج شیٹ نمبری PA/72-3071 مورخہ 14.06.2023 مجاریہ جناب DPO صاحب کوہاٹ معروض ہوں کہ محمد خان ASI کے خلاف چارج شیٹ میں جانک شدہ الزامات کے بابت من SDPO صدر سرکل نے ذیل کارروائی / انکوائری عمل میں لائی۔

الزامات:

1. ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.
2. His above act is bring bad name to the Police department and professional gross misconduct on your part.

بیان ASI محمد خان:

انکوائری ہذا کے سلسلے میں ASI محمد خان کو طلب کر کے تفصیلاً سنا گیا مذکورہ نے چارج شیٹ میں بیان کیا ہے کہ میں میرے خلاف بدوران بحیثیت ASHO تھانہ MRS تعیناتی منشیات فروشوں اور غیر قانونی افراد کے ساتھ رابطے رکھنے کا الزام لگایا ہے حالانکہ میں سائنس تھانہ MRS اور انچارج چارج تعیناتی کے دوران جرائم پیشہ عناصر اور خاص کر منشیات فروشوں کے خلاف ایمانداری سے کارروائی کر کے متعدد مقدمات درج رجسٹر کر کے جن میں بعض منشیات فروشان اب بھی ڈسٹرکٹ جیل میں بند سلاسل ہیں ان کے علاوہ تھانہ جنگل خیل، مٹی میں تعیناتی کے دوران اور دیگر تھانہ جات میں تعیناتی کے دوران بھی منشیات فروشوں اور دیگر غیر قانونی افراد، جرائم پیشہ عناصر کے خلاف قانون کے مطابق کارروائی کی ہے جو ریکارڈ بطور ثبوت تھانہ جات میں موجود ہیں۔

علاوہ ازیں من سائل نے منشیات فروش، کسی ماجد ولد قیس خان سکند پی کے خلاف عدالتوں میں جی بی بی سازی کے رٹ دائر کر کے جو عدالت مجسٹریٹ صاحب نے من سائل کو زیر دفعہ (ii) 1-337 میں چارج کر کے جس پر من سائل نے ناانصافی کرنے پر شور شرابا کر کے من سائل کو ڈسٹرکٹ جیل بھیجا یا گیا اور اب بھی مقدمہ زیر سماعت ہے جس پر من سائل کو ذاتی دشمنی بن چکی ہے۔ من سائل منشیات فروشوں اور جرائم پیشہ ورانہ لوگوں پر حلف اٹھانے کو بروقت تیار ہے اور روز قیامت کے دن بھی ذمہ دار ہو گا مزید بدوران پیش افسران بالا صاحبان کو تمام تر حقیقت سامنے بیان کروں گا۔ جہاں تک من سائل کے خلاف الزامات لگائے گئے ہیں بالکل بے بنیاد اور من گھڑت ہیں یہ تمام تر سازشوں کی بنیاد پر ہوتا رہتا ہے۔ یہ میرا بیان ہے۔ (تفصیلی بیان لف ہذا)۔

انکوائری آفیسر:

جملہ حالات، واقعات اور سروس ریکارڈ کی روشنی میں پایا گیا کہ مذکورہ بحیثیت کانسٹیبل مورخہ 23.04.1995 کو محکمہ پولیس میں بھرتی ہوا۔ دوران سروس مذکورہ تقریباً 05 دفعہ مختلف نوعیت کے الزامات میں ملوث ہو کر محکمہ سے معطل ہوا ہے اور متعدد دفعہ افسران بالانے جرائم پیشہ عناصر / سنگرز کے ساتھ روابط، کارس کار میں غفلت، قانون کا غلط استعمال اور تجاوز، کرپشن، نازیہ رویہ رکھنے، کریمنل مقدمہ میں ملوث ہونے، ڈیوٹی سے غیر حاضری ہونے پر چارج شیٹ / شوکاژ دیئے ہیں اور Minor سزائیں دی ہیں جبکہ قبل ازیں بھی مذکورہ ASI کو کرپشن، In-efficient پولیس آفیسر اور عوام الناس کے ساتھ غیر مہذبانہ رویہ رکھنے پر جناب DPO صاحب نے بحوالہ ASI-OB No. 1094/PA Written وارنگ اور آئینہ کے لیے محتاط رہنے کی سزا دی تھی اور اسی طرح کریمنل کیس FIR نمبر 771 مورخہ 12.12.2022 جرم 189/186(ii)/506 تھانہ کینٹ میں ملوث ہونے پر مذکورہ کو بحوالہ آرڈر نمبر PA/744 مورخہ 15.12.2022 کو معطل کیا گیا۔ (جملہ چارج شیٹ ہائے، شوکاژ نوٹس لف اور قابل ملاحظہ ہیں)۔

Attested  
Signature

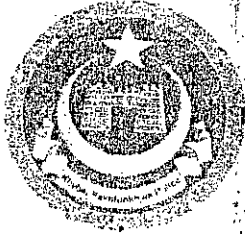
دوران انکوائری ASI محمد خان کو طلب کر کے الزامات کے بارے میں تفصیلی گفت شنید ہوئی، کہ اس سوالات جوابات عمل میں لائے گئے، جواب چارج شیٹ کو ملاحظہ کیا گیا لیکن زیر دستخطی مذکورہ کے جوابات سے مطمئن نہیں ہو بلکہ بدوران انکوائری از خود ظاہر کیا کہ میں نے سرکاری ڈیوٹی کے لحاظ سے منشیات فروشوں وغیرہ کے ساتھ رابطہ رکھے ہیں علاوہ ازیں مذکورہ کے کہ اس سوالات و جوابات میں بھی ریکارڈ کے مطابق تضاد پایا جاتا ہے۔

دوران انکوائری مذکورہ نے اپنا زیر استعمال نمبر 0333-9666548 ظاہر کر کے جس کا CDR طلب کر کے ملاحظہ کیا گیا جبکہ الزام بندی کے شناختی کارڈ نمبر 7-6990003-14202 پر 1 عدد نیلی نارم، 1 عدد زون سم اور 2 یوفون سمز Activate ہیں جو مختلف طریقوں / ہوشیاری سے یا کسی اور کے نمبر سے منشیات فروشوں کے ساتھ روابط رکھتے ہیں۔ (CDR رپورٹ لف ہے) تاہم خفیہ پتہ برابری اور Reliable / Credible سروس سے معلوم ہوا کہ مذکورہ ASI کا منشیات فروشان کے ساتھ تعلقات / روابط موجود ہیں۔

کی گئی انکوائری سے زیر دستخطی اس نتیجے پر پہنچا کہ ASI محمد خان کے منشیات فروشوں کے ساتھ لنک / روابط موجود ہیں جو محکمہ پولیس کے لیے بدنامی کا باعث ہے۔ انکوائری ہذا میں ASI محمد خان گنہگار پایا جاتا ہے۔ لہذا مذکورہ کو مناسب سزایا ضلع بدر کرنے کی سفارش کی جاتی ہے۔

اس ڈی پی او صدر سرکل  
کوہاٹ

Attested  
Suleman



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT

Tel: 0922-920116 Fax 920125

No. 4001 /PA dated Kohat the 24/7/2023

### FINAL SHOW CAUSE NOTICE

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 Muhammad Khan 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. 3071-72 /PA dated 14.06.2023.
- 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. *You Offg: ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.*
- b. *Your above act is bring bad name to the Police department 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

صاحب عالی  
محکمہ سٹیم ٹرانزیشن شویماز ٹرانزیشن اسکیم زیری 4501/PA  
درجہ 24<sup>07</sup>/<sub>023</sub> جاریہ ڈیپارٹمنٹ کے آفیسر صاحب صاحب صاحب  
خدمت میں۔

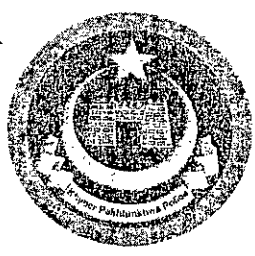
آئی سی اے سی ASI برٹانیا میں شویماز ٹرانزیشن اسکیم کے تحت  
جس کی بابت ڈیپارٹمنٹ آف ٹرانزیشن کے آفیسر صاحب صاحب صاحب صاحب  
تعمیر کیا ہے۔ وہیں سے اس کی بابت بیان بھی بطور ثبوت  
میں لکھا ہے۔

دوبارہ واضح کیا گیا ہے کہ اس کی بابت کوئی  
تعمیر نہیں ہے جو ہے بنا ہے۔  
مزید ضروریات یہی ہیں کہ اس کی بابت کوئی

صاحب عالی  
بے نفاذ ہونے کے بعد اس کے بارے میں کوئی بھی چیز  
کا کوئی بھی ڈیپارٹمنٹ کوئی بھی ڈیپارٹمنٹ کوئی بھی ڈیپارٹمنٹ

Mine  
ASI - Police - Lahore

Attested  
Nawaz



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
KOHAT  
Tel: 0922-9260116 Fax 9260125

**ORDER**

This order will dispose of departmental enquiry against Offg: ASI Muhammad Khan of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014).

Facts arising of the case are that Offg: ASI Muhammad Khan while posted at PS MRS is alleged to have links with drug peddlers and outlaws.

The above act is bringing bad name to the Police department 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 SDPO Saddar Kohat was appointed as enquiry officer to scrutinize the conduct of the defaulter ASI. The enquiry officer stated that the allegations / links of the said ASI has been proved with drug peddlers and outlaws, which has been established from CDR and investigation that the accused official were in contact with the drug peddlers and earned a bad name to the entire department. Therefore, the allegations leveled against the defaulter official has been established beyond any shadow of doubt and recommended for punishment.

He was issued Final Show Cause Notice, reply of Final Show cause Notice received and found un-satisfactory. He was also called in O.R, heard in person on 16.08.2023 and did not submit plausible explanation in his defense.

In view of the available record, I agree with the findings of enquiry officer, therefore, in exercise of powers conferred upon me under the **rules ibid I**, Farhan Khan PSP, District Police Officer, Kohat is hereby awarded **major punishment of dismissal from service** with immediate effect, kit etc be collected and report.

**Announced**  
**16.08.2023**

DISTRICT POLICE OFFICER,  
KOHAT

OB No. 672  
Dated 16-08-2023  
No. 4703.05 /PA dated Kohat the 16-08-2023.

- Copy of above is submitted for favor of information to the:-
1. Regional Police Officer, Kohat please.
  2. R.I/Reader/Pay officer/SRC/OHC for necessary action.

DISTRICT POLICE OFFICER,  
KOHAT

**ORDER.**

This order will dispose of the departmental appeal preferred by **Ex-ASI Muhammad Khan** of district Kohat against the order of District Police Officer, Kohat whereby he was awarded major penalty of dismissal from service vide OB No. 672 dated 16.08.2023. Brief facts of the case are that the appellant while posted at PS MRS Kohat was proceeded against departmentally to the effect that he had links with drug peddlers and other outlaws. This act of the defaulter has earned bad name for the department which amounts to gross professional misconduct on his part.

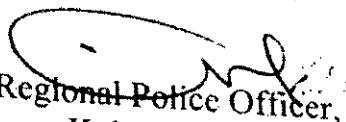
Proper departmental enquiry proceedings were initiated against him and SDPO Saddar, Kohat was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of codal formalities submitted his findings wherein the appellant was found guilty of the charges leveled against him. He was, therefore, recommended for penalty under the relevant rules.

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. 672 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 24.10.2023. During personal hearing the appellant did not advance any plausible explanation in his defense.

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 established beyond any shadow of doubt. He has rendered himself unfit for retention in a disciplined force. Hence, appeal of **Ex-ASI Muhammad Khan** is hereby **rejected**, being devoid of substance and merit.

Order Announced  
24.10.2023

  
Regional Police Officer,  
Kohat Region

No. 11876 /EC, Dated Kohat the 13 / 11 /2023

Copy forwarded to District Police Officer, Kohat for information and necessary w/r to his office Memo: No. 6998/LB, dated 12.10.2023. His Service Record is returned herewith.

*Attested*  


P-15

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
**SERVICE TRIBUNAL, PESHAWAR**

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**Service Appeal No. 2450/2023**  
**Muhammad Khan**  
Ex-ASI, District Kohat

..... Appellant


**VERSUS**


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

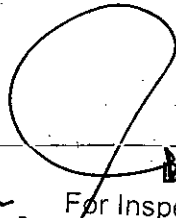
..... Respondents

**AUTHORITY LETTER**

Mr. Usman Ali Khan, DSP Legal Kohat 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.

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

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

  
Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
Respondent No. 1  
(DR. MUHAMMAD AKHTAR ABBAS)  
Incumbent  
