


FORM OF ORDER SHEET

Court of _____

Appeal No. 746/2024

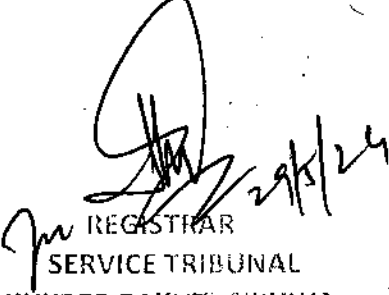
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/06/2024	<p>The appeal of Mr. Hamid Hussain resubmitted today by Mr. Asif Hameed Qureshi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 05.06.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman  REGISTRAR</p>

The appeal of Mr. Hamid Hussain received today i.e on 27.05.2024, is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- According to sub-rule-4 of rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974 respondent no.3 is un-necessary/improper party, in light of the rules ibid and on the written direction of the Worthy Chairman the above mentioned respondent number be deleted/struck out from the list of respondent.
- 2- Address of the appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 3- Memorandum of appeal is not signed by the appellant.
- 4- Appeal has not been flagged/marked with annexures marks.
- 5- Annexures-A, B, C/1, C/2,D and E of the appeal are illegible be replaced by legible/better one.

No. 86 /Inst;/2024/KPST,

Dt. 29/05 /2024.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Asif Hameed Qureshi Adv.
High Court Peshawar.

*Re-submitted
after compliance
Asif Hameed
03/6/24*

may kindly be reinstated in service with all back benefits provided under the law.

Respectfully Sheweth:-

The facts pertaining to this appeal are as under:-

1. *That the appellant was originally the employee of Levy Force and after the merger of FATA into KP Province by virtue of 25th amendment, the service of Levies Force was merged into Police Department through KP levies Force Act, (No XXXV of 2019), r/w Rule III of Levies Force (Absorption in the Khyber Pakhtunkhwa Police) Rules, 2019*
2. *That after the above said notification, the rank of constable was given to appellant and assigned duty at FC Torsar Check Post Upper Kurram.*
3. *That on allegation against the appellant that he deliberately and blatantly made dealing with the notorious Drug dealer namely Shakeel Hussain, release the driver of apprehended motorcar and kept illegally 45 packets of Chars and vehicle at secret place by him and thus committed gross misconduct on his part, and to this effect the respondent No 2 appointed Superintendent of Police Investigation District Kurram as*

an inquiry officer for probing/ scrutinizing the allegation and also charge sheeted the appellant vide Office Order dated 29/03/203. (Copies of the orders of respondent No 2 are attached as annexure "A" & "B").

4. *That the appellant submitted his reply to charge sheet on 06/04/2023. (Copy of reply is attached as annexure "C")*
5. *That the inquiry officer submitted his inquiry report alongwith statement of appellant to respondent No 2 on 18/04/2023. (Copy of inquiry report and statement are attached as annexure "D" & "D/1" respectively).*
6. *That after receiving the inquiry report, the respondent No 2 issued final Show Cause Notice to appellant vide order dated 20/04/2023 to which the appellant submitted his reply on 27/04/2023. (Copies of final Show Cause Notice and reply are attached as annexure "E" & "F" respectively).*
7. *That on 06/12/2023 the competent authority (respondent No 2) passed the impugned order (dismissal from service). (Copy of dismissal order dated 06/12/2023 is attached as annexure "G").*

8. That against the above said dismissal order of the respondent No 2, the appellant preferred departmental appeal to the appellate authority i.e. respondent No 1, who vide impugned order dated 07/05/2024, dismissed the same. (Copies of the departmental appeal and order of respondent No 1 dated 07/05/2024 are attached as annexure "H" & "I" respectively).
9. That being dissatisfied of the above said orders of respondents No 1 & 2, the appellant is filing the instant Service Appeal before this Honourable Tribunal on the following other grounds:-

Grounds:-

- A. That the impugned orders of the respondents No 1 & 2 dated 06/12/2023 & 07/05/2024 are illegal, arbitrary, perverse and also against the relevant rules and procedure, therefore, liable to be set aside.
- B. That the appellant rendered his service with full dedication, commitment and efficiently with entire satisfaction to his superior (competent authority) and during period of his service no complaint whatsoever, filed/lodged against him and in this circumstances the punishment awarded to

appellant by respondents No 1 & 2 was without any legal justification, therefore, the same is liable to be set aside.

- C. That the inquiry officer has not conducted the matter/inquiry within the mandate of Section 11 of E&D Rules, 2011, because the respondent No 3 has not given any opportunity to the appellant for producing any evidence in his defence, nor recorded that statement of Shakeel Hussain Truck Driver, which made the recommendation of inquiry officer biased against the appellant.
- D. That in the light of above submissions, the inquiry has not been properly conducted by inquiry officer as provided under the relevant rule and thus committed illegality by violating the *ibid* statutory rules, therefore, the impugned orders of respondents No 1 & 2 on the basis of departmental inquiry report was unjustifiable/unsustainable under the law and liable to be set aside.
- E. That the competent authority (respondent No 2) has also not acted in accordance with law, while passing the impugned dismissal order of the appellant as contained in Section 14 of the E&D Rules, 2011.

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F. That the competent authority (respondent No 2) has passed the impugned order on 06/12/2023, which was clear cut violation of Section 14(7) of the E&D Rules, 2011, which says that :-

“After receipt of reply to the Show Cause Notice and affording opportunity of personal hearing, the competent authority within a period of 15 days, excluding the time during which the post hold by the competent authority remained vacant due to certain reasons.”

thus committed illegality and only on that score the dismissal order from the service of the appellant is liable to be set aside. It is also pertinent to mention here that the respondent No 1 (appellate authority) has also ignored this important legal aspect of the case, while deciding the departmental appeal of the appellant.

G. That in the light of above submissions, the impugned orders of the respondents No 1 & 2 were arbitrary, perverse and illegal, thus unsustainable in the eyes of law and liable to be set aside.

H. That any other ground, which has not been specifically taken in the instant service appeal, may be argued at the

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time of arguments with the permission of this Honourable Tribunal.

It is, therefore, most humbly prayed that - on acceptance of this service appeal, the impugned orders of respondent No 2 dated 06/12/2023 & order of respondent No 1 dated 07/05/2024 may kindly be set aside and the appellant may kindly be reinstated in service with all back benefits provided under the law.

Dated:- 25/05/2024

21303-DS37645-5
Appellant

Through:-

Asif Hameed Qureshi.
Advocate Supreme Court

Certificate:-

It is certify that no such like Service Appeal has earlier been filed by the Appellant in this Honourable Tribunal.

Advocate.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No:- _____/2024

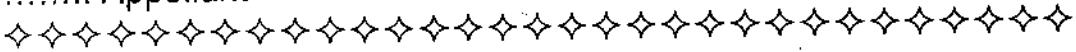
Hamid Hussain

Versus

Regional Police Officer
& others

..... Appellant

..... Respondents



AFFIDAVIT

I, Hamid Hussain S/o Mehboob Ali Khan R/o Kuchkina,
P.S Roza, District Kurram, (The appellant) do hereby solemnly
affirm and declare on oath that the contents of this accompanying
Service Appeal are true and correct to the best of my knowledge
and belief and nothing has been concealed from this Honourable
Court.

مہاجر حسین

DEPONENT

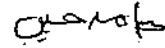
CNIC No:- 21303-0537645-5

Cell No:- 9037634

4. That for issuing interim relief, the contents of main appeal may kindly be considered as integral part of this application.

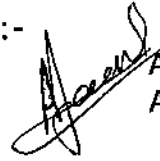
It is, therefore, humbly prayed that on acceptance of this application, the impugned orders of respondent No 2 dated 06/12/2023 & order of respondent No 1 dated 07/05/2024 may kindly be suspended, till the final decision of the titled appeal.

Dated:- 25/05/2024



Petitioner

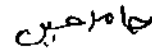
Through:-



Asif Hameed Qureshi
Advocate Supreme Court

AFFIDAVIT

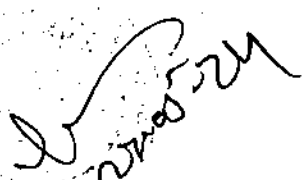
I, Hamid Hussain S/o Mehboob Ali Khan R/o Kuchkina, P.S Roza, District Kurram, (The appellant) do hereby solemnly affirm and declare on oath that the contents of this accompanying application for suspension are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.



DEPONENT

CNIC No:- 21303-0537645-5

Cell No:- 0300-9037634



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OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA
Tel: 0926-312208 Fax: 0926-311354
Email: pollockurram1@gmail.com
No 953/PA Dated Parachinar 29/3/2023

DISCIPLINARY ACTION

I Muhammad Imran Mirza, District Police Officer Kurram as competent authority hereby charged you Hamid Hussain, Constable while posted at Torsa Check Post as under:

You Hamid Hussain, Constable while posted at Torsa Check Post apprehended one motor car in white colour alongwith driver Bakhti Jan resident of Tari Mangal and recovered 45 packets of Charas. Instead of taking legal action against the drug dealer you deliberately and blatantly made dealing with driver through another notorious drug dealer Shakeel Hussain resident of Pekar and released the mal culprit driver Bakhti Jan in lieu of huge amount of bribe and illegally kept 45 packets aras and vehicle with you at scoret place.

Later on, you handed over the sald vehicle and 45 packets Charas to DSP Headquarter Parachinar and PPI City Zahid Hussain on their intervention and threats of dire consequences; Ironically DSP Headquarter and PPI Zahid Hussain worked like criminal and took huge amount and sold the recovered Charas and released the motor car in return of huge amount of bribe. Your act of not taking any legal action openly releasing the main accused Bukhti Jan in lieu of huge amount of bribe amounts to gross misconduct on your part; rendering unfit for police job.

1. For the purpose of scrutinizing the conduct of said official with reference to the above allegations, Mr. Gul Naseeb BP Investigation Kurram has been appointed to conduct proper departmental enquiry.
2. The Enquiry Officer shall conduct proceedings in accordance with the provision of Police E&D Rules 1975 (amended 2014) and shall provide reasonable opportunity of defense and hearing to the defaulter official, record its findings and make within fifteen (15) days of the receipt of this, order, recommendation and to punishment or other appropriate action against the defaulter official.
3. The defaulter official shall Join the proceeding on the date, time and place fixed by the Enquiry Officer

(Muhammad Imran Mirza) PSP
DISTRICT POLICE OFFICER
KURRAM

No. and date even,
Copy of the above is sent to

1. Enquiry Officer for initiating proceeding against the defaulter officer)
Under Police E&D Rules 1975 (amended 2014)
2. Concerned defaulter official

DISTRICT POLICE OFFICER
KURRAM

C.T.C
aj

by mail

Annexure B



OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA
Tel: 0926-312208 Fax: 0926-311354
Email: policekurram@gmail.com
No 954 /PA Dated Parachinar 27/3/2023

CHARGE SHEET

1. Muhammad Inran Mirza, District Police Officer Kurram as competent authority hereby charged you Hamid Hussain, Constable while posted at Torsa Check Post, as under:

You Hamid Hussain, Constable while posted at Torsa Check Post apprehended one motor car in white colour alongwith driver Bakhti Jan resident of Tari Mangal and recovered 45 packets of Charas. Instead of taking legal action against the drug dealer you deliberately and blatantly made dealing with driver through another notorious drug dealer Shakeel Hussain resident of Pewar and released the main culprit driver Bakhti Jan in lieu of huge amount of bribe and illegally kept 45 packets Charas and vehicle with you at secret place.

Later on, you handed over the said vehicle and 45 packets Charas to DSP Headquarter Parachinar and PPI City Zahid Hussain on their intervention, and threats of dire consequences; ironically DSP Headquarter and PPI Zahid Hussain worked like criminal and took huge amount and sold the recovered Charas and released the motor car in return of huge amount of bribe. Your act of not taking any legal action openly releasing the main accused Bakhti Jan in lieu of huge amount of bribe amounts to gross misconduct on your part; rendering unfit for police job.

1. By reasons of the above, you appeared to be guilty of misconduct and have rendered your self liable to all or any of the penalties specified in rule-4 of the disciplinary Police E&D Rules 1975 (amended 2014).

2. Therefore, require to submit your written reply within 07 days of the receipt of this charge sheet to the enquiry officer.

3. Your written reply, 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 in that case in ex-parte action shall follow against you.

4. Intimate as to whether you desire to be heard in person or not?

5. A statement of allegations is enclosed.

(Muhammad Inran Mirza) PSP
DISTRICT POLICE OFFICER
KURRAM

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Amex - "B"

OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA
Tel: 0926-312208 Fax: 0926-311354
Email: pollockurram1@gmail.com
No 954/PA Dated Parachinar 29/3/2023

CHARGE SHEET

I Muhammad Imran Mirza, District Police Officer Kurram as competent authority hereby charged you Hamid Hussain, Constable while posted at Torsa Check Post, as under:

You Hamid Hussain, Constable while posted at Torsa Check Post apprehended one motor car in white colour along with driver Bakhti Jan resident of Tari Mangal and recovered 45 packets of Charas. Instead of taking legal action against the drug dealer you deliberately and blatantly made dealing with driver through another notorious drug dealer Shakeel Hussain resident of Pekar and released the main culprit driver Bakhti Jan in lieu of huge amount of bribe and illegally kept 45 packets Charas and vehicle with you at secret place.

Later on, you handed over the said vehicle and 45 packets Charas to DSP Headquarter Parachinar and PPI City Zahid Hussain on their intervention, and threats of dire consequences; Ironically DSP Headquarter and PPI Zahid Hussain Worked like criminal and took huge amount and sold the recovered Charas and released the motor car in return of huge amount of bribe. Your act of not taking any legal action openly releasing the main accused Bukhti Jan in lieu of huge amount of bribe amounts to gross misconduct on your part; rendering unfit for police job.

1. By reasons of the above, you appeared to be guilty of misconduct and have rendered your self liable to all or any of the penalties specified in rule 4 of the disciplinary Police E&D Rules 1975 (amended 2014).
2. Therefore, require to submit your written reply within 07 days of the receipt of this charge sheet to the enquiry officer.
3. Your written reply, 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 in that case in ex parte action shall follow against you.
4. Intimate as to whether you desire to be heard in person or not?
5. A statement of allegations is enclosed.

(Muhammad Imran Mirza) PSP
DISTRICT POLICE OFFICER
DISTRICT KURRAM

CFE
aj

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04.04.2023

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0300-9037634

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23 2023

American

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Handwritten initials or signature.

Investigation (sp. 55)
date 18/4/23

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C.C.

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INVESTIGATION

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ALLOCATION

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BACKGROUND

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Confidential

OFFICE OF THE
DIRECTOR GENERAL, CUSTOMS AND EXCISE
Kuala Lumpur, Malaysia
Tel: 603-2322 4521



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C/C

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INVESTIGATIONS
The following information was received from the informant on 29/12/75 at 10:30 AM. The informant stated that he had been contacted by a person who offered him a large sum of money to assist in the commission of a crime. The informant refused the offer and reported the matter to the police.

ALLEGATIONS
The informant alleged that the person who offered him the money was a member of a criminal organization. The informant stated that he had been approached by the person in a public place and that the person had offered him the money in exchange for his assistance in the commission of a crime.

BACKGROUND:
The informant is a resident of [address] and is employed as a [occupation]. He has been a resident of the area for [duration] and has no previous criminal record. The informant is a [religion] and is [marital status].

715 KM
Confidential

OFFICE OF THE
SUPERINTENDENT OF POLICE
INVESTIGATION DISTRICT KWARANG
KEMBANG PAKHTUNKHWA

Amended

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اعجازی آئینہ العالیٰ اور شہینہ

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۱۹۵۱ء میں لکھی گئی تھی۔ اس میں مذکور ہے کہ اس کتاب نے
میں نے اس کتاب کو پڑھا اور اس میں جو چیزیں مذکور ہیں
ان میں سے بہت سی چیزیں میری نظر سے گزری ہیں۔

RECOMMENDATION

اس کتاب کو پڑھنے والوں کو اس میں مذکور
ہوئی چیزوں سے متاثر ہونے اور ان کی
تعمیر و ترقی میں حصہ لینے کی ترغیب
دینی ہے۔ اس کتاب کو پڑھنے والوں کو
اس میں مذکور چیزوں سے متاثر ہونے
اور ان کی تعمیر و ترقی میں حصہ لینے
کی ترغیب دینی ہے۔

CONCLUSION

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Handwritten signature

2. As a result thereof, Muhammad ...
3. You, are, thereof, required to show ...
4. If no reply to this Notice is received ...
5. A copy of the findings of the inquiry ...

[Large block of heavily obscured and illegible text, possibly Urdu or Hindi, covering the middle section of the document.]

CONCLUSION

I am satisfied that you committed the following acts ...
 material on record and other connected paper before the enquiry officer

1. (i) that consequent upon the completion of inquiry conducted against you by the enquiry officer vide communication No. 452-RP/1NH/K/1975 dated 18/04/2014, and
- (ii) On going through the findings and recommendations of the enquiry officer material on record and other connected paper before the enquiry officer

1. Muhammad Iqbal (P.P.), District Police Officer, Rawalpindi, as competent authority under Kohat District Police (P.P.) Rules 1975 (amended 2014), do hereby ...
 Constable Iqbal Hussain Bell No. 715X, who posted in Town Constable Post at ...

FINAL SHOW CAUSE NOTICE

OFFICE OF THE DISTRICT POLICE OFFICER
KUWAIT DISTRICT POLICE OFFICER
 Tel: 0226-01000 Fax: 0226-31154
 Email: kuwait.district.police@gmail.com
 No. 112/1975 dated 20/10/2014

Amr

(Handwritten mark)



بخدمت جناب DPO صاحب خلیج کرم

عنوان جناب فائل شوکار

نمبر 1174 مورخہ 20-04-2023

بیان باوریافت کاٹشیل حامد حسین تورسہ پوسٹ کرم پولیس فورس بحوالہ درج بالا بعد احترام عرض ہوں کہ میں ایام وقوعہ مندرجہ چارج بطور کاٹشیل
 اب پوسٹ تورسہ پر کرم تعینات تھا۔ تقریباً 2 ماہ قبل بحوران چینگنگ ایک موٹر کار کار کردہ لاکر سفید سے 45 ٹیکٹ جس برآمد ہوا۔ بدریافت ڈرائیور موٹر کار نے اپنا نام بخشی جان
 کن اور کرم صدہ فوری طور پر وقوعہ کی اطلاع DSP پر دیا گیا اور PPI زاہد حسین پاراچنار کو دی۔ آفسر بالائے حکم دیا۔ کہ ان کی آمد کا انتظار کیا جائے۔
 تقریباً آدھا گھنٹہ بعد مذکورہ بالا آفسر آئے اور مجھے جس برآمد شدہ موٹر کار اور ڈرائیور بخشی جان کو DSP/HQ اور PPI زاہد حسین پاراچنار کے کوآرڈر کا پچانے کا حکم دیا۔
 نے بحیثیت ماتحت حکم معمولی ادنیٰ کاٹشیل کی حیثیت سے احکامات کی تعمیل کرتے ہوئے۔ جس 45 ٹیکٹ موٹر کار اور ڈرائیور بخشی جان بحوالہ DSP/HQ اور PPI زاہد حسین کیا
 رکھے اپنے چیک پوسٹ پر جانے کی ہدایت کی۔

بعد میں بتایا گیا کہ DSP/HQ آفسر اور PPI زاہد حسین بالانے جس موٹر کار اور ڈرائیور بخشی جان کو ٹیکٹ نامی شخص کے حوالہ کیا تھا۔ مجھے نہیں معلوم کہ DSP/HQ اور
 PF زاہد حسین متذکرہ نے کیوں اور کس بنیاد پر ایسا کیا تھا۔ میرے خلاف لگایا گیا الزام کہ میں نے رقم لیکر جس برآمد شدہ موٹر کار اور ڈرائیور بخشی جان کو حوالہ ٹیکٹ کیا تھا۔ اور بعد میں
 DSP/HQ اور PPI زاہد حسین بالامذمت پر واپس لایا تھا۔ یہ درست نہیں ہے۔ کیونکہ اگر میں نے رقم وصول کی ہوتی۔ تو متذکرہ بالا اشیاء کی واپس میرے لئے ممکن نہ ہوتی۔ کوئی
 بی شعور اس امر کو قبول نہیں کرے گا۔ کہ رقم وصول کر کے دوبارہ واپس لانے میں کامیاب ہو سکے گا۔ جس کی سبب خوردیور موٹر کار کی واپسی اور ڈرائیور بخشی جان کی رہائی سے نہ صرف کوئی
 ملحق تھا۔ اور نہ ہی میں نے کاروبار حاصل میں کوئی کردار کیا ہے۔ کیونکہ میری حیثیت اور کردار نہیں ہے۔

حاصل میں قانونی قدم نہ اٹھانے میں میرے سینئر آفسران کے دئے گئے احکامات رکاوٹ تھے۔ میں میرے سینئر کے حکم کی تعمیل کی ہے۔ اور اس معاملے میں میں بالکل
 نے گناہ ہوں۔ لہذا اس سائل آپ کے دربار عالیہ میں استدعا کرتا ہوں۔ کہ بالا بیان حقیقت پر مبنی ہے جو کہ درست ہے۔ مذکورہ فائل شوکار بلا متذکرہ مذکورہ کارروائی داخل دفتر کئے
 اسے کا حکم دے۔ اور آپ سے موہ پانہ گزارش کی جاتی ہے۔ کہ مجھے کاٹشیل کی حیثیت سے مجھے رحم فرما کر بری اللذمہ فرمایا جائے۔

کاٹشیل حامد حسین کرم پولیس فورس

21303-0537645-5

0300-9037634

حاجہ رحیب

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OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA
Tel/Fax:0926-311354*Email:policekurram@gmail.com

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ORDER:

This order is hereby issued to dispose of departmental enquiry initiated against the delinquent constable Hamid Hussain Belt No: 715 km, vide this office No. 953/PA dated 29/03/2023, having Mr. Gul Naseeb SP Investigation, Kurram as Enquiry Officer, with following allegations.

"You Hamid Hussain, Constable while posted at Torsa Check Post apprehended one motor car in white colour alongwith driver Bakhti Jan resident of Tari Mangal and recovered 45 packets of Charas. Instead of taking legal action against the drug dealer you deliberately and blatantly made dealing with driver through another notorious drug dealer Shakeel Hussain resident of Pesar and released the main culprit driver Bakhti Jan in lieu of huge amount of bribe and illegally kept 45 packets Charas and vehicle with you at secret place.

Later on, you handed over the said vehicle and 45 packets Charas to DSP Headquarter Parachinar and PPI City Zahid Hussain on their intervention and threats of dire consequences; Ironically DSP Headquarter and PPI Zahid Hussain worked like criminal and took huge amount and sold the recovered Charas and released the motor car in return of huge amount of bribe. Your act of not taking any legal action openly releasing the main accused Bukhti Jan in lieu of huge amount of bribe amounts to gross misconduct on your part; rendering unfit for police job."

1. On 18/04/2023, Enquiry Officer finalized his enquiry against constable Hamid Hussain Belt No. 715 km vide letter No. 452/SP/INV/Kurram dated 18-04-2023 and recommended him for major appropriate punishment in following words.

"پلا متعلق کے پیش نظر اہرام علیہ کا تشکیلی مادہ حسین کرم پولیس امرداد اور دیگر حاذقہ بالا اہلکاران ڈرگ ڈیلر کلین حسین کے ساتھ ملکر 45 کلو گرام چرس کا لین دین کرنا اور ظرم ڈرائیور تختیا جان سے موٹر گاڑی تلافی تلافی کرنے چھوڑنا اور جرم پر پردہ ڈال کر حسین جرم اور بد عنوانی کا مرتکب ہو چکا ہے۔ کرم پولیس میں نوکری میں قابل نہیں رہتا۔ لہذا سخت سزا دینے کی سفارش کی جاتی ہے۔"

2. On 20-04-2023, constable Hamid Hussain Belt No. 715 km was issued Final Show Cause Notice vide this office letter No.1174/PA dated 20-04-2023. His reply has been received to this office and has been found unsatisfactory.
3. On 01-12-2023, he was called and heard in person, but he could not provide anything cogent in his defence.

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4. After perusal of enquiry file, findings of the enquiry officer, and service record of the delinquent police personnel I, the undersigned have reached the conclusion that Constable Hamid Hussain Belt No. 715 km has been found guilty of being mixing up with drug dealers; of making obnoxious deal with the drug dealers, and of releasing the accused person without any action for ulterior motive. Such grievous misconduct has earned bad name for the department and must not go unattended.

Therefore, I Muhammad Imran (PSP) District Police Officer Kurram, being a competent authority, agreeing with the findings of enquiry officer, hereby award constable Hamid Hussain Belt No. 715 km major punishment of Dismissal From Service with immediate effect under Khyber Pakhtunkhwa Police E&D Rules 1975 (amended 2014).

Order announced

MUHAMMAD IMRAN)^{PSP}
District Police Officer,
Kurram

OB No. 717

Dated: 06.12.2023

Copy forwarded to the:-

1. Regional Police Officer Kohat Region with reference to this office No. 938/PA dated 29.03.2023.
2. Superintendent of Police, Complaints & Enquiry, Internal Accountability Branch, Khyber Pakhtunkhwa, CPO, Peshawar.
3. SP Investigation Kurram
4. District Accounts Officer Kurram
5. SRC Kurram
6. Pay Officer Kurram
7. OASI Kurram.
8. Official concerned

MUHAMMAD IMRAN)^{PSP}
District Police Officer,
Kurram

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BEFORE THE REGIONAL POLICE OFFICER
KOHAT REGION KOHAT

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Subject: APPEAL AGAINST THE ORDER OF DPO KURRAM
BEARING OB NO. 717 DATED 06-12-2023 WHEREBY THE
APPELLANT EX. CONSTABLE HAMID HUSSAIN NO. 715
WAS DISMISSED FORM SERVICE WITH IMMEDIATE
EFFECT.

Respectfully Sheweth:

With veneration, the appellant prefers the instant appeal against the order of DPO Kurram cited as per subject for your kind and judicious consideration on the bases of the following facts and grounds:

FACTS:

Briefly stated, facts as narrated in the c charge sheet was that the appellant while posted at Torsa Check Post intercepted a motor car being driven by Bakhti Jan R/o Tari Mangal and recovered 45 packets of charas from the said motor car. Instead of taking legal action, the appellant released accused Bakhti Jan deliberately by blatantly making a deal through Shakeel Hussain a notorious drug dealer R/o Pewar in lieu of huge amount of bribe and illegally kept 45 packets of charas and the motor car with him at a secret place.

Later on you handed over the charas and the car to DSP/HQ and Zahid Hussain PPI Parachinar after their intervention and extending you threats of dire consequences. Non-initiation of legal action against accused Bakhti Jan followed by his release by the appellant amounted to gross misconduct rendering the appellant unfit for police job.

To scrutinize the conduct of the appellant, the DPO Kurram appointed Mr. Gul Naseeb Khan as inquiry officer. On completion of inquiry

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proceedings, the inquiry officer submitted his findings report and recommended the appellant to be awarded major punishment. Acting upon the findings report of the inquiry officer, the DPO Kurram passed the impugned order. Hence this appeal.

[Handwritten initials]

Grounds of appeal:

- a) Facts contained in the summary of allegation are correct to the extent of apprehension of motor car, its driver Bakhti Jan and recovery of 45 Packets of charas from the said car. However the rest of the allegations are quite contrary to the real facts. The appellant neither knew Shakeel Hussain nor ever came into contact with him at any stage. The real facts are that soon after apprehension of the motor car, driver Bakhti Jan and recovery of the charas, the DSP/HQ and Zahid Hussain PPI Parachinar were duly informed. Resultantly both these officers came to Torsa Check Post and ordered me to shift the motor car, its driver Bakhti Jan and the seized charas to the residential quarter of DSP/HQ at Parachinar. The appellant being subordinate complied with the order of his senior officers little knowing about the logic behind such order. The appellant was thereafter directed to go back to Torsa Check Post and the appellant again complied with such order of his senior officer. I have not entered into any bargain with driver Bakhti Jan for any consideration. He was duly handed over to the DSP/HQ and Zahid Hussain PPI Parachinar. I did not know what happened thereafter.
- b) That no preliminary show cause notice to the appellant was issued by DPO Kurram before the appointment of the inquiry officer.
- c) That the appellant was not associated with the inquiry proceeding by the inquiry officer.

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- d) That copy of the findings report of the inquiry officer was not furnished to the appellant before imposition of the penalty upon the appellant. Thus the principle of "Natural Justice" was not complied with and the appellant was deprived of his right to defend himself in light of the recommendations of the inquiry officer.
- e) That in light of the above fact it could be maintained that the inquiry was not conducted fairly. The failure to do so invalidates the recommendation and order passed by DPO Kurram based on such recommendation against the appellant.

PRAYER:

In view of the above submission, it is prayed that by accepting the instant appeal, the impugned order may be set aside and the appellant re-instated in service w.e.f. the date of his dismissal from service with all back benefits. Please.

Yours Obediently,

جہاں علی

Ex Constable Hamid Hussain No. 715
S/o Mehboob Ali
R/o Kachkina, Kurram
P.S Roza District Kurram
Cell No. 0300-9037634

Dated 18-12-2023

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ORDER

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Annex (1)

This order will dispose of the departmental appeal preferred by Ex- Constable Hamid Hussain No.715 of District Kurram against the order of District Police Officer, Kurram whereby he was awarded major punishment of dismissal from service vide OB No. 717 dated 06.12.2023.

Brief facts of the case are that Ex- Constable Hamid Hussain No.715 while posted at Torsa Check Post, seized one Motorcar alongwith driver Bakhti Jan resident of Tari Mangal and recovered 45 packets of Charas. Instead of taking legal action against the drug dealer, he deliberately made dealing with driver through another notorious drug dealer Shakeel Hussain resident of Pekar and released the main culprit driver Bakhti Jan in lieu of huge amount of bribe. He illegally kept 45 packets charas and vehicle with him at a secret place. Later on, he handed over the said vehicle and 45 packet Chars to DSP Hqrs: Parachinar and PPI City Zahid Hussain on their intervention and threats of dire consequences, who sold the said charas and released the motorcar in return of huge amount of bribe. His act of not taking legal action and releasing the main accused Bakhti Jan in lieu of taking bribe amounts to gross misconduct which renders him unfit for retention in Police.

District Police Officer, Kurram initiated proper departmental enquiry proceedings against him and Superintendent of Police, Investigation, Kurram was appointed 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.

On the recommendations of the Enquiry Officer, District Police Officer, Kurram issued Final Show Cause Notice to the delinquent officer. However, his reply to the Show Cause Notice was found unsatisfactory.

Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances of the case, the delinquent officer was awarded major punishment of dismissal from service by District Police Officer, Kurram vide OB No. 717 dated 06.12.2023.

Feeling aggrieved from the order of District Police Officer, Kurram, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 07.05.2024. During personal hearing, the appellant could not advance any plausible justification in his defense to prove his innocence.

Foregoing in view, I, **Sher Akbar, PSP, S.St, Regional Police Officer, Kohat**, being the appellate authority, am of the considered opinion that the charges leveled against him have been fully established. The punishment of dismissal from service, awarded by the District Police Officer, Kurram to the appellant is justified and, therefore, warrants no interference. Hence, appeal of Ex- Constable Hamid Hussain No.715 of district Kurram is hereby **rejected**, being devoid of substance and merit.

Order Announced

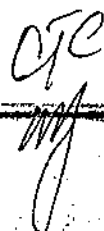
07.05.2024




No. 4235 /EC, Dated Kohat the 19/05/2024



Regional Police Officer,
Kohat Region

Copy forwarded to District Police Officer, Kurram for information and necessary w/r to his office Memo: No.63/SRC, dated 19.02.2024. Service Record and Enquiry File are returned herewith.



قیمت 50 روپے	39347	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ:		PESHAWAR BAR ASSOCIATION
بار کونسل ایسوسی ایشن نمبر:	10-7711	
رابطہ نمبر:	0321-9116224	
	0345 9099536	
بعدالت جناب: K.P.K. سروس ٹریڈینگز پرائیویٹ لمیٹڈ		

مخاطب: ایپیلنٹ	Service appeal
	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
حامد سید بنام R.P.O	
بابت تحریر آنکہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ
آن مقام کے لیے محمد رفیق احمد اور محمد سید کے نام سے درخواست کی گئی ہے اور فیصلہ
کر کے اقرار کیا جاتا ہے کہ صاحب موصوفہ کو مقدمہ میں کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
راضی نامہ کرنے و تقریریں فیصلہ برحلاف دینے جو اب دعویٰ اقبال دعویٰ اور درخواست ازہر قسم کی تصدیق
زیریں پر دستخط کرنے کے لیے تیار ہوگا، نیز بصورت عدم یہاں یا ڈگری یا طرفہ یا اپیل کی سزا کی اور منسوخی، نیز
دائر کرنے اپیل کے واسطے کارروائی و پیروی کے لیے اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
کارروائی کے واسطے اختیار ہوگا یا اختیار کے لیے اسے ہمراہ یا اسے جانے تقرر کا اختیار ہوگا اور صاحب
مقرر شدہ کو وہی جملہ درخواستیں حاصل ہوں گے اور اس کا سامنا کرنا اور اسے منظور و قبول ہوگا
دوران مقدمہ میں جو خرچہ ہر جانب کے مقدمہ کے سبب سے ہوگا، کوئی تاریخ پیشی مقام دورہ یا حد سے
باہر ہو تو وکیل صاحب پر ہونے والے خرچہ کی ذمہ داری ہوگی اور اس کے لیے اسے اپنا وکالت نامہ لکھ دیا تاکہ سندر ہے
المرقوم: 25/05/2024

Accepted
[Signature]

حامد سید (ایپیلنٹ)
91303-0537645-5

العہد کواہد العہد
مقام کے لئے منظور ہے۔

[Signature]