


## FORM OF ORDER SHEET

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

**Appeal No.** 747/2024


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. Shahadat 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</p> <p> REGISTRAR</p>

The appeal of Mr. Shahadat 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- Departmental appeal attached with the appeal is unsigned.
- 4- Annexures-C, C/1, C/2 and D of the appeal are illegible be replaced by legible/better one.

No. 88 /Inst;/2024/KPST,

Dt. 29/05 /2024.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.  
29/5/24

Asif Hameed Qureshi Adv.  
High Court Peshawar.

*Re-submitted  
after compliance,  
Asif Hameed  
3/6/24*





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 25<sup>th</sup> 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 the 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 29/03/2023. (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/I" 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").*

(4)

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.



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

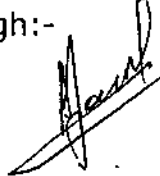
time of arguments with the permission of this Honourable Tribunal.

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


  
21303-9409623-9 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

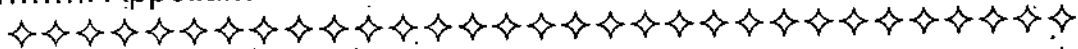
Shahadat Hussain

**Versus**

Regional Police Officer  
& others

..... Appellant

..... Respondents



**AFFIDAVIT**

I, Shahadat Hussain S/o Iqbal Hussain R/o Pewar Sharmakeht P.S Pewar 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.

*Shahadat Hussain*

DEPONENT

CNIC No:- 21303-9409623-9

Cell No:- 0304-9576402

*27-05-24*



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

شہادت حسین  
Petitioner

Through:-

Asif Hameed Qureshi  
Advocate Supreme Court

AFFIDAVIT

I, Shahadat Hussain S/o Iqbal Hussain R/o Pewar Sharmakeht P.S Pewar 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.

شہادت حسین

DEPONENT

CNIC No:- 21303 - 9409623 - 9

Cell No:- 0304-9576402

27-05-24

(11)

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

Service Appeal No:- \_\_\_\_\_/2024

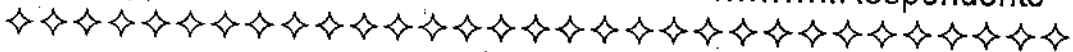
Shahadat Hussain

**Versus**

Regional Police Officer  
& others

..... Appellant

..... Respondents



**ADDRESSES OF PARTIES**

APPELLANT

Shahadat Hussain, Ex- Constable No 1218 Tosa Check Post, Parachinar  
S/o Iqbal Hussain, R/o Pewan Sharmakeht P.S Pewan District Kurram.

RESPONDENTS

1. Regional Police Officer, Kohat Region, Kohat
2. District Police Officer District Kurram.

Dated:- 25/05/2024

Appellant

Through:-

Asif Hameed Qureshi  
Advocate Supreme Court

*Amir me A*

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KURRAM, KHYBER PAKHTUNKHWA  
Tel: 0926-312208 Fax: 0926-311354  
Email: policekurrani@gmail.com  
No 949 /PA Dated Parachinar 29/3/2023

DISCIPLINARY ACTION

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

You Shahadat, Constable while posted at Toras Check Post apprehended one motor car in white colour alongwith driver Bakhti Jan resident of Tarl 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 Shakel Hussain resident of Powar 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. For the purpose of scrutinizing the conduct of said official with reference to the above allegations, Mr. Gul Naseeb SP 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 official under Police E&D Rules 1975 (amended 2014)
2. Concerned defaulter official.

*CIC*

DISTRICT POLICE OFFICER  
KURRAM

Amerne  
C B

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KURRAM, KHYBER PAKHTUNKHWA  
Tel: 0926-312208 Fax: 0926-311354  
Email: policekurrامل@gmail.com  
No. 950/PA Dated Parachinar 29/3/2023

CHARGE SHEET

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

You Shahadat, Constable while posted at Toraa 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. 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.

CIC  
my

(Muhammad Imran Mirza) PSP  
DISTRICT POLICE OFFICER  
KURRAM



Handwritten text in Urdu, likely a list of items or a report. The text is dense and difficult to read due to cursive script and some fading. It appears to contain several lines of text, possibly detailing quantities or descriptions of goods.

Handwritten initials or a small signature at the top center of the page.

Handwritten signature or name at the bottom left of the main text area.

Handwritten signature or name at the bottom center of the main text area.

Change sheet

Office of the DPO  
Khyber Pakhtunkhwa  
Parachinar 89/3/2023

Handwritten notes and a signature on the left side of the page.



۱۳۰۲

مجلس

۱۳۰۲

۱- ...  
۲- ...  
۳- ...

مجلس

۱- ...  
۲- ...  
۳- ...

مجلس

۱- ...  
۲- ...

۱۳۰۲  
۱۳۰۲  
۱۳۰۲

مجلس

مجلس

مجلس

مجلس

۱۳۰۲

۱- ...  
۲- ...  
۳- ...

Handwritten signature or initials on the left side of the page.

Handwritten signature or initials on the right side of the page.

Handwritten text below the signatures, possibly a name or title.

Handwritten text in the middle section, appearing to be a list or set of instructions.

Handwritten text below the middle section.

Handwritten text below the previous section, possibly a continuation of a list.

Handwritten text below the previous section, possibly a continuation of a list.

Handwritten text below the previous section, possibly a continuation of a list.

Handwritten signature or name at the bottom of the page.

Handwritten text at the very bottom of the page, possibly a footer or additional notes.

Handwritten mark or signature

Handwritten text at the top left of the page

Handwritten text in the upper middle section

Main body of handwritten text, appearing as a list or series of entries

Handwritten mark or signature in a circle at the bottom left

Handwritten text at the bottom of the page, possibly a reference or address

مجلس شورای اسلامی - تهران - ۱۳۸۵  
شماره: ۱۳۸۵/۱۳۸۵/۱۳۸۵

این سند به موجب این قرارداد منعقد گردید که در تاریخ ۱۳۸۵/۱۳۸۵/۱۳۸۵  
بین آقای/خانم/سرکار خانم/سرکار خانم/سرکار خانم/سرکار خانم/سرکار خانم  
نام: ... شماره شناسنامه: ... شماره کارت ملی: ...  
و آقای/خانم/سرکار خانم/سرکار خانم/سرکار خانم/سرکار خانم/سرکار خانم  
نام: ... شماره شناسنامه: ... شماره کارت ملی: ...  
موضوع: ...  
مبلغ: ...  
این قرارداد در ...  
شماره سند: ...  
تاریخ: ...  
محل امضاء: ...  
امضاء: ...  
مهر: ...  
این سند در ...  
شماره سند: ...  
تاریخ: ...  
محل امضاء: ...  
امضاء: ...  
مهر: ...

Butter copy to  
۱۳۸۵

فائل رپورٹ

حوالہ چارج شیٹ نمبر PA/949 مورخہ 23/09/2023 تمام پولیس کانسٹیبل شہادت حسین بیٹ نمبر 1218 KM تھورس چیک پوسٹ

BACKGROUNDS

سبڈان پولیس پر کسٹم ڈی ایس بی عفت علی کے خلاف کرپشن کے سلسلے میں مذکور ابتدائی انکوائری تفصیلی رپورٹ اور ایف ڈی رپورٹ ڈاک وی نمبر SP/INV/K/733 مورخہ 20/03/2023 پر انکوائری رپورٹ جناب DPO صاحب مع ہو کر لہذا اس کے روشنی میں کانسٹیبل شہادت حسین پر ذیل الزامات عائد ہوئے اور الزامات کے روشنی میں جناب ڈی پی او صاحب نے الزام علیہ شہادت حسین کو چارج شیٹ نمبر جاری کر کے زیر دستگی لگوا دی آفیسر مقرر ہو اور انکوائری شروع کیا۔

ALLEGATIONS

2 - کہ شہادت حسین کا چیک پوسٹ پر بطور کانسٹیبل تعیناتی کے دوران ایک بریج سفید موٹر کار جس سے ڈرائیور بختی جان چارہ والا راجہ سمیت موٹر کار کو گرفتار کر کے جس سے 45 پیکٹ چرس برآمد کر کے اس پر قانونی کارروائی عمل میں لانے کے بجائے ایک بدنام زائد ڈرگ ڈیلر کھیل حسین کے ذریعے ڈرائیور کیساتھ ڈیلنگ شروع کر کے اصل ملزم ڈرائیور بختی جان کو بھاری رقوم رشوت کے عوض رہا کر کے 45 پیکٹس چرس اور موٹر کار کو خفیہ جگہ پر چھپایا۔ بعد میں ڈی ایس بی عفت علی اور سنی انچارج زاہد حسین کے مداخلت اور سنگین دھمکیوں پر مذکورہ موٹر کار اور 45 پیکٹس چرس ان کے حوالے کیے۔ ڈی ایس بی ایڈ کورڈر عفت علی اور سنی انچارج بی بی آئی زاہد حسین ہر دو بچرمانہ فعل کے مرتکب ہو کر مذکورہ برآمد شدہ 45 پیکٹس چرس اور موٹر کار کو بھاری رقوم رشوت پر چھوڑ دیئے الزام علیہ نے بغیر کسی قانونی کارروائی کے اصل ملزم ڈرائیور بختی جان کو بھاری رقوم رشوت پر رہا کر کے سنگین بد عنوانی کا مرتکب ہو کر پولیس میں نوکری کے لئے لیت نہیں۔

INVESTIGATION

3 - اس سلسلے میں الزام علیہ شہادت حسین کو ذاتی حیثیت میں طلب کر کے اس کو سنا اس نے اپنے تحریری بیان میں اپنے آپ پر لگائے تمام الزامات کی تائید کی ہے اور اپنے بیان میں بتایا ہے کہ کچھ ماہ پہلے مرلوہ پی بی آئی واجد علی شاہ تھورس چیک پوسٹ اور کانسٹیبل حامد حسین نے دلاس روڈ پر دوران تاکہ ڈرائیور بختی جان سکنڈ سٹی سنکل مرلوہ سفید رنگ موٹر کار گرفتار کر کے اس کے گاڑی سے تلاشی کے دوران 45 پیکٹ چرس برآمد کر کے چیک پوسٹ واپس آئے۔ مزید بتایا کہ کچھ دیر بعد ڈی ایس بی ایڈ کورڈر عفت علی، مگن مین فہد علی اور سنی انچارج بی بی آئی زاہد حسین چیک پوسٹ آگئے ان کو ذرا یاد دہکایا اور ان سے سو بائس تک چھین لئے اس کے بعد اس کو اور پی بی آئی سید واجد علی شاہ کو ڈی ایس بی ایڈ کورڈر کیساتھ ان کے رہائش گاہ کو اور ٹرپاڑہ چنار آئے خود دو باہر انتظار کر رہا تھا جبکہ پی بی آئی سید واجد علی شاہ، پی بی آئی زاہد حسین ڈی ایس بی عفت علی کیساتھ اندر کو اور ٹرپاڑہ چنار آئے انہیں پی بی آئی سید واجد علی نے بعد میں بتایا کہ اس نے 40 پیکٹس کا چھ لاکھ روپے ڈی ایس بی عفت علی کو دیئے جبکہ بتایا 5 پیکٹس زاہد حسین نے لئے اور گاڑی مذکورہ کو 2 لاکھ کے عوض چھوڑ دیا۔

4 - مزید مقدمہ بذاتے جوڑے دیگر پولیس اہلکاروں کو طلب کر کے ان سے بھی معلومات کر کے اپنے اپنے بیانات تکمیل کرائے

5 - پی بی آئی سید واجد علی شاہ نے اپنے تفصیلی بیان میں بتایا کہ وہ مرلوہ کانسٹیبلان شہادت حسین اور حامد حسین متعین تھورس چیک پوسٹ نے دلاس روڈ پر موٹر سمیت 45 پیکٹ چرس ڈرائیور بختی جان سکنڈ دلاس کو تاکہ بندی کے دوران پکڑا بعد میں ڈی ایس بی ایڈ کورڈر عفت علی انکا مگن مین فہد علی اور پی بی آئی زاہد حسین آئے چیک پوسٹ میں موجود اہلکاروں کو ذرا یاد دہکایا اور سو بائس چھین کر اور دونوں یعنی شہادت حسین اور انکو ڈی ایس بی رہائش گاہ لے آئے وہاں پر ڈی ایس بی نے ڈرگ ڈیلر کھیل حسین سکنڈ ایڈ کو بلایا کھیل حسین کے ہاتھوں مذکورہ چرس کا سودہ شروع ہو اور فی کلک 14000 اور کچھ 14500 روپے پہ سودے ہوئے 45 پیکٹ میں سے 40 پیکٹ

CTC  
CJ

Blackburn  
733 SPINNING  
799/PA  
23/09/03  
1818

ALLGARTNER  
INVESTIGATION

3-  
4-  
5-  
6-  
7-  
8-  
9-  
10-  
11-  
12-  
13-  
14-  
15-  
16-  
17-  
18-  
19-  
20-  
21-  
22-  
23-  
24-  
25-  
26-  
27-  
28-  
29-  
30-  
31-  
32-  
33-  
34-  
35-  
36-  
37-  
38-  
39-  
40-  
41-  
42-  
43-  
44-  
45-  
46-  
47-  
48-  
49-  
50-  
51-  
52-  
53-  
54-  
55-  
56-  
57-  
58-  
59-  
60-  
61-  
62-  
63-  
64-  
65-  
66-  
67-  
68-  
69-  
70-  
71-  
72-  
73-  
74-  
75-  
76-  
77-  
78-  
79-  
80-  
81-  
82-  
83-  
84-  
85-  
86-  
87-  
88-  
89-  
90-  
91-  
92-  
93-  
94-  
95-  
96-  
97-  
98-  
99-  
100-

1818  
1818

1818



D/1

فہمیل حسین کو ملنے والے نمبر 99 بیٹ ڈاؤن حسین نے ملنے والے ایسے ہیج ڈرگ ایڈر گھیل حسین نے 6 لاکھ روپے جو اس کے پاس تھے  
 بی عفت علی کو اس نے ملنے والے 10 روای ایس بی نے یہ بھی بتا کر ڈرگ ڈاکو پر اسے تار کے حوالہ کر  
 کانٹیل ماہ حسین نے سیدہ آگہ قصبہ ملی جیوں میں ہوا بیانات کی تائید کی ہے اور بیان میں بتا کر وہ سارے واقعہ میں سوچ رہے ہیں اور  
 بیٹک عفت سے اسی ایس بی ہا ہنگامہ تک سوچ رہے ہیں تھا۔  
 بی بی آئی بی بی عفت نے بیان میں بتایا ہے کہ اس کو باقی علم نہیں وہ چیک پیسٹ شاہد آہس آگیا اور اسی رات ہی ایس بی عفت کو سن  
 نہ ہو رہی بی بی آئی ڈاؤن کے سب سے پہلے ملا علی بی بی آئی ڈاؤن مل گیا اور کانٹیل شہادت حسین کو سہنے ساتھ لے گئے اس کو ایس بی عفت  
 مال دیا گیا۔  
 7 جبکہ عفت نے اپنے بیان میں خود کو لاپم فرمایا ہے۔  
 8 ڈاؤن حسین نے بھی اپنے بیان میں بتا کر اس کو اس بارے کوئی علم نہیں۔  
 9 جبکہ ڈی ایس بی عفت نے بیان دینے کے لیے تیار نہیں تھا اور مل منزل سے کام لیا۔  
 10 ڈیرہ سخی نے تلف ذرائع سے معلومات اور شاہد آہس کے، بشمول سوریس پولیس ریکارڈ، ڈی جی ٹی ٹی اور متعلقہ افراد کے انٹرویو  
 اور بیانات  
 اور ڈیرہ سخی نے مع کر وہ ڈی جی ٹی بھی کیا اور پولیس کانٹیل شہادت حسین کے خلاف لگائے گئے الزامات کی سچائی کا بھی جائزہ  
 لیا اور ذیل طور پر ہے۔

FINDING

1. الزام علیہ کانٹیل شہادت حسین کے خلاف چارج شیٹ میں عامہ تمام الزامات صحیح ہے۔
2. واقعہ کچھ ماہ پر ہے۔ اتنا بڑا واقعہ پیش ہو اور الزام علیہ کا اس پر غاموش رہنا سنگین جرم ہے اور یہ منوائی ہے۔
3. ایک سرکاری اہلکار کو ڈرگ ڈیلر دیکھا تو لکھ 45 بیٹ جس کا لین دین کر کے لزم بھر سونڈ کار کو بھاری رقم پر چھوڑنا سنگین جرم اور  
 بد عنوانی ہے۔
4. الزام علیہ نے پورے کیس کے دوران کوئی قانون کاروائی عمل میں نہیں لائی ہے اور جرم پر پردہ ڈال کا شریک دیگر اہلکاروں، سول دوکسان  
 کیساتھ ملکر سنگین جرم کا مرتکب رہا ہے۔
5. کیس ہذا سے جوڑے تمام اہلکاروں کیس کا موقع کے چشم دید گواہوں بھی ہیں۔
6. اس سے ثابت ہوتا ہے الزام علیہ پر ویشنل ڈرگ ڈیلر ہے اور پولیس کے الزام اس قسم کے ذیل کرتا ہے۔

CONCLUSION

تمام شواہد اور حقائق پر یہ نتیجہ نکلا ہے کہ کانٹیل شہادت کیساتھ ساتھ اس گھٹانے جرم میں اس وقت انچارج تھو رہی  
 بی بی آئی سیدہ واجد علی شاہ سمیت کانٹیل حامد حسین بی بی آئی زاہد حسین بی بی عفت علی اور ماسٹر بانڈ ڈی ایس بی عفت علی بھی شریک جرم رہے ہیں  
 اور ان تمام سرکار اہلکاروں نے سول دوکسان سے ملکر قانون کے اڑے ہاتھوں لیکر سنگین جرم کے مرتکب ہو چکے ہیں۔ نے سول دوکسان، سول دو  
 کسان، ڈرگ ڈیلر گھیل حسین سکنہ بیو اڈر ڈرائیور بختی جان سکنہ تری نیگی اپر کرم کے گرفتاری کے سلسلے میں ڈیرہ سخی نے کیا بار چھاپے اسے  
 اور پولیس کرنے کی بھی کوشش کی گئی ہے لیکن ڈی ایس بی عفت اور دیگر تمام کی ملی بھگت اور جرم کو چھپانے کے فرض سے انکو سہولت دی گئی ہے اور

CC  
 MY

Handwritten signature or initials.

افرازی آخر الیخاندان

Handwritten mark or signature.

Handwritten text, possibly a recommendation or report, written in Persian/Urdu script.

RECOMMENDATION

Handwritten text, possibly a recommendation or report, written in Persian/Urdu script.

Handwritten mark or signature, possibly a date or initials.

Handwritten mark or signature.

Handwritten mark or signature.



-20-

Amir  
E

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KURRAM, KHYBER PAKHTUNKHWA  
Tel: 0926-312208 Fax: 0926-311354  
Email: policekurram1@gmail.com  
No. 1173 /PA Dated Parachinar 20/04/2023

FINAL SHOW CAUSE NOTICE.

I Muhammad Imran (PSP), District Police Officer, Kurram as competent authority, under Khyber Pakhtunkhwa Police E&D Rules 1975 (amended 2014), do hereby serve you, Constable Shahadat Hussain Belt No.1218KM while posted at Torsa Check Post as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the enquiry officer vide communication No. 453/SP/INV/Kurram dated 18/04/2023; and
- (ii) On going through the findings and recommendations of the inquiry officer, the material on record and other connected paper before the enquiry officer.

I am satisfied that you committed the following acts / omissions specified in Rule-3 of Police Disciplinary Police E&D Rules 1975 (amended 2014).

CONCLUSION

تمام شواہد اور حقائق یہ توجہ دہا ہے کہ کاٹھیل شہادت حسین کیساتھ ساتھ اس گناہ نے جس میں اس وقت انیڈیجٹڈ اور سرپلی ای آئی سی وادھ مل شہادت کاٹھیل ماہ حسین ای پی ای آئی وادھ حسین علی امپارچ نڈ علی اور ایٹر مائیک ڈی ایس پی محنت علی کی شریک جرم ہے اور ان تمام سرکار اہلکاروں نے سول دکان سے ٹکر کاٹھن کے انے ہاتھوں لیکر سنگین جرم کے مرتکب ہوئے اور سول دکان اور ڈک ڈیٹر کھلی حسین سنگھ کی ایڈوائس اور عتی جان کنڈری میگل اپر کرم کے خلاف گرفتاری کے سلسلے میں زور دھکیلے کی ہر چہاے اور ایٹر مائیک ڈی ایس پی محنت اور ڈک ڈیٹر کھلی حسین کی ایڈوائس اور جرم کو چھاننے کے فرض سے انکو سولت دی ہے اور گرفتاری نہ دینے کا بتایا ہے۔ اور یہ بھی سامنے آیا ہے کہ تمام اہلکاروں کا ڈک ڈیٹر کا ساتھ لیکس واسطے ہے۔ جبکہ سید وادھ طیشا کیس کو سمجھنے پلانے کے لیے حلقہ عیادت کا سہارا لے رہا ہے جو کہ اور بھی سنگین بد عنوانی ہے۔

RECOMMENDATION

بالا حقائق کے پیش نظر اہلکار علیہ کاٹھیل شہادت حسین کرم پولیس سرادھ کر حذ کہ والا اہلکاروں ڈک ڈیٹر کھلی حسین کیساتھ ٹکر 55 کلور جس کا لین دین کرنا اور طرم ایڈیوٹ عتی جان بسہ سول ایٹر مائیک ڈی ایس پی کرنا اور سول دکان پر جرم پر عدال کی سنگین جرم اور بد عنوانی کا مرتکب ہو چکا ہے کرم پولیس میں ڈکری کے قابل نہیں رہتا۔ لہذا حق مزہ دینے کی سفارش کی جاتی ہے۔

2. As a result thereof, I Muhammad Imran (PSP), District Police Officer, Kurram as competent authority, have tentatively decided to impose upon you one or more penalties including Dismissal from Service as specified in Rule-4 of the Ibid Rule.
3. You, are, thereof, required to show cause as to why the aforesaid penalties should not be imposed upon you and 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, it shall be presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.
5. A copy of the findings of the inquiry officer is enclosed.

etc  
any

(MUHAMMAD IMRAN PSP)  
District Police Officer,  
Kurram

Handwritten signature or initials at the top right.

Handwritten text in the upper middle section, possibly a title or reference.

27/04/2023

Main body of handwritten text, appearing to be a detailed report or letter, written in Urdu.

Handwritten signature or initials at the bottom left.

20-04-2023 11:33 AM



- 22 -

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

Anwar  
G

**ORDER:**

This order is hereby issued to dispose of departmental enquiry initiated against the delinquent constable Shahadat Hussain Belt No. 1218 km, vide this office No. 949/PA dated 29/03/2023; having Mr. Gul Naseeb SP Investigation, Kurram as Enquiry Officer, with following allegations.

"You Shahadat, 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 Shakes 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 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 Shahadat Hussain Belt No. 1218 km vide letter No. 453/SP/INV/Kurram dated 18-04-2023 and recommended him for major appropriate Punishment in following words.

"بالا حقائق کے پیش نظر الزام علیہ کا نتیجی شہادت حسین کرم پولیس، ہمراہ اور دیگر حذ کہ بالا اہلکارن ڈرگ ڈیپارٹمنٹ کلین حسین کیساتھ ملکر 45 کلو گرامس کالین دین کرنا اور طرم ڈرا نیور بختی جان بعد موٹر بغیر قانونی کارروائی کرنے چھوڑنا اور جرم پر پردہ ڈال کر سنگین 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 Shahadat Hussain Belt No. 1218 km was issued Final Show Cause Notice vide this office letter No.1173/PA dated 20-04-2023. His reply has been received to this office and has been found unsatisfactory.
3. 01-12-2023, he was called and heard in person, but he could not provide anything cogent in his defence.

efc  
uy

411

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 Shahadat Hussain Belt No. 1218 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 Shahadat Hussain Belt No. 1218 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. 718

Dated: 06 / 12 / 2023

Copy forwarded to the:-

1. Regional Police Officer Kohat Region with reference to this office No. 936/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

*CFO*  
*[Signature]*

**(MUHAMMAD IMRAN) PSP**  
District Police Officer,  
Kurram

Amna  
(H)

BEFORE THE REGIONAL POLICE OFFICER, KOHAT  
REGION KOHAT

Subject: APPEAL AGAINST THE ORDER OF DPO KURRAM ISSUED  
VIDE OB NO. 718 DATED 06-12-2023 WHEREBY THE  
APPELLANT EX-CONSTABLE SHAHADAT HUSSAIN BELT  
NO. 1218 WAS DISMISSED FROM SERVICE WITH  
IMMEDIATE EFFECT.

Respectfully Sheweth:

The instant appeal is preferred by the appellant against the order of DPO Kurram cited as per subject for your kind consideration based on the facts and grounds as under:

FACTS:

As per charge sheet / summary of allegation, it is alleged that the appellant while posted at Torsar Check Post, intercepted a motor car driven by Bakhti Jan and recovered 45 Packets of Charas from car. Instead of taking legal action against drug dealer Bakhti Jan, the appellant deliberately made dealing with the said driver through another drug dealer Shakeel Hussain and released the main culprit driver Bakhti Jan against huge amount of bribe and illegally kept the car and 45 packets of charas at secret place. Later on the appellant handed over the said car and 45 packets of charas to DSP/HQ and Zahid Hussain PPI Parachinar on their intervention and threat of dire consequences.

On the allegations leveled against the appellant, Mr. Gul Naseeb Khan SP Investigation Kurram was appointed as inquiry officer to scrutinize the conduct of the appellant in the matter under discussion.

CFC  
my

H/1

On completion of inquiry proceedings, the inquiry officer submitted his findings report to DPO Kurram who on the bases of findings report, passed the impugned order. Hence this appeal.

GROUND OF APPEAL:

- a) That the appellant admits the apprehension of the motor car, driven by Bakhti Jan and recovery of 45 packets of charas at Torsa Check Post by the appellant and other officials, but denies the rest of the allegations being incorrect and against the true facts. The actual fact is that neither any person by name of Shakeel Hussain had visited the Torsa Check Post nor any deal was made with any person for release of driver Bakhti Jan. DSP/HQ and Zahid Hussain PPI Parachinar were informed immediately by Syed Wajid Ali Shah and on such information, the above mentioned officers had reached the check post. Under the order of such officers, the car, the charas and Bakhti Jan were shifted to the residential quarter of DSP/HQ at Parachinar where the said officers ordered the appellant, Syed Wajid Ali Shah and constable Hamid Hussain to go back to the check post. Being subordinates, the appellant and others had to comply with the orders of their senior officers. Except the compliance of the order, no other role was played by the appellant and his colleagues.
- b) No preliminary show cause notice was issued to the appellant by DPO Kurram prior to the issuance of charge sheet / summary of allegation to the appellant and appointment of an inquiry officer for holding departmental inquiry for scrutinizing the conduct of the appellant.
- c) That on conclusion of the inquiry proceedings, the copy of findings report was not provided to the appellant by the inquiry officer before imposition of the penalty upon the appellant by the competent authority i.e. DPO Kurram. Thus the principle of "Natural Justice" was not complied with by the authorized officer

c/c  
my



C/O  
[Signature]

1. 2. 3.

Case No. 2345/02  
Raj. P. No. 1234/02  
Raj. P. No. 5678/02  
Raj. P. No. 9012/02

21303 9409623 9-

[Signature]

In view of the fact that the appellant was deprived of his right to defend himself in light of the said findings report. Non-observance of the principle of 'Natural Justice' established the fact that the inquiry was not conducted fairly and the recommendations of the inquiry officer invalidated and the ultimate order of DPC/Kurram which was based on such recommendations.

**PRAYER**

appellant

(d) No evidence has been collected by the inquiry officer as to in what secret place the car and its contents were allegedly kept by the

the inquiry officer. In this way the appellant was deprived of his right to defend himself in light of the said findings report. Non-observance of the principle of 'Natural Justice' established the fact that the inquiry was not conducted fairly and the recommendations of the inquiry officer invalidated and the ultimate order of DPC/Kurram which was based on such recommendations.

- 27 -

Annex  
(1)

ORDER.

This order will dispose of the departmental appeal preferred by Ex- Constable Shahadat Hussain No.1218 of District Kurram against the order of District Police Officer, Kurram whereby he was awarded major punishment of dismissal from service vide OB No. 718 dated 06.12.2023.

Brief facts of the case are that Ex- Constable Shahadat Hussain No.1218 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 appellatant 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. 718 dated 06.12.2023.

Feeling aggrieved from the order of District Police Officer, Kurram, the appellatant 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 appellatant 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 appellatant is justified and, therefore, warrants no interference. Hence, appeal of Ex- Constable Shahadat Hussain No.1218 of district Kurram is hereby **rejected**, being devoid of substance and merit.

Order Announced  
07.05.2024

  
Regional Police Officer,  
Kohat Region





c/c  
aj

No. 4236 /EC, Dated Kohat the 14 / 05 /2024

Copy forwarded to District Police Officer, Kurram for information and necessary w/r to his office Memo: No.65/SRC, dated 19.02.2024. Service Record and Enquiry File are returned herewith.

\*\*\*\*\*



قیمت 50 روپے	39345	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ: 	بار کونسل ایسوسی ایشن نمبر: 10-711	  
رابطہ نمبر: 0321-9116224	0345-9099556	
بعد اٹ جٹا KPK سروس ٹریبونل لاہور		

مخاطب: رپید انٹ	Service appeal
	دعوی:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
<b>بابت تحریر آئکہ</b>	

شہادت حسین بنام RPO لاہور

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام لاہور کیلئے محمد ادریس / محمد عظیم ادریس کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی اصل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر کرانے و فیصلہ بر حلف دینے جو اب دعوی اقبال دعوی اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا کٹرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل کی نظر ثانی و پیروی کرانے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ سے کل یا جزوی کارروائی کے واسطے وکیل یا مختار قانونی کوائفے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ امور کا اہتمام حاصل ہوں گے اور اس کا سہارا منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جہانہ لگائے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابندی ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سدر ہے

الرقوم: 2024/08/15

Accepted



شہادت حسین  
91303-9409623-9

مقام لاہور کے لئے منظور ہے۔

