


FORM OF ORDER SHEET

Court of _____

Appeal No. 748/2024

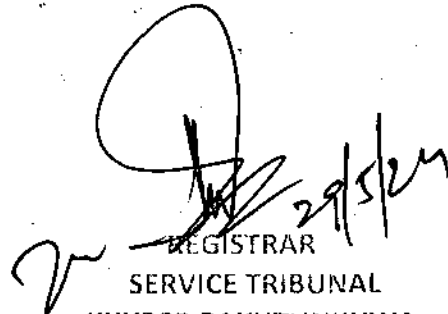
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03/06/2024	<p>The appeal of Mr. Wajid Ali Shah /resubmitted today by Mr. Asif Hameed Qureshi Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 05.06.2024. Parcha Peshi given to the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

The appeal of Mr. Wajid Ali Shah 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 and D of the appeal are illegible be replaced by legible/better one.

No. 87 /Inst;/2024/KPST,

Dt. 29/05 /2024.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Asif Hameed Qureshi Adv.
High Court Peshawar.

*Re-submitted after
Compliance.*
Advanced
03/6/24

①

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

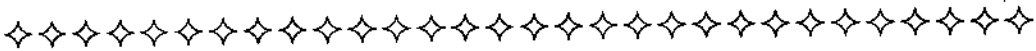
Service Appeal No:- 748 /2024

Wajid Ali Shah Ex- PPI ZMP/746 Torsa Check Post, Parachinar S/o
Syed Razi Shah, R/o Shelozan Ali Shari, P/o Pekar District Kurram.
.....Appellant

Versus

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

.....Respondents



SERVICE APPEAL UNDER 4 OF THE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED
ORDER (DISMISSAL FROM SERVICE) DATED 06/12/2023
OF RESPONDENT NO 2 AND ORDER OF RESPONDENT NO 1
(APPELLATE AUTHORITY) DATED 07/05/2024 BY WHICH
THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN
DISMISSED.

Prayer in Appeal:-

By accepting the instant 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.

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 the appellant and assigned duty at PPI 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*

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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/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").*

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

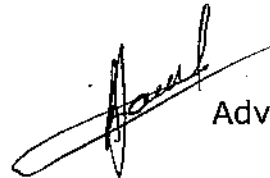

21303-1246102-9 Appellant

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

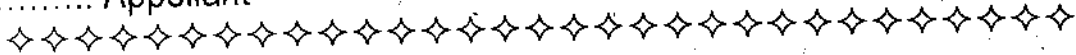
Wajid Ali Shah

Versus

Regional Police Officer
& others

..... Appellant

..... Respondents



AFFIDAVIT

I, Wajid Ali Shah S/o Syed Razi Shah R/o Shelozan Ali Shari, P/o 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.

DEPONENT

CNIC No:- 21303-1246102-9

Cell No:- 0306-9325419

J. M. 27-05-24

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

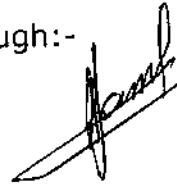
It is, therefore, humbly prayed that on acceptance of this application, the impugned orders of respondent No 2 dated 06/12/2023 & order of respondent No 1 dated 07/05/2024 may kindly be suspended, till the final decision of the titled appeal.



Petitioner

Dated:- 25/05/2024

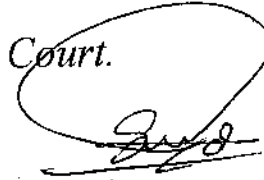
Through:-



Asif Hameed Qureshi
Advocate Supreme Court

AFFIDAVIT

I, Wajid Ali Shah S/o Syed Razi Shah R/o Shelozan Ali Shari, P/o Pekar 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:-

Cell No:-

21303-1246102-9
0306-9325419

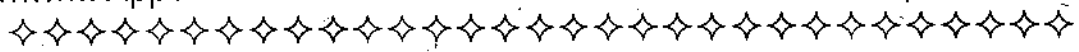
Wajid Ali Shah
27-5-24

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BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No:- _____ /2024

Wajid Ali Shah **Versus** Regional Police Officer
& others
..... Appellant Respondents



ADDRESSES OF PARTIES


APPELLANT

Wajid Ali Shah Ex- PPI ZMP/746 Torsa Check Post, Parachinar S/o
Syed Razi Shah, R/o Shelozan Ali Shari, P/o Pekar District Kurram.

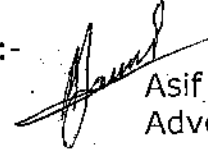
RESPONDENTS

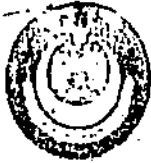
1. Regional Police Officer, Kohat Region, Kohat
2. District Police Officer District Kurram.

Dated:- 25/05/2024


Appellant

Through:-


Asif Hameed Qureshi
Advocate Supreme Court



OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA

Tel: 0926-312208 Fax: 0926-311356
Email: policekurram1@gmail.com

No 951 /PA Dated Parachinar 27/3/2023

DISCIPLINARY ACTION

1. Muhammad Imran Mirza, District Police Officer Kurram as competent authority hereby charged you Syed Wajid Ali Shah while posted as PPI Torsa.

You Syed Wajid Ali Shah while posted as PPI Torsa Upper Kurram alongwith FC Shahadat and FC Hameed Hussain 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 Shakeel Hussain resident of Fawar 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. For the purpose of scrutinizing the conduct of said official with reference to the above allegations, Mr. Gul Haseeb 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

DISTRICT POLICE OFFICER
KURRAM

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OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA
Tel: 0926-312208 Fax: 0926-311354
Email: pollockurram1@gmail.com
No 951/PA Dated Parachinar 29/3/2023

DISCIPLINARY ACTION

I Muhammad Imran Mirza, District Police Officer. Kurram as competent authority hereby charged you Syed Wajid Ali Stinh while posted as PPI Torsa.

You Syed Wajid Ali Shah while posted as PPI Torsa Upper Kurram alongwith FC Shahadat and FC Hameed Hussain 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 Fewar and released the main culprit delver 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 PFI City Zahid Hussain on their Intervention and threats of dire consequences; Ironically DSP Headquarter and Fri 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 rondtiet of said official with reference to the above allegations, Mr. Gul Haseeb 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 & 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 aid 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

No. and date even.

(Muhammad Imran Mirza)
PSP DISTRICT POLICE OFFICER
KURRAM

3. 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

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OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA
Tel: 0926-312208 Fax: 0926-311354
Email: policekurram1@gmail.com
No 752 /PA Dated Parachinar 29/3/2023

CHARGE SHEET

I, Muhammad Inran Mirza, District Police Officer Kurram as competent authority hereby charged you Syed Wajid Ali Shah while posted as Police Post Incharge Torsu, as under:

You Syed Wajid Ali Shah while posted as PPI Torsu Upper Kurram alongwith FC Shahadat and FC Hameed Hussain apprehended one motor car in white colour alongwith driver Bakht 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 Bakht 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 Bakht 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 EAO 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.

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(Muhammad Inran Mirza) P.S.P
DISTRICT POLICE OFFICER
KURRAM

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OFFICE OF THE
DISTRICT POLICE OFFICER
KURRAM, KHYBER PAKHTUNKHWA
Tel: 0926-312208 Fax: 0926-311354
Email: pollockurram1@gmail.com
No 952/PA Dated Parachinar 29/3/2023

CHARGE SHEET

1. Muhammad Imran Mirza, District Police Officer Kurram as competent authority hereby charged you Syed Wajid Ali Shah while posted as Police Post incharge Torsa, ns under:

You Syed Wajid Ali Shali while posted as PPI Torsa Upper Kurrom alongwith FC Shahadat, and FC Hameed Hussain apprehended one motor car in white colour alongwith driver Bakhti Jan resident of Tori 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 Husanin resident of Pesar and released, the main culprit driver Bakhti Jun 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 vehlele and 45 packets Charas to DSP Headquarter Parachinar and FPI City Zahid Hussain on their Intervention and threats of dire consequences; Ironically DSP Headquarter and PFI Zahid Hussain worked like Criminal and took huge account and sold the recovered Charms and released the motor car in return of huge amount of bribe, Your act of not taking any legal motion 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-1 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. You 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
KURRAM

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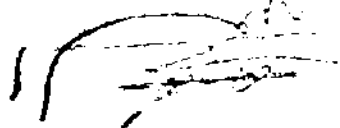
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فائل رپورٹ

نحوالہ چارج شیٹ نمبر PA/949 مورخہ 29/03/2023 تا 31/03/2023 پی پی آئی سید داہد علی شاہ پبلک لیبر 745KM ٹورس چیک پوسٹ

BACKGROUNDS

سیلان پورٹل پر کیسٹ ڈی ایس بی محنت ملی کے خلاف کرپشن کے سلسلے میں مذکور ہونے والی انگریزی تھیلیوں اور انگریزی پوسٹ ڈاک وی نمبر SPINVK/733 مورخہ 20/03/2023 پر انگریزی رپورٹ جناب ڈی پی آئی کریم شیخ اور لہذا اس کے روشنی میں پی پی آئی سید داہد علی شاہ اور ان کے ساتھ ہونے والے ملاقات کے روشنی میں جناب ڈی پی آئی صاحب نے الزام علیہ شہادت حسین کو چارج شیٹ کر کے ذریعہ تھیلی انگریزی آفیسر سترہ ہوا اور انگریزی شروع کیا۔

ALLEGATIONS

کہ پی پی آئی سید داہد علی شاہ کا چیک پوسٹ پر بطور کانسٹیبل تعیناتی کے دوران ایک بریک پیسڈ موٹر کار جس سے ڈرائیور عتیق جان چھوڑا تھا رانیور سمیت موٹر کار کو گرفتار کر کے جس سے 45 پیکٹ چس برآمد کر کے اس پر قانونی کارروائی عمل میں لانے کے بجائے ایک بدنام زنگ ڈیٹر گھیل سمیت ذریعے ڈرائیور کیساتھ ڈینگ شروع کر کے اور اصل طرم ڈرائیور عتیق جان کو بھاری رقوم رشوت کے عوض رہا کر کے 45 پیکٹس / چس اور موٹر کار کو خفیہ جگہ پر چھپا دیا۔ بعد میں ڈی ایس بی محنت ملی اور سٹی انچارج نااہل حسین کے مداخلت اور سنگین دھمکیوں پر مذکورہ موٹر کار اور 45 پیکٹس چس ان کے حوالہ کر کے ڈی ایس بی عتیق جان اور سٹی انچارج پی پی آئی نااہل حسین ہر دو مجرمانہ فعل کے مرتکب ہو کر مذکورہ برآمد شدہ 45 پیکٹس چس اور موٹر کار کو بھاری رقوم رشوت پر چھوڑ دیئے۔ عتیق جان نے بغیر کسی قانونی کارروائی کے اصل طرم ڈرائیور عتیق جان کو بھاری رقوم رشوت پر رہا کر کے سنگین بد عنوانی کا مرتکب ہوا اور اٹکالے سے عمل کر کے منتر سے طر پر برآمد شدہ چس فروخت کرنا اور طرم سمیت موٹر کار کو بغیر قانونی کارروائی کے چھوڑنا بدترین منہلت اور خلاف قانون ہے اور اس عمل کے بعد سرکار کو کوری کے لیے ٹیٹ نہیں۔

INVESTIGATION

پی پی آئی سید داہد علی شاہ نے اپنے تفصیلی بیان میں بتایا کہ وہ مہر لہ کانسٹیبلان شہادت حسین اور حامد حسین عتیق جان کو چیک پوسٹ سے دلاسر روڈ پر موٹر سمیت 45 پیکٹ چس ڈرائیور عتیق جان سمیت دلاسر کو تارک بننے کے دوران پکڑا بعد میں ڈی ایس بی عتیق جان کو رشوت علی اٹکالے میں نقد ملی ہوئی پی پی آئی نااہل حسین اسے چیک پوسٹ میں موجود دہکاروں کو ڈرایا دھمکیا اور موبائل چھین کر اور دونوں یعنی شہادت حسین اور انگریزی ایس بی رہا ہنگامہ لے اسے وہیں پہنچی ایس بی نے ڈرگ ڈیٹر گھیل حسین سنگھ بھائی کو بلایا گھیل حسین کے ہاتھوں مذکورہ چس کا سونہ شروع ہوا اور پی پی آئی نااہل حسین نے اسے وہیں پہنچی ایس بی سے 40 پیکٹ گھیل حسین کو حوالہ ہوئے جبکہ بقایا 5 پیکٹ نااہل حسین نے لے لئے اسکا میسج ڈرگ ڈیٹر گھیل حسین نے 6 لاکھ روپے حوالہ کر کے ڈی ایس بی محنت ملی کو اس نے حوالہ کر کے اور ڈی ایس بی نے یہ بھی بتایا کہ مذکورہ گاڑی 2 لاکھ روپے پر ڈرائیور کے حوالہ کر۔

6۔ اس سلسلے میں شہادت حسین کو ذاتی حیثیت میں طلب کر کے اس کو سنا اس نے اپنے تحریری بیان میں اپنے بتایا کہ کچھ ماہ پہلے مہر لہ پی پی آئی داہد علی شاہ ٹورس چیک پوسٹ اور کانسٹیبل حامد حسین نے دلاسر روڈ پر دوران تا کہ ڈرائیور عتیق جان سمیت تری سنگل مہر لہ سفید رنگ موٹر کار گرفتار کر کے اس کے گاڑی سے حلالی کے دوران 45 پیکٹ چس برآمد کر کے چیک پوسٹ واپس آئے۔ مزید بتایا کہ کچھ دن بعد ڈی ایس بی عتیق جان کو رشوت علی اٹکالے میں نقد ملی اور سٹی انچارج پی پی آئی نااہل حسین چیک پوسٹ لگے ان کو ڈرایا دھمکیا اور ان سے موبائل تک چھین لئے اس کے بعد اس کو اور پی پی آئی سید داہد علی شاہ کو ڈی ایس بی عتیق جان کو رہا کر کے اس کے ساتھ ان کے رہا ہنگامہ کو رہا کر دیا۔

ajc
ajc

Supremetendent of Police Investigation Amrauwale
District Kurram, Khyber Pakhtoonkhwa,
Email spinvestigationkurram223@gmail.com
No. 449/SP/INV/Kurram Dated. (8/4/23

ٹائپل رپورٹ

حوالہ جاری شدہ نمبر PA/949 مورخہ 03/2023 تا 29 اپریل 2023
شہادت نامہ نمبر 745 KM توڑا سے جس میں لوگوں -

Backgrounds

میزون پولیس ٹیم کی رازت ڈی این پی عظمت علی کے خلاف کرپشن کے سلسلے میں عمارت کو
کروڑوں کی انکوائری تشکیل دی اور انکوائری رپورٹ نمبر JSPINUK/733
مورخہ 20/3/23 پر انکوائری رپورٹ شاہ علی کے خلاف کرپشن کے سلسلے میں عمارت کو
میں پی ای آئی سپر وائزر علی شہادت نامہ نمبر 745 KM توڑا سے جس میں لوگوں کے درمیان میں شاہ
ڈی این پی کے الزام علی شہادت میں کو جاری شدہ نمبر 745 KM توڑا سے جس میں لوگوں کے درمیان میں شاہ

انکوائری شروع ہوئی

Allegations

ڈی این پی آئی سپر وائزر علی شہادت نامہ نمبر 745 KM توڑا سے جس میں لوگوں کے درمیان میں شاہ
بہت بڑے پیمانے پر کرپشن کے ذریعے ڈی این پی کے خلاف کرپشن کے سلسلے میں عمارت کو
پروٹیکشن فراہم کرنے میں ناکامی اور انکوائری رپورٹ نمبر JSPINUK/733
ذریعے ڈی این پی کے خلاف کرپشن کے سلسلے میں عمارت کو
کے خلاف کرپشن کے سلسلے میں عمارت کو
انکوائری رپورٹ نمبر JSPINUK/733
مورخہ 20/3/23 پر انکوائری رپورٹ شاہ علی کے خلاف کرپشن کے سلسلے میں عمارت کو
میں پی ای آئی سپر وائزر علی شہادت نامہ نمبر 745 KM توڑا سے جس میں لوگوں کے درمیان میں شاہ
ڈی این پی کے الزام علی شہادت میں کو جاری شدہ نمبر 745 KM توڑا سے جس میں لوگوں کے درمیان میں شاہ

Investigation

ڈی این پی آئی سپر وائزر علی شہادت نامہ نمبر 745 KM توڑا سے جس میں لوگوں کے درمیان میں شاہ
بہت بڑے پیمانے پر کرپشن کے ذریعے ڈی این پی کے خلاف کرپشن کے سلسلے میں عمارت کو
پروٹیکشن فراہم کرنے میں ناکامی اور انکوائری رپورٹ نمبر JSPINUK/733
ذریعے ڈی این پی کے خلاف کرپشن کے سلسلے میں عمارت کو
کے خلاف کرپشن کے سلسلے میں عمارت کو
انکوائری رپورٹ نمبر JSPINUK/733
مورخہ 20/3/23 پر انکوائری رپورٹ شاہ علی کے خلاف کرپشن کے سلسلے میں عمارت کو
میں پی ای آئی سپر وائزر علی شہادت نامہ نمبر 745 KM توڑا سے جس میں لوگوں کے درمیان میں شاہ
ڈی این پی کے الزام علی شہادت میں کو جاری شدہ نمبر 745 KM توڑا سے جس میں لوگوں کے درمیان میں شاہ

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CONCLUSION

- 1. ...
- 2. ...
- 3. ...
- 4. ...
- 5. ...
- 6. ...
- 7. ...

FINDING

- 7. ...
- 8. ...
- 9. ...
- 10. ...

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RECOMMENDATION

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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, PPI Syed Wajid Ali Shah Belt No.745KM while posted as PPI Torsa as follows:

1. (i) that consequent upon the completion of inquiry conducted against you by the enquiry officer vide communication No. 449-/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 پر یہ نتیجہ نکلا ہے کہ آپ نے اپنے فرائض کو سزاوارانہ طور پر نبھانے میں ناکامی کا شکار ہوئے ہیں۔ آپ کی فرائض کو سزاوارانہ طور پر نبھانے میں ناکامی کے باعث آپ کو سزاوارانہ طور پر سزا دی جائے گی۔ آپ کی فرائض کو سزاوارانہ طور پر نبھانے میں ناکامی کے باعث آپ کو سزاوارانہ طور پر سزا دی جائے گی۔ آپ کی فرائض کو سزاوارانہ طور پر نبھانے میں ناکامی کے باعث آپ کو سزاوارانہ طور پر سزا دی جائے گی۔

RECOMMENDATION

آپ کے فرائض کو سزاوارانہ طور پر نبھانے میں ناکامی کے باعث آپ کو سزاوارانہ طور پر سزا دی جائے گی۔ آپ کی فرائض کو سزاوارانہ طور پر نبھانے میں ناکامی کے باعث آپ کو سزاوارانہ طور پر سزا دی جائے گی۔ آپ کی فرائض کو سزاوارانہ طور پر نبھانے میں ناکامی کے باعث آپ کو سزاوارانہ طور پر سزا دی جائے گی۔

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.

CFC
my

(MUHAMMAD IMRAN PSP)
 District Police Officer,
 Kurram

Amir
(F)

بخدمت جناب DPO صاحب ضلع کرم

عنوان جواب فائل شوکار

نمبر 1175 مورخہ 20-04-2023

بیان بادر یافت PPI سید واجد علی شاہ تورسہ پوسٹ کرم پولیس فورس بحوالہ درجہ بالا بعد احترام معروض ہوں کہ میں ایام وقوعہ مندرجہ چارج بطور PPI چیک پوسٹ تورسہ اپر کرم تعینات تھا۔ تقریباً دو ماہ قبل بھوران چیکنگ ایک موٹر کار کار کر دلا کٹر سفید سے 45 ٹیکٹ جس پر آمد کیا۔ بادر یافت ڈرائیور گاڑی نے اپنا نام بختی جان ساکن اور کرم صدہ فوری طور پر وقوعہ کی اطلاع DSP ہیڈ کوارٹر پارا چنار کو دی۔ آفسر بالانے حکم دیا۔ کہ ان کی آمد کا انتظار کیا جائے۔

تقریباً آدھا گھنٹہ بعد مذکورہ بالا آفسر آئے اور مجھے جس پر آمد شدہ موٹر کار اور ڈرائیور بختی جان کو DSP/HQ اور PPI زاہد حسین پارا چنار کے کوارٹر پہنچانے کا حکم دیا۔ میں نے بحیثیت ماتحت حکم کی تعمیل کرتے ہوئے۔ جس 45 ٹیکٹ موٹر کار اور ڈرائیور بختی جان حوالہ DSP/HQ اور PPI زاہد حسین کیا اور مجھے اپنے چیک پوسٹ پر جانے کی ہدایت کی۔

بعد میں سنا گیا۔ کہ DSP/HQ آفیسر اور PPI زاہد حسین بالانے جس موٹر اور ڈرائیور بختی جان کو تکلیل نامی فہص کے حوالہ کیا تھا۔ مجھے نہیں معلوم کہ DSP/HQ اور PPI زاہد حسین متذکرہ نے کیوں اور کس بنیاد پر ایسا کیا تھا۔ میرے خلاف لگایا گیا الزام کہ میں نے رقم لیکر جس پر آمد شدہ موٹر کار اور ڈرائیور بختی جان کو حوالہ تکلیل کیا تھا۔ اور بعد میں DSP/HQ اور PPI زاہد حسین بالاداخلت 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 ذی شعور اس امر کو قبول نہیں کرے گا۔ کہ رقم وصول کر کے دوبارہ واپس لانے میں کامیاب ہو سکے گا۔ جس کی سبب خرد بورڈ موٹر کار کی واپسی اور ڈرائیور بختی جان کی رہائی سے نہ میرا کوئی تعلق تھا۔ اور نہ ہی میں نے کار و سارا معاملہ مین کوئی کردار کیا ہے۔ DSP صاحب نے مذید کہا کہ 9D والا پرچہ آپ نہیں دے سکتے ہیں۔ اور ASI/ANCTS سے اوپر ریٹرنس کا دے سکتا ہے۔ کیونکہ آپ خود کاٹھیل ہے۔

معاملے میں قانونی قدم نہ اٹھانے میں میرے سینئر آفسران کے دئے گئے احکامات رکاوٹ تھے۔ میں میرے سینٹر 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 بالا متذکرہ مذید کاروائی داخل دفتر کئے جانے کا حکم دے۔ اور آپ سے موذبانہ گزارش کی جاتی کہ کن سائل کو آئسے سائے بہت ملاقات اجازت دینے کا احکامات صادر فرمایا جائے۔

PPI سید واجد علی شاہ کرم پولیس فورس

21303-1246102-9

0308-5439346

مورخہ 27-04-2023

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

ANWA
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ORDER:

This order is hereby issued to dispose of departmental enquiry initiated against the delinquent constable Sayed Wajid Ali Shah Belt No. 745 km, vide this office No. 951/PA dated 29/03/2023 having Mr. Gul Naseeb SP Investigation, Kurram as Enquiry Officer, with following allegations.

"You Sayed Wajid Ali Shah, 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 Sayed Wajid Ali Shah vide letter No. 449/SP/INV/Kurram dated 18-04-2023 and recommended him for major appropriate punishment in following words.

"بالا حقائق کے پیش نظر الزام علیہ سید واجد علی شاہ کرم پولیس ہمراہ اور دیگر متذکرہ بالا اہلکاران ڈرگ ڈیلر شکیل حسین کیساتھ ملکر 45 کلوچرس کالین دین کرنا اور ملزم ڈرائیور بختی جان بھٹہ 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 کے قابل نہیں رہتا۔ لہذا سخت سزا دینے کی سفارش کی جاتی ہے۔"

2. On 20-04-2023, Sayed Wajid Ali Shah Belt No. 745 km was issued Final Show Cause Notice vide this office letter No.1175/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.

CIC

[Signature]

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... after perusal of enquiry file, findings of the enquiry officer, and service records of the delinquent police personnel I, the undersigned have reached the conclusion that Constable Sayed Wajid Ali Shah Belt No.745 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 Sayed Wajid Ali Shah Belt No.745 km major punishment of **Dismissal From Service** with immediate effect; under Khyber Pakhtunkhwa Police E&D Rules 1975 (amended 2014).

Order announced

MUHAMMAD IMRAN
District Police Officer,
Kurram

OB No. 716

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

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BEFORE THE REGIONAL POLICE OFFICER, KOHAT
REGION KOHAT

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Subject: APPEAL AGAINST THE ORDER OF DPO KURRAM ISSUED
VIDE OB NO. 716 DATED 06-12-2023 WHEREBY THE
APPELLANT EX-CONSTABLE SYED WAJID ALI SHAH
ZMP/ 746 WAS DISMISSED FROM SERVICE WITH
IMMEDIATE EFFECT.

Respectfully Sheweth:

The appellant with due respect presents this appeal against the order of DPO Kurram mentioned as per subject for your kind consideration based on the facts and grounds as under:

FACTS:

Allegation against the appellant is that he while posted at Torsar Check Post apprehended a motor car being driven by driver Bakhti Jan R/o Tari Mengal and recovered 45 Packets of Charas from the said car. The appellant instead of taking legal action, struck a bargain through one Shakeel Hussain R/o Pekar and released the above mentioned Bakhti Jan in lieu of huge amount of bribe and kept the car and the seized charas with him.

Later on the car and the recovered charas was handed over to DSP / HQ coupled with Zahid Hussain PPI Parachinar after the intervention and extension of threats and dire consequence by the above mentioned officers. Non-initiation of legal action against accused Bakhti Jan followed by his release by the appellant in lieu of huge amount was gross mis-conduct rendering the appellant unfit for police job.

GROUND OF APPEAL:

- a) Fact contained in the charge sheet / summary of allegation to the extent of apprehension of the car with driver Bakhti Jan and recovery of 45 packets of charas Torsa Check Post are admitted to be correct. However the rest of allegations leveled against the appellant are totally contrary to the real facts. The true facts are

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that the appellant neither know one Shakeel Hussain nor he contacted the appellant at Torsa Check Post in connection with the release of accused Bakhti Jan. As such neither any deal was made with any person known as Shakeel Hussain for the release of accused Bakhti Jan at the check post nor the said Bakhti Jan was released by the appellant. As soon as the occurrence took place, the information was immediately conveyed to DSP/HQ and Zahid Hussain PPI Parachinar. Both these officers then reached the check post. Accused Bakhti Jan, the motor car and the seized charas was present at the spot. DSP/HQ and Zahid Hussain ordered me to shift the motor car, driver Bakhti Jan and the seized charas to the residential quarter of DSP/HQ at Parachinar. I being subordinate complied with their order. I was then ordered to back to the check post. I knew nothing as to for what purpose, the car, its driver Bakhti Jan and the seized charas was shifted from the spot to the residential quarter of DSP/HQ. Later on I heard that the car, its deriver Bakhti Jan and the seized charas were returned by DSP/HQ and Zahid Hussain PPI Parachinar to a person known as Shakeel Hussain. I have played no role in the mater except the compliance of the orders of senior officers.

As for as non-initiation of legal action against accused Bakhti Jan by the appellant is concerned, I may drawn your kind attention to the provisions of CNSA where by an officer below the rank of Sub Inspector could neither arrest a person involved in narcotics case nor make seizure. The only thing which the appellant could do, was to inform the senior officer of the mater. The appellant had performed his duty by immediately informing his senior officers about the occurrence.

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 [Signature]

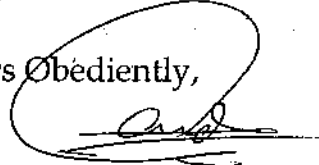
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- b) No preliminary show cause notice was issued to the appellant by DPO Kurram prior to the issuing of charge sheet / summary of allegation to the appellant and appointment of an inquiry officer for holding departmental inquiry.
- c) The appellant was not associated with the inquiry proceedings by the inquiry officer. All the inquiry proceedings were carried out unilaterally.
- d) That copy of findings report of the inquiry officer after the conclusion of the inquiry was not provided to the appellant by the authorized officer i.e. the inquiry officer before imposition of major penalty upon the appellant. Thus the principal of "Natural Justice" was not complied by the inquiry officer depriving the appellant of his right to defend himself in light of the findings report of the inquiry officer. In light of the above failure of the inquiry officer, it was established that the inquiry was not conducted fairly which fact invalidates the recommendations of the inquiry officer and the ultimate order of DPO Kurram based on such recommendations.

PRAYER:

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

Yours Obediently,



Ex. PPI Syed Wajid Ali Shah No. 745
S/o Syed Razi Shah
R/o Shelozan Ali Shari Kurram
P.S Pewar District Kurram
Cell No. 0308-5439346

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Dated 18-12-2023

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ORDER.

This order will dispose of the departmental appeal preferred by Ex- Constable Syed Wajid Ali Shah No.746 of District Kurram against the order of District Police Officer, Kurram whereby he was awarded major punishment of dismissal from service vide OB No. 716 dated 06.12.2023.

Brief facts of the case are that Ex- Constable Syed Wajid Ali Shah No.746 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 appellat 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. 716 dated 06.12.2023.

Feeling aggrieved from the order of District Police Officer, Kurram, the appellat 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 appellat 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 appellat is justified and, therefore, warrants no interference. Hence, appeal of Ex- Constable Syed Wajid Ali Shah No.746 of district Kurram is hereby **rejected**, being devoid of substance and merit.

Order Announced

07.05.2024

No. 4234 /EC, Dated Kohat the 14 / 5 /2024


Regional Police Officer,
Kohat Region

Copy forwarded to District Police Officer, Kurram for information and necessary w/r to his office Memo: No.62/SRC, dated 19.02.2024. Service Record and Enquiry File are returned herewith.

C/O

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No:- _____/2024

Wajid Ali Shah

Versus

Regional Police Officer

& others

..... Appellant

..... Respondents



NOTICE UNDER RULE 11 OF KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL RULES 1974 FOR FILING OF
INSTANT SERVICE APPEAL.

To

1. Regional Police Officer, Kohat Region, Kohat
2. District Police Officer District Kurram.
3. Superintendent of Police Investigation District Kurram, (Inquiry Officer)

Respected Sir



Please take notice that I am going to file a Service Appeal before the Honourable Khyber Pakhtunkhwa Services Tribunal, Peshawar against the impugned order (dismissal from service) dated 06/12/2023 of respondent No 2 and order of respondent No 1 (appellate authority) dated 07/05/2024, you are hereby informed regarding the filing of instant Service Appeal.

Dated:- 25/05/2024

Appellant

Through:-

Asif Hameed Qureshi
Advocate Supreme Court

وقت 50	39345	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈووکیٹ:		PESHAWAR BAR ASSOCIATION
بار کونسل ایسوسی ایشن نمبر:	۱۲-۷۷۱۱	
رابطہ نمبر:	0321-9116224	
	0345-9099556	

بعدالت جناب، KPK سروس ٹریبونل کے لیے فور

مخانب: ویبلاؤٹ	Service appeal
	دعویٰ:
	علت نمبر:
	موضوع:
	جرم:
	تھانہ:

واحد علی شاہ بنام R.P.O

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ آن مقام کے اقرار کیا جاتا ہے کہ صاحب موصوف و مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر حاصل و فیصلہ بر حلف دینے جو اب دعویٰ اقبال و دعویٰ اور درجہ اسٹینڈرڈ از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری کی یا اپیل کی اور منسوخی، نیز دائر کرنے اپیل گھرانے و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ امور خیال اختیار حاصل ہوں گے اور اس کا نسخہ پر و اختتام منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانباً اتوارے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

25/05/2024
PESHAWAR

مقام پشاور کے لئے منظور ہے۔

Accepted
Hassam

(Signature)

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