


FORM OF ORDER SHEET

Court of _____

Appeal No. 825/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/06/2024	<p>The appeal of Mr. Waqif Khan presented today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 13.06. 2024. Parcha Peshi given to counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No 825 /2024

Waqif Khan.....Appellant

V E R S U S

IGP & others.....Respondents

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service Appeal with affidavit		1-4
2.	Copy of Charge Sheet & Reply	A, B	5-7
3.	Copy of Inquiry Report	C	8-10
4.	Copy of Order dated 27-10-2023	D	11
5.	Copy of departmental appeal & Order dated 19-12-2023	E, F	12-13
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7.	Copy of revision Petition & Order dated 17-05-2024	H & I	16-17
8.	Vakalat Nama		18

Dated:-11-06-2024

Through


Appellant


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2024

Waqif Khan, Ex Ticketing Officer/IHC No 81, City Traffic Police,
Peshawar.Appellant

V E R S U S

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Capital City Police Officer, Peshawar.
3. Chief Traffic Officer, Peshawar.Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 17-05-2024 OF RESPONDENT NO 1 WHEREBY ON REVISION PETITION THE PUNISHMENT OF DISSMISSAL FROM SERVICE AWARDED BY RESPONDENT NO 2 HAS BEEN CONVERTED INTO COMPULSORY RETIREMENT FROM SERVICE.

PRAYER:-

On acceptance of this appeal the impugned Order dated 17-05-2024, may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was enlisted as Constable in Traffic Police on 16-09-1993 and was promoted as Head Constable in 2008 and since enlistment, the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That the appellant while posted as Ticketing Officer//IHC was issued Charge Sheet with Statement of allegations on 15-09-2023 on the allegations mentioned therein which was replied in detail refuting the allegations. **(Copy of Charge Sheet & Reply is enclosed as Annexure A & B).**
3. That thereafter an illegal inquiry was conducted wherein the appellant was subjected to cross examination in violation of law and rules. **(Copy of inquiry report is enclosed as Annexure C).**
4. That strangely the appellant was awarded the punishment of Compulsory retirement from service by respondent No 3 vide

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Order dated 27-10-2023. **(Copy of Order dated 27-10-2023 is enclosed as Annexure D).**

5. That the appellant preferred departmental appeal before respondent No 2 on 17-11-2023, where upon the punishment of Compulsory Retirement was converted into that of dismissal from service vide Order dated 19-12-2023, in violation of law and rules. **(Copy of departmental appeal dated 17-11-2023, & Order dated 19-12-2023 is enclosed as Annexure E & F).**
6. That the appellant earlier filed Service Appeal No 353/2023 before this Hon'ble Tribunal during the pendency of instant Service Appeal the revision petition was decided hence the instant service Appeal was withdrawn vide order dated 04-06-2024. **(Copy of order dated 04-06-2024 is enclosed as annexure G).**
7. That thereafter the appellant filed a revision petition before respondent No 1 on 21-12-2023, where upon the original order of compulsory retirement was restored. **(Copy of revision petition dated 21-12-2023 & Order dated 17-05-2024 are enclosed as Annexure H & I).**
8. That the impugned Order dated 17-05-2024 is against the law, facts and principles of justice on grounds inter-alia as follows:-

G R O U N D S :-

- A. That the impugned Order is illegal, unlawful, without lawful authority and void ab-initio.
- B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution.
- C. That the impugned order is in total disregard of the law on the subject and as such void ab-initio.
- D. That no evidence of any sort with respect to bogus/illegal challans has been brought on record rather all the witnesses have supported the stance of the appellant.
- E. That the allegations levelled against the appellant are vague, as no bogus/illegal challans are there as the appellant was never confronted with any such challans. Similarly there is any complaint nor the alleged loss is known, thus the impugned orders are liable to be set at naught.

- F. That no Show Cause Notice was issued to the appellant in violation of law on the subject.
- G. That no proper inquiry was conducted in the matter nor the appellant was provided proper opportunity of defense as strangely the appellant was subjected to cross examination.
- H. That the malafide is proved from the fact that the inquiry has been conducted by the DSP Headquarters Traffic while allegedly the mobile was recovered from the appellant by him, which could not be maintained.
- I. That the appellant was not afforded opportunity of personal hearing.
- J. That the appellant is jobless since his illegal dismissal from service.
- K. That the appellant has about 31 years of service with unblemished service record.
- L. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated: 11-06-2024

Through

Appellant

**Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan**

**&
Ibad Ur Rehman Khalil**

**&
Baseer Ahmad Shah
Advocates Peshawar**

CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.

ADVOCATE

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No _____/2024

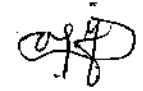
Waqif Khan.....Appellant

V E R S U S

IGP & others.....Respondents

AFFIDAVIT

I, Waqif Khan, Ex Ticketing Officer/IHC No 81, City Traffic Police, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Service Appeal**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



DEPONENT

CHARGE SHEET

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A

1. WHEREAS I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary and expedient.
2. AND whereas, I am of the view that the allegations if established would call for major/minor penalty; as defined in Rule-3 of the aforesaid Rules.
3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, **QAMAR HAYAT**, PSP Chief Traffic Officer, Peshawar hereby charge you **TO/IHC Waqif Khan No.81** (ASI acting charge basis) Incharge Romeo-II Mobile, under Rules 5 (4) of the Police Rules 1975 on the basis of following allegations:-

- i. That you have been found issuing bogus/illegal challans by installing a printing app in your smart phone instead of using official challan device of City Traffic Police Peshawar. It has caused loss to the government treasury and also tarnished the image of City Traffic Police, Peshawar amongst the general public.
- ii. This amounts to gross misconduct on your part.

4. AND I hereby direct you further under Rule 6 (I) (b) of the said Rules to put-in written defense within 07-days of the receipt of this Charge Sheet as to why the proposed action should not taken against you and also state whether you desire to be heard in person.
5. AND in case your reply is not received within the stipulated period to the enquiry officer, it shall be presumed that you have no defense to offer and in that case, ex-parte action will be taken against you.


(QAMAR HAYAT) PSP
CHIEF TRAFFIC OFFICER,
PESHAWAR.
(Competent Authority)

No. 787 /PA,
Dated: 15/08 /2023.

Copies to the:-

1. Enquiry Officer to initiate departmental proceedings against the defaulter official under Police Rules 1975.
2. TO/IHC Waqif Khan No.81 (defaulter official) to appear before the Enquiry Officer and attend the departmental proceedings as and when directed/called by the Enquiry Officer.

مذکورہ آفیسر کے پاس چارج شیٹ پیش کی گئی ہے
ڈسپلنری ایکشن صورت میں 16-8-2023 کو
بدستہ خود کارڈرنگ کی گئی ہے واپس لیا گیا۔


16/9/2023


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DISCIPLINARY ACTION

1. I, **QAMAR HAYAT**, Chief Traffic Officer, Peshawar as competent authority, am of the opinion that you **TO/IHC Waqif Khan No.81** (ASI acting charge basis) Incharge Romeo-II Mobile, have rendered yourself liable to be proceeded against, as you have committed the following acts/omission within the meaning of section 03 of Police Rules 1975.

SUMMARY OF ALLEGATIONS

i That you have been found issuing bogus/illegal challans by installing a printing app in your smart phone instead of using official challan device of City Traffic Police Peshawar. It has caused loss to the government treasury and also tarnished the image of City Traffic Police, Peshawar amongst the general public.

ii. This amounts to gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, an Enquiry Committee comprising of the following officer(s) is constituted:-

a. Mr. Zahoor-ur-Rehman DSP/HQrs:Traffic

b. _____

3. The enquiry committee/officer shall in accordance with the provision of the Police Rules 1975 provide reasonable opportunity of hearing to the accused officer/official and make recommendations as to punishment or any other appropriate action against the accused.

(QAMAR HAYAT) PSP
CHIEF TRAFFIC OFFICER,
PESHAWAR.
(Competent Authority)

1. Enquiry Officer to initiate departmental proceedings against the defaulter official under Police Rules 1975.
2. TO/IHC Waqif Khan No.81 (defaulter official) to appear before the Enquiry Officer and attend the departmental proceedings as and when directed/called by the Enquiry Officer.

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جناب عالی!

بحوالہ چارج شیٹ نمبری 787/PA مورخہ 15.09.2023 معروض خدمت ہوں کہ من سائل بحیثیت انچارج رومیو-2 تعینات ہوں اور اپنی فرائض انتہائی خوش اسلوبی اور ایمانداری کے ساتھ انجام دے رہا ہوں۔ یہ کہ سائل پر ذاتی موبائل میں پرنٹنگ ایپ کی موجودگی اور سرکاری ڈیوائس کے متبادل استعمال کرنے کا الزام ہے جسکی بابت عرض ہیکہ تقریباً 18 سال سے ٹکٹنگ آفیسر کے تعینات سے فرائض کی انجام دہی کر رہا ہوں۔ ہمیشہ اپنی ڈیوٹی سٹی ٹریفک پولیس کے وقار اور عزت کو بلند کرنے کیلئے ڈیوٹی انجام دی ہے اور تقریباً 30 سالہ نوکری میں من سائل کے خلاف تا حال کسی قسم کی شکایت وغیرہ افسران بالا صاحبان کو موصول نہیں ہوئی ہے اور کبھی بھی ایسے افعال کے جانب رخ اختیار نہیں کی ہے جس سے سائل کی ابدی زندگی یا ادارے کو مالی یا ساٹھ کی نقصان ہو۔ علاوہ ازیں موجودہ ذاتی موبائل سے پہلے سادہ موبائل استعمال کرتا تھا جو کہ ناقابل استعمال ہونے پر من سائل نے عام مارکیٹ سے یہی ٹچ موبائل خریدی اور جس کے فنکشن کے استعمال نابلد ہوں پھر کیونکر من سائل ایسا کوئی ایپ انسٹال کرونگا جس کے استعمال کے بابت تا تو من سائل علم رکھتا ہے اور تا اس نا اس ایپ کی فنکشن سے واقفیت ہے۔ بیشک مذکورہ ایپ میرے موبائل میں ہوگی۔ تاہم یہ بھی حقیقت ہے کہ ابھی تک سائل نے اس ایپ کو موبائل سکرین میں ON بھی نہیں کیا ہے اور جس کیلئے سائل ہر قسم کی تسلی کیلئے تیار ہے۔ علاوہ ازیں سائل بحیثیت ٹکٹنگ آفیسر 18 سال سے کارکردگی بھی اس قسم کی الزامات کی نفی کیلئے کافی ہے جو کہ مورخہ 01.07.2023 تا حال من سائل نے 2667 چالان اور -/864200 روپے جرمانہ مختلف خلاف ورزیوں کی صورت میں روڈ استعمال کنندہ گان سے وصول کر کے سرکاری خزانے میں جمع کی (پراگرس رپورٹ ہمراہ لف ہے)۔ لہذا کسی ایپ کا من سائل کے ذاتی موبائل میں موجودگی میرے غلط ہونے کا کوئی سچا اور پکا دلیل نہیں ہے اور تا ہی روڈ استعمال کنندہ گان کی طرف سے اس قسم کی شکایت ہوئی جو کہ سائل کا خدا نا کرے اس قسم کی ٹکٹنگ چوری میں ملوث ہونے کا باعث ہو۔

لہذا استدعا ہیکہ اس قسم کی بے سرو پاں الزام کے بابت من سائل ناواقفیت رکھتا ہے اور نا ایسے گھناؤنے افعال میں ملوث رہا ہوں۔ استدعا ہیکہ من سائل کے خلاف جاری کردہ چارج شیٹ کو داخل دفتر کیا جائے۔

TO/ASI واقف خان 81

Attested

D.S.P. TRAFFIC
Headquarters

من سے آپ کی سس سال سے بھرتی شدہ ہے و

ج۔ و سال 1993 کو بھرتی ہوا ہوں

من سے آپ کی تعلیم کتنی ہے و

ج۔ میٹرک پاس ہوں

من سے کیا آپ کو ٹچ موبائل استعمال کرنے پر عبور ہے و

ج۔ من سائل نے ابھی تک سادہ موبائل استعمال کرتا تھا لیکن ذاتی کی وجہ سے عام مارکیٹ سے ٹچ موبائل

خریدی ہے جو کہ تا حال اسکے فنکشن پر واقفیت نہیں ہے۔

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OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE
HQRS; CITY TRAFFIC, PESHAWAR

No. 655 /R, Dated Peshawar the 06/10/2023.

To: The Chief Traffic Officer,
Peshawar.

Subject: **DEPARTMENTAL ENQUIRY AGAINST ASI WAQIF KHAN NO. 81**

Memo:

A departmental enquiry is initiated against ASI Waqif Khan No. 81 which is marked by W/SP HQRS; City Traffic Police, Peshawar to the undersigned for departmental proceedings with the following allegations:-

SUMMARY OF ALLEGATIONS.

"That you have been found issuing bogus/illegal challans by installing a printing app in your smart phone instead of using official challan device of City Traffic Police, Peshawar. It has caused loss to the government treasury and also tarnished the image of City Traffic Police, Peshawar amongst the general public".

To scrutinize the matter, the charge sheet was served on the accused official on 16.09.2023 and directed to submit reply within stipulated time. In response he appeared & recorded his statement and also cross examined, which are as under:-

STATEMENT OF ASI WAQIF KHAN NO. 81:

He stated that he is posted as In-charge Romeo-II and is performing his duties with utmost courtesy and honesty. That he is alleged of having a printing app in his personal mobile and using an alternative to the official device, for which he has been performing his duties as a ticketing officer for last 18-years. He has performed his duty to raise the dignity of city traffic police and in almost 30 years of service, no complaint has been received against him by the high-ups and he has never taken any action that would harm his eternal life or the department financial or reputational loss. Also, before the current personal mobile, he used a simple mobile, which was unusable, so he bought the same touch mobile from the general market and whose function is not known, then how can he install such an app, which he does not know how to use. So he has no knowledge and is not familiar with the function of this app. Surely, the mentioned app will be in his mobile. However, it is also a fact that till now he has not even turned on this app in the mobile screen and for which he is ready for all kinds of consolation. Apart from this, his performance as a ticketing officer for 18-years is also sufficient to negate such allegations that till date 01.07.2023, he has issued 2667-challans and fines of Rs. 864200/- (progress report is

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attached). Therefore, the presence of an app in his personal mobile is not a true and conclusive proof that he is wrong, nor is there any complaint from the road user that may God forbid he is involved in this type of technical theft. Therefore, the prayer is that he is not aware of this kind of baseless accusation and has not been involved in such heinous acts (statement attached).

STATEMENT OF DFC MUHAMMAD UZAIR NO.:

Stated that he is posted as Driver in Romoe-II mobile. As a driver, he remains present in the vehicle for the safety of the government vehicle. He is unaware of the bogus challan or the app as neither he has seen using the app or issuing bogus challan of In-charge waqif Khan and he is ready to give all kinds of consolation to the high-ups (statement attached).

STATEMENT OF HC DAUD ULLAH NO. 118:

Stated that he is posted as Gunner In-charge Romeo-II, as a gunner it is his responsibility to protect the In-charge and also the government vehicles. During duty hours, he is at a distance from In-charge while issuing challan. From bogus challan/bogus app, he is completely unaware about it and till date he has not seen the In-charge Waqif Khan using bogus app/challan. He is ready to satisfy the high-ups (the statement is attached).

STATEMENT OF IN-CHARGE DOCUMENT CELL MANSOOR JAMAL:

Stated that as per the directions/orders of high-ups during the checking of the official challan mobile device, two mobiles of ASI Waqif Khan were checked. In both the mobiles, one official challan mobile device distributed on ASI Waqif Khan and one his personal mobile, an app was found downloaded from Playstore, which is called Bluetooth printer. Both the mobiles were handed over to the SHO PS Traffic as per the orders of the high-ups (statement is attached).

STATEMENT OF MUHAMMAD ISHFAQ (DDIT):

Stated that during the routine checking by the DSP headquarters Traffic, two mobile phones were recovered from ASI Waqif Khan No.81, in which one was an official mobile and the other was his personal, which was brought to him for checking. Both the mobiles were found to have a Bluetooth Printer App downloaded from Playstore which is used for bogus challan (statement is attached).

FINDINGS/CONCLUSION:

During the course of inquiry, the charge sheet and summary of allegations was served on the accused official, recorded his statement

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and also cross examined. It has been concluded that ASI Waqif Khan who has been performing duty as ticketing officer for about 18 years. The officers above have received complaints from the public about bogus challans that the traffic officials issue challans to the wallets which are neither received nor recorded.

In this regard, the undersigned has been directed from the high-ups to check the official mobile devices of all ticketing officers (T.Os). In compliance with the directions, the undersigned during the challan mobile device checking of the officials, on the challan mobile device checking of ASI Waqif, it was found that there was an app downloaded from play store called Bluetooth App which is used for bogus challan in which complete challan details were registered. On further checking, the same app was also found in his personal mobile phone of the accused official in which complete challan details were registered as well. Both the mobiles were seized by the In-charge Documents Cell Mansoor Jamal and handed over to the SHO Police Station Traffic as per the directions of the high-ups. Furthermore, on the examination of Deputy Director I.T Ashfaq Khan, it has been found that the said app, which is downloaded from Play Store, and is used for bogus challan, the accused official has issued a bogus challan as well.

Being a part of the disciplinary force, the image of City Traffic Police Peshawar has been tarnished in the eyes of the general public by this act of the accused official and it has caused loss to the government treasury, since the presence of bogus app in both mobiles of the accused official shows bad faith and found guilty.

RECOMMENDATIONS:

In the light of the above scenario, and as per the above statements, ASI Waqif Khan No. 81 is hereby recommended for major punishment for his involvement in bogus challan/App.

Submitted please.


(ZAHOOR UR REHMAN)
DY; Superintendent of Police,
HQrs; Traffic Police, Peshawar.


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ORDER

1. This office will dispose off formal departmental inquiry against TO/IHC Waqif Khan No.3294/81-T, who was issued Charge Sheet alongwith summary of allegations Vide No.787/PA, dated 15.09.2023 on the charge that he has been found issuing bogus/illegal challans by installing a printing app in his smart phone instead of using official challan device of City Traffic Police Peshawar. It has caused loss to the government treasury and also tarnished the image of City Traffic Police, Peshawar amongst the general public.

2. Mr. Zahoor-ur-Rehman, DSP/HQrs, Traffic Peshawar was appointed as the Enquiry Officer, who carried out a detailed inquiry and submitted his report stating therein that the delinquent official has issued bogus/illegal challans from bogus app and caused loss to the government treasury. The accused official shows bad faith and found guilty. He was called in his office and heard in person regarding allegations levelled against him but he could not provide proper arguments & failed to defend himself and involved in issuance of un-authorized/bogus/illegal challans from bogus app installed in his mobile phone. The inquiry file was thoroughly examined & he is recommended for awarding of major punishment to him.

3. Keeping in view of the above facts, the undersigned arrived to the conclusion that he is an incorrigible & corrupt Head Constable. His retention in police force is not justifiable & will portray a negative image of the department. The allegations levelled against him stand proved beyond any shadow of doubts. Therefore, he is awarded major punishment of **Compulsory Retirement from Service** under the Khyber Pakhtunkhwa Police Rules 1975.

Order announced.

G.B.No. 956
Date. 27-10-2023

(QAMAR HAYAT) PSP
CHIEF TRAFFIC OFFICER,
PESHAWAR.

No. 1071-79/PA, Dated Peshawar the 27/10/2023.

Copies for necessary action to the:-

1. Capital City Police Officer, Peshawar for favour of information.
2. SP/HQrs; City Traffic Police, Peshawar.
3. D.D.I.T, City Traffic Police, Peshawar.
4. DSP/HQrs: City Traffic Police, Peshawar.
5. SRC-I (along-with complete enquiry file consisting of **13**-pages)
6. Accountant, City Traffic Police, Peshawar.
7. RI/MASI, City Traffic Police, Peshawar.
8. OSI/Reader, City Traffic Police, Peshawar.
9. Official concerned.

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20/11/23

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02-11-2023

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To,

Capital City Police Officer (CCPO),
Peshawar.

Subject: DEPARTMENTAL APPEAL/ REPRESENTATION FOR RE-
INSTATEMENT INTO SERVICE.

R/Sir,

The appellatant submits as under:

1. That the appellatant was serving the City Traffic Police Peshawar as TO/IHC No.81 (ASI acting charge basis) Incharge Romeo-II Mobile, with zeal and zest and to the entire satisfaction of his high ups.
2. That the appellatant has been serving the department with devotion and honesty since 30 years having an unblemished record.
3. That the appellatant has been his performing duties as Ticketing Officer since 18 years with honesty and there were no complaints against him for any sort of misconduct causing financial loss to the department.
4. That the appellatant was falsely charged for misconduct on the basis of allegations regarding issuance of bogus /illegal challans by installing a printing app in his smart phone instead of using official challan device.
5. That the appellatant has been using a simple cell phone with no touch system however the same became non-functional and was recently changed to a smart phone. In-fact the appellatant is still not fully aware of using a smart touch phone then how come he installed the alleged app regarding which he had no knowledge as well as no information of using such an app.
6. That the appellatant while serving his duties as Ticketing Officer issued 2667 traffic challan tickets collecting fines of amount Rs.864200/- which was deposited in the government exchequer w.e.f. 01/07/2023 to 14/09/2023 (Progress report is attached) and even before that his performance has been very good which is still available on record.
7. That despite the above mentioned grounds, major penalty of compulsory retirement from service has been imposed upon the appellatant vide order dated 27.10.2023. (Order is attached).

It is therefore most humbly prayed that on acceptance of this departmental appeal, the impugned order dated 27.10.2023 may very kindly be set aside and the appellatant may please be reinstated into service with all back benefits.

Dated: 02/11/2023

*Sp. Legat
for court
please: S. N. 17-11-2023*

Sincerely Yours

WQK
2/11

WAQIF KHAN,
Ex-To/IHC-No.81
0315-5690098

WQK
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(13) (2) R

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 091-9210989 Fax: No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by Ex-IHC Waqif Khan No. 3294/81 who was awarded the major punishment of "compulsory retirement from service" under PR-1975 (amended-2014) by Chief Traffic Officer, Peshawar vide order No. 1071-79/PA dated 27.10.2023.

2- Brief facts leading to the instant appeal are that the defaulter TO/IHC was proceeded against departmentally on the charges that he was found issuing bogus/illegal challans by installing a printing app in his smart phone instead of using official challan device of City Traffic Police, Peshawar which caused loss to Government treasury.

3- He was issued Charge Sheet and Summary of Allegations by Chief Traffic Officer Peshawar. DSP/HQrs: City Traffic Police, Peshawar was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer after conducting departmental enquiry submitted his findings in which the accused official was recommended for major punishment. The competent authority in light of the findings of the Enquiry Officer awarded him the major punishment of compulsory retirement from service.

4- He was heard in person in Orderly Room. During personal hearing, he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Therefore, his appeal for setting aside the punishment awarded to him by Chief Traffic Officer, Peshawar vide order No. 1071-79/PA, dated 27.10.2023 is hereby converted into "dismissal from service".

"Order is announced"

**CAPITAL CITY POLICE OFFICER,
PESHAWAR**

No. 4681-89 /PA/CCP,

dated Peshawar the 19 / 12/2023

Copies for information and necessary action to the:-

1. Chief Traffic Officer Peshawar along with complete enquiry file.
2. SP/HQrs: City Traffic Police Peshawar
3. Pay Officer City Traffic Police Peshawar.
4. Official concerned.

**ATTESTED
TO BE TRUE COPY**

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Service Appeal No 353 /2024

Waqif Khan, Ex Ticketing Officer/IHC No 81, City Traffic Police,
Peshawar.....Appellant

V E R S U S

1. Capital City Police Officer, Peshawar.
2. Chief Traffic Officer, Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 19-12-
2023 OF RESPONDENT NO 1 WHEREBY ON
DEPARTMENTAL APPEAL THE PUNISHMENT OF
COMPULSORY RETIREMENT AWARDED BY RESPONDENT
NO 2 HAS BEEN CONVERTED INTO DISMISSAL FROM
SERVICE.

PRAYER:-

On acceptance of this appeal the impugned Order dated 19-12-2023 and order dated 27-10-2023, may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was enlisted as Constable in Traffic Police on 16-09-1993 and was promoted as Head Constable in 2008 and since enlistment, the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That the appellant while posted as Ticketing Officer//IHC was issued Charge Sheet with Statement of allegations on 15-09-

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

9/16/24

10

A. No. 353/2024
Waqif Khan vs Govt



06.05.2024 1. Appellant in person present. Mr. Arshad Azam, Additional Advocate General for the respondents present.

2. Notices have not been issued to respondents due to non-depositing of TCS expenses, therefore, appellant is directed to deposit TCS expenses within three days. Thereafter notice be issued to the respondents for submission of reply/comments. To come up for reply/comments on 04.06.2024 before S.B. P.P given to the parties.

TCS Expenses
Not Submitted
24/5

(Muhammad Akbar Khan)
Member (E)

S-4446991-16611310

S.A #.353/2024 titled "Waqif Khan Vs. Police Department"

June, 2024 Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Learned counsel for the appellant for withdrawal of this appeal. As a token of admission of his submission, he signed the margin of order sheet. Dismissed as withdrawn. Consign.

3. *Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 4th day June, 2024.*

ATTESTED
[Signature]
Mutazem Shah
Cyber Pakistana Service Tribunal
Peshawar

[Signature]
(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar

16

Annex

H

Ding No # 13020/SB

Date 20/12/23

To Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.
(Through Proper Channel)

Subject: DEPARTMENTAL APPEAL/REPRESENTATION UNDER RULE OF
KHYBER PAKHTUNKHWA POLICE RULES, 1975 FOR RE
INSTATEMENT INTO SERVICE

Memo:

The appellant submits as under:

1. That the appellant was posted in City Traffic Police Peshawar as TO/IHC No 81 (ASI acting charge basis) Incharge Romeo-II Mobile, and was performing duties with zeal and to the entire satisfaction of his high ups.
2. That the appellant has been serving the department with devotion and honesty since 30 years having an unblemished record.
3. That the appellant has been performing his duties as Ticketing Officer since 18 years with honesty and there were no complaints against him for any sort of misconduct causing financial loss to the department.
4. That the appellant was falsely charged for misconduct on the basis of allegations regarding issuance of bogus/ illegal challans by installing a printing app in his smart phone instead of using official challan devices.
5. That the appellant has been using a simple cell phone with no touch system however the same became non-functional and was recently changed to a smart phone. In-fact, the appellant is still not fully aware of using a smart phone then how come he installed the alleged app regarding which he had no knowledge as well as he has no information of using such an app.
6. That the appellant while serving his duties as Ticketing Officer issued 2667 traffic challan ticket collecting fines of amount Rs.864200/- which was deposited in the government exchequer w.e.f 01/07/2023 (Progress report is attached) and even before that his performance has been very good which is still available on record.
7. That despite the above mentioned grounds, major penalty of dismissal from service has been imposed upon the appellant vide order No 4686-89/PA/CCP dated 19.12.2023. (Order is attached).

It is therefore most humbly prayed that on acceptance of this departmental appeal, the impugned order dated 19.12.2023

May very kindly be set aside and the appellant may please be reinstated into service with all back benefits.

Dated: 21/12/2023

Sincerely Yours

WAQIF KHAN
EX-TO/IHC.NO.81
03155690098



Amna (i) 17

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-IHC Waqif Khan No. 81. The applicant was awarded a major punishment of Compulsory Retirement from service by Chief Traffic Officer vide Order Endst: No. 1071-79/PA, dated 27-10-2023, on the allegation that he while proceeded against departmentally on the charges that he was found issuing bogus/illegal challans by installing a printing app in his smart phone instead of using official challan device of City Traffic Police, Peshawar which caused loss to Government treasury.

The Appellate Authority i.e. CCPO converted his punishment of Compulsory Retirement into dismissal from service vide Order Endst: No. 4686-89/PA/CCP, dated 19.12.2023.

Meeting of Appellate Board was held on 09.05.2024 wherein petitioner was heard in person. The applicant contended that I recently switched to usage of Smart Phone & had no idea how come he installed the alleged app.

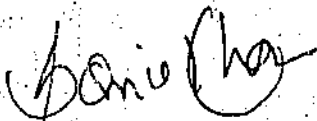
The applicant was heard in person. The Board rejected his revision petition for reinstatement in service. However, keeping in view of his long service of more than 30 years, the Board recommended that the original order of **Compulsory Retirement from Service** is hereby restored.

Sd/-
AWAL KHAN, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

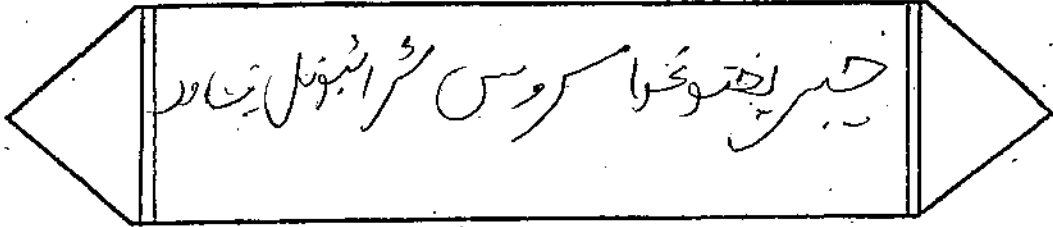
No. S/ 1232-36 /24, dated Peshawar, the 17-05-2024.

Copy of the above is forwarded to the:

1. Capital City Police Officer Peshawar. Enquiry File (01) of the above named Ex-IHC received vide your office memo: No. 1421/CRC, dated 19.01.2024 is returned herewith for your office record.
2. Chief Traffic Officer, Peshawar. Two Service Books, One Service Roll received vide your office memo: No.583/SRC-I, dated 22.02.2024 of the above named Ex-IHC received is returned herewith for your office record.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.


(SONJA SHAMROZE KHAN)
PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

بعدالت



2، پنجاب

واقف خان بنام 1997 ویز

موزخہ

مقدمہ

دعویٰ

جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

آن مقام ریٹائرمنٹ کیلئے فضل شاہ صاحب، Ad. عبدالرحمان خان حلیل لعیر احمد شاہ

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلاف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی

نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور

کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جہاں التوائے مقدمہ کے سبب سے ہوگا۔

کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی

مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم 11 ماہ 66 2021ء

واہ العب

کے لئے منظور ہے۔
 Attached
 Accepted
 M. A. Khan