

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 836/2024

Muhammad TahirAppellant

VERSUS

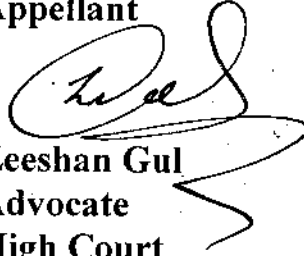
Commendant, Special Security and another.....Respondents

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Appellant

Through


Zeeshan Gul
Advocate
High Court


Khyal Muhammad

Advocate High Court.

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 836/2024

Muhammad Tahir

.....Appellant

VERSUS

Commendant, Special Security and another.....Respondents

**Khyber Pakhtunkhwa
Service Tribunal**

**APPLICATION FOR PLACING ON FILE
ADDITIONAL DOCUMENTS**

Diary No. 13571

Dated 14/6/24

Respectfully Sheweth,

1. That the above-mentioned case is pending adjudication before this Hon'ble Court which is fixed for 19.07.2024
2. That the documents attached to this CM are important and necessary for disposal of the present case.
3. That the document may be read as part and parcel of the main case.

It is there for respectfully prayed that on the acceptance of this application the appellant may kindly be allowed to place the document on file.

Appellant

Through

[Signature]
**Zeeshan Gul
Advocate
High Court**

[Signature]

**Khyal Muhammad
Advocate High Court**

Pesh.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No. 836/2024

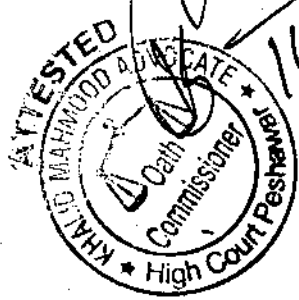
Muhammad TahirAppellant

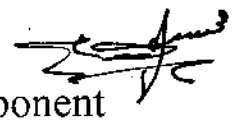
VERSUS

Commendant, Special Security and another.....Respondents

AFFIDAVIT

I, Muhammad Tahir sub inspector No. 2190 S/o Muhammad Akram R/o Mohallah Mitta Khel, Kheeshgi Bala, PO Kheeshgi Payan, Tehsil and District Nowshera, do hereby affirm and declare that the contents of the accompanying **Additional Document** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

14-6-24



Deponent
CNIC No. 17201-9029057-1
Cell No. 0343-1400090

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Am - A



**OFFICE OF THE DEPUTY COMMANDANT
SPECIAL SECURITY UNIT (CPEC)
KHYBER PAKHTUNKHWA POLICE, PESHAWAR**
CENTRAL POLICE OFFICES, S.A.Q ROAD, PESHAWAR CANTT (PH: 091-9211056)



No. 629 EC/SSU, dated Peshawar the 06 / 03 / 2024.

ORDER OF ENQUIRY

UNDER SUB-SECTION-3 & SECTION 5 POLICE RULES, 1975

In compliance of the Judgment dated 07.02.2024 of Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar "that we are unison to set aside the impugned order dated 08.03.2023 and appellate order dated 12.04.2023 with direction to the respondents to conduct denovo and provide proper chance of hearing, self defence and more specifically cross examination of fair trial with further direction to conclude inquiry within sixty days receipt of this order".

I, Deputy Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar as Competent Authority Charge Inspector Tahir Khan No. P/290 of SSU (CPEC) of the following acts to be dealt with U/S (3) of Police Rules, 1975 as amended in the year 2014.

As reported by SP SSU (CPEC) Central Mardan Region vide letter No. 386/R/SP/MRD Region, dated 08.12.2022 that Inspector Muhammad Tahir Khan No. P/290 had dispatched his gunners namely Akif Hussain No. 781, Usman No. 808 and Kamran No. 906 for the security of a private businessman named Shehryar Memon at Islamabad.

The act of the above accused Official falls within the ambit of gross misconduct and is liable to be proceeded under Police Rules 1975 amended in 2014.

For the purpose of scrutinizing the conduct of the said accuses with reference to the above allegations. I, Deputy Commandant SSU (CPEC), Khyber Pakhtunkhwa, Peshawar, being authorized officer hereby nominate Mr. Shakeel Khan DSP HQrs SSU (CPEC) as Enquiry Officer as below to enquire into the charges within the meaning of 2(iii) under Police Rules 1975.

DSP HQrs SSU (CPEC):

The enquiry officer after completing all proceedings should submit findings report to the undersigned within stipulated period as per U/S 6(5) of the Rules.

Charge Sheet and Statement of Allegations are issued against the accused officer separately Reply should be submitted before the Enquiry Officer within the period of (07) days from the date of receipt.

Charge Sheet alongwith Summary of allegations is enclosed herewith.

(ABDUR RAHMAN)^{PSP}
Deputy Commandant
Special Security Unit (CPEC),
Khyber Pakhtunkhwa,
Peshawar.


ATTESTED

(4)

Ann B

CHARGE SHEET

1. Whereas I, Dy: Commandant SSU (CPEC), Peshawar, am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against Inspector Muhammad Tahir Khan No. P/290

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, **Deputy Commandant, Special Security Unit (CPEC)**, Peshawar hereby charge Inspector Muhammad Tahir Khan No. P/290 under Rule 5 (4) of the Police Rules 1975.

- I. As reported by SP SSU (CPEC) Central Mardan Region vide letter No. 386/R/SP/MRD Region, dated 08.12.2022 that you Inspector Muhammad Tahir Khan No. P/290 had dispatched your gunners namely Akif Hussain No. 781, Usman No. 808 and Kamran No. 906 for the security of a private businessman named Shehryar Memon at Islamabad.
- II. Being a responsible police official, this act of yours is highly objectionable and renders you liable for disciplinary proceedings under the Police Rules 1975.

4. I hereby direct you further under Rule 6 (1) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why action should not be taken against you and also stating at the same time whether you desire to be heard in person.

5. In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.



(ABDUR RASHID)^{PSP}
DY: COMMANDANT,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa,
Peshawar.



ATTESTED

PHOTOGRAPHIC COPY

(5) Am - C


STATEMENT OF ALLEGATIONS

1. I, Dy: Commandant SSU (CPEC) as competent authority, am of the opinion that Inspector Muhammad Tahir Khan No. P/290 has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission within the meaning of section 03 of the Khyber Pakhtunkhwa Police Rules, 1975.

- I. As reported by SP SSU (CPEC) Central Mardan Region vide letter No. 386/R/SP/MRD Region, dated 08.12.2022 that Inspector Muhammad Tahir Khan No. P/290 had dispatched his gunners namely Akif Hussain No. 781, Usman No. 808 and Kamran No. 906 for the security of a private businessman named Shehryar Memon at Islamabad.
- II. Being a responsible police official, his this act is highly objectionable and renders him liable for disciplinary proceedings under the Police Rules 1975.

2. For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations Mr. Shakeel Khan DSP HQrs SSU (CPEC) is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

3. The Enquiry Officer shall in accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.


(ABDUR RASHID)PSP
DY: COMMANDANT,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa,
Peshawar.

No. 630 /EC dated Peshawar the 06 / 03 / 2024

Copy to:-

1. The Inquiry Officer.
2. The Concerned official.


ATTESTED

(6)

A-D

Enquiry against Inspector Muhammad Tahir No. P/290 of SSU (CPEC) presently posted at Remodelling of Warsak Canal System District Khyber.

Kindly refer to your office charge sheet & Summary of allegations No. 630/EC, dated 06.03.2024 against Inspector Muhammad Tahir No. P/290 of SSU (CPEC).

1. Brief Facts:

As reported by SP SSU (CPEC) Central Mardan Region vide letter No. 386/R/SP/MRD Region, dated 08.12.2022 that Inspector Muhammad Tahir No. P/290 had dispatched his gunners namely Akif Hussain No. 781, Usman No. 808 and Kamran No. 906 for the security of a private businessman named Shehryar Memon at Islamabad.

In this connection, an enquiry against the defaulter was ordered by the competent authority and the undersigned was appointed as enquiry officer in order to ascertain the actual facts and submit finding report within stipulated period accordingly.

The following Police officers / officials of SSU etc. were summoned and their written statements were recorded as well as cross examined: -

- i) Statement of Inspector Muhammad Tahir P-290 presently posted at Remodelling of Warsak Canal system District Khyber, placed at F/ "A".
- ii) Statement of Akif Hussain No. 781 of SSU (CPEC) placed at F/ "B".
- iii) Statement of Constable Usman Khan No. 808 of SSU (CPEC) placed at F/ "C".
- iv) Statement of Shehryar Memon S/O Abdul Razzaq Memon holding of NICOP No. 13302-0903650-3 placed at F/ "D".

2. Statement of Inspector Muhammad Tahir P/290 presently posted at Remodelling of Warsak Canal system District Khyber

In his statement, he stated that from 2018 to 2022, he resided in Islamabad due to personal enmity, specifically in the quarter known as Izzat Khan. Furthermore, he stated that the individual also provided him with the key to a nearby Hujra, where the gunner resided, originally owned by Shehryar Memon. He also denied any knowledge of or provision of a gunner to Shehryar Memon without prior approval from the competent authority.

During the cross-examination, he revealed Shehryar Memon original address as F-6/3, Islamabad, and provided Shehryar Memon cell phone number: 03236666666. He also clarified that Shehryar Memon is currently not present at Islamabad but abroad in Malaysia. He suggested that communication could be made through WhatsApp using the aforementioned number, and his statement should be recorded and submitted accordingly.

3. Statement of Akif Hussain No. 781 of SSU (CPEC):

He stated that he was posted as a gunner to Inspector Tahir Khan and later on he served as a gunner with Shehryar Memon in Islamabad by the direction of Inspector Muhammad Tahir No. P/290. When Inspector Muhammad Tahir was transferred from Rashakai Economic Zone to Balakot Hydro Power Project, he was called back from Islamabad and subsequently performed duty at Rashakai Economic Zone.


ATTESTED

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Constable Usman Khan No. 808 of SSU (CPEC)

He stated that he was posted as a gunner to Inspector Tahir Khan and later on he served as a gunner with Shehryar Memon in Islamabad by the direction of Inspector Muhammad Tahir No. P/290. When Inspector Tahir Khan was transferred from Rashakai Economic Zone to Balakot Hydro Power Project, he was called back from Islamabad and subsequently performed duty at Rashakai Economic Zone.

During cross-examination, he further revealed that Inspector Tahir Khan pretended to be an unknown SP Rank officer in Islamabad. Additionally, Inspector Tahir Khan provided him as a gunner to a private businessman named Shehryar Memon. He also told him that Shehryar Memon was his personal friend, and Shehryar Memon also provided a house to Inspector Muhammad Tahir for residential purposes.

5. Statement of Shehryar Memon S/o Abdul Razaq Memon holding of NICOP No. 13302-0903650-3: -

He stated that he is overseas Businessman and does not know to subject of inquiry Mr. Muhammad Tahir (Inspector) as we never met before and he request to be kept out of any proceeding involved Mr. Muhammad Tahir, he has no connection or prior acquaintance with him. This will allow him to focus on his business without any mental distractions or Pressure.

Furthermore, during the course of enquiry, a daily dairy report No. 09 dated 20-03-2024 along with covering letter of DSP security remodelling of Warsak Canal System No. 494-97/R/DSP/RWCS/SSU dated 20-03-2024 received to the office of the competent authority, wherein it was reported that Inspector Muhammad Tahir contacted Constable Akif Hussain No. 781 on his personal mobile number 03180958138, used abusive language and threatened him with dire consequences for not recording his statement in favour of him, who is the key witness of the inquiry. During his call he further directed the above-mentioned constable that you should have lied rather telling the truth. (Call recording is enclosed in USB)

6. Recommendation: -

After the perusal of above-mentioned statement / cross examination as well as material available on the record / during discrete enquiry, the undersigned reached to the conclusion that the allegation levelled against the above-mentioned defaulter has been completely established beyond any shadow during the enquiry and recommended him for major punishment, please.

ENCL: (18 Pages)

E.C. issue
final show cause
OK
2

(SHKEEL KHAN)
DSP HQrs, SSU (CPEC)
Dated: 22-03-2024

[Signature]
ATTESTED

(8)

Am E

FINAL SHOW CAUSE NOTICE


I, Deputy Commandant, Special Security Unit (CPEC), Peshawar, as competent authority, under the provision of police Disciplinary Rules 1975 do hereby serve upon you, Inspector Muhammad Tahir No. P/290 final show cause notice.

The Enquiry Officer, Mr. Shakeel Khan DSP HQs SSU (CPEC) after completion of departmental proceedings, has found you Inspector Muhammad Tahir No. P/290 guilty of the charges leveled against you in the charge sheet/statement of allegations and recommended you for major punishment.

And whereas, the undersigned is satisfied that you Inspector Muhammad Tahir No. P/290 deserve the punishment in the light of the above said enquiry papers.

I, competent authority, have decided to impose upon you the penalty of minor/major punishment under police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the minor/major penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 07 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defense to put in and in that case as ex-parte action shall be taken against you.


(ABDUR RASHID)^{PSP}
Deputy Commandant,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa,
Peshawar.

No. 845 /EC dated Peshawar the 25/03/2024.

Copy to official Concerned.


ATTESTED

بیان از ان اسد علی کاھر 290

مردوں کے ساتھ جوں مردوں کے ساتھ ہے اور بیان
رکھ کر کے دیکھا ہے اور بیان نہیں ہے

ان میں سے ایک شخص نے شہداء کو دیکھا ہے

میں نے یہ سب جانتا ہوں۔ البتہ میں 2018 سے 2022

تک اس کے بارے میں کچھ نہیں جانتا تھا جو کہ عدالت میں

نہیں تھا۔ لیکن میں نے اس کے بارے میں کچھ اور

کچھ نہیں جانتا تھا۔ البتہ میں نے اس کے بارے میں کچھ اور

سنا کر سنا ہوں ہے۔ لیکن میں نے اس کے بارے میں کچھ اور

نہیں جانتا تھا۔ البتہ میں نے اس کے بارے میں کچھ اور

سنا کر سنا ہوں ہے۔ لیکن میں نے اس کے بارے میں کچھ اور

[Signature]
MHOSSU CPEC RWCS

Attested
DSP HCSSU

22-02-2024

[Signature]
ATTESTER