

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**  
**PESHAWAR**

**Service Appeal No. 746/2024**

Hamid Hussain s/o Mehboob Ali Khan, Ex-Constable No. 715, Torsa Check Post, Parachinar  
r/o Kachkina, PS Roza, District Kurram.

**Appellant**

**VERSUS**

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

**Respondents**

**INDEX**

S.NO	Description of Documents	Annexure	Page
1.	Para-wise Comments		1-3
2.	Affidavit		4
3.	Authority Letter		5
4.	Charge Sheet	A	6
5.	Reply Charge Sheet		7
6.	Disciplinary Action	B	8
7.	Finding Report/Enquiry Report	C	9-11
8.	Final Show Cause Notice	D	12
9.	Reply Final Show Cause Notice		13
10.	Dismissal Order	E	14-15
11.	Rejection Order	F	16

  
**Deponent**

**(Focal Person DPO Kurram)**

①

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA**  
**PESHAWAR**

**Service Appeal No. 746/2024**

Zahid Hussain s/o Mehboob Ali Khan, Ex-Constable No. 715, Torsa Check Post, Parachinar  
r/o Kachkina, PS Roza, District Kurram.

Appellant

VERSUS

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

**Khyber Pakhtunkhwa  
Service Tribunal**

Diary No. 109/15183

Dated 26/8/24

Respondents

**COMMENTS ON BEHALF OF RESPONDENTS NO. 1 & 2.**

**Respectfully Sheweth:-**

The Para wise comments are submitted as under:

**PRELIMINARY OBJECTIONS:-**

- a) That the appellant has got no cause of action to file the present appeal.
- b) That the appellant has got no locus standi.
- c) That the appeal is bad for mis-joinder and non-joinder of necessary parties.
- d) That the appeal is not maintainable in its present form.
- e) That the appellant is estopped by his own conduct to file the instant appeal.
- f) That the appellant has concealed Material facts from this Hon'ble Tribunal.
- g) That appellant has not come to the Tribunal with clean hands.
- h) That the appeal is time barred.

**FACTS**

1. Pertains to record, hence need no comments.
2. Pertains to record, hence need no comments.
3. Incorrect. The appellant while posted at Torsa Check Post apprehended one motor car bearing white color alongwith driver Bakhti Jan resident of Tari Mangal and recovered 45 packets of Charas, however appellant instead of taking legal action against the drug dealer deliberately and blatantly made dealing with driver through another notorious drug dealer namely Shakeel Hussain resident of Peshwar and released the main culprit driver Bakhti Jan in lieu of huge amount of bribe and illegally kept 45 packets Charas and vehicle with himself at some secret place.  
Later on, he 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. This act of convince with criminal by not taking any legal action openly releasing the main accused Bukhti Jan without any legal action amounts to gross misconduct rendering himself unfit for police Job. His act has totally tarnished the image of Police department.

On account of such misconduct appellant was served with the charge sheet and proper disciplinary proceedings were initiated against him, for which Mr. Gul Naseeb SP Investigation, Kurram was nominated as Enquiry Officer and proper departmental Enquiry proceeding was initiated against him.

**(Copies of Charge Sheet and Disciplinary Action are attached as Annexure "A" & "B").**


4. Correct to the extent that, after service of charge sheet appellant submitted reply, however the same was found unsatisfactory.
5. Incorrect. Proper disciplinary proceeding was initiated against him, Mr. Gul Naseeb SP Investigation, Kurram was nominated as Enquiry Officer and proper departmental Enquiry proceeding was initiated against him wherein appellant was associated, but he failed to prove himself innocent. During enquiry appellant was found guilty for the misconduct. The appellant has been found involved in contact with drug dealers, hence Enquiry Officer Recommends him for major punishment. Consequent upon receipt of recommendation of enquiry officer, the appellant was served with Final Show Cause Notice, the reply of which was found unsatisfactory, however, before passing any final Order appellant was heard in person in Orderly Room, but he failed to advance any cogent reason in support of his innocent, hence he was dismissed from Service through speaking order in accordance with the rules. **(Copies of Enquiry/Finding Report, Final Show Cause Notice and Dismissal Order are attached as Annexure "C", "D" & "E").**
6. Reply already given in Para above.
7. Correct to the extent that after completion of all codal formalities, and upon recommendation of the Enquiry Officer, the appellant was awarded major punishment of dismissal from service, through speaking order strictly as per law/rules.
8. Correct to the extent of filing departmental appeal, however, the appellant was heard in person in Orderly Room by the appellate authority and rejected the appeal being devoid of merit, through speaking Order. **(Copy of Rejection Order is attached as Annexure "F").**
9. That the Orders of answering respondents are in accordance with Law/rules and appellant has got no cause of action to file the instant appeal, hence, the appeal may very kindly be dismissed being devoid of merits.

GROUND S.

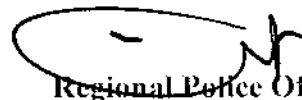
- A. Incorrect. The Orders of respondents are quite legal in accordance with law/rules.
- B. Incorrect. On account of gross misconduct as explained in above para, appellant was served with proper charge sheet and after proper departmental enquiry and fulfillment of codal formalities dismissed from service through speaking order which is maintainable in the eyes of law.
- C. Incorrect and misleading. During departmental enquiry conducted under Police disciplinary rules 1975, appellant was found guilty and the allegation against stands beyond and shadow of doubt.
- D. Incorrect. Proper departmental enquiry was initiated against him wherein the enquiry officer found the appellant guilty of misconduct and recommended him for punishment. During the enquiry appellant has been found involved with drug dealers due to which the appellant has been awarded major punishment of dismissal from service.
- E. Incorrect. The appellant was treated in accordance with law/rules.
- F. Incorrect. The orders of the respondents are quite legal and accordance with rule.
- G. Incorrect. The Orders of respondents are quite legal and accordance with law/rules.
- H. That answering respondents may also be allowed to advance additional ground at the time of hearing before the honorable Tribunal.

PRAYERS

It is humbly prayed that, the appeal of appellant being devoid of merits, may kindly be dismissed with costs, please.



**District Police Officer  
Kurrām  
(Respondent No. 02)  
(Ahmad Shah) (PSP)  
Incumbent**



**Regional Police Officer  
Kohat Region, Kohat  
(Respondent No. 01)  
(Sher Akbar PSP, S.St)  
Incumbent**

(4)

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

**Service Appeal No. 746/2024**

Hamid Hussain s/o Mehboob Ali Khan, Ex-Constable No. 715, Torsa Check Post, Parachinar r/o Kachkina, PS Roza, District Kurram

**Appellant**

**V E R S U S**


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

**Respondents**

**AFFIDAVIT**

I, Mr. Ahmed Shah PSP, District Police Officer Kurram (Respondent No. 02) do hereby solemnly affirm and declare on oath that the contents of the accompanying para-wise Comments on behalf of respondents are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/cost.

  
**District Police Officer  
Kurram  
(Respondent No. 02)  
(Ahmad Shah) (PSP)  
Incumbent**



5

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

**Service Appeal No. 746/2024**

Hamid Hussain s/o Mehboob Ali Khan, Ex-Constable No. 715, Torsa Check Post, Parachinar r/o Kachkina, PS Roza, District Kurram

**Appellant**

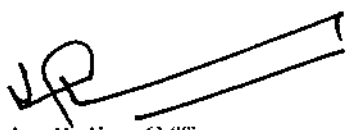
**VERSUS**

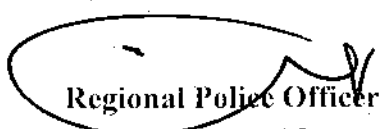
1. Regional Police Officer, Kohat Region, Kohat
2. District Police Officer, District Kurram

**Respondents**

**AUTHORITY LETTER.**

Mr. Javed Shah s/o Said Wazir Focal Person bearing CNIC No. 21303-92733132-9 is hereby authorized to institute para-wise comments duly signed by respondents in the Honorable Court on behalf of the respondents:

  
**District Police Officer**  
**Kurram**  
**(Respondent No. 01)**  
**(Ahmad Shah) (PSP)**  
**Incumbent**

  
**Regional Police Officer**  
**Kohat Region, Kohat**  
**(Respondent No. 02)**  
**(Sher Akbar PSP, S.St)**  
**Incumbent**

6  
by mail

Annexure "A"



OFFICE OF THE  
DISTRICT POLICE OFFICER  
KURRAM, KHYBER PAKHTUNKHWA  
Tel: 0926-312208 Fax: 0926-311364  
Email: policekurram1@gmail.com  
No. 954/PA Dated Parachinar. 29/3/2023

CHARGE SHEET

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

You Hamid Hussain, Constable while posted at Torsa Check Post apprehended one motor car in white colour 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 Shakrel 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 Bakhti Jan in lieu of huge amount of bribe amounts to gross misconduct on your part; rendering unfit for police job.

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

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

3. Your written reply, if any, should reach the enquiry officer within the specified period, failing which it shall be presumed that you have no defense to put in and in that case in ex-parte action shall follow against you.

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

5. A statement of allegations is enclosed.

Attest  
\_\_\_\_\_

(Muhammad Imran Mirza) PSP  
DISTRICT POLICE OFFICER  
KURRAM

District Police Officer  
Kurram

District Police Officer  
Kuiram

[Signature]

06.04.23

Attested

Attested

OP Inman

[Signature]

Attested

Handwritten notes in Urdu script, including names like DSP, PPI, and various administrative details.

Handwritten text at the bottom of the page.

Handwritten marks and symbols at the bottom center.

953 PPI  
28-2023  
215





by mail

Annexure B

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KURRAM, KHYBER PAKHTUNKHWA  
Tel: 0926-312208 Fax: 0926-311354  
Email: policekurram1@gmail.com  
No. 953/PA Dated Parachinar 29/3/2023

**DISCIPLINARY ACTION**

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

You Hamid Hussain, Constable while posted at Torsa Check Post apprehended one motor car in white colour alongwith driver Bakhti Jan resident of Tari Mangal and recovered 45 packets of Charas. Instead of taking legal action against the drug dealer you deliberately and blatantly made dealing with driver through another notorious drug dealer Shakeel Hussain resident of 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 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 Naseeb SP Investigation Kurram has been appointed to conduct proper departmental enquiry.
2. The Enquiry Officer shall conduct proceedings in accordance with the provision of Police E&D Rules 1975 (amended 2014) and shall provide reasonable opportunity of defense and hearing to the defaulter official, record its findings and make within fifteen (15) days of the receipt of this order, recommendation and to punishment or other appropriate action against the defaulter official.
3. The defaulter official shall join the proceeding on the date, time and place fixed by the Enquiry Officer

(Muhammad Imran Mirza) DSP  
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

Attested

DISTRICT POLICE OFFICER  
KURRAM

UP

District Police Officer  
Kurram



OFFICE OF THE  
SUPERINTENDENT OF POLICE INVESTIGATION  
DISTRICT KURRAM, KHYBER PAKHTUNKHAWA.  
Email : spinvestigationkurram223@gmail.com

No: 452 / SP/INV/ KURRAM Dated: 18 / 04 / 2023

Confidential

فائل رپورٹ

حوالہ چارج شیٹ نمبر PA/954/سورجی 29/03/2023 بم پو لیس کانسٹیبل حامد حسین پلٹ نمبر 715km توریسہ چیک پوسٹ

BACKGROUNDS

سیٹرن پورٹل پر کیسینٹ ڈی ایس بی عظمت علی کے خلاف کرپشن کے سلسلے میں مارک ہو کر ابتدائی انکوائری تکمیل ہوا اور انکوائری رپورٹ ڈاک دہی نمبر /SPINVK/733/سورجی 20/03/2023 پر انکوائری رپورٹ ج جناب DPO صاحب جمع ہو کر لہذا اس کے روشنی میں کانسٹیبل حامد حسین پر ذیل الزامات عائد ہوئے اور الزامات کے روشنی میں جناب ڈی بی اوصاحب نے الزام علیہ حامد حسین کو چارج شیٹ نمبر جاری کر کے زیر دستخطی انکوائری آفیسر مقرر ہوا اور انکوائری شروع کیا۔

ALLEGATIONS

2- یہ کہ حامد حسین کا چیک پوسٹ پر بطور کانسٹیبل تعیناتی کے دوران ایک برگ سفید موٹر کار جس سے ڈرائیور بنتی جان چلا رہا تھا۔ ڈرائیور سمیت موٹر کار کو گرفتار کر کے جس سے 45 پکٹ چرس برآمد کر کے اس پر قانونی کارروائی عمل میں لانے کے بجائے ایک بدنام زمانہ ڈرگ ڈیلر کھلیل حسین کے ذریعے ڈرائیور کیساتھ ڈیلنگ شروع کر کے اور اصل ملزم ڈرائیور بنتی جان کو بھاری رقوم رشوت کے عوض رہا کر کے 45 پکٹس / چرس اور موٹر کار کو خفیہ جگہ پر چھپایا۔ بعد میں ڈی ایس بی عظمت علی اور سنی انچارج زاہد حسین کے مداخلت اور سنگین دھمکیوں پر مذکورہ موٹر کار اور 45 پکٹس چرس ان کے حوالہ کئے۔ ڈی ایس بی بیڈ کو اور ڈی عظمت علی اور سنی انچارج بی بی آئی زاہد حسین ہر دو مجرمانہ فعل کے مرتکب ہو کر مذکورہ برآمد شدہ 45 پکٹس چرس اور موٹر کار کو بھاری رقوم رشوت پر چھوڑ دیئے۔ الزام علیہ نے بغیر کسی قانونی کارروائی کے اصل ملزم ڈرائیور بنتی جان کو بھاری رقوم رشوت پر رہا کرنا سنگین بد عنوانی کا مرتکب ہو کر پو لیس میں نوکری کے لئے فیت نہیں۔

INVESTIGATIONS

کانسٹیبل حامد حسین کو طلب کر کے ذاتی طور پر سنا تحریری بیان پیش کر کے بیان ہے۔ کہ تقریباً کچھ ماہ پہلے بی بی آئی سید واجد علی شاہ توریسہ چیک پوسٹ نے بتایا کہ سورس نے اطلاع ہے کہ چرس سمگل ہو جائے گی اس نے کانسٹیبل شہادت حسین کو فون کر کے چھٹی سے حاضر کیا لہذا وہ جمعہ بی بی آئی سید واجد علی شاہ اور کانسٹیبل شہادت حسین نے دلاس روڈ پر ایک کروا موٹر کار کو دوران تاکہ بندی تلاشی کے غرض سے روکا، تلاشی پر موٹر کار کے خفیہ خانوں سے 45 پکٹس چرس برآمد ہوئے سید واجد علی شاہ نے بتایا کہ ڈی ایس بی صاحب اسے گا اس نے ڈی ایس بی سے رابطہ کیا، اور بعد میں ڈی ایس بی عظمت علی، بی بی آئی زاہد حسین اور ڈی ایس بی کاگن مین فہد علی چیک پوسٹ اسے فہد علی نے سپاہیوں سے موبائل لے لئے، ڈی ایس بی نے بتایا کہ گاڑی کو کھین پارک کرے۔ پھر ڈی ایس بی عظمت علی نے اسے ساتھ بی بی آئی سید واجد علی شاہ، کانسٹیبل شہادت حسین کو اپنے ساتھ لے گئے مزید بتایا کہ مجھے باقی علم نہیں ان کے درمیان چرس کے لین دین کا بعد میں پتہ چلا۔

3- اس سلسلے میں شہادت حسین کو بھی میں طلب کر کے اس کو سنا اس نے اپنے تحریری بیان میں اپنے اوپر لگائے تمام الزامات کی تائید کی ہے اور اپنے بیان میں بتایا ہے کہ کچھ ماہ پہلے ہر او بی بی آئی واجد علی شاہ توریسہ چیک پوسٹ اور کانسٹیبل حامد حسین نے دلاس روڈ پر دوران تاکہ ڈرائیور بنتی جان سکنہ تری سنگل مہراہ سفید رنگ موٹر کار گرفتار کر کے اس کے گاڑی سے تلاشی کے دوران 45 پکٹ چرس برآمد کر کے چیک پوسٹ واپس آئے۔ مزید بتایا کہ کچھ دیر بعد ڈی ایس بی بیڈ کو اور ڈی عظمت علی، کاگن مین فہد علی اور سنی انچارج بی بی آئی زاہد حسین چیک پوسٹ آگئے ان کو ڈرائیور کا بیان اور ان سے موبائل تک چھین لئے اس کے بعد اس کو اور بی بی آئی سید واجد علی شاہ کو ڈی

District Police Officer  
Kurram



CONCLUSION

تمام شواہد اور حقائق پر یہ نتیجہ نکلا ہے کہ کاشمیل حامد حسین کیساتھ ساتھ اس گھناونے جرم میں اس وقت انچارج تو رہے۔  
 بی بی آئی سید واجد علی شاہ سمیت کاشمیل شہادت حسین، بی بی آئی زاہد حسین سٹی انچارج فہد علی اور ماسٹر مائسٹری ایس بی حضرت علی بھی شریک جرم رہے  
 ہیں اور ان تمام سرکار اہلکاروں نے سول دو کسان سے ملکر قانون کو اڑے ہاتھوں لیکر سنگین جرم کے مرتکب ہو چکے ہیں۔ سول دو کسان، ڈرگ ڈیلر  
 کملیل حسین سکند ہوا اور ڈراپور بنتی جان سکند تری نیگیل اپر کرم کے خلاف گرفتاری کے سلسلے میں زبردستی نے کی بار چھاپے مارے اور ٹریس  
 کرنے کی بھی کوشش کی گئی ہے لیکن ڈی ایس بی حضرت اور دیگر تمام کی ملی بھگت اور جرم کو چھپانے کے غرض سے انکو سہولت دی ہے اور گرفتاری نہ  
 دینے کا بتایا ہے۔ اور یہ بھی سامنے آیا ہے کہ تمام اہلکاران کا ڈرگ ڈیلرز کا ساتھ لکھس واسطے رہے۔

RECOMMENDATION

بالا حقائق کے پیش نظر الزام علیہ کاشمیل حامد حسین کرم پولیس ہمرادو دیگر متذکرہ بالا اہلکاران ڈرگ ڈیلر  
 کملیل حسین کیساتھ ملکر 45 کلو چرس کالین دین کرنا اور طرم ڈراپور بنتی جان ہمر سوشل بنیر 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۔

AT

انکواری آفیسر / ایس بی انو سٹیشن کرم

Attested

  
 District Police Officer  
 Kurram



(12)

Amended

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KURRAM, KHYBER PAKHTUNKHWA

Tel: 0926-312208 Fax: 0926-311354  
Email: policekurram1@gmail.com

No. 1174/PA Dated Parachinar 20/04/2023

FINAL SHOW CAUSE NOTICE.

I Muhammad Imran (PSP), District Police Officer, Kurram as competent authority, under Khyber Pakhtunkhwa Police E&D Rules 1975 (amended 2014), do hereby serve you, Constable Hamid Hussain Belt No.715KM while posted at Torsa Check Post as follows:

- (i) that consequent upon the completion of inquiry conducted against you by the enquiry officer vide communication No. 452-/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 خواہ اور حقائق پر یہ نتیجہ نکلا ہے کہ کاٹھیل ماہد حسین کیا تھا ساتھ اس کے ساتھ جرم اس وقت انجام دیا تو سرسہنی بی بی انی سید واحد علی شہادت کا ٹیکھل شہادت حسین بی بی انی زاہد حسین علی امجد علی اور سائبرانڈوی ایس بی حکمت علی بھی شریک جرم ہے ہیں اور ان تمام سرکار اہلکاروں نے سول دوکسوں سے لکر قانون کے اہل ہاتھوں لکر عین جرم کے مرتکب ہو چکے ہیں۔ سول دوکسوں، ڈرگ ڈیپارٹمنٹ حسین سکندر اور ڈی ایچ آر غنی جان سکندر تری بی بی علی ایہ جرم کے خلاف گرفتاری کے سلسلے میں ان دغلی نے کیا بد چھپانے اور فرس کرنے کی بھی کوشش کی گئی ہے لیکن ای ای ای بی حکمت اور دیگر تمام کی بی بی حکمت اور جرم کو چھپانے کے غرض سے ان کو سول دلی ہے اور گرفتاری نہ دینے کا تاہم ہے۔ اور یہ بھی سامنے آیا ہے کہ تمام اہلکاران کا ڈرگ ڈیپارٹمنٹ کے پاس دیا ہے۔

RECOMMENDATION

بالا حقائق کے پیش نظر ان تمام طبع کا ٹیکھل ماہد حسین جرم پورس مراد دیگر حد کہ ہوا اہلکاران ڈرگ ڈیپارٹمنٹ حسین کیا تھا لکر 45 کلو جس کا لین دین کرتا اور طوم شایعہ غنی جان سید مراد پھر قانونی کارروائی کرنے چھوڑنا اور جرم پر دلائل کر عین جرم اور بد عنوانی کا مرتکب ہو چکا ہے جرم پورس میں نوکری کے قابل نہیں رہتا۔ لہذا سخت سزا دینے کی ضرورت ہے۔

- 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.
- 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.
- 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.
- A copy of the findings of the inquiry officer is enclosed.

Attest

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

UP

District Police Officer  
Kurram

بخدمت جناب DPO صاحب ضلع کرم

عنوان جواب فائل شوکار

نمبر 1174 مورخہ 20-04-2023

میان بار یافت کاٹنٹیل حامد حسین تو رسر پوسٹ کرم پولیس فورس بحوالہ درجہ بالا بعد اختتام معروض ہوں کہ میں ایام وقوعہ مندرجہ چارج بطور کاٹنٹیل چیک پوسٹ تو رسر پر کرم تعینات تھا۔ تقریباً دو 2 ماہ قبل بھوزان چیکنگ ایک موٹر کار کارڈرولا کھر سفید سے 45 سیکیٹ جس برآمد ہوا۔ بدریافت ڈرائیور موٹر کار نے اپنا نام سختی جان ساکن لوڈ کرم صد فوری طور پر وقوعہ کی اطلاع DSP ہیڈ کوارٹر اور PPI زاہد حسین پارا چنار کو دی۔ آفسر بالائے حکم دیا۔ کہ ان کی آمد کا انتظار کیا جائے۔ تقریباً آدھا گھنٹہ بعد مذکورہ بالا آفسر آئے اور مجھے جس برآمد شدہ موٹر کار اور ڈرائیور سختی جان کو DSP/HQ اور PPI زاہد حسین پارا چنار کے کوارٹر پہنچانے کا حکم دیا۔ میں نے بحیثیت ماتحت حکم معمولی ادنیٰ کاٹنٹیل کی حیثیت سے احکامات کی تعمیل کرتے ہوئے۔ جس 45 پیکٹ موٹر کار اور ڈرائیور سختی جان حوالہ DSP/HQ اور PPI زاہد حسین کیا اور مجھے اپنے چیک پوسٹ پر جانے کی ہدایت کی۔

بعد میں سنایا گیا۔ کہ DSP/HQ آفسر اور PPI زاہد حسین بالائے جس موٹر کار اور ڈرائیور سختی جان کو کٹنٹیل نامی شخص 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 برآمد شدہ موٹر کار اور ڈرائیور سختی جان کو حوالہ کٹنٹیل کیا تھا۔ اور بعد میں DSP/HQ اور PPI زاہد حسین بالا مداخلت 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 ذہنی شعور اس امر کو قبول نہیں کرے گا۔ کہ رقم وصول کرنے کے دوبارہ واپس لانے میں کامیاب ہو سکے گا۔ جس کی سبب خرد و زور موٹر کار کی واپس اور ڈرائیور سختی جان کی رہائی سے نہ میرا کوئی تعلق تھا۔ اور نہ ہی میں نے کار و سارا معاملہ میں کوئی کردار کیا ہے۔ کیونکہ میری حیثیت اور کردار نہیں ہے۔

معاملہ میں قانونی قدم نہ اٹھانے میں میرے سینئر آفسران کے دئے گئے احکامات رکاوٹ تھے۔ میں میرے سینئر کے حکم کی تعمیل کی ہے۔ اور اس معاملے میں میں بالکل نے گناہ ہوں۔ لہذا ان مسائل آپ کے دربار عالیہ میں استدعا کرتا ہوں۔ کہ بالا بیان حقیقت پر مبنی ہے جو کہ درست ہے۔ مذکورہ فائل شوکار بالا متذکرہ مذہب کاروائی داخل دفتر کئے جانے کا حکم دے۔ اور آپ سے موہبانہ گزارش کی جاتی ہے۔ کہ مجھے کاٹنٹیل کی حیثیت سے مجھ کو رقم فرما کر بری الذمہ فرمایا جائے۔

کاٹنٹیل حامد حسین کرم پولیس فورس حامد حسین

21303-0537645-5

0300-9037634

28.04.23

Attested

District Police Officer  
Kurram



567

14

Annexure "E"

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

**ORDER:**

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

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

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

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

"بالا حقائق کے پیش نظر الزام علیہ کا شکیل حامد حسین کرم پولیس، ہرا اور دیگر سزا کرہ بالا اہلکاران ڈرگ ڈیلر کلکیل حسین کیساتھ ملکر 45 کلو گرام کالین دین کرتا اور طوم ڈرائیور بختی جان بھد موٹر بغیر قانونی کارروائی کرنے چھوڑتا اور جرم پر پردہ ڈال کر سنگین جرم اور بد عنوانی کا مرتکب ہو چکا ہے۔ کرم پولیس میں نوکری میں قائل نہیں رہتا۔ لہذا سخت سزا دینے کی سفارش کی جاتی ہے۔"

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

Attested

District Police Officer

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

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

Order announced

*Muhammad Imran*  
MUHAMMAD IMRAN)<sup>PSP</sup>  
District Police Officer,  
Kurram

OB No. 717

Dated: 06 12 2023

Copy forwarded to the:-

1. Regional Police Officer Kohat Region with reference to this office No. 936/PA dated 29.03.2023.
2. Superintendent of Police, Complaints & Enquiry, Internal Accountability Branch, Khyber Pakhtunkhwa, CPO, Peshawar.
3. SP Investigation Kurram
4. District Accounts Officer Kurram
5. SRC Kurram
6. Pay Officer Kurram
7. OASI Kurram.
8. Official concerned

*Attested*

*Muhammad Imran*  
MUHAMMAD IMRAN)<sup>PSP</sup>  
District Police Officer,  
Kurram

*NP*

District Police Officer  
Kurram



**ORDER**

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

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

District Police Officer, Kurram initiated proper departmental enquiry proceedings against him and Superintendent of Police, Investigation, Kurram was appointed as enquiry officer. The Enquiry Officer after fulfillment of codal formalities submitted his findings wherein the appellant was found guilty of the charges leveled against him.

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

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

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

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

**Order Announced**

07.05.2024

*Attested*

*[Signature]*  
District Police Officer  
Kurram  
Regional Police Officer,  
Kohat Region

No. 4235 /EC, Dated Kohat the 14<sup>th</sup> /05/2024

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