


Form-A

FORM OF ORDERSHEET

Court of _____

Case No. 1000/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.07.2024	<p>As per direction of the Hon'ble Member Judicial the present appeal is fixed for preliminary hearing before Single Bench at Peshawar on 23.07.2024. Parcha Peshi giving to the counsel for the appellant.</p> <p style="text-align: right;"> REGISTRAR</p>

The appeal of Mr. Attiq ur Rehman received today i.e on 03.07.2024 is incomplete on the following score which is returned to the appellant for completion and resubmission within 15 days.

- 1 ✓ Appeal has not been flagged/marked with annexures marks.
- 2 ✓ Annexures of the appeal are unattested.
- 3 ✓ Copies of charge sheet, statement of allegations, show cause notice and replies thereto are not attached with the appeal be placed on it.
- 4 ✓ In the memo of appeal many places have been left blank be filled up.
- 5 ✓ Annexures A, B, C and D of the appeal are illegible be replaced by legible/better one.
- 6 ✓ Three copies/sets of the memo of appeal along with annexures i.e. complete in all respect for Tribunal and one for each respondent may also be submitted with the appeal.

No. 299 /Inst./2024/KPST,

Dt. 4/7 /2024.


4/7/24
OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Khurshid Ahmad Shahn Adv.
High Court Peshawar.

objections removed as per directions
Be fix it before S.B. R.
19/7/2024

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. 1000 /2024

Attiqu ur Rehman.....Appellant

Versus

CCPO Peshawar and others.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
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3.	Addresses of parties		7
4.	Copy of letter dated 10.01.2024	A	8-10
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Appellant

Through


Khurshid Ahmad Shahan
Advocate High Court

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Khyber Pakhtunkhwa Service Tribunal

Service Appeal No. 1000 /2024

Diary No. 13950

Dated 03-07-2024

Attiqu ur Rehman
Ex-Constable No.2252
Posted as PSO/SDPO Hayatabad Peshawar.....**APPELLANT**

Versus

1. Capital City Police Officer, Peshawar
 2. Inspector General of Police Khyber Pakhtunkhwa Peshawar
-**RESPONDENTS**

APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST: IMPUGNED ORDER DATED 07.02.2024 WHEREBY APPELLANT HAS BEEN AWARDED THE MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WITH IMMEDIATE EFFECT

filed to-day
R. S. S. S. S.

Prayer:
on acceptance of this Service Appeal, the Impugned Order dated 07.02.2024 may kindly be set-aside be declared as null and void and the appellant may

kindly be reinstated in service with all back benefits, with such other relief as may deem fit in the circumstances of the case may also be granted.

Respectfully Sheweth,

Short facts, giving rise to present Service Appeal, are as under:

1. That the appellant is peaceful and law abiding citizen of Pakistan
2. That the appellant was serving as Constable No.2252 from the last about 22 years efficiently.
3. That the statement of allegations was issued against the appellant vide letter No.245/PA dated Peshawar 10.01.2024. **(Copy of letter dated 10.01.2024 is attached as annexure "A")**.
4. That the show cause notice No.172/PA/CCP dated _/01/2024 was issued to the appellant. **(Copy of Show notice is attached as annexure "B")**.
5. That the reply of the aforesaid Show Cause Notice was submitted by the appellant. **(Copy of the reply of show cause notice is attached as annexure "C")**.

It is therefore requested that on acceptance of this Service Appeal, the Impugned Order dated 07.02.2024 may kindly be set-aside be declared as null and void and the appellant may kindly be reinstated in service with all back benefits, with such other relief as may deem fit in the circumstances of the case may also be granted

عبد الرحمن

Appellant

Through

Khurshid Ahmad Shahan
Advocate High Court

(6)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2024

Atiq ur Rehman.....Petitioner

VERSUS

CCPO and others.....Respondents

AFFIDAVIT

I, Atiq ur Rehman, Ex-Constable No.2252, do hereby solemnly affirm and declare that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



2-7-24

Atiq ur Rehman
DEPONENT

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

Service Appeal No. _____/2024

Attiqu ur Rehman.....**Appellant**

Versus

CCPO Peshawar and others.....**Respondents**

ADDRESSES OF PARTIES

APPELLANT:

Attiqu ur Rehman, Ex-Constable No.2252
Posted as PSO/SDPO Hayatabad Peshawar

RESPONDENTS:

1. Capital City Police Officer, Peshawar
2. Inspector General of Police Khyber Pakhtunkhwa
Peshawar

Through

Appellant

Khurshid Ahmad Shahan
Advocate High Court



Aux
A
(8)

**OFFICE OF THE
SR: SUPERINTENDENT OF POLICE, INV: CCP, PESHAWAR.**

Office Ph: No. 091-9210642

No. 245 /PA, Dated Peshawar the 10/01 /2024. E-21

To: The Capital City Police Officer,
Peshawar.

Subject: COMPLAINT AGAINST HAMAYUN KHAN OIL PS HAYATABAD AND FC
ATTIQUE UR REHMAN IN CASE FIR NO. 1754 DATED 25.12.2023 U/S-9D/11 CNSA
PS HAYATABAD, PESHAWAR.

Reference attached.

ALLEGATIONS

The applicant Zarin Shah s/o Zafar Khan submitted an application to the undersigned in case FIR No. 1754 dated 25.12.2023 u/s-9D/11 CNSA PS Hayatabad, which reveals that:

- On 24.12.2023 at approximately 10/11 PM the son of applicant namely Amir Khan s/o Zarin Shah and his nephew Ahmad Ullah s/o Hussain Shah were on the way to their native village at Landi Kotal from Peshawar.
- When the said persons reached near Sitara market, due to some reasons, some hot words had been exchanged with the Police officials, resultantly they were apprehended and booked in the above noted case.
- Thereafter, the Investigation Officer demanded for money and the applicant arranged Rs: 5,50,000/-.
- In the meanwhile Attique Ur Rehman also contacted the applicant and asked for more 05 lacs rupees, as such the applicant paid Rs: 04 lacs through Easypaisa to him vide A/C No. 55855001211463 Bank Al-Falah A/C Title Attique Ur Rehman.
- Furthermore, they demanded for more amount, and threatened to implicate other family members, if not paid.
- Moreover, the above-mentioned persons are innocent, and they have been implicated in the case on the behalf of some interested persons.
- More so, the applicant requested that the matter may be intervened and an impartial inquiry may be conducted in the case and be re-investigated through any other impartial/honest inquiry officer against the above named Police officials.

PROCEEDINGS

For the purpose to scrutinize the matter, the applicant and the alleged officials were called to the office of the undersigned, heard them in person and their statements were recorded and appended herewith, while the crux of their statements are as under:-

STATEMENT OF MISS MAYAB RAMZAN ASP HAYATABAD, PESHAWAR. (F/A)

She stated that while on patrolling duty in the Hayatabad area, she received credible information about the arrest of two accused involved in drug trafficking who were shifted to PS Hayatabad. Subsequently, she also visited PS Hayatabad, where she gathered comprehensive details about the accused while a significant amount of contraband was also seized from the accused party, as duly recorded in case FIR No. 1754 dated 25.12.2023 u/s-9D CNSA/11-CNSA. She further stated that she was not aware of any involvement of the OI/Inspector Hamayun Khan and FC Aliq Ur Rehman. She also stated if she was cognized of such involvement, she would have promptly initiated an impartial inquiry against them to uphold the principles of justice and fairness. More so, she further deliberated that her statement is made to provide a clear and accurate account of the events surrounding the arrest and subsequent proceedings and she is fully committed to support any investigations and ensure transparency in the pursuit of justice.

**STATEMENT OF INSPECTOR HAMAYUN KHAN OIL PS HAYATABAD (PRESENTLY UNDER
SUSPENSION). (F/B)**

He stated that the investigation of case FIR No. 1754 dated 25.12.2023 u/s-9D CNSA/11-CNSA PS Hayatabad was entrusted to him in which the under possession Revo vehicle is registered in the name of the brother of arrested accused. In this connection the brother of accused was called to PS concerned while he neither demanded the mentioned amount nor he received it. The allegations are baseless and the accused is presently in Judicial Lockup. He further stated that the applicant levelled allegations against him for the grant of relief to his son during his detention and to effect the same.

ATTESTED.

9

**OFFICE OF THE
SR: SUPERINTENDENT OF POLICE, INV: CCP, PESHAWAR.**

Office Ph: No. 091-9210642 /2024.
No. /PA, Dated Peshawar the

STATEMENT OF SI BABAR KHAN OF PS HAYATABAD. (F/C)

He stated that on 24/25.12.2023 he was assigned the look after charge of SHO PS Hayatabad because of the station leave of Inspector Imran Alam Khan. Moreover, on the day of incident he received information and went to the place of occurrence along with Police officials, therein ASP Hayatabad was present at place of occurrence, while FIR No. 1754 dated 25.12.2023 u/s-9D CNSA/11-CNSA PS Hayatabad is correct according to the record. He further stated that the whole proceedings were done under the supervision of ASP Hayatabad and other officers. He further stated that he neither took any gratification from the applicant party nor demand for it.

STATEMENT OF HC ATTIQUE UR REHMAN PSO TO SDPO HAYATABAD. (F/D)

He stated that he is posted as PSO to ASP Hayatabad on 25.12.2023 at 11:50 am, he along with ASP Hayatabad and other officials went to the place of occurrence wherein the local Police arrested the accused namely Amir s/o Zarin Shah and Ahmad s/o Hussain Shah r/o Landi Kotal and recovered 1250 xteny tablets, 2400 grams ice and 5000 grams charrs. Later on, I.O of the case received Police custody from Court concerned and the said accused were kept at Police Station Hayatabad. He further stated that on next day of registration of FIR the said accused had to pay 03 lac and 50 thousand rupees to Mr. Asim due to the urgent need. In this regard he provided his account number on humanitarains ground while the said amount was sent to Asim on next day, that could also be confirmed from Mr. Asim.

STATEMENT OF APPLICANT ZARIN SHAH S/O ZAFAR KHAN. (F/E)

He stated in respect of case FIR No. 1754 dated 25.12.2023 u/s-9D/11 CNSA PS Hayatabad, approximately at 10/11 hrs that his son Amir Khan and nephew Ahmad were on the way to Landi Kotal from Peshawar, meanwhile at Sitara Market due to verbal altercation with the local Police, they got arrested them and booked in the said case. He further stated that upon receipt of information regarding the said incident he informed his friend namely Khalid Khan (owner of Palace Hotel), meanwhile he contacted Inspector Hamayun Khan wherein he demanded five lacs rupees. Furthermore, Khalid Khan gave the demanded amount to Inspector Hamayun Khan for giving relief to his son in front of witnesses Junaid and Amir at Noor Bargain, Peshawar while, on 25.12.2023 the Inspector Hamayun Khan demanded for further fifty thousand rupees, which was handed over to him in presence of witness namely Farhan Alam (total five lacs and fifty thousands rupees were handed over to Inspector Hamayun Khan OII PS Hayatabad). He further stated that Attique Ur Rehman presently performing his duty with ASP Hayatabad contacted me and demanded for five lac rupees for dismissal of the case, meanwhile he sent money worth amounting 04 lacs to Attiq Ur Rehman from easypaisa account to Bank Alfalah account No. 55855001211463 (receipt enclosed). Applicant requested for impartial investigation, recovery of said money and initiating proper departmental proceedings against the accused officials.

STATEMENT OF TAJIR KHAN S/O ZARIN KHAN (BROTHER OF ACCUSED AMIR). (F/F)

He stated that on 25.12.2023 his brother accused Amir called him stating therein that he is sending account of Bank Alfalah and he deposited 04 lacs rupees in the said account. First transaction of amount Rs: 2,50,000/- was made to account titled Attique Ur Rehman having account No. 55855001211463. Thereafter, second transaction of amount Rs: 47,000/-, third transaction of amount of Rs: 1,00,000/- were made on the mentioned account. Thus, total amount of Rs: 3,97,000/- plus 3000/- transaction fee was deposited on the said account. He further stated that after last transaction he sent screenshot of the same to Attique Ur Rehman on WhatsApp wherein he replied "Ok".

STATEMENT OF MUHAMMAD JUNAID S/O SUFAID ULLAH KHAN R/O ZARGARAN LANDI KOTAL (RELATIVE OF ACCUSED AMIR). (F/G)

He stated that on 29.12.2023, Haji Zarin Shah told him to go with his friend namely Khalid and hand over 05 lacs rupees and also told him to count the said amount. Later on, the sum amount was handed over to Khalid in front of Haji Zarin Shah house situated at Phase No. 02 Hayatabad. More so, he and his elder brother namely Amir Khan on motorcycle followed the motor car of Haji Zarin Shah toward Pishtakhara, while when they reached Pishtakhara Chowk Khalid told him that Inspector Hamayun Khan allocated Noor Bargain for receiving the said amount but he did not know the location of Noor Bargain. Consequent upon, he indicated him Noor Bargain situated at Ring Road and therein 02 persons were standing, in which one is duly armed with Kalashnikov and seem like gunman. Thereafter, Khalid handed over the said amount to them. Subsequently, Khalid called Haji Zarin Shah and told him that the amount Rs: 05 lacs have been handed over to Inspector Hamayun Khan.

ATTESTED

10

**OFFICE OF THE
SR: SUPERINTENDENT OF POLICE, INV: CCP, PESHAWAR.**

Office Ph: No. 091-9210642

No. _____ /PA, Dated Peshawar the _____ /2024.

**STATEMENT OF AMIR KHAN S/O SUFAID ULLAH KHAN R/O ZARGARAN LANDI KOTAL
(RELATIVE OF ACCUSED AMIR). (F/II)**

He stated that on 29.12.2023, Haji Zarin Shah told him to go with his friend namely Khalid and hand over 05 lacs rupees and also told him to count the said amount. Later on, the sum amount was handed over to Khalid in front of Haji Zarin Shah house situated at Phase No. 02 Hayatabad. More so, he and his brother namely Muhammad Junaid on motorcycle followed the motor car of Haji Zarin Shah toward Pishtakhara, while when they reached Pishtakhara Chowk Khalid told him that Inspector Hamayun Khan allocated Noor Bargain for receiving the said amount but he did not know the location of Noor Bargain. Consequent upon, he indicated him Noor Bargain situated at Ring Road and therein 02 persons were standing, in which one is duly armed with Kalashnikov and seem like gunner. Thereafter, Khalid handed over the said amount to them. Subsequently, Khalid called Haji Zarin Shah and told him that the amount Rs: 05 lacs have been handed over to Inspector Hamayun Khan.

CONCLUSION:

Keeping in view the above circumstances i.e. statements of witnesses and evidentiary proof available on record it came to surface that the alleged officials Inspector Hamayun Khan OII PS Hayatabad presently under suspension and FC Attique Ur Rehman PSO to ASP Hayatabad are found guilty for taking illegal gratification from the applicant.

Submitted for kind perusal, please.

Wazir
(Muhammad Ashfaq) PSP
Senior Superintendent of Police,
Investigation, CCP, Peshawar

ATTESTED

Aves
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(11)



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210080 Fax No. 001-9212597

No. 172 Date 01/20/24

SHOW CAUSE NOTICE
(Under Rules 533 of KP Police Rules 1975)

That you constable Atiq-ur-Rehman No. 2252, while posted as PRO/SDPO Hayatabad, Peshawar have rendered yourself liable to be proceeded under Rules 5 (3) of the Khyber Pakhtunkhwa Police Rules 1975 for the following misconduct:-

- I. That you, at preliminary enquiry conducted by SSP Investigation, Peshawar vide No. 245/P.A. dated 10.01.2024 in which you were found guilty on account of complaint registered by the complainant namely Zarin Shah s/o Zahir Khan alleging therein that you demanded money from the complainant and received 04 Lacs Rupees through Easy Paisa vide Account titled Atiq-ur-Rehman & No. 55855001211463 Bank Al Falah
- II. Your act of demanding illegal gratification/ bribe from the general public is intolerable and brought bad name for the department.
- III. Being a member of police force, your act is highly objectionable and comes within the ambit of corruption according to Police Rules.
- 2) That the misconduct on your part is prejudicial to good order of discipline in the Police force.
- 3) I therefore called upon you to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules 1975 for the misconduct referred above.
- 4) You should submit reply to this show cause notice within 07 days of the receipt of the notice, failing which an ex-parte action shall be taken against you.
- 5) You are further directed to inform the undersigned that you wish to be heard in person or otherwise.
 - a) Your this attitude is highly unprofessional and resulted into a huge loss to innocent citizens.Being a member of police force your response and Attitude was against the Police Rules and brought bad name for the department

CAPITAL CITY POLICE OFFICER,
PESHAWAR

Copy of the above is forwarded for information to these:-
• SSP Operations, Peshawar

ATTESLEY

Academy

بھان اذان شیعہ الر من 2252

جناب عالی!

- بحوالہ شوکاژ نمبری 172 مہمراض ہوں کہ من کاشٹیل کی اکی ان بی قمانہ تا تاہا انس قنونات ہوں۔
- یہ کہ من ساکن گزشتہ 22 سالوں سے نہایت خوش اسلوبی اور نہایت جانفشانی کے ساتھ اپنے ذرائع و اسس طریقہ سے اپنا انجام دے رہا ہوں۔
- یہ کہ من ساکن نے ابتدائی انگریزی میں دوہرہ ایس ایس بی سراسب اونیورسٹی میں خوش ہو کر وہاں میں آنر بی اے کیا ہے جس میں کچھ حقائق تفصیل سے بیان نہ کر سکا ہوں۔
- یہ کہ قمانہ حیات آباد میں خطبات کے مقدمہ میں ملوث ٹرمان پارٹی نے کسی طریقہ سے من ساکن کا موبائل نمبر لے لیا ہے۔
- ذریعے میرا اکاؤنٹ معلوم کر کے من ساکن کو رقم بھیجی جس کی بابت اور سال شدہ ایجنسی جیسے اکاؤنٹ ہولڈر سے رابطہ کر کے رقم کی بابت ملوث ٹرمان سے معلومات کرنے کا کہا گیا۔
- ملوث ٹرمان کا والد اور سرسر چوٹیکہ سینڈ طور پر حوالہ ہٹنی کا کاروبار کرتا ہے اور کرنسی ڈیپازٹ ہے لہذا اس کو کسی بھی موبائل نمبر کے ذریعہ اکاؤنٹ نمبر معلوم کرنا کوئی مسئلہ نہ ہے۔
- یہ امر واضح رہے کہ ٹرمان کے خلاف مقدمہ مورخہ 25 دسمبر کو درج کیا گیا تھا جبکہ من کاشٹیل کو رقم اگلے روز ارسال کی گئی ہے۔
- یہ کہ من ساکن ایک غریب کاشٹیل ہوں جو نہ تو کسی کے خلاف مقدمہ درج ہونے اور نہ ہی تفتیشی عمل پر اثر انداز ہو سکتا ہوں۔
- یہ امر بھی قابل ملاحظہ ہے کہ من ساکن قمانہ 333 اس قینات تھا جبکہ مقدمہ قمانہ حیات آباد میں درج ہوا ہے۔
- یہ کہ رقم کی بابت ٹرمان سے معلوم کرنے پر انہوں نے یہ رقم کسی ماسم کو دینے جانے کا کہا جو انسانی حدود و ہی کی بنیاد پر من کاشٹیل نے غیر ارادی اور غیر شعوری طور پر وہی رقم اسی اکاؤنٹ ہولڈر کو واپس کرنے کی بجائے ٹرمان کے کہنے پر کسی ماسم کو حوالہ کی ہے جس سے متعلق باز پرس کر کے معلومات حاصل کی جاسکتی ہیں۔
- اسی طرح رقم کی وصولی اور دوبارہ حوالگی سے متعلق نٹل میں قید ٹرام نامر ولد زرین سے بھی معلومات حاصل کی جاسکتی ہیں۔
- مزید یہ بھی گزارش کی جاتی ہے کہ اسی بابت نٹل میں قید ٹرام کی ٹیل سے رہائی کے بعد بھی قبلی و تفتیشی کی جاسکتی ہے اگر اس وقت بھی من ساکن کے بیان میں کچھ امر پوشیدہ رکھا گیا ہو تو پھر من ساکن کے خاندانہ کارروائی کی جائے۔
- لہذا استدعا کی جاتی ہے کہ من ساکن کے کردار اور مافیہ میں نوکری کی مد نظر رکھتے ہوئے من ساکن کے خلاف جاری شوکاژ کو داخل دفتر کیا جائے۔
- تاہم سریدست من ساکن کی لاشعوری کوتاہی کو نظر انداز کر کے شوکاژ داخل دفتر کیا جائے۔

العیب

2
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OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR
Phone No. 091-9210929 Fax: No. 091-9212777

Amex
"D"
(13)

ORDER

Constable Aliq ur-Rehman No. 2252, while posted at P.O.A.C.P, Hayatabad, Peshawar was issued Show Cause Notice vide this office No. 172/P.A./CCP, dated 16.01.2024 on the charges that he, in per enquiry conducted by SSP/Investigation, Peshawar vide No. 245/P.A., dated 10.01.2024 was found guilty on account of complaint registered by the complainant namely Zahir Shah Jo Zafar Khan alleging therein that he demanded money from the complainant and received 04 Lacs, Rupees through Easy Patta vide Account titled Aliq ur-Rehman & No. 55855001211463 Bank Al Falah for favoring his son arrested with synthetic drugs in huge quantity. His act of demanding illegal gratification/wrife from drug smuggler is intolerable and brought a bad name for the department. Moreover, being a member of Police Force, his act is highly objectionable and comes within the ambit of corruption according to Police Rules.

2- The alleged official submitted his written reply to the Show Cause Notice which was perused and found unsatisfactory.

3- He was heard in person in Orderly Room and record of the case & enquiry conducted by SSP/Investigation has been perused. During personal hearing the delinquent official failed to submit any tangible reason in his defense. The digital transaction transfer of money on his cell phone from father of an arrested smuggler is undeniable. I am therefore convinced that he got money from drug smugglers and as such earned a bad name for the department. Keeping in view the gravity of his delinquency and findings of the enquiry I, being competent authority dispensed with the regular departmental proceedings and hereby award him the major punishment of "Dismissal from service" with immediate effect.

"Order is announced"

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 448-CC P.A.-CCP, dated Peshawar the 17 02-2024

Copies for information and necessary action to the :-

1. SSSP/Operations, Coordination & Investigation Peshawar.
2. SSI/Cantt., HQr: & Security Peshawar.
3. AD/IT CCP Peshawar.
4. OS, CRC, OASI & PO.
5. FMC along with complete original file.
6. Official concerned.

327
27-02-2024

17/02/2024

TESTED

Annexure E
14

Before the Hon'able Inspector General of Police, Peshawar

Subject: Appeal u/r 11(2) KP Police Rules 1975(Amended 2014) against the impugned order, Passed by worthy Capital City Police Officer Peshawar vide Endst No. 448-60/PA dated 07.02.2024

Respected Sir,

The appellant respectfully prefers this appeal against the impugned order of Worthy CCPO Peshawar, inter-alia on the following grounds, amongst others. (Order is enclosed as Annexure-A).

PRELIMINARIES:

1. At the very outset the appellant refers rule 16.2 Police Rules 1934, wherein it has been clearly provided that the punishment of dismissal is to be awarded very cautiously and with circumspection, relevant para whereof is enunciated as under:-
"Dismissal shall be awarded only for the gravest acts of misconduct or as the cumulative effect of continued misconduct proving incorrigibility and complete unfitness for police service. In making such an award regard shall be had to the length of service of the offender". The competent authority awarded major penalty of dismissal to appellant, for no act or attribution, having not been committed rather no continued misconduct on the part of appellant exists. Moreover, the appellant served this august force for such a long period of about 22 years but the authority didn't consider this mandate provision, laid down u/r 16.2 PR 1934.
2. Worth mentioning that act of corruption/ malpractices like, receiving money from anti-social elements/smugglers/criminals or misappropriating case property money, needs to be legally adjudged in accordance with police rules / other relevant laws and there should be sufficient incriminating materials to substantiate the charges. Needless to say that corruption charge / persistent corruption requires solid materials but here on record, nothing in support is available. Rules regarding proceedings against Police Officers reported to be corrupt or involved in corrupt practices, attract rules 16.39 r/w 16.16 PR 1934, wherein corruption record is required to be maintained on personal file, character role or fauji missal and attested copy thereof shall be furnished to the Police Officer concerned, but such record has not been maintained or is not available against me hence the charge does not carry legal footings.
3. The impugned order of worthy CCPO is without lawful authority and without jurisdiction as he was within meaning of rule 11(2) Police Rule 1975 is the appellate forum and not the authority. For departmental proceedings against the rank of constable as per schedule-1 Police Rule 1975 DPO/SSP/SP is the authority, hence he (worthy CCPO) could not take upon himself the role of authority Reliance is placed on the reported judgment 1988 PLC (CS), page 387. Impugned order

ATTESTED

was set aside and appellant reinstated with back benefits by the learned superior court.

4. The worthy inquiry officer did not follow prescribed procedure as per rule 6 of KP Police Rules 1975(Amended 2014), relevant para whereof is reproduced as under:-**"The inquiry officer shall inquire into the charge and may examine such oral or documentary evidence in support of the charge or in defense of accused as may considered necessary and the witnesses against him"** The worthy inquiry officer though has examined witnesses but he did not follow the prescribed procedure as per rule 6 of KP Police Rules 1975(Amended 2014), providing no cross opportunity to appellant, even not associated him with proceedings, therefore disciplinary process contains gross legal infirmities. The finding report is also void abenitio and coram-non-judice, within the provision of Rule 6(v) of rules 1975 hence is not tenable (**Reported judgment 2005 PLC (CS) page 1544**)
5. As per **rule 6(v) of rule 1975**, the worthy inquiry officer had only to submit cogent grounds to connect the appellant with alleged charge but no ground has so far been collected and brought on record. The evidence of the aggrieved viz applicant Zareen Shah, Tahir Khan, Muhammad Junaid and Amir khan before the worthy inquiry officer contains/exists huge contradictions, therefore, is not of worth reliance/consideration.
6. The worthy inquiry officer did not bother to examine a material witness during proceedings but acted at his own whim and fancy, submitted finding report on assumption which as per law is not tenable.
7. The punishment is very harsh and as per superior court judgment the quantum of judgment must be appropriate, compatible and reasonable (**1988PLC(CS) Page 179**)

ON FACTS:

- i. Short facts are that case u/s 9D CNSA/11 CNSA/15AA vide FIR 1754 dated 25.12.2023 PS Hayatabad was registered against accused Amir etc
- ii. During course of investigation one Zareen Shah, f/o accused Amir submitted an application to the authority that the appellant took over RS 4 lacs through easypaisa account on his name but the alleged charge was not seriously investigated by the worthy inquiry officer on the defense line, taken in the reply of charge sheet by the appellant.
- iii. The appellant faced departmental proceedings and submitted detailed reply (**Exhibit B**) to the charge sheet but couldn't be considered rather seriously investigated by the worthy inquiry officer and thereafter the inquiry officer submitted finding report (**Ex C**).
- iv. On submission of finding report by worthy inquiry officer, the authority without going into the merits of the case, **passed the impugned order dated 07.02.2024**

 **ATTESTED**

(15)

and dismissed the appellant from service without justifiable cause or cogent grounds.

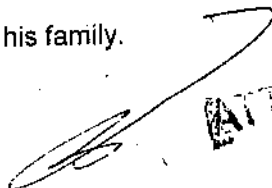
GROUND OF APPEAL:

The impugned order of W/CCPO, is assailable on the following grounds.

- a. Dismissal is violation of rule 16.2 PR 1934 and appellant deserves to be reinstated in service, under this mandate proviso.
- b. The inquiry proceedings have not been conducted as per law, within the meaning of police rules 1975. **It has been held by superior court, relevant observation is as under:**

"Sketchy inquiry is not sufficient to prove any charge against appellant – no witness was examined in inquiry proceedings – appellant was found guilty by inquiry officer without any substantive evidence – impugned order was set-aside".

- c. The alleged charge is not justifiable and is considerable on the following few stances:-
 - i. The appellant was not associated with departmental inquiry proceedings, conducted by Worthy Inquiry officer, which as per law is without lawful authority hence is not tenable.
 - ii. The worthy Inquiry Officer examined witnesses but the appellant was not given the opportunity of cross examination thus the proceedings are void abenitio and not tenable.
 - iii. The principle of natural justices would be violated only when an action is taken against a person without his knowledge (NLR 214 April QTA). **It has been held by Hon'able Court that without knowledge, conviction is illegal and it was set aside (NCR 2004 (Feb P-84 Peshawar).** I swear that I have not received the alleged money for any unlawful purpose but on humanitarian basis on the request of accused (reasoned in reply to charge sheet) and whatever he (applicant) has said, just he is trying to save the skin of his son Amir from clutches of law.
 - iv. Witness miss Nayab Ramzan ASP Hayatabad has clearly stated before the worthy inquiry officer **"that she was not aware of any involvement of the appellant and if she was cognized of such involvement she would have promptly initiated an impartial inquiry against him"** hence being a responsible officer, her statement should not be discarded.
 - v. **No direct evidence as per recorded statements by the Inquiry officer is substantiating the alleged charge.**
 - vi. Since the appellant has joined this august force, he performed dedicatedly, honestly, efficiently and to the entire satisfaction of superiors, acted beyond the call of duty at the risk of his life. The awarded penalty shall cause irreparable loss to the appellant and his family.


ATTORNEY

(17) (16)

- d. Worth to highlight that in a likewise case, in reported judgment 1989 PLC(CS) Page 336, a civil servant was dismissed from service on the charge of corruption but no solid proof or material was found against appellant except his cheque book and deposit of substantial amount in his bank. Appellant's dismissal was set aside and he was reinstated that no cogent evidence to connect the appellant with his bank account could be collected rather brought on record, no case of misconduct was made against him.
- e. Findings of worthy inquiry officer is based on hearsay as no direct or indirect evidence is collected and brought on record to connect the appellant with alleged act of misconduct (2005 PLC (C.S)page 559)

PRAYER

Foregoing in view, it is humbly prayed that by accepting this appeal, the impugned order dated 07.02.2024 (dismissal from service) may very kindly be set aside and the appellant reinstated in service, to meet the ends of justice.

سید الرحمان

Sincerely yours

Ex- Constable Attiq-ul-Rahman No: 2252
(Appellant)a

REGISTERED

(81)

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GA-RE APPROVED
GR NO 1588/AG
6-3-24
S/S/2024



قیمت 50	35565	پشاور بار ایسوسی ایشن، خیبر پختونخوا
ایڈریس:	PESHAWAR BAR ASSOCIATION	
بار کونسل ایسوسی ایشن برائے رابطہ نمبر: 0315-6282785		
Service Tribunal KPT		
بعد اذیت جناب		

مخاطب: Appellant	دعویٰ: Service Appeal
عسیر الرحمن	علت نمبر:
بنام	موضوع:
وکیل درجہ	جرم:
	تھانہ:
باعت تحریر آنگہ	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام عسیر الرحمن کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقریر نمائندگی و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا ایجنل کی برآمدگی اور منسوخی، نیز
 دائر کرنے ایجنل نگرانی و نظرتانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانون کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پر داخلہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے 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



المرقوم: 20/20

مقام _____

_____ کے لیے منظور ہے۔

(Handwritten signature)

نوٹ: اس وکالت نامہ کی فونو کاپی ناقابل قبول ہوگی۔