

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.2468/2023.

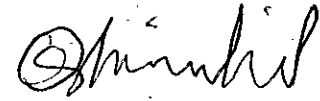
Sibghat Ullah Ex-Senior clerk of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**

I n d e x

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**DSP/Legal,
CCP, Peshawar.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.2468/2023.

Sibghat Ullah Ex-Senior clerk of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**

REPLY BY RESPONDENTS NO. 1 & 2.

Respectfully Sheweth:-

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 126451

Dated 09-05-2024

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to Hon'ble Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

REPLY ON FACTS:-

1. First part of the Para pertains to record while rest of the Para denied on the grounds that the appellant during his service indulged himself in various corrupt practices and also found in grouping. He was found interfering in affairs of everyone to extort gratification/money. The appellant also filed false/anonymous complaints against the staff in order to obtain desired posting which badly hampered the official work of the department. It is pertinent to mention here that the appellant was previously dismissed from service on the same allegations.(Copy of order is annexed as A)
2. Incorrect. As per report of Incharge PAL Office Hayat Abad, Police clearance certificate vide serial No. 537 & 538 are made bogus/fake. The matter was preliminary enquired by DSP security/Admin, wherein the charges were proved against the appellant and recommended him for proper enquiry as well as criminal proceeding under relevant section. In fact the appellant while posted as Incharge CC Branch Peshawar involved himself in malpractices by making fake signatures of the competent authority upon Police clearance certificate of two Afghan Nationals in order to receive illegal gratification. The appellant issued two bogus/fake police clearance certificateS through bogus signatures to two Afghan Nationals and received illegal gratification/bribe Rs.15000/- to 20000/- per certificate. Furthermore, the august apex court has issued numerous judgments affirming that the act of accepting illegal gratification constitutes a grave offense, particularly for civil servants. In cases where a civil servant is found guilty of such an offense, it has been established that they cannot be retained in the civil service. (Copy of Incharge PAL Report is annexed as B).
3. Incorrect. The appellant's attempt to evade responsibility by requesting to change the enquiry officer. In fact, the matter was initially enquired by DSP Security, and subsequently, the Competent Authority ordered for a regular inquiry, which was conducted by SSP Investigation in

accordance with the prevailing law and rules. During the course of the inquiry, the charges leveled against the appellant were conclusively proved, leaving no room for doubt.

4. Incorrect. Upon receipt of the preliminary enquiry, a regular enquiry was conducted against the appellant by the order of competent authority to dig out the real facts. Proper charge sheet with statement of allegations were issued to him vide No.13-E/PA, dated 29.06.2022. SSP Investigation, was appointed as Enquiry Officer. During the course of Enquiry, he was called, recorded his statement and also heard him in person by the Enquiry Officer. The enquiry officer after finalizing the enquiry, submitted his findings report vide No.1468/PA, dated 06.04.2023 wherein, the charges were proved against him. (Copy of Charge sheet, Statement of allegations and Enquiry report are annexed as C, D and E).
5. Incorrect. A thorough departmental inquiry was conducted against him in accordance with law/rules. Proper opportunity of personal hearing and cross examination was provided to him. Enquiry officer after detailed probe into the matter reported that the charges against the appellant were proved. The appellant was provided full fledged opportunity of defense to prove his innocence, but he failed to do so. Hence, he was recommended for appropriate punishment.
6. Incorrect. The Competent Authority after receipt of the findings report issued show cause notice, to which he replied, but reply of appellant was found unsatisfactory. After fulfillment of all codal formalities he was awarded major punishment of dismissal from service under Police Rules 1975 amended 2014 which does commensurate with the gravity of misconduct of appellant. (Copy of Show Cause Notice is annexed as F).
7. Incorrect. The appellant filed departmental appeal, which was thoroughly processed and an ample opportunity of hearing was provided to the appellant by appellate authority but he failed to defend himself with plausible/justifiable grounds, hence after due consideration his appeal was rejected/filed vide No.3043-50/23 dated 30.10.2023 on the grounds of facts.
8. That appeal of the appellant being devoid of merits and limitation may be dismissed on the following grounds.

REPLY ON GROUNDS:-

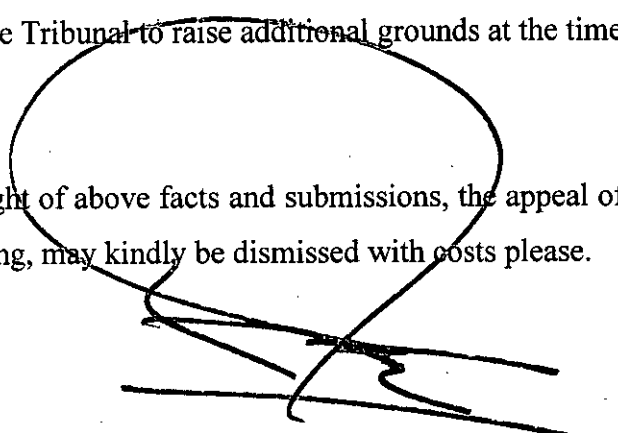
- A. Incorrect. The orders passed by the competent authority are legal/ lawful and liable to be upheld. Furthermore, Government servants are entrusted with responsibilities that require honesty and adherence to legal and ethical standards. Signing verification documents with a bogus signature not only violates these standards but also jeopardizes the credibility of official processes.
- B. Incorrect. The appellant was provided full-fledged opportunity of personal hearing however, he failed to advance any plausible explanation in his defense.
- C. Incorrect. The whole enquiry proceedings were initiated purely on merit and in accordance with law/rules. The appellant was provided full opportunity of self defense and also given the chance of cross examination but he failed. Furthermore, no injustice has been done by the respondents department.
- D. Incorrect. The appellant only want to save his skin from misconduct/negligence explained in detail in the above paras. The appellant treated as per law/rules. The charges leveled against the appellant were proved, hence the punishment orders were passed in accordance with facts and


rules. Besides criminals and departmental proceedings are two different entities which can run parallel and the fate of one will have no effect on the other.

- E. Incorrect. During the course of enquiry, the computer operator Muhammad Nawaz gave his statement that he was preparing security plans on daily basis and beside him other officials were also using the computer wherein in his absence officials of CC branch and reader branch also use and operate the computer. The appellant failed to rebut the charges and the enquiry officer conducted thorough probe into the matter and found appellant guilty of the charges.
- F. Incorrect. The punishment order passed by the competent authority, i.e CCP Peshawar, is considered valid in accordance with applicable laws and rules. Therefore, it is liable to be upheld.(Copy of Notification is annexed as F)
- G. Incorrect. The charges leveled against the appellant were proved, hence the punishment order was passed in accordance with facts and rules.
- H. Incorrect. Proper departmental enquiry was conducted and the enquiry officer reported that charges leveled against the appellant were proved beyond any shadow of doubt. The whole enquiry was conducted purely on merit and in accordance with law/rules. The appellant was provided full opportunity of defense, but he failed to defend himself. After fulfilling all codal formalities, he was awarded major punishment as per rules.
- I. Incorrect. The allegations were proved against the appellant during enquiry, hence, he was punished as per law/rules. The punishment order thus liable to be upheld as the same commensurate with the gravity of misconduct of appellant.
- J. Incorrect & misleading the appellant, being a member of a disciplined force, has been found to have committed gross misconduct by engaging in acts of gratification and forged signatures. Furthermore, acquittal in a criminal case would not ipso facto lead to exonerate Civil Servant in departmental proceedings.
- K. Incorrect. The appellant has been treated as per Article 10-A of the constitution of Pakistan.
- L. Respondents also seek permission of this Hon'ble Tribunal to raise additional grounds at the time of arguments.

PRAYER.

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merit and legal footing, may kindly be dismissed with costs please.


Capital City Police Officer,
Peshawar.
(Respondent No.2)
(Syed Ashfaq Anwar)PSP
Incumbent


Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.
(Awal Khan) PSP
(Respondent No.1)
Incumbent

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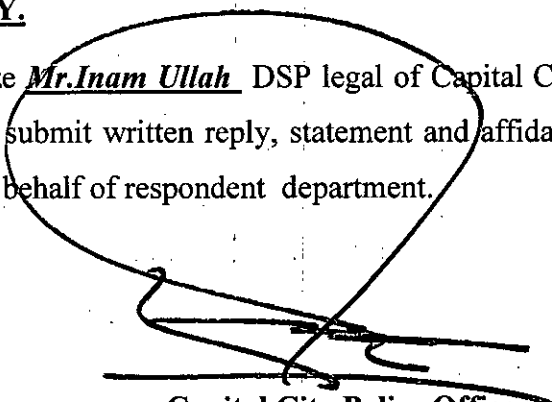
Sibghat Ullah Ex-Senior clerk of CCP Peshawar..... **Appellant.**

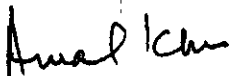
VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**

AUTHORITY.

We respondents are hereby authorize Mr.Inam Ullah DSP legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.


**Capital City Police Officer,
Peshawar.
(Respondent No.2)
(Syed Ashfaq Anwar)PSP
Incumbent**


**Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.
(Awal Khan) PSP
(Respondent No.1)
Incumbent**

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AFFIDAVIT.

I respondent No. 2 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of my knowledge and belief and nothing has concealed/kept secret from this Hon'ble Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense have been struck off.



09 MAY 2024

(Syed Ashfaq Anwar)PSP
Capital City Police Officer,
Peshawar.
(Respondent No.2)

A

بلاک ریٹائرمنٹ

21/6/22

PA

11
 1/2 سی خان وقت 14:00 سے مورخہ 21/6/22 درج ذیل
 نہ من اخبار 2 کے لئے ²² لیٹس ²² لیٹس میں
 سب S37, S38 کے لئے ²² لیٹس ²² لیٹس بنایا گیا ہے۔ ²² لیٹس
 تعلیمات سب نے یہ وقت تک TIF کی سب سے
 تعلیمات کیلئے انتظار کیا۔ S28 کے یہ دونوں سب
 وقت الٹے اخبار کے لئے لیٹس اجازت دینے میں
 اور وقت الٹے اخبار کے لئے لیٹس اجازت دینے میں
 سب کے لئے سب کے اخبار 2 کے ان سب S37, S38
 S28 کے لئے لیٹس بنانے میں حوصلہ سبیل انتظار
 رہا ہے۔ یہ تمام بنائے گئے۔ تاہم وقت
 وقت میں ارسال کی جائے گی۔

DSP / Admin Security
 Initial Facts & Findings
 into this and Report! inquiry

[Signature]

22/6/22

[Signature]

صبا عالی
 نقل بطور تف اطلالیہ

[Signature]
 DSP/3
 22/6/22

(17)



OFFICE OF THE SSP,
INVESTIGATION, PESHAWAR
DY: No 4004 /PA
DT: 30-06-22
Enclosures: _____

B

(32)

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR
Phone No. 0919210989
Fax: 091-9212597

CHARGE SHEET

1. Whereas I am satisfied that a formal enquiry as contemplated by Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency and Disciplinary) Rules 2011 is necessary & expedient.
2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Government of Khyber Pakhtunkhwa, Civil Servants (Efficiency and Disciplinary) Rules 2011.
3. Now therefore, as required by E & D Civil Servants Rules 2011, I **Muhammad Ijaz Khan Capital City Police Officer**, Peshawar, hereby charge you **Senior Clerk Sibghat Ullah I/C CC Branch CCP, Peshawar**, under E & D Rules 2011 on the allegations mentioned in the enclosed Summary of Allegations:-
4. And I hereby direct you further under E & D Rules 2011 to put a written defence within 07 days of the receipt of this Charge Sheet as to why the proposed action should not be taken against you and also stating at the same time whether you desire to be heard in person.
5. And in case your reply is not received within the specific period, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.
6. Statement of Allegation is enclosed.

(MUHAMMAD IJAZ KHAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 13-E /PA, dated Peshawar the 29/06/2022.

Copy of the above is forwarded to the Enquiry Officer for initiating proceeding against the above named officer. (Encd: 33 Pages)

Allesha

Dr



(C)

OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR
Phone No. 0919210989
Fax: 091-9212597

SUMMARY OF ALLEGATIONS

1. **I, Mohammad Ijaz Khan, Capital City Police Officer,** Peshawar am of the opinion that Senior Clerk Sibghat Ullah has rendered himself liable to be proceeded against departmentally, as he committed the following acts within the meaning of under Section 4 of Government Khyber Pakhtunkhwa, Civil Servants E&D Rules-2011.

STATEMENT OF ALLEGATION

- i. He while posted as I/C CC Branch CCP Peshawar allegedly involved himself in malpractices by doing fake signatures of the competent authority on Police Clearance Certificates in order to receive illegal gratification from innocent peoples.
 - ii. As per written statement of SP/Security, that Police Clearance Certificate in r/o two Afghan Nationals were issued through bogus signatures vide daily diary No. 5796 and 5797 dated 17.06.2022. It has also been learnt that for such certificates he receives Rs.15000/- to 20000/- as bribe per certificate.
 - iii) In the recent past he was dismissed from service on similar allegations that he interferes in the affairs of others and filed anonymous complaints against his fellow staff for his choice postings.
 - iv) He is a disreputable, villainous, notorious and infamous for using various complaints in Pakistan Citizen Portal for black mailing the staff members.
2. For the purpose of inquiry against the said official with reference to the above allegations an Inquiry Officer/Inquiry Committee consisting of the following is constituted:-

SSP (Inv) Peshawar

3. The Enquiry Officer/Inquiry Committee shall in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the accused, record its findings and make recommendations within 30 days of the receipt of this order, as the punishment or other appropriate action against the accused official.
4. The defaulter official and a well conversant representative of the department shall join the proceedings on the date, time and place fixed by the Inquiry Officer/Inquiry Committee.

(MUHAMMAD IJAZ KHAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR



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

Office Ph:No. 091-9210642

No. 1468 /PA, Dated Peshawar the 06 / 04 /2023.

D
E-118
23

To **The Capital City Police Officer,
Peshawar.**

Subject: **DISCIPLINARY ACTION AGAINST SENIOR CLERK SIBGHAT ULLAH I/C
CC BRANCH CCP PESHAWAR.**

Kindly refer to your office Endst: No.13-E/PA, dated 29.06.2022 on the subject cited above.

STATEMENT OF ALLEGATIONS:

- i. He while posted as I/C CC Branch CCP Peshawar allegedly involved himself in malpractices by doing fake signatures of the competent authority on Police clearance certificate in order to receive illegal gratification from innocent peoples.
- ii. As per written statement of SP/Security that Police clearance certificate in r/o two Afghan Nationals were issued through bogus signatures vide Diary No.5796, and 5797, dated 17.06.2022. It has also been learnt that for such certificates he receives Rs.15000/- to 20000/- per certificate as bribe.
- iii. In the recent past he was dismissed from service on similar allegations that he interfered in the affairs of others and filed anonymous complaints against his fellow staff for his choice postings.
- iv. He is a disreputable, villainous, notorious and infamous for using various complaints at Pakistan Citizen Portal for black mailing the staff members.

PROCEEDINGS:

In this regard, the W/CCPO Peshawar order for conduction of proper departmental inquiry against the alleged official, issued him Charge Sheet & Summary of Allegations and the undersigned was appointed as Enquiry officer.

During the course of inquiry, the alleged official Senior Clerk Sibghat Ullah as well as other staff of CC Branch CCP Peshawar were called to the office to record their statements and heard them in person.

1. **SENIOR CLERK SIBGHAT ULLAH THE THEN I/C CC BRANCH CCP PESHAWAR** (F/A)
2. **SI HAMAYUN KHAN, I/C PAL HAYATABAD PESHAWAR** (F/B)
3. **SI ZAHID KHAN, READER TO SP SECURITY PESHAWAR** (F/C)
4. **SI SAJJAD SIRAJ, LINES OFFICER POLICE LINE PESHAWAR** (F/D)
5. **IHC SYED IJAZ ALI SHAH OF PAL HAYATABAD PESHAWAR** (F/E)
6. **JUNIOR CLERK UMER SAEED THE THEN DISPATCH CLERK, CC BRANCH CCP PESHAWAR** (F/F)
7. **CONSTABLE MUHAMMAD NAWAZ COMPUTER OPERATOR CC BRANCH CCP PESHAWAR** (F/G)
8. **CONSTABLE SYED INTEZAR SHAH NO.5281, OF PAL HAYATABAD PESHAWAR** (F/H)
9. **CONSTABLE FARHAN ULLAH NO.5097, OF PAL HAYATABAD PESHAWAR** (F/I)
10. **CONSTABLE HAYAT IOBAL NO.275, OF CC BRANCH CCP PESHAWAR** (F/J)

Signature
Signature

Signature

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

Office Ph:No. 091-9210642

No. _____ /PA, Dated Peshawar the 06 / 04 /2023.

All the above-mentioned officials attended the inquiry proceedings, were heard in person, cross-examined and their statements were recorded except the alleged Senior Clerk Sibghat Ullah, he submitted his statement, but then didn't appear before the inquiry officer but only once. He was called through written parwana's to attend this office for personal hearing as well as cross-examination, but he deliberately avoiding his appearance.

STATEMENT OF SENIOR CLERK SIBGHAT ULLAH:

The Senior Clerk have submitted his written statement which reveals "On 22.06.2022, he appeared before the CCPO Peshawar in orderly room wherein he disclosed that Reader to SP Security was interfering in CC Branch CCP Peshawar. In this regard, the CCPO took notice of it and ordered to transfer all the staff of SP Security Peshawar. Consequent upon, Reader to SP Security Zahid tried to implicate him in fabricated allegation and told him to make Police Clearance Certificate for Afghan citizen, which was related to PAL Hayatabad Peshawar. In this connection, the CCPO Peshawar ordered to inquire into the matter wherein DSP Maroof Khan initiated inquiry, but as he was close to Reader Zahid and certainly would take a side of him. Therefore, he raised reservations upon the DSP Maroof Khan and appeared before the SSP Coordination wherein the inquiry was marked to DSP Headquarters, despite this DSP Maroof Khan kept conducting the inquiry.

STATEMENT OF SI HAMAYUN I/C PAL HAYATABAD:

He reiterated his previous statement submitted in preliminary inquiry which reveals that he came to know that bogus/forged Police Clearance Certificates were issued vide S No. 537 & 538. He further stated that Constable Intezar Shah provided these two numbers to SC Sibghat Ullah on Phone without bringing into his knowledge. Moreover, he also asked for the office copy of said Police Clearance Certificates wherein Intezar Shah disclosed that SC Sibghat Ullah used tactics and avoided handing over the office copy.

CROSS-QUESTIONS:

Q-1) **E.O:** Previously, did you have any contact/connection with SC Sibghat Ullah?

Ans) No, I saw him in PA to SSP Inv: Office for the first time during inquiry proceedings.

Q-2) **E.O:** How did you come to know that on 17.06.2022, Police Security Clearance has been issued without procedure?

Ans) After perusal of record and also through Computer Operator Farhan of PAL.

Q-3) **E.O:** When you came to know, what did you do?

Ans) I wrote report in Daily Diary Register and sent to high ups for information. Moreover, I sent FC Intezar Shah to obtain office copies from SC Sibghat Ullah while he used delaying tactics and did not hand over the office copies.

Q-4) **E.O:** Previously, did any one obtain dairy numbers without having the record?

Ans) The PAL office has been established for the General Public, while sometimes, the people are unaware of the procedure or paying visit to the high ups, so the SP Security office issues the requisite number to the responsible officers and thereafter obtaining office copy for record.

Furthermore, since my posting as I/C PAL. I have strictly directed my staff that if anyone...



(25)

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

Office Ph:No. 091-9210642

No. _____ /PA, Dated Peshawar the _____ / _____ /2023.

for the numbers then bring it into my notice or Moharrir, while FC Intezar Shah was on leave when I had issued instructions to my staff.

STATEMENT OF SI ZAHID READER TO SP SECURITY PESHAWAR.

He is posted as Reader to SP Security Peshawar and performing his duties with devotion and the high ups trust him. The allegation made by SC Sibghat Ullah regarding preparation of two Police Clearance Certificates for Afghan Citizens upon his direction is mere to damage his reputation and in this regard, Incharge PAL Hayatabad and FC Intezar Shah of PAL office may submit correct statements. He further added earlier SC Sibghat Ullah was also dismissed from the service due to his wrong doings. Moreover, SC Sibghat Ullah also changes his statements during inquires. Except this, SC Sibghat also made complaint via Citizen Portal against him and high ups for black mailing purpose.

STATEMENT OF SAJJAD SIRAJ LINES OFFICER POLICE LINES PESHAWAR.

On 22.06.2022, Incharge CC Branch SC Sibghat Ullah came to the office of Moharrir Police Lines and stated therein regarding writing of Daily Diary report in connection with the missing of Clearance Register, while he (Lines officer) was not present at Roznamcha. In this regard, Moharrir Police Line brought the matter into the notice of DSP Headquarter wherein the DSP concerned gave permission to Incharge CC to write his report in Daily Diary Register. Thereafter, SC Sibghat Ullah wrote his report vide DD No.49, dated 22.06.2022, Police Lines Peshawar.

STATEMENT OF SYED EJAZ ALI SHAH OF PAL HAYATABAD:

On 17.06.2022, he went to Mosque for Friday prayers and when he came to office, Constable Intezar Shah No.5281, told him that Incharge CC Branch had called on telephone and took two Diary numbers from him.

CROSS-QUESTIONS:

Q-1) **E.O:** Since how long have you been posted at PAL office?

Ans) I was posted at PAL office since its inauguration i.e. 23.06.2020.

Q-2) **E.O:** Previously, have you been asked for the provision of Diary Numbers for Police Clearance Certificates? If not, when FC Intezar Shah told you about the issuance of diary numbers; did you take any legal action?

Ans) No, I did not take any action.

Q-3) **E.O:** Wasn't it your responsibility? If yes, then why you did not take legal action?

Ans) No answer.

**STATEMENT OF JUNIOR CLERK UMAR SAEED THE THEN DISPATCH CLERK CC
BRANCH CCP PESHAWAR.**

He was posted as Dispatch Clerk at CC Branch CCP Peshawar, and his duty time starts 05 PM to 10 PM on Friday and full day duty on Saturday & Sunday. He further stated that he was not aware of Clearance Certificates and his job was to issue Diary Dispatch numbers for Security programs on holidays. On 17.06.2022, at 06:00 PM, he reported to SRC Branch on his transfer while at that time FC Sibghat Ullah and Muhammad Nawaz...



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

Office Ph:No. 091-9210642

No. _____ /PA, Dated Peshawar the _____ / _____ /2023.

present at CC Branch. He had performed his duties with devotion.

CROSS-QUESTIONS:

Q-1) **E.O:** Were you responsible for the Diary Dispatch of Security Programs only or anything else too?

Ans) Yes, because my duty starts from Friday evening till Monday morning wherein only the Security programs were scheduled not Clearances etc.

Q-2 **E.O:** Are separate Registers maintained for the Security Clearance and Security programs?

Ans) Yes.

STATEMENT OF MUHAMMAD NAWAZ COMPUTER OPERATOR CC BRANCH PESHAWAR.

He reiterated his previous statement submitted in preliminary inquiry which reveals that he was posted as Computer Operator at CC Branch CCP Peshawar and was preparing Security plans on daily basis and beside him other officials were also using the Computer wherein in his absence officials of CC Branch and Reader Branch used to operate his computer. On 17.06.2022, he was on duty while in his presence he did not notice any Security Clearance Certificate.

CROSS-QUESTIONS:

Q-1) **E.O:** When you type clearance certificate on computer, do you save it in any folder or not?

Ans) No, clearance certificates are just over written because less numbers of certificates are received for typing.

Q-2) **E.O:** Where the rest certificates are typed?

Ans) Rest of the certificates is typed at concerned PAL offices.



STATEMENT OF CONSTABLE SYED INTEZAR SHAH NO. 5281, OF PAL HAYATABAD PESHAWAR.

On Friday 17.06.2022, he was on duty at TIF Desk PAL and Computer Operator namely Fayyaz Khan was also present in the office, while the other staff members had gone for offering Friday prayer. He further stated that he received a phone call on office Number i.e. 091-5822834, wherein the In charge CC Branch namely Sibghat Ullah asked for the last two diary numbers of clearance register, upon that he replied that he is not aware about the clearance while Sibghat Ullah again asked the last diary number so he provided last number of clearance register, i.e. 536, thereafter, Sibghat Ullah took last two numbers i.e. 537 & 538 for Security Clearance certificates. He further added that Sibghat Ullah provided him data of the candidates, which were entered by him in the Security Clearance Register.

CROSS-QUESTIONS:

Q-1) **E.O:** Previously, did anybody asked you for providing blank diary numbers?

Ans) I was asked for the first time, while all the correspondence of PAL Hayatabad is dealt by CC Branch; therefore, he provided diary numbers data from him.

Q-2) **E.O:** On which desk are you performing your duty?

Alleged



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

Office Ph:No. 091-9210642

No. _____ /PA, Dated Peshawar the _____ /2023.

Q-3) **E.O:** Moreover, what do you want to say in the matter?

Ans) On 17.06.2022, I gave two diary number i.e. 537 & 538, to I/C CC Branch, while on 18 & 19.06.2022, (Saturday & Sunday) were Holidays and on 20.06.2022, I made call to CC Branch, which was received by Shafat and told that Incharge CC Branch has not come to the office. On the same day at 11:00 AM, I again called the said branch and this time the call was received by SC Sibghat and, he stated that he will hand over the office copies of the Police Clearance Certificate to DAK official, but did not do so, meanwhile I brought the matter into the notice of In charge PAL.

STATEMENT OF CONSTABLE FARHAN ULLAH NO. 5097, OF PAL HAYATABAD PESHAWAR.

He is posted as Computer Operator at Clearance Desk PAL Hayatabad and makes entries in Register. He went for offering Friday prayer when he came back, he came to know that entries were made in Register upon that he asked from Constable Intezar Shah, and in response he replied that I /C CC Branch SC Sibghat Ullah had called for diary numbers so he provided him the same and have also made entry in the Register. He further added that he reprimanded Intezar Shah as he (Farhanullah) was responsible for TIF desk. Thereafter, he brought the matter into the notice of Moharrar and In charge PAL wherein SI Hamayun Khan also wrote daily dairy report against FC Intezar Shah.

CROSS-QUESTIONS:

Q-1) **E.O:** On which desk are you performing your duty?

Ans) I was posted at PAL office in the year 2020 and now posted for the second time for almost one year now.

Q-2) **E.O:** Previously, did anybody asked you for providing diary numbers?

Ans) No, I was never asked for the diary number, while if someone comes to collect the Police Clearance Certificate on behalf of the candidate, I facilitate him after making proper entry in the Register.

Q-3) **E.O:** When did you ask from the SC Sibghat Ullah regarding the numbers?

Ans) On Monday, I called his office for the provision of record, but the said Clerk was on leave while his staff disclosed that I/C CC had locked the record in his drawer. Thereafter, on Tuesday I again came for the collection of record, wherein the said clerk was not present and at last, he brought the matter into the notice of his In charge.

STATEMENT OF CONSTABLE HAYAT IQBAL NO.275, OF CC BRANCH CCP PESHAWAR.

He reiterated his previous statement submitted in preliminary inquiry which reveals that he was temporarily posted at CC Branch CCP Peshawar and performing his Night Shift duty, which starts from 05:00 PM Monday to Thursday, while on 17.06.2022, he was on leave. He further stated that his job is to make entries in Dispatch Register, distribute the security orders and also make entries of Police Clearance Certificates received from PAL office. On 21.06.2022, at 06:00 PM upon requisition he brought the register to the Inquiry officer wherein the Serial Nos. 5796 & 5797 were not written by him and also unable to identify the hand writing

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

Office Ph:No. 091-9210642

No. _____ /PA, Dated Peshawar the _____ / _____ /2023.

FINDINGS:-

1. Perusal of the requisite statements transpire that PAL office seldom provide the requisite numbers to CC Branch, while on the day of occurrence, FC Farhan had gone for offering Friday prayers and FC Intezar Shah was present in the office meanwhile I/C CC Sibghat Ullah telephonically called wherein FC Intezar Shah received the call, upon that SC Sibghat asked for the provision of two diary numbers of Clearance Certificate Register, while FC replied that he was unfamiliar with the Register, the I/C CC Sibghat again asked him to provide the last number of the register which he provided and after that serial No. 536, he reserved next two giving him the little detail such as Name etc on the promise to give full documents the next day.
2. Thereafter, I/C Sibghat was asked/contacted time & again for the provision of office copies of the Clearance Certificate (*issued to Afghan citizens*) while he was using delaying tactics and did not hand over the said office copies to PAL office. The matter was brought into the notice of I/C PAL SI Hamayun Khan. In response, he wrote a report in DD register and the DD report was sent to the high ups.
3. The DSP Security Muhammad Maroof Khan conducted facts finding inquiry in the matter on the direction of the high-Ups to dig out the real facts. During the course of inquiry, the alleged Senior Clerk Sibghat Ullah I/C CC Branch was found held responsible for making of forged Police Clearance Certificate to Afghan Nationals namely (Ilham Darmal and Zarmeena) issued vide Diary No. 5796 & 5797, dated 17.06.2022.
4. It came to the light that the delinquent official was also dismissed from service in past, due to his irresponsible attitude and involvement in such like practices vide SSP Coordination Peshawar office order No.17588-94/PA/SSP Coord, dated 24.09.2021. Furthermore, in the instant inquiry he submitted his statement stating therein that facts finding inquiry into the matter is under process with DSP Security, in this regard, he preferred application to SSP Coordination with request to change the inquiry officer as the said E.O is closed to SI Zahid (Reader to SP Security). Consequent upon, his application was marked to DSP Headquarters for inquiry and report. The DSP HQrs: Peshawar only enquired about the report regarding missing register incorporated vide DD No. 49 dated 22.03.2022 by the said Senior Clerk, wherein it was found that the register is with DSP Security Mr. Muhammad Maroof Khan in connection with facts finding enquiry of issuance of fake Clearance Certificates by Senior Clerk Sibghat Ullah.
5. Lastly, the delinquent official was called to this office time and again followed by written parwana's for cross questioning and further proceedings, but the same was avoided by him and preferred another application to the high ups wherein he himself admitted that he was called to attend the office of the undersigned in connection to the inquiry.

Alisur
Or



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

Office Ph:No. 091-9210642

No. _____ /PA, Dated Peshawar the _____ / _____ /2023.

CONCLUSION:-

Keeping in view the above circumstances and available evidence, Prima facie it seems that Senior Clerk Sibghat Ullah has exceeded his limits and illegally issued Clearance Certificates to two Afghan citizens with forged signature of SP Security CCP Peshawar, while during inquiries he repeatedly kept on changing his statements rather to face the enquiry and prove his innocence. In connection to the instance departmental inquiry after his irrelevant Chief, he was issued final Parwana vide No.2653/PA, dated 01.08.2022, to attend the office of the undersigned on 02.08.2022, for cross-questioning the witnesses. In compliance, the defaulter official wrote another extraneous reply on the same Parwana, which is quoted as under and enclosed: -

"معروض خدمت ہو کہ ہجوں قسم کی انکوائری جناب DSP/HQrs صاحب پولیس لائن پشاور کے پاس زیر تعمیل تھی جو بموجب حکم افسران بالا انکوائری جناب DSP/HQrs پولیس لائن پشاور کے انکوائری میں DSP سیکورٹی معروف خان، زاہد اللہ ریڈر SP سیکورٹی کو ذمہ داران قرار دے کر انکوائری میں فائل رپورٹ، انکوائری آفیسر صاحب نے افسران بالا کو بھجوائی ہے جسکی جوابی کاپی لیٹر جناب SSP/INV صاحب پشاور کو برائے اطلاعیاتی بھی بھجوائی گئی ہے۔ مزید ایک ہی قسم کی اسی انکوائری پر مزید کارروائی خلاف رولز ہے۔ نیز بحوالہ لیٹر نمبر 4740-4850/EV، مورخہ 29.08.2017، مجاریہ CPO پشاور (کاپی لف ہے) جناب SSP عہدہ کے آفیسر سینئر گریڈ کلرک کے خلاف انکوائری کرنے کا مجاز بھی نہیں۔ جناب DSP/HQrs صاحب پولیس لائن افسران بالا کے صدور حکم پر یہ زیر تعمیل انکوائری کا مسئلہ داخل دفتر کیا ہے۔ آپ صاحبان سے التماس ہے کہ بموجب فائل انکوائری رپورٹ DSP/HQrs صاحب داخل دفتر کرنے کی روشنی میں بلا کسی مزید کارروائی کے حتمی رپورٹ پر داخل دفتر فرمائیں۔ عدم انصاف کی فراہمی پر قانونی تحفظ محفوظ رکھ کر چارہ جوئی کیلئے عدالت رجوع کرونگا جسکے جواب کا انتظار ہے۔"

Going through his reply wherein the defaulter official cited the letter vides No.4740-4850/E-V, dated 29.08.2017, that the rank of SSP is not authorized to conduct inquiry against the Senior Clerk. In this regard, the same letter is quoted as under: -

"E-V, DISCIPLINARY ACTION, Powers of disciplinary action against Ministerial Staff were delegated to RPOs / DPOs within the meaning of Article 31 of Police 2002 (Now incorporated in Section 44(4) of Khyber Pakhtunkhwa Police Act, 2017) vide office Notification No. 8511/E-V, dated 28-12-2015. Police Policy Board approved action of the powers of disciplinary action against the Ministerial Staff to Addl: IGsP/DIsG, head of unit of Police and SSsP / Dy: Commandants of the unit of Police in line with the notification ibid. Therefore, an addendum is issued in continuation of notification ibid and powers of disciplinary actions against the Ministerial Staff are also delegated to the authorities of units of Police as per detailed below.

Designation	Action is to be taken against the Ministerial Staff
Addl: IGsP/DIsG, head of unit of Police	Office Supdt: (BPS-17), Stenographers (BPS-16) Assistant Grade Clerks (BPS-16), Steno typist (BPS-14) and Senior Clerk (BPS-14)

Ally

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

Office Ph:No. 091-9210642

No. _____ /PA, Dated Peshawar the _____ / _____ /2023.

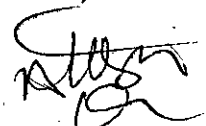
SSsP/Dy: Commandants

Junior Clerks (BPS-11) and Naib Qasid/Class-IV
(BPS-1 to 4)

It has been clearly mentioned in the above-mentioned letter that DIG/Head of Unit is authorized to initiate Departmental proceedings against Senior Clerk (BPS-14) and the same has been initiated by the CCPO Peshawar under Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules 2011, and the undersigned (Head of the Unit) has been nominated as Enquiry Officer.

Similarly, DSP Headquarters CCP Peshawar report in connection with missing of register reference naqalmad No. 49 dated 22.03.2022 (incorporated by the Senior Clerk Sibghat Ullah) which reveals that the Security Clearance Register was summoned by DSP Security in connection to the preliminary inquiry regarding issuance of fake clearance certificates, not a departmental enquiry which also opposed the allegations of the defaulter against the officials to save his skin. The delinquent official also used delaying tactics to hamper departmental proceedings initiated against him and repeatedly preferred applications with observations that he has no trust upon the Enquiry officers. Moreover, the said official neither produced any solid evidence in his favor nor did he bother to appear before the undersigned to record his statement regarding the allegations as per Charge Sheet and for cross-questioning the witnesses which clearly shows that he has no plausible reason/evidence to prove his stance/innocence.

Furthermore, Senior Clerk Sibghat Ullah also preferred complaints against SI Zahid Ullah to Worthy Inspector General of Police vide Dy No. 508/IAB dated 02.08.2022 and Dy No. 513/IAB dated 04.08.2022. Subsequently the same was marked to Worthy Capital City Police Officer, Peshawar for taking necessary action and report. In this regard enquiry was conducted against SI Zahid Ullah Reader to SP Security Peshawar by SSP Coordination, who *concluded that the SP Security (Supervisory officer) of the applicant Senior Clerk Sibghat Ullah while posted as I/C CC Branch, received several verbal/written complaints against him regarding his involvement in mal-practices and in this connection report was entered by SI Hamayun Khan I/C PAL Hayatabad, Peshawar vide DD No. 11 dated 21.06.2022 regarding the issuance of 02 fake Police Clearance Certificates to Afghan Nationals from CC Branch. After conducting preliminary enquiry on the issuance of fake Police Clearance Certificate the said Clerk was found guilty and departmental enquiry was ordered which is under process. More so, in order to save his skin from punishment he submitted complaints to various forums against various person to conceal the real facts and divert the attention of high-Ups from the proceedings. The above-mentioned Clerk was directed time and again by his supervisory officer to mend his ways and refrain from such activities but all in vain, hence the said Clerk is a corrupt and notorious official, who has been dismissed earlier as well. He also known as an expert blackmailer, who used his office position for money mints. Thus, he is required to be held accountable for his mischiefs and departmental proceedings*





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

Office Ph:No. 091-9210642

No. _____ /PA, Dated Peshawar the 06 / 04 /2023.

RECOMMENDATION:

Keeping in view the above circumstances and material present on record and his constant evasion to face the enquiry proceedings properly; proves Senior Clerk Sibghat Ullah responsible for exceeding his limits and illegally issuing the above-mentioned Clearance Certificates to Afghan Nationals with fake signatures of SP Security CCP Peshawar. Hence, he is hereby recommended for an appropriate punishment.

Submitted, please.

**Senior Superintendent of Police,
Investigation, CCP, Peshawar**



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 1524 /PA, dated Peshawar 11/04/2023

SHOW CAUSE NOTICE

I, (Muhammad Ijaz Khan), PSP, Capital City Police Officer Peshawar) as competent authority, under the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011, do hereby serve you, Senior Clerk Sibghat Ullah as follows:-

(i) That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing also.

(ii) On going through the findings and recommendations of the inquiry officer the material on record and other concerned papers including your defence before the inquiry officer:-

I am satisfied that you have committed the following acts/omissions specified in rule-03 of the said rules:-

a. That you while posted as I/C CC Branch CCP Peshawar allegedly involved himself in malpractices by doing fake signatures of the competent authority on Police Clearance Certificates in order to receive illegal gratification from innocent peoples.

b. As per written statement of SP/Security, that Police Clearance Certificate in r/o two Afghan Nationals were issued through bogus signatures vide daily diary No. 5796 and 5797 dated 17.06.2022. It has also been learnt that for such certificates he receives Rs.15000/- to 20000/- as bribe per certificate

c. That in the recent past you was dismissed from service on similar allegations that you also interferes in the affairs of others and filed anonymous complaints against your fellow staff for your choice postings.

d. That you disreputable, villainous, notorious and infamous for using various complaints in Pakistan Citizen Portal for black mailing the staff members

2. As a result therefore, I as Competent authority have tentatively decided to impose upon you the penalty under rules 4 of the said rule.

3. You are therefore required to Show Cause as to why the aforesaid penalty should not be imposed upon you and also intimate whether you desired to be heard in person.

4. If no reply to this notice is received within (07) days of its delivery, it shall be presumed that you have no defence to put in and in that case an ex-parte action shall be taken against you.

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

(MUHAMMAD IJAZ KHAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

CAPITAL CITY POLICE OFFICER,
PESHAWAR


FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA
POLICE GAZETTE PART-II ORDERS BY THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA PESHAWAR

ADDENDUM

Dated 29/8/2017.

No 4740-4850 /E-V, DISCIPLINARY ACTION. Powers of disciplinary action against Ministerial Staff were delegated to RPOs / DPOs within the meaning of Article 31 of Police Order 2002 (Now incorporated in Section 44(4) of Khyber Pakhtunkhwa Police Act, 2017) vide this office Notification No. 8511/E-V, dated 28-12-2015. Police Policy Board approved delegation of the powers of disciplinary action against the Ministerial Staff to Addl: IGsP / DisG, head of unit of Police and SSsP / Dy: Commandants of the unit of Police in line with the notification ibid. Therefore an addendum is issued in continuation of notification ibid and powers of disciplinary actions against the Ministerial Staff are also delegated to the authorities of units of Police as per detailed below:-

DESIGNATION	ACTION IS TO BE TAKEN AGAINST THE MINISTERIAL STAFF
Addl: IGsP / DisG, head of unit of Police	Office Supdt: (BPS-17), Stenographers (BPS-16) Assistant Grade Clerks (BPS-16), Steno Typist (BPS-14) and Senior Clerks (BPS-14)
SSsP/DY: Commandants	Junior Clerks (BPS-11) and Naib Qasid/Class-IV (BPS-1 to 4)


(Muhammad Ashraf Noor) PSP
Addl: IGP/HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. & date even.

Copy forwarded to the: -

- All Addl: Inspectors General of Police of Khyber Pakhtunkhwa,
- All RPOs of Khyber Pakhtunkhwa.
- Capital City Police Officer, Peshawar.
- All DisG of Khyber Pakhtunkhwa.
- Commandants, FRP and PTC, Hangu.
- All DPOs of Khyber Pakhtunkhwa.
- All AIsG of Khyber Pakhtunkhwa.
- Director I.T, Khyber Pakhtunkhwa Peshawar.
- Director FSL, Khyber Pakhtunkhwa Peshawar.
- Commandant CPC University Campus, Peshawar.
- Deputy Director Audit, CPO Peshawar.
- Registrar CPO Peshawar.
- Budget Officer, CPO Peshawar.
- All Office Supdts: of CPO Peshawar.