9/9

Service Appeal No.977//2024

Mr. Waheed Abbas, Ex-LHC Police Department Kohat Region, Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat Region Kohat & other

..... Respondents

S, #	Description of documents	Annexed	Pages
1.	Parawise Comments		1-3
2.	Affidavit		4
3.	Copy of bad entries as Annexure	A	2
4.	Copy of FIR/recovery Memo attached as Annexure	В	6-10
5.	Copy of Charge Sheet, finding report and Appellate Authority Order as Annexure	C,C-1 & C-2	11-16
6.	Copy of Dismissal Order is attached as annexure	D	17
7.	Copy of rejection Order as annexure	E	18-19
8.	Copy of Authority letter		70

INDEX

Deponent Inspector Legal, Hangu

Service Appeal No.977//2024 Mr. Waheed Abbas, Ex-LHC Police Department Kohat Region, Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat Region, Kohat & other

........ Respondents

Diary No. 15

Byber PakhtukhWä Service Tribunal

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 2.

Respectfully Sheweth:-Preliminary Objections:-

- 1. That the appellant has got no cause of action.
- 2. That the appellant has got no locus standi.
- 3. That the appellant is estopped to file the instant appeal for his own act.
- 4. That the appeal is not maintainable in the present form.
- 5. The appeal is not maintainable due to misjoinder and non-joinder of necessary parties.
- 6. That the appellant has not come to this Hon'ble Court with clean hands.

FACTS: -

- Incorrect, the appellant has numerous bad entries in his service record. He was found involved in heinous crime of drug trafficking. (Copy of bad entries as Annexure-A).
- 2. Incorrect, the appellant was busy in drug trafficking and was not present at place of duties as per daily diary report 14, dated 17.06.2023 Police Lines, Hangu. The appellant was arrested red handed by the local Police and recovered 1200 grams narcotics/chars from his active possession. Hence, a proper case vide FIR No. 538, dated 17.06.2023 u/s 9D CNSA PS City, Hangu was registered against the appellant. (Copy of FIR recovery Memo as <u>Annexure-B.</u>
- 3. Correct to the extent that the appellant was posted at Police Lines, Hangu, found involved in a criminal case vide FIR No.538, dated 17.06.2023 u/s 9D CNSA PS City Hangu. Being busy in drug trafficking. Hence, on recovery of contraband from the active possession of appellant, vide case FIR ibid, the appellant was issued Charge Sheet with statement of Allegations vide No.186/EC, and enquiry was entrusted to SDPO City Hangu. The enquiry officer after completion of all legal and Codal formalities, submitted finding report wherein the appellant was found guilty of the charges. The appellant was afforded an opportunity of personal hearing but he failed to advance any plausible explanation in his defense. He was awarded major penalty of reversion from LHC to the rank of Constable vide OB No. 524 dated 25 08.2023. Which was subsequently set aside by the appellate

Ð,

authority as the same was not in accordance with rules. LHC rank denotes as constable. LHC is not a substantive rank. Hence, the appellate authority remanded back the departmental appeal of the appellant as per rule 16 of the Police Rules 1975 (Amended 2014) for disposal of the enquiry strictly in accordance with the law and rules. (Copy of Charge Sheet, finding report and appellate authority order as **annexure C, C-1 and C-2**.

Already explained in para-3 above. As the order was suffering from legal infirmity, hence, the appellate authority remanded back the departmental appeal of the appellant to the respondent No. 2 with the remarks for disposal strictly in accordance with the law because reversion from LHC rank to constable is not reversion as per Police Rules 1975 (Amended 2014). The appellant was again afforded an opportunity of personal hearing but this time too, he failed to advance satisfactory reply in his defense thus awarded him major penalty of dismissal from service vide OB No. 731 dated 20.11.2023. (Copy of dismissal order as **Annexure D.**

5. Plea taken by the appellant is not plausible rather whimsical as Departmental/Disciplinary proceeding is different from criminal proceeding. Acquittal in criminal case does not provide justification for reinstatement. The apex_court clearly defined the disciplinary and criminal proceeding which is reproduced below:

Concurrent Departmental and criminal proceedings---Acquittal in criminal proceedings---Effect---Acquittal in a criminal trial does not serve as an embargo against disciplinary proceedings---Departmental and criminal proceedings may proceed concurrently, and the result of one does not impinge upon the other----Nonetheless, an acquittal in a criminal case may be considered during disciplinary proceedings but cannot be the sole determining factor in deciding the fate of the disciplinary proceedings. **Reliance is placed on 2023 SCMR_2111.**

- 6. The appellant's departmental appeal was rejected by the respondent No.1 being devoid of merit. The appellant was called in orderly room held on 29.05.2024. He was heard in person but he could not present any plausible ground to justify his innocence. The appellant instead of fighting crime has got himself involved in drug trafficking which is unbecoming of a disciplined Police officer as well as the offence come within the purview of moral turpitude. (**Copy of rejection order as Annexure-E**).
- 7. That the service appeal of the appellant being devoid of merit, is liable to be dismissed on the following grounds.

GROUNDS: -

4.

A. Incorrect, both the orders of respondents are quite legal and in accordance with law /rules

- B. Incorrect, appellant was treated strictly in accordance with law & rules by the respondents No. 1 & 2 as the respondent have no grudges against the appellant rather the act of the appellant is such which comes the purview of moral turpitude.
- C. Incorrect, detailed reply already submitted in para-5 above.
- D. Incorrect, the appellant was issued proper charge sheet and statement of allegations. He was also afforded an opportunity of personal hearing. Detailed reply already submitted in para-3 & 4.
- E. Incorrect, the appellant has been afforded an opportunity of personal hearing by the respondents.
- F. Incorrect, both the orders of respondents are quite legal and strictly in accordance with law.
- G. Incorrect, the appellant has been afforded an opportunity of personal hearing by the respondents.
- H. Incorrect, the appellant was treated as per law and rules.
- I. Incorrect, the appellant instead of custodian of law, he got himself involved in drug trafficking which is unbecoming of a disciplined Police officer. The appellant was directly charged in the above mentioned case FIR and sufficient incriminating evidence is available on the disciplinary proceeding file against the appellant. The punishment awarded to the appellant does commensurate with the gravity of misconduct committed by the appellant being a member of disciplined force and custodian of law.
- J. Incorrect, reply already submitted in the preceding paras.
- K. The respondents also seek permission of this Hon'ble Tribunal to advance additional grounds at the time of arguments.

Prayer: -

In view of the above, it is humbly prayed that the service appeal is devoid of merit may graciously be dismissed with costs, please.

District Porice Officer, Hangu (Respondent No.2) **MUHAMMAD KHALID, PSP** Incumbent

Regional Police Officer. Kohat, Region Kohat

(Respondent No.1) SHER AKBAR PSP, S.St Incumbent

Service Appeal No.977//2024

Mr. Waheed Abbas, Ex-LHC Police Department Kohat Region, Kohat

..... Appellant

VERSUS

Regional Police Officer, Kohat Region Kohat & other

..... Respondents

<u>AFFIDAVIT</u>

I respondent No.2, Mr. Muhammad Khalid PSP, District Police Officer Hangu and Respondent, do hereby solemly affirm on oath and declare that contents of these joint parawise comments on behalf of Respondents No.1 to 2 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.

. 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.

0 g SEP 2024

DISTRICT POLICE OFFICER, HANGU (Respondent No.2) (MUHAMMAD KHALID) PSP Incumbent

> CNIC # 15202-1557066-1 Cell # 0324-9191892

DETAIL OF PREVIOUS CONDUCT OF LHC WAHEED ABBAS NO.532 OF DISTRICT HANGU

ੈ 🗧

Anizia

Ś

.s. No.	CHARGES / ALLEGATION	PUNISHMENT	
1.	absented himself from official duty for 02 days	His 02 days absence period was treated as leave without pay and Extra Drill	
2.	absented himself from official duty for 01 days	His 01 days absence period was treated as leave without pay.	
3.	absented himself from official duty for 01 days	His 01 days absence period was treated as leave without pay.	
4.	absented himself from official duty for 02 days	His 02 days absence period was treated as leave without pay.	
5.	Directly charged in case FIR 538, dated 17.06.2023 u/s 9D CNSA	Dismissed from service	

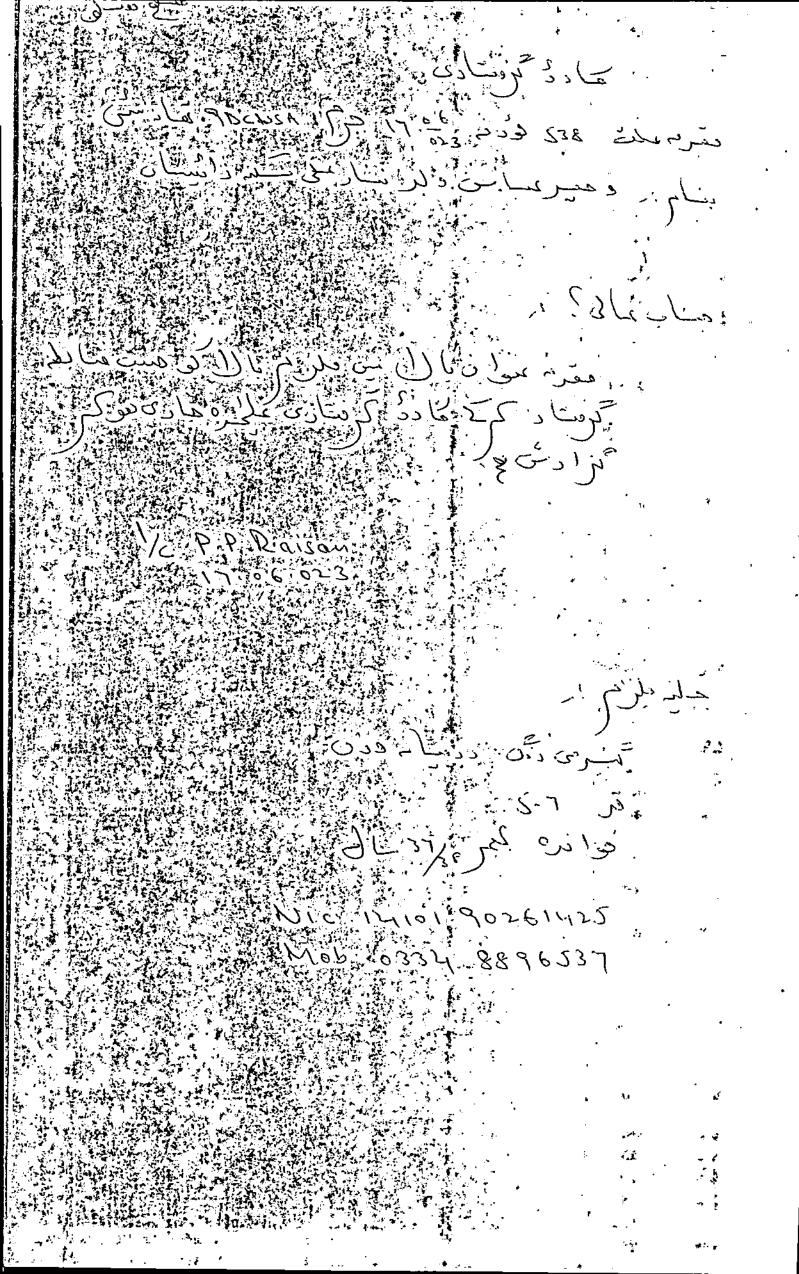
Attested

Anon (B') R.DDOMM ملغ موجر عباس 14101-9026142-5 رل يس مويد فير يخو تواد دارم برس ز فائيل ابتدابي اطلامي ريوري فارم نمبر ۲۴_۵(۱) ابتدائي اطلاع نسبت جرم قابل دست المداري يوليس ريوريه 16 <u>٦١ وقت ١٦:50 كم</u> ار بن الارت ريور ب 2 من 17 وقت 20: 14 ب 15:00:00 نام دسکونت اطلا**ت د** بهنده و مستغیث ادراس کال کی موبائل فون نمبر Asiuguin 0333 -4670834 فتقر كيفيت جرم (معدد فعه) حال اكر بحوليا كما بوبه 9 DENSI אוצעי סטבן לוקקים או جائ دوعفاصل تقاند ادر سعيما مينورو د مرد حسد فرار را ا ABUT <u>شرق از ماین</u> نامد سکون ملکا) واحس عباس وار متاریکی سکه دا کنهان (۶ اخترو والرسر فرك معال معالم عل علوا کاردائی جونسیش بے متعلق کی کہا کر اطلاع درج کرنے میں تو قف ہوا ہوتو دجہ بیان کر د تحانه ب روانگی کی تاریخ ووقت يرمس دري ابتدائي اطلاع بنج درج كروج مستقلو! ديك فتر ديرى عرائلهم عجادين ساس سي الم جى درسها ن م مرست حيات الدجان AL ج مول مورد م م اخبرا في را ما را ما ، احررز من حوصات الناجان بي ، عمال بادستا و 133 ، ديكر مفرى دوري طوف عنها بالانا مرسرى بر ورور تما كم حالب سام حس مع الم مولز سالم في أو حسكو متلوب حالكر حبر من شرب حد الكريز وللرساليل مير ركولون جاجر علين ينبي انارا حار طوم بلد من لي يركوني حسوع من مراه الم يهري اللي قوم مها يعلى 2 دانكس مساقير 2 مينيون كرساند الم جدم مرتك تردد باندها ميوا موكعول ترميرتال برديك كلت چرس مرحن جو فررد ميلومن مين عن روي يعنى مرابع مرح حوض در بزراني « في از او فران در مرابع د كرام تقلى عبد من سے ١٦ زام د مرض بخر في مادم ساجر من ورما با مرس از جبكم بتما با م191 كرام روم منبوت منهر ما ماريل المرج عس جنام طرور بران ار د منه ما بارس المرج من مرجم المرح مرا لما المرد مرا لما المردسل ع ع ع الدر صبع التي عبر د موس الم السي HI ع دمل با ب ك العير منت فرع الدرب الم القرار ومرسا مو بال معير المراج عيد مراج الم 12 SR 70B 649 64 فو مروع مرد في المراج در فان مردنا الم وصبر عمل من ولر مما رولى معالم (الممان شار كر صرعب مرم المماكا با كر صب عماد الرفار مرح عبرك مرم ك مار المري مروران أمنا روكتن ملكر ما خرير جويس حين في خاطر عرف الفرو ولا مسرفر خان مسلم ميا ميد ٨ زريان بنام بد . يعد خامي حصل مؤمن تنبس حوالر الوري من مناف منكوري ترا وبد . O-T-O Attested

ب من دانوندی اساس عین نود توی درسان 25 مرز از فال طام معد معدالی مراعين درج المرسي مرج عرام المرحال المراع المرسي في المراح مرسي في المراحين ا مندي حوالد الوسي من منابي وإطالي برجر فنارس من Muslin AMHC PS city 17-06-023. States 11-31 States States States States ichiganichia RESURAD SEEG. E. W. S. C. C. (sister (sister) when out and the states international the state of the WEAR ENTRY CITY CITY ENTRY and the main is a strength where is $\bar{i}_{j}\bar{i}_{i}$ Wie alle Martes il gardes her steved N K . 1 1 1 1 1 1 1 1 . 1 . N الطلاع من في الطلاع د بنده كا د بنده كا روي من انشان لكايا جائد كار الدر المرج ركنند وابتدا كي الطلاع كا د شخط بطور تقند لتي بوكار حردف الغر وأشيط باشندگان علاقه غير بادسط ايشياء بالفنانستان جهان موزول بور بالكهنا جا بي -



90-13-6 وحورهمامن ولرمة يجانية زيلمونان -17U 184 حقروم عمركن والعلي ملتح بالالا ترميناها لأتراب A. C. A. A. ound :-1/2 - 06- 023 · المراجى روال درجا مردون En 7-7- wind Sep 2 Jun 37/32 2 . 0/ 3 Nic 14101 90261425 MOD: 0234. 5096537. Attested pro V



مناجورا (mi) 68 9D-CNSA () 17 66 23 538 -1519 فارم وحد وعاص وار زرار في زمين رور والن در و مقرف المعن والعلى والم مالاً 2 وزر سا معل «الل ساديد حيد العداية ما بربعا بدا ط درسة بارد دو لحول
ار مرازیالی کرنے در اول میلا روسی کم دہ جزار کر لومن میں جس کی ک معنى مراجر كرا حرف ورام العرف في مرار و وزن لرغ ورام مرزم لی مندا میں سے والا م حرس کرد لفرض کر در ای ج اس اور رز با الرسالي حرم لقام مواد حرس و ده الموز و حرم من ما المراع في من دراط در مرتار الراباليراي ومن مرمير الحرد الحرد قرر وسمى الله ما مركبات الدرجار 33 درد المريس الله ماسل مائع تداور ما ترسار ما ما مال من وزار الم جرد سا ر 15270B64864 - 1, 2 - 1, 2 - 1, 2 - 1, 2 - 1, 2 - 1, 3 - 2, 1, 3 - م. A53583 فو مروف فر دهيم الوليس وي كريم وروقع مريف كر فرو فرون في د بور العدار فرون العدار الم 1000 Mune 187 with L U.b. Wh = 60 als & y Lipp Raisen 17:06.023 Unil 03:433 dias to Stell Kongo S Attested WA V

(10) - لقيت فرق دلدستدلي (Uniles 9 D- ENSA 12 017 06 Por 533 5130) لودهي ل أمَلْ ه از بارت ا بالالع بالحرب في محمد رو د نيز مساك ما شا يوم را م ع بالالع بالحرب من مع الم مساك ما شا يوم را م ع بالالع بالالع من من مع الما من من مع مع مع مع الما من مع مع الم 2 1 7 . P. P مل فقع :- وقوط نيز تسايع رود فرزد مها فرانو زيارت رويا بيو على م علي حاري سال لو ده حول الكرم لورج عن اورجاني سوس بها زي حوتي جنع ركرة اغتركما محبقه رد د شامع تعقل فعمان والأسان دام يد منام @ امنى متعام مركومة وقوع برمارى وماسل من ان ماكو اليونا بلان ميوكى . حقام الى دمام مع كو قعة وقوى عان منامع غيل مع حدثر سانس مدير مدين من مراجر لفرص حلال کور کے معنوع وعدد عان کو حور مراب کے اور اور اور ور ور سا اسعال مدان ملوس شب حد له مونی سرتاحد معول حوظ بر مذالع و من از مع وزن کرنے مرحد دارا بنای مطالق فلرد هم منشات ، فرشرسا معل مرور مغر دفيض لولى حدى كرم بعان ميولى حمد من اللي عمام مربوق وقوط على ال- المربع عاس كو حانية شا يوض سي جوني مراجع مرار المراد ال اور حرفر سامعلی مع فی المارنا اور ما دم مدر ی بر در کور مسلم کوری منوع من مراحر مرم مرد نا سان بوئي. حقام فی اور حقام مراجر من وقوط معلوطی الساس صن Ash کی حوجر دیگی اور حلام وحد علامی کو حابی یس بوخیل سے حد متر سانی میں آکر کھڑا کر نا اور نیسے آثار زا اور جا جع ملائی لیے سر کوں دنود ایے مرا مدین معنا ادر حود رسا شعل ال مرج كر سر و س سا مدر نبر السا دو رسر جا در سرتد زرد ما را موالول سر میزنال میر آند. ساید خبرمن کنده جزار در اوش نسب من لینی میوکی سرآ در بیو کر حود تو سر مذراه، دی ک مرابع است میراند. مرابع از مرابع در می می از مرابع دی این میوکی سرآ در بیو کر حود تو سر مذراه، دی ک شراز سور فالحرف مر مه وراكر بالعلى على منسات، حرير سالعل كو عطالة مارد ويم او لي من را سان ال مقام (اسى حدام ير اوقت ودود ، فرد ، فراسام كواه حداث الله طان ملك مد ال مدان مدان مد في متاع) اللي مناع مع الوقفة وقويم عنرد كو الم كمنتنى مكال ما د تساح 1933 كى حرفود كى ملاق بورى متاکی اسی حقام برلوقة وتوجر در مراجری اولی کی حوجرد کی مان مرول. Attested 0111/



i.

OFFICE OF THE DISTRICT POLICE OFFICER, HANGU Tel No. 0925-623878 & Fax No. 0925-620135 Email: dpohangu8@gmail.com

CHARGE SHEET

I, <u>MR. ASIF BAHADER, PSP, DISTRICT POLICE OFFICER,</u> <u>HANGU, as competent authority under Khyber Pakhtunkhwa Police Rules</u> (amendments 2014) 1975, am of the opinion that you, <u>LHC Waheed Abbas No.</u> <u>532 while posted at Police Lines, Hangu</u> rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975:-

> You, LHC Waheed Abbas No. 532 while posted at Police Lines, Hangu have directly been charged as well as arrested by the local police in case FIR No.538, dated 17.06.2023 u/s 9D-CNSA P.S City Hangu and placed under suspension for taking proper departmental action against you vide OB No. 370, dated 19.06.2023.

 ii. You being a member of disciplined force have acted in indisciplined manner, negligence and criminal gross misconduct on your part, which cannot be ignored.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense 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 ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

Autostro

DISTRICT POLICE OFFICER, HANGU



OFFICE OF THE DISTRICT POLICE OFFICER, HANGU Tel No. 0925-623878 & Fax No. 0925-620135 Email: dpohangu8@gmail.com

DISCIPLINARY ACTION

I, <u>MR. ASIF BAHADER, PSP, DISTRICT POLICE</u> OFFICER, HANGU, as competent authority, am of the opinion that you, <u>LHC</u> Waheed Abbas No. 532 have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

- i. You, LHC Waheed Abbas No. 532 while posted at Police Lines, Hangu have directly been charged as well as arrested by the local police in case FIR No.538, dated 17.06.2023 u/s 9D-CNSA P.S City Hangu and placed under suspension for taking proper departmental action against you vide OB No. 370, dated 19.06.2023.
- ii. You being a member of disciplined force have acted in indisciplined manner, negligence and criminal gross misconduct on your part, which cannot be ignored.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations <u>DSP</u> <u>CM</u> is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall foin the proceeding on the date, time and place fixed by the enquiry officer.

Artested DISTRICT POLICE OFFICER, HANGU No._ 186 /EC, dated_ /2023 Copy of above to:-1. The :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975. 2 The Accused official:- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the

purpose of enquiry proceedings.

A1 10712023

رأينكو

<u>انكوائرى برخلاف LHC وحيد عماس نمبر 532 متعيند بوليس لائن منكور</u>

جناب عالى!

دفتر الين فرقى في اومنكو

نبر <u>379 ا_</u>SDPO

بحوالہ چارج شیٹ نمبریLHC مورجہ 20.06.2023 دفتر جنابDPOصاحب منگو ،انگوائری برخلاف LHC وحید عباس نمبر 532 متعینہ پولیس لائن معروض خدمت ہوں کہ چارج شیٹ نمزامیں نہ کورہ LHC پرذیل الزامات لگائے گئے ہیں۔ **الزامات**:۔

<u>آبLHC و حید عباس نمبر 532 متعینہ پولیس لائن ہنگو براہ راست بحوالہ مقد مہ علت 538 مور نہ 2023 06.01 جرم 9D CNSA تھانہ ش ہنگو</u> میں چارج ہوکرگرفتار ہوئے ہیں۔جس کے بعد آپ کو معطل کرکے پولیس لائن کلوز کرکے بحوالہ OB نمبر 370 مور نہ 2023 06.01 تکلمانہ کار دائی شروع کیگئی۔ **انگوائیری پراسس:۔**

انکوائیری *بندا کے سلسلے میں* LHC دحید عباس کودفتر بنداطلب کر کے جس نے حاضر آنے پر اپناتح رہے بیان پیش کیا جولف بندا برائے ملاحظہ ہے۔ کیس Oll انسپکٹر زام جسین کودفتر بذاطلب کر کے جس نے اپناتح ریل بیان پیش کیا جولف بذایہ ہے۔ انچارج چوکی رائیسان الیاس حسین ASI کودفتر بذاطلب کر کے جس نے اپناتح رہی بیان پیش کیا جولف ہٰذا ہے۔ فردگواہ HC حیات اللہ جان کودفتر ہٰ اطلب کر کے جس نے اپناتح ریک بیان پیش کیا جولف ہٰ دا ہے۔ فردگواہ کنٹ یم کمال بادشاہ نمبر 434 کودفتر ہٰڈاطلب کر کے جس نے اپناتح ریں بیان پیش کیا جولف ہٰڈا ہے۔ محرر پولیس لائن نے حسب طلبی دفتر ہذا حاضر آ کرا پناتح بری بیان پیش کیا جولف ہذا برائے ملاحظہ ہے۔ محررتها نهتی نے حسب طلبی دفتر ہذا حاضر آکرا پناتح ریک بیان پیش کیا جولف مذاہرائے ملاحظہ ہے۔

LHC د حيد عماس تمبر 532: ...

نے بیان کیا کہ ملزم وحید عباس جو کہ پولیس ڈیپارٹمنٹ میں بطور HC مالازم ہے۔مورخہ 17.06.2023 کوالیاس حسین AS نے شاہوروڈ نز دمسافرانو زیارت کے ساتھ بمعہ 1200 گرام چرس گردہ ،موڑ سائرکیل پرگرفتار کیا تفاجس کے بعد نفیتش اُسکے حوالہ کی۔اُس نے مقدمہ میں نقشہ موقع بلاسکیل مرتب کیا۔فر دگواہان اور محرر کیا بیانات زیرد فعہ 161 ض ف قامبند کئے ہیں۔ملزم کے خلاف بوساطت افسران بالانحکمانہ کاروائی کے لئے ڈکٹ انگریز می تحریک ہے۔ملزم کو حراست پولیس کے لئے عدالت بیش کیا گیا۔ تاہم عدالت سے حراست پولیس منظور نہیں ہوئی۔ ملزم کا بیان 161 ض ف قلمبند کرنے کے بعد ہمراہ دارن درست طور پر جوڈیشل سی سنگو میں جنع کیا ہے ۔ ملزم سے برآ مدشدہ موٹر سائیکل بروئے فرد قبضہ پولیس ہے ۔ مقدمہ بذا کا مالمقد مہ بغرض تجزیبہ FSL بجوایا گیا ہے ۔ جسکا رزلٹ تا حال موصول نہیں ہواہے ۔ جسکے موصول ہوتے ہی شامل مشل کیا جائیگا۔ ملزم کے ساتھ شریک جرم ملزم خاطر عرف اختر و دلد سردر خان سکنہ میال میلہ ضلع اور کرنی کے بابت جناب مواہے ۔ جسکے موصول ہوتے ہی شامل مشل کیا جائیگا۔ ملزم کے ساتھ شریک جرم ملزم خاطر عرف اختر و دلد سردر خان سکنہ میال میلہ ضلع اور کرنی کے بابت جناب DPO صاحب ضلع اور کرنی کو بوساطت افسران بالا گرفتاری کے بابت ڈاکٹ انگریز ی کے لئے درخواست تحریر کی ہے ۔ اور ملزم اختر مذکورہ بالا کے خلاف عدالت سے . کاروائی رو پوش کمل کر کے جرم اشتہاری گردانا گیا جا کرچکے خلاف چالان زیرہ فعہ 512 خن دیا گیا ہے ۔ اور ملزم ملزم خلاف عدالت سے .

الیاس حسین ASI نجارج چوکی دا تیسان : _

نے بیان کیا کہ لف شدہ FIR مقدمہ علت 538 موردہہ 2023.06 717 جم '9D CNSA تھاند مٹی برخلاف وحید عباس LHCاور اختر عرف درج رجسر کیا ہے یہی اُس کا بیان ہے۔

فردگواه حیات الشرجان HC:

نے بیان کیا کہ دہ الیاس سین ASI کے ساتھ بہقام شاہوروڈ نز دمسافرانو زیارت نا کہ بندی پرموجود تھا۔ اُس کے موجود گی میں الیاس سین ASI نے ملزم واحد عباس LHC کے قبضہ سے 1200 گرام چرس برآمد کی ہے۔ جس میں وہ بطور فردگواہ ہے۔ مذکورہ ملزم کے خلاف مقد مہ علت 538 مورخہ 2023. 17.06 جرم DD CNSA نے جو بھی کاروائی کی ہے تائون کے مطابق کی ہے۔ **فردگواہ کشمیل کمال بادشاہ نمبر 433۔**

نے بیان کیا کہ دہ الیاس سین AS کے ساتھ بمقام شاہور دڈنز دمسافرانو زیارت نا کہ بندی پرموجو دتھا۔ اُس کے موجو دگی میں الیاس سین AS نے ملزم واحد عباس LHC کے قبضہ سے 1200 گرام چڑس برآ مدکی ہے۔ جس میں وہ بطور فر دگواہ ہے۔ مذکورہ ملزم کے خلاف مقد مسلت 538 مورخہ 2023. 17.06.20 جزم DD CNSA کے قبضہ سے 1200 گرام چڑس برآ مدکی ہے۔ جس میں وہ بطور فر دگواہ ہے۔ مذکورہ ملزم کے خلاف مقد مسلت 538 مورخہ 2023. 17.06 DD CNSA نے جو کہ قابل کی ہے کہ مقدمت پڑی ہے۔ الیاس سین AS نے جو بھی کاروائی کی ہے قانون سے مطابق کی ہے۔ <u>محرد قامت میں ق</u>بل اللہ AS میں مقدمت پڑی ہے۔ الیاس مسین AS اور ایک کی ہے قانون سے مطابق کی ہے۔

نے بیان کیا کہ مورخہ 17.06.2023 کوالی تحریری مراسلہ ASI الیا س^{حسی}ن انچارج چو کی رائیسان بجرم DCNSA وحید عباس موصول ہر کر اُس نے ارسال کردہ مراسلہ پر مقدمہ علت 538 مورخہ 17.06.2023 جرم DCNSA تھانڈ ٹی ہنگو درج ہو کر مزیدِ تفتیش کی خاطر FIR مع مراسلہ انو ش سیشن وینگ تھانڈ ٹی کوحوالہ کی ہے۔FIR پر اُسکا ثبت شدہ دستخط بالکل درست ہے۔

محرر بولیس لاتن HC شازگل:-

نے بیان کیا کہ داحد عباس LHC نمبر 532 بحوالہ مد 14 روز نامچہ 17.06.2023 کو R1 صاحب چیکنگ غیر حاضر کیا ہوا تھا۔ بوقت 17:50 بمعدتھا نہ ش MM انظار علی LHC نے سرکاری فون نمبر پراطلاع کر کے اگاہ کیا کہ نہ کورہ LHC کیخلاف تھا نہ ٹی معد مہ درج رجس ہوکر حسب ضابطہ گرفتار بند بحوالات تھا نہ ہے۔ اطلاع درج روز نامچ کر کے جملہ حالات افسران بالا کے نوٹس میں لائے گئے ۔ نہ کورہ LHC فیر البشر ناکہ بندی/ بیرئیر پر بطورانچا رج تھا۔ نہ کورہ LHC روز پولیس آکر جسکی حاضری بحوالہ مد 16 روز نامچہ امروزہ درج رجس ہوکر جناب DPO صاحب نے معطل کی بیرئیر پر بطوران خال کا دی نامہ کورہ DPO مال خیر البشر ناکہ بیر کیر پر بطوران چارج تھا۔ نہ کورہ DPO مالا تھا۔ نہ کہ معد کہ میں معد مدور کی ہوں کہ بیر کر کے ال پولیس آکر جسکی حاضری بحوالہ مد 16 روز نامچہ امروزہ درج رجس ہو کر جناب DPO صاحب نے معطل کیا ہے۔

لگائے گئے الزامات میں حسب ضابطہ کاردائی شروع کرکے قصوردار HC اوحید عباس کو دفتر ہذا طلب کرکے جس سے مقدمہ علت 538 مورخہ 17.06.2023 جرم OD CNSA تھانہ ٹی ہنگو میں چارج ہونے اور منشیات کی برآ مدگی کے متعلق دریافت کرنے پرجس نے لگائے گئے الزامات ک تر دید کی۔ نہ کورہ سے اس بابت کر اس سوالات بھی کئے گئے۔

منذکرہ مقد مدکا مدعی مقد مدا AS الیاس سین انچارج چوکی را ئیسان اور فر د گواہان (Major Witness) حیات اللہ جان HC اور کنظیل کمال بادشاہ نمبر 43.3 منعینہ چوکی رائیسان کوبھی دفتر ہذا طلب کر کے جن کے بیانات قلمبند کر کے جنہوں نے استغاش کی تائید کرنے کے ساتھ موقع پر بوقت گرفتاری ملزم LHC وحید عباس در یکوری منشیات کی ہمراہ موٹر سائیک بقاعدہ فوٹو گرانی بھی چیش کی ۔ بیانات و پیش کردہ فوٹو گرانی و دیگر دستاویز ایت مقد مہلور شوت لکوائیری ہذا س

تفتیش آفیسرانسپکٹر زاہد سین نے بھی حسب طلبی دفتر ہٰذا پیش ہوکر جس کے مطابق اُس نے مقدمہ کی تفتیش کرکے مدعی کی نشاند ہی پرنقشہ موقع مرتب کیا۔اور گواہان کے بیانات زیرد فعہ 161 ض ف قلمبند کرنے کے ساتھ ساتھ LHC ملزم وحید عباس کا بیان بھی زیرد فعہ 161 ض ف ریکارڈ کرکے پیش عدالت کیا۔ مال کے صحف حص ای طرح محرر پولیس لائن شازگل HCنے اپنے بیان میں ظاہر کیا کہ وحید عباس LHC خیر البشر نا کہ بندی پر تعینات تفا۔ مورخہ 2023. 17.06 17.06 RI صاحب کے نا کہ بندی وگاردات کے چیکنگ کے دوران مذکورہ LHC کو اپنے نا کہ بندی پر یوفت 40.90 بج عدم موجود پا کر بحوالہ مد 14 روز نامچہ 17.06.2023 کور پورٹ غیر حاضری درج کی ہے۔ جس نے مورخہ 2023.07.2027 کو بحوالہ مد 16 روز نامچہ 2023.05.07 کو پولیس لائن میں اپنی حاضری یقینی بنائی۔ نقلہ دات حاضری وغیر حاضری ر پورٹ بھی پیش کر کے جواف انکوا نیری ہذا ہے۔

جہاں تک حقیقت کا تعلق ہے بروز وقوعہ یعنی مورخہ 2023 .06 17 کوملزم/LHC وحید عباس کے قبضہ سے انچارج چوکی رائیسان AS الیاس حسین بمعہ نفری پولیس دوران نا کہ بندی ایک پیک چرس دز نی 1200 گرام کی برآ مدگی کی ۔جس پر LHC ملزم کے خلاف بقاعدہ منشیات کا مقدمہ بجرم AS الیاس حسین بمعہ درج رجمٹر ہوکر مقدمہ میں چالان کلمل زیر دفعہ 173 ض ف مرتب کرکے بغرض ساعت عدالت بھجوائے گئے ۔ یہاں سیامربھی قابل ذکر ہے کہ مذکورہ LHC ملزم بروز وقوعها پنی ڈیوٹی پوائینٹ سے غیر حاضر تھا۔

علاوہ ازیں ندکورہ LHC کے بابت خفیہ معلومات پنۃ براری کرنے پر یہ بات بھی منظرعا م پر آئی کہ LHC ملزم وحید عباس بچھ مرصہ سے منشیات اجرت پر میاں میلہ بحد اور کزئی سے لا کر را ئیسان وقریبی دیہا توں کے منشیات فروشوں کوسپلائی کرنے میں ملوث رہا ہے ۔مگر محکمہ پولیس کی آ ڑمیں چھپارہا لیکن بروز دقوعہ ریکے ہاتھوں نیکڑا گیا۔

عليجاه!

لید احالات وداقعات، بالا کمینی انکوائیری اور تمام جوتوں کے بنیاد رقصوروار LHCوجید عماس کو Major Punishment وینے کی سفارش کی جاتی

ىپ ۋوي^{يون} پوليس افيسر منگو

A +- led

<u>ORDER.</u>

This order will dispose of the departmental appeal preferred by Constable Waheed Albas No. 532 of district Hangu against the order of District Police Officer, Hangu whereby he was awarded major penalty of reversion from the rank of LHC to Constable vide OB No. 524 dated 25.08.2023. Brief facts of the case are that the appellant while posted at Police Lines Hangu was directly charged and arrested in a criminal case vide FIR No. 538, dated 17.06.2023 U/S directly charged and arrested in a criminal case vide FIR No. 538, dated 17.06.2023 U/S directly charged and arrested in a criminal case vide FIR No. 538, dated 17.06.2023 U/S directly charged and arrested as Enquiry Officer. The Enquiry Officer after fulfillment of and SDPO City Hangu was nominated 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. He was, therefore, recommended for major penalty under the relevant rules. Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances, the delinquent official was awarded punishment of reversion from the rank of LHC to Constable by the District Police Officer, Hangu vide OB No. 538, dated 17.06.2023.

Feeling aggrieved from the order of District Police Officer, Hangu, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 24.10.2023. During personal hearing the appellant did not advance any plausible explanation in his defense.

From the perusal of the relevant record of the instant case, it has transpired that the delinquent officer had been nominated in case vide FIR No. 538, dated 17.06.2023 U/S 9-D-CNSA, SC City Hangu. He had been arrested in the instant case red-handed alongwith 1200 grams of Charas. Consequently, he was placed under suspension and departmental proceedings against him were initiated by DPO Hangu vide Charge Sheet No. 186/EC, dated 20.06.2023. SDPO City Hangu was nominated as Enquiry Officer. During the course of departmental enquiry proceedings, the allegations against the delinquent officer were established behind any shadow of doubt. Consequently, the DPO Hangu vide his office OB No. 524, dated 25.08.2023 awarded him a major punishment of reversion from the rank of LHC to Constable. However, the careful scrutiny of the above noted punishment order of DPO Hangu makes it abundantly clear that the rank of LHC to constable which is, mandatory for promotion from the rank of Constable to Head Constable. Thus, no reduction in rank from LHC to the rank of Constable can be made as the LHC is not a substantive rank.

In view of the position explained above, no major punishment has been awarded to the delinquent officer for his serious misconduct of involvement in narcotics case. Instead of serving as custodian of law, the delinquent officer has got himself involved in drug trafficking which is unbecoming of a disciplined Police officer. This conduct of the delinquent officer has rendered him absolutely unfit for retention in Police force.

Foregoing in view, 1, Sher Akbar, PSP S.St, Regional Police Officer, Kohat, being the appellate authority, am of the considered opinion that the appellant has not been awarded any punishment as recommended by the Enquiry Officer. Therefore, the undersigned, in exercise of the powers conferred upon under Police Rules 1975 (As amended 2014), is constrained to set aside the order of punishment of DPO Hangu vide OB No. 524 dated 25.08.2023 and remand back the instant cuse to DPO Hangu to pass a speaking order on the report of enquiry officer strictly in accordance with rules within fifteen days under intimation to this office.

Order Announced 24.10.2023

Regional Police Officer. Kohat Region

Scanned with CamScanner

Actested

No.11936-401EC, Dated Kohat the 13 11/2023

Copy forwarded to District Police Officer, Hangu for information and necessary w/r to his office Memo: No. 4955/LB, dated 09.10.2023. His Service Record is returned herewith.

• 2. All the District Police Officers, Kohat Region with the direction to ensure due difigence in exercise of the powers under KP Police Rules 1975 (As amended 2014).

SRC. For al artion and sturier cample

ыянастроние Фёррасулан

ORDER

In pursuance of the directives/considered opinion of the worthy Regional Police Officer, Kohat Region. Kohat that the appellant/Constable Waheed Abbas No. 532 has not been awarded any punishment as recommended by the Enquiry Officer, therefore, it is constrained to set aside the order of punishment of DPO Hangu vide OB No. 524, dated 25.08.2023 and remand back the instant case to DPO Hangu to pass a speaking order on the report of Enquiry Officer strictly in accordance with rules within fifteen days by intimating his good self office vide Order Endst: No. 11936-40/EC, dated 13.11.2023.

Subsequently, the delinquent Waheed Abbas No. 532 was called in orderly room on 16.11.2023, and heard in person by giving full opportunity of hearing to him, but he did not produce any cogent evidence in his self defence for proving his innocence.

Foregoing, through the findings and recommendation of the Enquiry Officer, the material on record and other documentary proof including his defense before. the Enquiry Officer,[#]he was held guilty for the charges leveled against him.

Keeping in view of the above and having gone through available record, the undersigned has arrived at the conclusion that delinquent Waheed Abbas No. 532 has committed serious misconduct for involvement in narcotics case instead of serving a custodian of law, he has got himself involved in drug trafficking, which is unbecoming of a disciplined Police Officer as is evident from his captured photography placed with the enquiry and recommendation of major punishment by the enquiry officer. As such, his conduct has rendered him absolutely unfit for retention in in Police Department and is a burden on public exchequer, therefore, I, Nisar Ahmad, PSP,QPM, District Police Officer, Hangu in exercise of the powers conferred upon me under the Rules ibid, awarded himmajor punishment of Dismissal from service with immediate effect.

Order Announced:

72 OB No. Dated 00 / 11 /2023

DISTRICT POLICE OFFICER, HANGU

S-6 8<u>D-8.2</u>/EC, dated Hangu, the <u>20</u> Copy of above is submitted to the Regional Police Officer, Kohat Region, Kohat w/r to his office Order Endst: No.11936-40/EC, dated 13.11.2023 for favour of information, please.

The DSP HQrs with the directions to collect his official kit immediately, Pay Officer be made recovery accordingly (if any), and EC, Reader & OHC for necessary action.

DISTRICT POLICE OFFICER, Actested

<u>ORDER</u>

This order will dispose of the departmental appeal preferred by Ex Constable Waheed Abbas No.532 of Operation Staff, Hangu against the order of District Police Officer, Hangu whereby he was awarded major punishment of dismissal from service vide OB No. 731, dated 20.11.2023. Brief facts of the case are that the appellant, while posted at Police Lines Hangu, has been directly charged in case FIR No. 538 dated 17.06.2023 U/S 9DCNSA PS City Hangu. Proper departmental enquiry proceeding were initiated against him and SDPO City Hangu was nominated as Enquiry Officer. The Enquiry Officer, after fulfillment of codal formalities, submitted his finding wherein the appellant was found guilty of the charges leveled against him. He was, therefore, recommended for major penalty under the relevant rules. Keeping in view the recommendations of the Enquiry Officer and the above cited circumstances, the delinquent officer was awarded punishment of reversion from the rank of LHC to constable by the District Police Officer, Hangu vide OB No.524 dated 25.08.2023.

Feeling aggrieved from the order of District Police Officer, Hangu, the appellant had preferred appeal before the undersigned. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 24.10.2023. During personal hearing, the appellant did not advance any plausible explanation in his defence. However, the careful scrutiny of the record makes it abundantly clear that the rank of EHC denotes as constable who has qualified the Lower School Course which is mandatory for promotion from the rank of constable to Head Constable. Thus, no reduction in rank from LHC to the rank of Constable can be made as the LHC is not a substantive rank. In view of the above facts, the appellant had not been awarded any punishment as recommended by Enquiry Officer. The order of punishment of DPO Hangu vide OB No. 524 dated 25.08.2023 was, therefore, set-aside and, consequently, the departmental enquiry against the delinquent officer stood pending before the DPO, Hangu. The case was remanded back to DPO Hangu with the directions to pass a speaking order on the report of enquiry officer strictly in accordance with Police Rules 1975 (As amended 2014).

District Police Officer, Hangu called him in Orderly Room held on 16.11.2023 and heard in person. He was awarded him major punishment of dismissal from service with immediate effect vide OB No. 731 dated 20.11.2023.

Being dissatisfied from the order of District Police Officer, Hangu, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 29.05.2024. However, he could not present any plausible grounds to justify his misconduct. Instead of serving as custodian of law, the delinquent officer has got himself involved in drug trafficking which is unbecoming of a disciplined Police Officer. This conduct of the delinquent officer has rendered him absolutely unfit for retention in the police force.

W. -

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 awarded by the District Police Officer, Hangu to the appellant is justified and, therefore, warrants no interference. Hence, appeal of Ex Constable Waheed Abbas No.532 is hereby rejected, being devoid of substance and merit. Order Announced <u> 29.05.2024</u> No. 5180 _/EC, Dated Kohat the Copy forwarded to District Police Officer, Hangu for information and necessary action w/r to his office Memo: No.1086/LB, dated 07.03.2024. Service Record and Enquiry File are returned herewith. Por N-DISTRICT POLICE THEER MANGE

Service Appeal No.977//2024

Mr. Waheed Abbas, Ex-LHC

Police Department Kohat Region, Kohat

Appellant

VERSUS

Regional Police Officer, Kohat Region Kohat & other

..... Respondents

AUTHORITY LETTER

Mr. Imad-ud-Din DSP HQrs Hangu is hereby authorized/nominated to submit para-wise comments/reply in the instant service appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar and also to defend instant service appeal on behalf of Respondent's No.1 to 2.

Distric Officer, PoN (Respondent No. 2) (MUHAMMAD KHALID) PSP Incumbent

Regional Police Officer, Kohat

Kohat Region Kohat (Respondent No. 1) (SHER AKBAR) PSP S.St Incumbent