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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO _____


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Waqif Khan vs Police

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 Muharir Compilation


 Incharge Judicial Branch 11/7/24

S.No	Name	Father's Name	District	Posted At
79	Maria Rehman	Fazal-Ur-Rehman	Abbottabad	GGCMS NAWANSHEHR
80	Sofia Noreen	Haji Akhtar Zaman	Bannu	GGHSS MANDOZAI
81	Sadia Noreen	Haji Akhtar Zaman	Bannu	GGHSS S.R. BALA
82	Uzma Bibi	Ghulam Serwar Khan	Battagram	GGHS BANIAN
83	Mehnaz	Umbaras Khan	Bunner	GGHS KALPANAI
84	Robina	Subhan-Ud-Din	Charsadda	GGHS PRANG
85	Shabana Sattar	Sattar Khan	Charsadda	GGHS SHABQADAR FORT
86	Shaista	Mumtaz Ahmad	Charsadda	GGHS BOOBAB
87	Shahida Begum	Said Akbar	Charsadda	GGHS HARICHAND
88	Shahida Bibi	Muhd Hashim Khan	Chitral	GGHS DENIN
89	Danish Mahmood	Mehmood Ilahi	Chitral	GGHS DROSH
90	Shaira Bibi	M.Baig	Chitral	GGHS BOONI
91	Miss Shehla Ambreen	Haji Abdur Rehman	D.I. Khan	GGHS KULACHI
92	Dur E Shahwar	Sanallah	D.I. Khan	GGHS PANIALA
93	Irum Sultan	Abdur Rahim Khan	D.I. Khan	GGHSS PAHARPUR
94	Nusrat Jabeen	Habib-Ur-Rehman	Dir (Upper)	GGHSS DIR
95	Hasina Amin	Muhammad Amin	Hangu	GGHS HANGU
96	Nighat Gul	Ayub Shah	Haripur	GGHS BANDI MUNEEM
97	Nuzhat Iqbal	Muhammad Iqbal	Haripur	GGHS K.T.S NO. 3
98	Toseer Fatima	Abbas Ali Shah	Haripur	GGHS BAGRA
99	Kalsoon	Rizwan Ullah	Karak	GGHS LATUMBER
100	Nasira Sultan	Khan Nawaz Khan	Karak	GGHS AHMAD ABAD
101	Nasira Khatoon	Pio Zariat Khan	Karak	GGHSS CHOKARA
102	Riffat Sultana	Khan Nawaz Khan	Kohat	GGHS NO.1 KOHAT
103	Mehwish Zeb	Aurang Zeb	Kohat	GGHS NO.2 KOHAT
104	Tasleem Kausar	Muhammad Zaman	Kohat	GGHSS BABRI BANDA
105	Tahira Rahim	Abdul Raheem	Lakki	GGHS NO.1 LAKKI
106	Faheem Akhter Nosheen	Sheikh Muhd Akhtar	Lakki	GGHS SHAHBAZ KHEL
107	Safia	M. Rasool Khan	Malakand	GGHS BATKHALA
108	Hamida Bibi	M. Rasool Khan	Malakand	GGHS ALLAH DAND
109	Bushra Javaid	Muhammad Javid	Mansehra	GGHS DATTA
110	Bibi Sabira	Qazi Badrul Islam	Mansehra	GGHS DHODIAL
111	Bibi Sadia Javaid	Malik Muhammad Javid	Mansehra	GGHS NO.2 MANSEHRA
112	Rabia Javaid	Malik Muhammad Javid	Mansehra	GGHSS BAFFA
113	Sadaf	Fazal Mehmood	Mardan	GGHS KATLANG
114	Tahira Naz	Jahanzeb	Mardan	GGHSS SHAH DAND BABA
115	Ghazala	Noor Islam	Mardan	GGHS GUJAR GHARI
116	Fauqiat Nafees	M. Nafees Ahmad	Nowshera	GGHS PABBI
117	Nighat Ara	Muhammad Ali	Nowshera	GGHS BADRASHI
118	Haleema Ishaq	Muhammad Ishaque	Nowshera	GGHSS AKORA KHATTAK
119	Sadaf Rani	Muhammad Yaqoob Rana	Nowshera	GGHSS PIR PAI
120	Hoor Bibi	Gul Hafeez	Peshawar	GGHS IRREGATION
121	Noreen Tabassum	Muhammad Irshad	Peshawar	GGHS NISHTER ABAD

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06.05.2024 1. Appellant in person present. Mr. Arshad Azam, Additional Advocate General for the respondents present.

2. Notices have not been issued to respondents due to non-depositing of TCS expenses, therefore, appellant is directed to deposit TCS expenses within three days. Thereafter notice be issued to the respondents for submission of reply/comments. To come up for reply/comments on 04.06.2024 before S.B. P.P given to the parties.

TCS EXPENSES
Not Submitted
29/5

(Muhammad Akbar Khan)
Member (E)

SCANNED
KPST
Peshawar

kamran

S.A.#.353/2024 titled "Waqif Khan Vs. Police Department"

4th June, 2024

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Learned counsel for the appellant for withdrawal of this appeal. As a token of admission of his submission; he signed the margin of order sheet. Dismissed as withdrawn. Consign.

3. *Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 4th day June, 2024.*

(Kalim Arshad Khan)
Chairman

SCANNED
KPST
Peshawar

Mutazem Shah

5-4476991-1631-2024

FORM OF ORDER SHEET

Court of _____

Appeal No. 353/2024

1	2	3

07/03/2024

The appeal of Mr. Waqif Khan presented today by Mr. Fazal Shah Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 08.03.2024. Pareha Peshi is given to counsel for the appellant.

SCANNED
KPST
Peshawar

By the order of Chairman

[Signature]
REGISTRAR

08.03.2024

1. Learned counsel for the appellant present. Preliminary arguments heard.
2. Points raised need consideration. The appeal is admitted for regular hearing subject to all just and legal objections by the other side. Appellant is directed to deposit security fee within ten days. Respondents be summoned through TCS, the expenses of which be deposited by the appellant. Thereafter notices be issued to the respondents for submission of reply/comments. To come up for reply/comments on 06.05.2024 before S.B. P.P given to learned counsel for the appellant.

[Signature]

(Muhammad Akbar Khan)
Member (E)

TCS Expenses
Not Submitted

19/4
SCANNED
KPST
Peshawar

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Waqif Khan vs CePO etc

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: <u>Fazal Shah Mohmand</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	<input type="checkbox"/>	<input type="checkbox"/>
3	Whether appeal is within time?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Whether the enactment under which the appeal is filed mentioned?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Whether the enactment under which the appeal is filed is correct?	<input type="checkbox"/>	<input type="checkbox"/>
6	Whether affidavit is appended?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Whether affidavit is duly attested by competent Oath Commissioner?	<input type="checkbox"/>	<input type="checkbox"/>
8	Whether appeal/annexures are properly pagged?	<input type="checkbox"/>	<input type="checkbox"/>
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	<input type="checkbox"/>	<input type="checkbox"/>
10	Whether annexures are legible?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Whether annexures are attested?	<input type="checkbox"/>	<input type="checkbox"/>
12	Whether copies of annexures are readable/clear?	<input type="checkbox"/>	<input type="checkbox"/>
13	Whether copy of appeal is delivered to AG/DAG?	<input type="checkbox"/>	<input type="checkbox"/>
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15	Whether numbers of referred cases given are correct?	<input type="checkbox"/>	<input type="checkbox"/>
16	Whether appeal contains cutting/overwriting?	<input type="checkbox"/>	<input type="checkbox"/>
17	Whether list of books has been provided at the end of the appeal?	<input type="checkbox"/>	<input type="checkbox"/>
18	Whether case relate to this court?	<input type="checkbox"/>	<input type="checkbox"/>
19	Whether requisite number of spare copies attached?	<input type="checkbox"/>	<input type="checkbox"/>
20	Whether complete spare copy is filed in separate file cover?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
21	Whether addresses of parties given are complete?	<input type="checkbox"/>	<input type="checkbox"/>
22	Whether index filed?	<input type="checkbox"/>	<input type="checkbox"/>
23	Whether index is correct?	<input type="checkbox"/>	<input type="checkbox"/>
24	Whether Security and Process Fee deposited? On	<input type="checkbox"/>	<input type="checkbox"/>
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On	<input checked="" type="checkbox"/>	<input type="checkbox"/>
26	Whether copies of comments/reply/rejoinder submitted? On	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27	Whether copies of comments/reply/rejoinder provided to opposite party? On	<input type="checkbox"/>	<input type="checkbox"/>

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: Fazal Shah Mohmand
Signature: [Signature]
Dated: 06/03/2024

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No 353 /2024

Waqif Khan.....Appellant

V E R S U S

CCPO & others.....Respondents

SCANNED
KPST
Peshawar

I N D E X

S.No	Description of Documents	Annexure	Pages
1.	Service Appeal with affidavit	*	1-4
2.	Application for condonation of delay with Affidavit	*	5
3.	Addresses of Parties	*	6
4.	Copy of Charge Sheet & Reply	A, B	7-9
5.	Copy of Inquiry Report	C	10-12
6.	Copy of Order dated 27-10-2023	D	13
7.	Copy of departmental appeal & Order dated 19-12-2023	E, F	14-15
8.	Vakalat Nama	*	16

Dated:-06-03-2024

Through


Appellant


**Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan**

**OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com**

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No 353 /2024

Diary No. 11664

Dated 07-03-2024

Waqif Khan, Ex Ticketing Officer/IHC No 81, City Traffic Police,
Peshawar.....Appellant

V E R S U S

1. Capital City Police Officer, Peshawar.
2. Chief Traffic Officer, Peshawar.

.....Respondents

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 19-12-2023 OF RESPONDENT NO 1 WHEREBY ON DEPARTMENTAL APPEAL THE PUNISHMENT OF COMPULSORY RETIREMENT AWARDED BY RESPONDENT NO 2 HAS BEEN CONVERTED INTO DISMISSAL FROM SERVICE.

PRAYER:-

On acceptance of this appeal the impugned Order dated 19-12-2023 and order dated 27-10-2023, may kindly be set aside and the appellant may kindly be ordered to be reinstated in service with all back benefits.

Respectfully Submitted:-

1. That the appellant was enlisted as Constable in Traffic Police on 16-09-1993 and was promoted as Head Constable in 2008 and since enlistment, the appellant performed his duties with honesty and full devotion and to the entire satisfaction of his high ups.
2. That the appellant while posted as Ticketing Officer//IHC was issued Charge Sheet with Statement of allegations on 15-09-

Filed to day
Razvi
7/3/24

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2023 on the allegations mentioned therein which was replied in detail refuting the allegations. **(Copy of Charge Sheet & Reply is enclosed as Annexure A & B).**

3. That thereafter an illegal inquiry was conducted wherein the appellant was subjected to cross examination in violation of law and rules. **(Copy of inquiry report is enclosed as Annexure C).**
4. That strangely the appellant was awarded the punishment of Compulsory retirement from service by respondent No 2 vide Order dated 27-10-2023. **(Copy of Order dated 27-10-2023 is enclosed as Annexure D).**
5. That the appellant preferred departmental appeal before respondent No 1 on 17-11-2023, where upon the punishment of Compulsory Retirement was converted into that of dismissal from service vide Order dated 19-12-2023, in violation of law and rules. **(Copy of departmental appeal dated 17-11-2023, & Order dated 19-12-2023 is enclosed as Annexure E & F).**
6. That the impugned Order dated 27-10-2023 and Order dated 19-12-2023 are against the law, facts and principles of justice on grounds inter-alia as follows:-

GROUND S:-

- A. That the impugned Orders are illegal, unlawful, without lawful authority and void ab-initio.
- B. That mandatory provisions of law and rules have been badly violated by the respondents and the appellant has not been treated according to law and rules in violation of Article 4 and 25 of the Constitution.
- C. That the impugned orders are in total disregard of the law on the subject and as such void ab-initio.

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- D.** That no evidence of any sort with respect to bogus/illegal challans has been brought on record rather all the witnesses have supported the stance of the appellant.
- E.** That the allegations levelled against the appellant are vague, as no bogus/illegal challans are there as the appellant was never confronted with any such challans. Similarly there is any complaint nor the alleged loss is known, thus the impugned orders are liable to be set at naught.
- F.** That no Show Cause Notice was issued to the appellant in violation of law on the subject.
- G.** That no proper inquiry was conducted in the matter nor the appellant was provided proper opportunity of defense as strangely the appellant was subjected to cross examination.
- H.** That respondent No 1 has no authority to have enhanced the punishment of the appellant as for that matter specific procedure has been provided.
- I.** That the malafide is proved from the fact that the inquiry has been conducted by the DSP Headquarters Traffic while allegedly the mobile was recovered from the appellant by him, which could not be maintained.
- J.** That the appellant was not afforded opportunity of personal hearing.
- K.** That the appellant is jobless since his illegal dismissal from service.
- L.** That the appellant has about 31 years of service with unblemished service record.

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M. That the appellant seeks the permission of this honorable tribunal for further/additional grounds at the time of arguments.

It is therefore prayed that appeal of the appellant may kindly be accepted as prayed for in the heading of the appeal.

Any other relief deemed appropriate and not specifically asked for, may also be granted in favor of the appellant.

Dated:-06-03-2024

Through


Appellant


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

LIST OF BOOKS:

1. Constitution 1973.
2. Other Books as per need

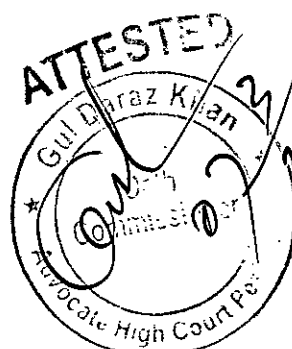
CERTIFICATE:

Certified that as per instructions of my client, no other Service Appeal on the same subject and between the same parties has been filed previously or concurrently before this honorable Tribunal.


ADVOCATE

AFFIDAVIT

I, Waqif Khan, Ex Ticketing Officer/IHC No 81, City Traffic Police, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Service Appeal**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.




DEPONENT

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No _____/2024

Waqif Khan.....Appellant

V E R S U S

CCPO & others.....Respondents

Application for condonation of delay if any

Respectfully Submitted:-

1. That the accompanying appeal is being filed today in which no date of hearing has been fixed so far.
2. That the grounds of appeal may be considered as integral Part of this application and the appellant has also approached respondent No 3 under Rule 11-A of Police Rules 1975, thus instant appeal is well within time.
3. That since the impugned order is void ab-initio being passed in utter violation of law and rules on the subject hence too the instant appeal is as such well within time furthermore lis are to be decided on merit instead of technicalities.
4. That no evidence of any sort has been collected in support of the allegations which were never substantiated.
5. That law as well as the dictums of the superior Courts also favors decisions of cases on merit.

It is therefore prayed that on acceptance of this application, the delay if any in filing of appeal may kindly be condoned.

Dated:-06-03-2024

Through

af
Appellant

af
**Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan**

I, Waqif Khan, Ex Ticketing Officer/IHC No 81, City Traffic Police, Peshawar, do hereby solemnly affirm and declare on oath that the contents of this **Application**, are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.



af
DEPONENT

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

Service Appeal No _____/2024

Waqif Khan.....Appellant

V E R S U S

CCPO & others.....Respondents

ADDRESSES OF PARTIES

APPELLANT

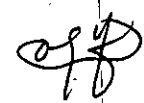
Waqif Khan, Ex Ticketing Officer/IHC No 81, City Traffic Police,
Peshawar

RESPONDENTS

- 1. Capital City Police Officer, Peshawar.
- 2. Chief Traffic Officer, Peshawar.

Dated:-06-03-2024

Through



Appellant



**Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan**

CHARGE SHEET

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7 A

1. WHEREAS I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary and expedient.

2. AND whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule-3 of the aforesaid Rules.

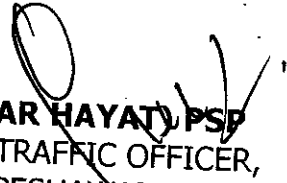
3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, **QAMAR HAYAT**, PSP Chief Traffic Officer, Peshawar hereby charge you **TO/IHC Waqif Khan No.81** (ASI acting charge basis) Incharge Romeo-II Mobile, under Rules 5 (4) of the Police Rules 1975 on the basis of following allegations:-

i That you have been found issuing bogus/illegal challans by installing a printing app in your smart phone instead of using official challan device of City Traffic Police Peshawar. It has caused loss to the government treasury and also tarnished the image of City Traffic Police, Peshawar amongst the general public.

ii. This amounts to gross misconduct on your part.

4. AND I hereby direct you further under Rule 6 (I) (b) of the said Rules to put-in written defense within 07-days of the receipt of this Charge Sheet as to why the proposed action should not taken against you and also state whether you desire to be heard in person.

5. AND in case your reply is not received within the stipulated period to the enquiry officer, it shall be presumed that you have no defense to offer and in that case, ex-parte action will be taken against you.


(QAMAR HAYAT) PSP
CHIEF TRAFFIC OFFICER,
PESHAWAR.
(Competent Authority)

No. 787 /PA,

Dated: 15/08 /2023.

Copies to the:-

1. Enquiry Officer to initiate departmental proceedings against the defaulter official under Police Rules 1975.
2. TO/IHC Waqif Khan No.81 (defaulter official) to appear before the Enquiry Officer and attend the departmental proceedings as and when directed/called by the Enquiry Officer.

مذکورہ آفیسر کے پاس اس چارج شیٹ کی کاپی پیش کی
ڈسپلنری ایجنسی مورخہ 16-8-2023 کو
بدستہ خود کار طریقے سے وصول ہوئی۔



16/9/2023.


ATTESTED

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DISCIPLINARY ACTION

1. **I, QAMAR HAYAT**, Chief Traffic Officer, Peshawar as competent authority, am of the opinion that you **TO/IHC Waqif Khan No.81** (ASI acting charge basis) Incharge Romeo-II Mobile, have rendered yourself liable to be proceeded against, as you have committed the following acts/omission within the meaning of section 03 of Police Rules 1975.

SUMMARY OF ALLEGATIONS

i That you have been found issuing bogus/illegal challans by installing a printing app in your smart phone instead of using official challan device of City Traffic Police Peshawar. It has caused loss to the government treasury and also tarnished the image of City Traffic Police, Peshawar amongst the general public.

ii. This amounts to gross misconduct on your part.

2. For the purpose of scrutinizing the conduct of the said accused official with reference to the above allegations, an Enquiry Committee comprising of the following officer(s) is constituted:-

a. Mr. Zahoor-ur-Rehman DSP/HQrs:Traffic

b. _____

3. The enquiry committee/officer shall in accordance with the provision of the Police Rules 1975 provide reasonable opportunity of hearing to the accused officer/official and make recommendations as to punishment or any other appropriate action against the accused.

(QAMAR HAYAT) RSP
CHIEF TRAFFIC OFFICER,
PESHAWAR.
(Competent Authority)

1. Enquiry Officer to initiate departmental proceedings against the defaulter official under Police Rules 1975.
2. TO/IHC Waqif Khan No.81 (defaulter official) to appear before the Enquiry Officer and attend the departmental proceedings as and when directed/called by the Enquiry Officer.

ed
ATTESTED

جناب عالی!

بحوالہ چارج شیٹ نمبری 787/PA مورخہ 15.09.2023 معروض خدمت ہوں کہ من سائل بحیثیت انچارج ریویو-2 تعینات ہوں اور اپنی فرائض انتہائی خوش اسلوبی اور ایمانداری کے ساتھ انجام دے رہا ہوں۔ یہ کہ سائل پر ذاتی موبائل میں پرنٹنگ ایپ کی موجودگی اور سرکاری ڈیوائس کے متبادل استعمال کرنے کا الزام ہے جسکی بابت عرض ہمیکہ تقریباً 18 سال سے ٹکلنگ آفیسر کے پیشیت سے فرائض کی انجام دہی کر رہا ہوں۔ ہمیشہ اپنی ڈیوٹی سٹی ٹریفک پولیس کے وقار اور عزت کو بلند کرنے کیلئے ڈیوٹی انجام دی ہے اور تقریباً 30 سالہ نوکری میں من سائل کے خلاف تا حال کسی قسم کی شکایت وغیرہ افسران بالا صاحبان کو موصول نہیں ہوئی ہے اور کبھی بھی ایسے افعال کے جانب رخ اختیار نہیں کی ہے جس سے سائل کی ابدی زندگی یا ادارے کو مالی یا ساکھ کی نقصان ہو۔ علاوہ ازیں موجودہ ذاتی موبائل سے پہلے سادہ موبائل استعمال کرتا تھا جو کہ ناقابل استعمال ہونے پر من سائل نے عام مارکیٹ سے یہی ٹچ موبائل خریدی اور جس کے فنکشن کے استعمال نابلد ہوں پھر کیونکر من سائل ایسا کوئی ایپ انسٹال کرونگا جس کے استعمال کے بابت ناتو من سائل علم رکھتا ہے اور نا اس نا اس ایپ کی فنکشن سے واقفیت ہے۔ بیشک مذکورہ ایپ میرے موبائل میں ہوگی۔ تاہم یہ بھی حقیقت ہے کہ ابھی تک سائل نے اس ایپ کو موبائل سکرین میں ON بھی نہیں کیا ہے اور جس کیلئے سائل ہر قسم کی تسلی کیلئے تیار ہے۔ علاوہ ازیں سائل بحیثیت ٹکلنگ آفیسر 18 سال سے کارکردگی بھی اس قسم کی الزامات کی نفی کیلئے کافی ہے جو کہ مورخہ 01.07.2023 تا حال من سائل نے 2667 چالان اور -/864200 روپے جرمانہ مختلف خلاف ورزیوں کی صورت میں روڈ استعمال کنندہ گان سے وصول کر کے سرکاری خزانے میں جمع کی (پراگرس رپورٹ ہمراہ لف ہے)۔ لہذا کسی ایپ کا من سائل کے ذاتی موبائل میں موجودگی میرے غلط ہونے کا کوئی سچا اور پکا دلیل نہیں ہے اور نا ہی روڈ استعمال کنندہ گان کی طرف سے اس قسم کی شکایت ہوئی جو کہ سائل کا خدا نا کرے اس قسم کی ٹکلنگ چوری میں ملوث ہونے کا باعث ہو۔

لہذا استدعا ہمیکہ اس قسم کی بے سرو پاں الزام کے بابت من سائل نا واقفیت رکھتا ہے اور نا ایسے گھناؤنے افعال میں ملوث رہا ہوں۔ استدعا ہمیکہ من سائل کے خلاف جاری کردہ چارج شیٹ کو داخل دفتر کیا جائے۔

TO/ASI واقف خان 81

Attested

D.S.P TRAFFIC
Headquarters Kashtwar

ATTESTED

من سائل کی سائل نے تحریر شدہ ہے 9

ج 9۔ سال 1993 کو پورنی ہوا ہوں

من سائل کی تعلیم کستی ہے 9

ج 9۔ سٹریٹ پاس ہوں

من سائل کیلئے کو ٹچ موبائل استعمال نہ کرے عبور ہے 9

ج 9۔ من سائل نے ابھی تک سادہ موبائل استعمال کرتا تھا لیکن ذرا بلی وجہ سے عام مارکیٹ سے ٹچ موبائل خریدی ہے جو کہ تا حال اسکے فنکشن پر واقفیت نہیں ہے۔



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(10) R

**OFFICE OF THE
DEPUTY SUPERINTENDENT OF POLICE
HQRS; CITY TRAFFIC, PESHAWAR**

No. 655 /R, Dated Peshawar the 06/10/2023.

To: The Chief Traffic Officer,
Peshawar.

Subject: **DEPARTMENTAL ENQUIRY AGAINST ASI WAQIF KHAN NO. 81**
Memo:

A departmental enquiry is initiated against ASI Waqif Khan No. 81 which is marked by W/SP HQrs; City Traffic Police, Peshawar to the undersigned for departmental proceedings with the following allegations:-

SUMMARY OF ALLEGATIONS.

"That you have been found issuing bogus/illegal challans by installing a printing app in your smart phone instead of using official challan device of City Traffic Police, Peshawar. It has caused loss to the government treasury and also tarnished the image of City Traffic Police, Peshawar amongst the general public".

To scrutinize the matter, the charge sheet was served on the accused official on 16.09.2023 and directed to submit reply within stipulated time. In response he appeared & recorded his statement and also cross examined, which are as under:-

STATEMENT OF ASI WAQIF KHAN NO. 81:

He stated that he is posted as In-charge Romeo-II and is performing his duties with utmost courtesy and honesty. That he is alleged of having a printing app in his personal mobile and using an alternative to the official device, for which he has been performing his duties as a ticketing officer for last 18-years. He has performed his duty to raise the dignity of city traffic police and in almost 30 years of service, no complaint has been received against him by the high-ups and he has never taken any action that would harm his eternal life or the department financial or reputational loss. Also, before the current personal mobile, he used a simple mobile, which was unusable, so he bought the same touch mobile from the general market and whose function is not known, then how can he install such an app, which he does not know how to use. So he has no knowledge and is not familiar with the function of this app. Surely, the mentioned app will be in his mobile. However, it is also a fact that till now he has not even turned on this app in the mobile screen and for which he is ready for all kinds of consolation. Apart from this, his performance as a ticketing officer for 18-years is also sufficient to negate such allegations that till date 01.07.2023, he has issued 2667-challans and fines of Rs. 864200/- (progress report is

[Signature]
ATTEST

attached). Therefore, the presence of an app in his personal mobile is not a true and conclusive proof that he is wrong, nor is there any complaint from the road user that may God forbid he is involved in this type of technical theft. Therefore, the prayer is that he is not aware of this kind of baseless accusation and has not been involved in such heinous acts (statement attached).

STATEMENT OF DFC MUHAMMAD UZAIR NO.:

Stated that he is posted as Driver in Romoe-II mobile. As a driver, he remains present in the vehicle for the safety of the government vehicle. He is unaware of the bogus challan or the app as neither he has seen using the app or issuing bogus challan of In-charge waqif Khan and he is ready to give all kinds of consolation to the high-ups (statement attached).

STATEMENT OF HC DAUD ULLAH NO. 118:

Stated that he is posted as Gunner In-charge Romeo-II, as a gunner it is his responsibility to protect the In-charge and also the government vehicles. During duty hours, he is at a distance from In-charge while issuing challan. From bogus challan/bogus app, he is completely unaware about it and till date he has not seen the In-charge Waqif Khan using bogus app/challan. He is ready to satisfy the high-ups (the statement is attached).

STATEMENT OF IN-CHARGE DOCUMENT CELL MANSOOR JAMAL:

Stated that as per the directions/orders of high-ups during the checking of the official challan mobile device, two mobiles of ASI Waqif Khan were checked. In both the mobiles, one official challan mobile device distributed on ASI Waqif Khan and one his personal mobile, an app was found downloaded from Playstore, which is called Bluetooth printer. Both the mobiles were handed over to the SHO PS Traffic as per the orders of the high-ups (statement is attached).

STATEMENT OF MUHAMMAD ISHFAQ (DDIT):

Stated that during the routine checking by the DSP headquarters Traffic, two mobile phones were recovered from ASI Waqif Khan No.81, in which one was an official mobile and the other was his personal, which was brought to him for checking. Both the mobiles were found to have a Bluetooth Printer App downloaded from Playstore which is used for bogus challan (statement is attached).

FINDINGS/CONCLUSION:

During the course of inquiry, the charge sheet and summary of allegations was served on the accused official, recorded his statement


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ORDER

1. This office will dispose off formal departmental inquiry against TO/IHC Waqif Khan No.3294/81-T, who was issued Charge Sheet alongwith summary of allegations Vide No.787/PA, dated 15.09.2023 on the charge that he has been found issuing bogus/illegal challans by installing a printing app in his smart phone instead of using official challan device of City Traffic Police Peshawar. It has caused loss to the government treasury and also tarnished the image of City Traffic Police, Peshawar amongst the general public.
2. Mr. Zahoor-ur-Rehman, DSP/HQrs:, Traffic Peshawar was appointed as the Enquiry Officer, who carried out a detailed inquiry and submitted his report stating therein that the delinquent official has issued bogus/illegal challans from bogus app and caused loss to the government treasury. The accused official shows bad faith and found guilty. He was called in his office and heard in person regarding allegations levelled against him but he could not provide proper arguments & failed to defend himself and involved in issuance of un-authorized/bogus/illegal challans from bogus app installed in his mobile phone. The inquiry file was thoroughly examined & he is recommended for awarding of major punishment to him.
3. Keeping in view of the above facts, the undersigned arrived to the conclusion that he is an incorrigible & corrupt Head Constable. His retention in police force is not justifiable & will portray a negative image of the department. The allegations levelled against him stand proved beyond any shadow of doubts. Therefore, he is awarded major punishment of **Compulsory Retirement from Service** under the Khyber Pakhtunkhwa Police Rules 1975.

Order announced.


O.B No. 956
Date. 27-10-2023

(QAMAR HAYAT) PSP
CHIEF TRAFFIC OFFICER,
PESHAWAR.

No. 1071-79/PA, Dated Peshawar the 27/10/2023.

Copies for necessary action to the:-

1. Capital City Police Officer, Peshawar for favour of information.
2. SP/HQrs; City Traffic Police, Peshawar.
3. D.D.I.T, City Traffic Police, Peshawar.
4. DSP/HQrs: City Traffic Police, Peshawar.
5. SRC-I (along-with complete enquiry file consisting of **13**-pages)
6. Accountant, City Traffic Police, Peshawar.
7. RI/MASI, City Traffic Police, Peshawar.
8. OSI/Reader, City Traffic Police, Peshawar.
9. Official concerned.


ATTESTED

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206
20/11/23

File No. 1196
Date 02-11-2023

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To,

Capital City Police Officer (CCPO),
Peshawar.

Subject: DEPARTMENTAL APPEAL/ REPRESENTATION FOR RE-
INSTATEMENT INTO SERVICE.

R/Sir,

The appellant submits as under:

1. That the appellant was serving the City Traffic Police Peshawar as TO/IHC No.81 (ASI acting charge basis) Incharge Romeo-II Mobile, with zeal and zest and to the entire satisfaction of his high ups.
2. That the appellant has been serving the department with devotion and honesty since 30 years having an unblemished record.
3. That the appellant has been his performing duties as Ticketing Officer since 18 years with honesty and there were no complaints against him for any sort of misconduct causing financial loss to the department.
4. That the appellant was falsely charged for misconduct on the basis of allegations regarding issuance of bogus /illegal challans by installing a printing app in his smart phone instead of using official challan device.
5. That the appellant has been using a simple cell phone with no touch system however the same became non-functional and was recently changed to a smart phone. In-fact the appellant is still not fully aware of using a smart touch phone then how come he installed the alleged app regarding which he had no knowledge as well as no information of using such an app.
6. That the appellant while serving his duties as Ticketing Officer issued 2667 traffic challan tickets collecting fines of amount Rs.864200/- which was deposited in the government exchequer w.e.f. 01/07/2023 to 14/09/2023 (Progress report is attached) and even before that his performance has been very good which is still available on record.
7. That despite the above mentioned grounds, major penalty of compulsory retirement from service has been imposed upon the appellant vide order dated 27.10.2023. (Order is attached).

It is therefore most humbly prayed that on acceptance of this departmental appeal, the impugned order dated 27.10.2023 may very kindly be set aside and the appellant may please be reinstated into service with all back benefits.

Dated: 02/11/2023

*Legal
to court
Please S. 11/3e
17-11-2023*

Sincerely Yours

[Signature]
2/11

WAQIF KHAN,
Ex-To/IHC.No.81
0315-5690098

[Signature]
ATTESTED



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(15) R

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 091-9210989 Fax: No. 091-9212597

ORDER.

This order will dispose of the departmental appeal preferred by Ex-IHC Waqif Khan No. 3294/81 who was awarded the major punishment of "compulsory retirement from service" under PR-1975 (amended-2014) by Chief Traffic Officer, Peshawar vide order No. 1071-79/PA dated 27.10.2023.

2- Brief facts leading to the instant appeal are that the defaulter TO/IHC was proceeded against departmentally on the charges that he was found issuing bogus/illegal challans by installing a printing app in his smart phone instead of using official challan device of City Traffic Police, Peshawar which caused loss to Government treasury.

3- He was issued Charge Sheet and Summary of Allegations by Chief Traffic Officer Peshawar. DSP/HQrs: City Traffic Police, Peshawar was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer after conducting departmental enquiry submitted his findings in which the accused official was recommended for major punishment. The competent authority in light of the findings of the Enquiry Officer awarded him the major punishment of compulsory retirement from service.

4- He was heard in person in Orderly Room. During personal hearing, he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Therefore, his appeal for setting aside the punishment awarded to him by Chief Traffic Officer, Peshawar vide order No. 1071-79/PA, dated 27.10.2023 is hereby converted into "dismissal from service".

"Order is announced"

**CAPITAL CITY POLICE OFFICER,
PESHAWAR**

No. 4686-89 /PA/CCP,

dated Peshawar the 19 / 12/2023

Copies for information and necessary action to the:-

1. Chef Traffic Officer Peshawar along with complete enquiry file.
2. SP/HQrs: City Traffic Police Peshawar
3. Pay Officer City Traffic Police Peshawar.
4. Official concerned.

ATTESTED

بعدالت حیدر گھٹون فورہ سے اس میں ریزول



Appellant

2024ء پنجاب
واقضان بنام حکومت

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام سیا کیلئے عاضل شاہ محمد As عبدالرحمن شاہ

رکن عبدالرحمن شاہ
As

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو براہی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک دروپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پر واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو فرچہ دہر جائد التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکورہ کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

المرقوم 66 ناہ 2024

عبدالرحمن شاہ
Ezal Shah
محمد منظور ہے۔
مقام سیا