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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

EXECUTION NO _____

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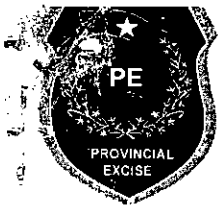
Zafar Ali vs Police Department.

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Incharge Judicial Branch
1/7/24



DIRECTORATE GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,

KHYBER PAKHTUNKHWA, PESHAWAR.


Augaf Complex, Shami Road, Peshawar Cantt Phone Nos. 091-9212260-9211209

Peshawar dated the 04/01/2024.

NOTIFICATION.


No. 7725 /Estb/XXXV-A-227(Seniority). A tentative seniority list of Assistant Sub-Inspector (BPS-11) of the Excise, Taxation and Narcotics Control, Khyber Pakhtunkhwa as stood on 31-12-2023 is circulated for information of all concerned.

Objection, if any, regarding errors/omission may be forwarded to this Directorate General ET&NC through the concerned Regional Director, Excise, Taxation & Narcotics Control with supporting documents within 30 days. In case of non-receipts of any objection within the stipulated period, final seniority list will be issued and no objection will be entertained thereafter.


DIRECTOR GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.

No. 7726-29 /Estb/XXXV-A-227(Seniority),
Copy forwarded for information to:-

- 1- Director (Admn), Excise, Taxation & Narcotics Control, Khyber Pakhtukhwa, Peshawar.
- 2- All the Regional Directors, Excise, Taxation & Narcotics Control, in Khyber Pakhtukhwa.
- 3- All Excise & Taxation Officers in Khyber Pakhtunkhwa.
- 4- PS to Secretary to Government of Khyber Pakhtunkhwa, Excise, Taxation and Narcotics Control Department, Peshawar.


DIRECTOR GENERAL,
EXCISE, TAXATION & NARCOTICS CONTROL,
KHYBER PAKHTUNKHWA, PESHAWAR.



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1295/2022

BEFORE: MR. KALIM ARSHAD KHAN CHAIRMAN
MRS. RASHIDA BANO MEMBER (J)

Zafar Ali Sub-Inspector Police Line Karak.

.... (Appellant)

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
 2. Additional Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
 3. Regional Police Officer, Kohat Region, Kohat.
 4. District Police Officer, Karak.
 5. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar.
- (Respondents)

Mr. Shahid Qayyum Khattak
Advocate

... For appellant

Mr. Muhammad Jan
District Attorney

... For respondents

Date of Institution.....05.09.2022

Date of Hearing.....05.04.2024

Date of Decision.....05.04.2024

JUDGEMENT

RASHIDA BANO, MEMBER (J):The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 with the following prayer:

“On acceptance of this appeal, the impugned orders dated 02.01.2021, 21.06.2021, 06.07.2021 and 03.08.2022 may graciously be set aside by declaring it illegal, unlawful, without authority, based on malafide, void ab-initio and thus not sustainable in the eyes of law and appellant is entitled for all back benefits of pay and service.”

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KPST
Peshawar

2. Brief facts of the case are that appellant while posted as SHO at Police Station City Karak, lodged a case FIR No. 590 u/s 15.AA PS Karaka against one Abdul Hakeem S/O Naseem Gul for his ill intention. He was also charged by the complainant in case FIR No. 256 dated 16.09.2020 u/s 302, 34 PPC PS Banda Korai, D.I.Khan. Feeling aggrieved, he preferred departmental appeal which was rejected. Thereafter he filed revision petition, which was not responded, hence, the instant service appeal.

3. Respondents were put on notice who submitted their joint parawise comments on the appeal. We heard the learned counsel for the appellant as well as learned District Attorney for the respondents and perused the case file with connected documents in detail.

4. Learned counsel for the appellant argued that the impugned order was against law, facts and norms of natural justice; that the appellant had not been treated in accordance with law and rules; that no charge sheet and statement of allegations had been issued to the appellant prior to the issuance of impugned order; that no chance of defense had been granted to the appellant, and no regular inquiry had been conducted in the matter. Therefore, he requested for acceptance of the instant service appeal.

5. Conversely, learned District Attorney argued that the impugned order was based on facts and norms of justice; that the appellant had been treated in accordance with law and rules; that charge sheet and statement of allegations had duly been served upon the appellant; that appellant had been served with show cause notice on 05.11.2021 which had not been replied by him; that the appellant had been given full opportunity of defense and proper inquiry had been conducted. Therefore, he requested for acceptance of the instant service

appeal.

7. Perusal of record reveals that appellant was serving the respondent department, when respondent No. 4 initiated disciplinary proceeding against the appellant by issuing charge sheet and statement of allegation with the allegation that;

"As per the findings report of the preliminary enquiry conducted by SP Investigation Wing Karak that SI Zafar Ali while posted as SIO PS Karak registered case FIR No. 590 dated 16.09.2020 u/s 15AA PS Karak against accused Abdul Hakim s/o Nasib Ghulam r/o Warana Ghari Khel on ill intention. Accused was charged by the complainant in case FIR No. 256 dated 16.09.2020 u/s 302, 34 PPC PS Band Korai in district Dera Ismail Khan. This illegal act was done with the collaboration of Maddad Moharrar and DFC PS Karak. Furthermore, it has also been reported that SI took illegal gratification amounting to Rs. 5 lac from the accused party to provide shelter in the said case. This state of affair is quite adverse on his part and shows his malafide intention, disruptive behavior and irresponsibility in the discharge of his official obligations being a member of discipline force. This act on his part is against service discipline and amounts to gross misconduct."

Appellant was awarded punishment of reduction in pay for two years by District Police Officer, Karak vide order dated 02.01.2021. Appellant preferred departmental appeal against the said order on 05.03.2021 after lapse of period of two months while Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 and Rule 3 of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 gives the period for filing departmental appeal as thirty days, which proposition is reproduced for ready reference;

"Any civil servant aggrieved by any final order, whether original or appellate, made by a departmental authority in respect of any of the terms and conditions of his service may, within thirty days of the communication of such order to him, prefer an appeal of the appeal having jurisdiction in the matter."

When confronted with the question of limitation learned counsel argued that the

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authority had rejected departmental appeal on merit without touching question of limitation; therefore, this tribunal could not touch the question of limitation.


Moreover, revision petition filed by the appellant was rejected vide order dated 06.07.2022 and appellant filed instant appeal on 05.09.2022 after lapse of period of thirty days which is as per Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, appellant will have to file appeal within thirty days of passing of impugned order. Although appellant filed mercy petition but there is no provision of mercy petition in the Police Rules, therefore, filing of the same is of no help to the appellant.

8. For what has been discussed above, the departmental appeal as well as service appeal filed by the appellant both are barred by time, hence dismissed. Costs shall follow the event. Consign.

9. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal this 5th day of April, 2024.*



(KALIM ARSHAD KHAN)
Chairman



(RASHIDA BANO)
Member (J)

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05.04.2024 1. Learned counsel for the appellant present. Mr. Muhammad Jan
learned District Attorney for the respondents present.

2. Vide our detailed judgment of today placed on file, the
departmental appeal as well as service appeal filed by the appellant
both are barred by time, hence dismissed. Costs shall follow the event.

Consign.

3. *Pronounced in open court in Peshawar and given under our
hands and seal of the Tribunal this 5th day of April, 2024.*



(KALIM ARSHAD KHAN)
Chairman



(RASHIDA BANO)
Member (J)

Kaleemullah

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26.10.2023

Junior of learned counsel for the appellant present.
Mr. Muhammad Jan, District Attorney for the respondents present.

Junior of learned counsel for the appellant requested for adjournment on the ground that learned counsel for the appellant is busy in the Hon'ble Peshawar High Court, Peshawar. Adjourned. To come up for arguments on 30.01.2024 before the D.B. Parcha Peshi given to the parties.

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(Muhammad Akbar Khan)
Member (E)

(Salah-ud-Din)
Member (J)

Naeem Amin

30.01.2024

Counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Malak Jan, Inspector (Legal) for the respondents present.

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Peshawar

Learned Member (Executive) Miss Fareeha Paul is on leave, therefore, bench is incomplete. To come up for arguments on 05.04.2024 before the D.B. PP given to the parties.

(SALAH-UD-DIN)
Member (J)

Fazle Subhan, P.S

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27.04.2023

Junior to counsel for appellant present.

Muhammad Jan, learned District Attorney alongwith Iftikhar Iqbal ASI for respondents present.

Learned Member Executive (Mr. Muhammad Akbar Khan) is on leave, therefore, case is adjourned. To come up for arguments on 27.06.2023 before D.B. Parcha Peshi given to the parties.

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Peshawar



(Rozina Rehman)
Member (J)

Mutazem Shah

27.06.2023

1. Junior to counsel for the appellant present. Mr. Asad Ali Khan, learned Assistant Advocate General for the respondents present.

2. Former requested for adjournment due to engagement of learned senior counsel for the appellant before the Hon'ble Peshawar High Court, Peshawar. Granted. To come up for arguments on 26.10.2023 before the D.B. Parcha Peshi given to the parties.

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Peshawar



(Fareeha Paul)
Member (E)



(Rashida Bano)
Member (J)


Kaleemullah

3

01.12.2022

Learned counsel for the appellant present. Mr. Waqar Ahmad, ASI alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and requested for further time for submission of reply/comments. Last opportunity given. In case the last chance as given is not availed, the next adjournment shall be subject to prior payment of cost of Rs. 5000/-. Adjourned. To come up for submission of written reply/comments on 11.01.2023 before the S.B.

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Peshawar



(Salah-Ud-Din)
Member (J)

11.01.2023

Junior to counsel for the appellant present. Muhammad Adeel Butt learned Additional Advocate General alongwith Waqar Ahmad ASI for respondents present.

SCANNED
KPST
Peshawar

Reply on behalf of respondents submitted which is placed on file. A copy of the same is handed over to the junior counsel for the appellant. To come up for rejoinder/arguments on 27.04.2023 before D.B.


(Rozina Rehman)
Member (J)

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15th September, 2022

Learned counsel for the appellants present.

Against the impugned order dated 02.01.2021, the appellants filed departmental appeal on 05.01.2021 which was rejected on 16.06.2021 against which he filed revision petition on 01.07.2021 which also met the same fate on 06.07.2022 and he then filed a mercy petition which was also filed on 03.08.2022 and then filed this appeal. The question whether the appeal would be barred by limitation or not will be decided at the time of full-hearing, therefore, it is admitted to full hearing subject to all just and legal objections by the other side. Appellants are directed to deposit security fee. Out district respondents be summoned through TCS, the expenses of which be deposited by the appellants within three days, while the local respondents be summoned through process serving agency of the learned Senior Civil Judge, Peshawar. To come up for written reply/comments on 25.10.2022 before S.B.

Rs-100/-
Appellant Deposited
Security & Process Fee
A. J. 16/9/22

Q

(Kalim Arshad Khan)
Chairman

25th Oct., 2022

Junior to counsel for the appellants present. Mr. Naseerud Din Shah, Assistant Advocate General for the respondents present.

Respondents have not submitted reply/comments. Learned Assistant Advocate General sought adjournment in order to contact the respondents to submit reply/comments on the next date. Granted. To come up for reply/comments on 01.12.2022 before S.B.

J

(Fareeha Paul)
Member(E)

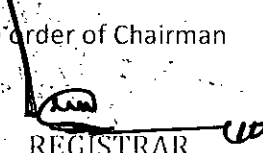
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Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 1295/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/09/2022 <i>Counsel was informed telephonically for the date fixed on 08/09/22</i> SCANNED KPST Peshawar	The appeal of Mr. Zafar Ali presented today by Mr. Shahid Qayyum Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>15-9-22</u> . Notices be issued to appellant and his counsel for the date fixed. By the order of Chairman  REGISTRAR

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Case Title: Zafar Ali CHECK LIST v/s Inspector General PR

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

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

Name: Syed Roman Shah
Signature: [Signature]
Dated: 05/09/2022

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BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. 1295 /2022

Zafar Ali..... Appellant

Versus

**SCANNED
KPST
Peshawar**

Inspector General of Police and others Respondents

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2.	Address of the parties		5
3.	Copy of Charge Sheet and Statement of Allegation	A	6-7
4.	Copy of order dated 02/01/2021	B	8
5.	Copy of Departmental Appeal	C	9-10
6.	Copy of order dated 21/06/2021	D	11
7.	Copy of revision	E	12-13
8.	Copy of order dated 06/07/2022	F	14
9.	Copy of Order dated 03/08/2022	G	15
10.	Copy of other documents		16-21
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Appellant

Through



Shahid Qayum Khattak
Advocate Supreme Court
of Pakistan
Mob No. 0333-9195776

Dated: 31/08/2022

(13) (1)

BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWAPESHAWAR

Service Appeal No. 1295 /2022

Zafar Ali Sub Inspector Police Line Karak Appellant Pakhtunkhwa
Service Tribunal

Versus

Diary No. 1152

Dated 05/9/2022

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
 2. Additional, Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
 3. The Regional Police Officer, Kohat Region, Kohat
 4. District Police Officer Karak
 5. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar
- Respondents

APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 02/01/2021 PASSED BY RESPONDENT NO. 4 BY WHICH THE APPELLANT HAS BEEN AWARDED MAJOR PUNISHMENT OF REDUCTION IN PAY FOR TWO YEARS, AND AGAINST THE ORDER DATED 21/06/2021 PASSED BY RESPONDENT NO. 3 VIDE WHICH THE DEPARTMENTAL REPRESENTATION/ APPEAL FILED BY APPELLANT HAS BEEN REJECTED AND AGAINST THE ORDER DATED 06/07/2022 PASSED BY RESPONDENT NO. 2, VIDE WHICH THE REVISION PETITION FILED BY APPELLANT HAS BEEN REJECTED AND AGAINST ORDER DATED 03/08/2022 VIDE WHICH THE MERCY PETITION FILED BY APPELLANT HAS BEEN FILED

Filed to-day

Registrar

05/9/2022

PRAYER

On accepting this service appeal, the impugned orders dated 02/01/2021, 21/06/2021, 06/07/2021 and 03/08/2022 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio and thus not sustainable in the eyes of law and appellant is entitled for all back benefits of pay and service

19 (2)

Respectfully Sheweth;

1. That Respondent No. 4 initiated ~~disciplinary proceeding~~ against appellant and issue charge sheet and statement of allegation.
(Copy attached as Annexure "A")
2. That thereafter inquiry was initiated against the appellant and respondent No. 4 passed an order dated 02/01/2021 vide which the major punishment of " Reduction in pay for two years" has been passed against appellant without collecting any evidence.
(Copy of impugned order is attached as Annexure "B")
3. That appellant filed departmental appeal /representation (the facts and ground agitated therein may please be treated as part and parcel of this appeal) against the impugned order before respondent No. 3, who vide order dated 21/06/2021 rejected the same without complying codal formalities. (Copy of appeal and impugned order are attached as Annexure "C" and "D")
4. That thereafter, the appellant filed revision petition (the facts and ground agitated therein may please be treated as part and parcel of this appeal) before the worthy Respondent No. 1, but the same has been rejected by respondent No. 2 vide order dated 06/07/2022. (Copy of revision and order are attached as Annexure "E" & "F")
5. That appellant filed mercy petition before the worthy Respondent No. 1 who vide order dated 03/08/2022 filed the same. (Copy of the Order is attached as Annexure "G")
6. That now appellant feeling aggrieved from the above orders hence, filling this appeal on the following amongst other grounds inter alia

GROUND:

- a. That the impugned orders of the respondents are illegal, unlawful, without authority, based on mala fide intention, against the natural justice, violative of the Constitution and Service Law and equally without jurisdiction, hence the same are liable to be set aside in the best interest of justice.

- b. That the impugned orders passed by respondents are very much harsh, without any evidence based on surmises & conjectures and is equally against the principle of natural justice.
- c. That during enquiry proceedings none was examined in support of the charges leveled against appellant neither has proper opportunity of hearing been provided to appellant. No allegations mentioned above are practiced by the appellant nor proved against him through any cogent reason or evidence.
- d. That the impugned penalty is not clear because reduction in pay for two year without specifying the quantum of reduction does not serve the purpose, therefore, the impugned order is worth to be set aside.
- e. That the inquiry officer failed to collect any evidence in support of the charges. No one was examined as witness in presence of appellant nor was appellant confronted with any documentary or other kind of evidence on the basis of which the impugned orders were passed.
- f. That the impugned orders have been passed in violation of law and rules of disciplinary proceedings and principles of natural justice. The authority wrongly and malafidly based the impugned orders without giving any reason with proof whatsoever, therefore the impugned order is bad in law.
- g. That it is the settle principle of justice that no one should be condemn un heard but in the instant case no proper enquiry has been conducted to enquire regarding the allegations. No independent witness has been examined in front of appellant nor any opportunity of cross examination has been provided to appellant. Both the impugned orders are based on non reading and mis reading of available record.
- h. That respondent No. 3 and 2 has not decided the departmental appeal / representation/ revision in accordance to the rules and regulation which clearly shows mala fide intention thus, has no sanctity in the eyes of law thus the act of respondents

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are totally based on mala fide intention which clearly shows discrimination and undue victimization.

- i. That the appellate authority has not provided any personal hearing opportunity to the appellant nor the order passed is speaking one.

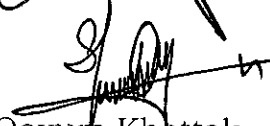
It is, therefore, most humbly prayed that on accepting this service appeal, the impugned orders dated 02/01/2021, 21/06/2021, 06/07/2022f and order dated 03/08/2022 may graciously be set aside by declaring it illegal, unlawful, without authority, based on mala fide, void abinitio, and thus not sustainable in the eyes of law and appellant is entitled for all back benefits of pay and service.

Any other relief not specifically prayed for but deems appropriate in the circumstances of the case may also be granted.



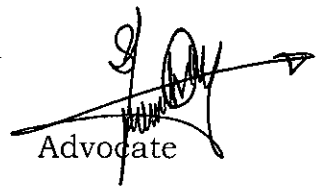
Appellant

Through


Shahid Qayum Khattak
Advocate Supreme Court
of Pakistan

Dated: 31/08/2022

Certified that as per instruction of my client no such appeal has been filed before this Hon'ble Forum.



Advocate

AFFIDAVIT

I, Zafar Ali Sub Inspector Police, do hereby solemnly affirm and declare on Oath that the contents of the above appeal are true and correct to the best of my knowledge and belief and nothing has been kept secret from this Hon'ble Tribunal.



5-9-22


Deponent

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BEFORE THE SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA PESHAWAR

Service Appeal No. /2022

Zafar Ali..... Appellant

Versus

Inspector General of Police and others Respondents

ADDRESSES OF THE PARTIES

APPELLANT

Zafar Ali Sub Inspector Police Line Karak

RESPONDENTS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
2. Additional, Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
3. The Regional Police Officer, Kohat Region, Kohat
4. District Police Officer Karak
5. Government of Khyber Pakhtunkhwa through Chief Secretary, Peshawar

Appellant

Through

Shahid Qayum Khattak
Advocate Supreme Court
of Pakistan

Dated: 31/08/2022

18 6
CHARGE SHEET

No. 311 Amex A 23/24
EC(GM)
Dated 1 / 1 / 2020

I, IRFAN ULLAH KHAN, District Police Officer, Karak as a competent authority, hereby charge you SI Zafar Ali (suspended) Police Lines Karak as follows:-

*As per the findings report of the preliminary enquiry conducted by SP Investigation Wing Karak that you SI Zafar Ali while posted as SHO PS Karak registered case FIR No. 590 dated 16.09.2020 u/s 15AA PS Karak against accused Abdul Hakim s/o Nasib Ghulam r/o Warana Ghari Khel on ill intention. Accused was charged by the complainant in case FIR No. 258 dated 16.09.2020 u/s 302, 34 PPC PS Band Korai in district Dera Ismail Khan. This illegal act was done with the collaboration of Maddad Moharrar and DFC PS Karak. Furthermore, it has also been reported that you SI took illegal gratification amounting to Rs. 5 lac from the accused party to provide shelter in the said case. This state of affair is quite adverse on your part and shows your malafice intention, disruptive behavior and irresponsibility in the discharge of your official obligations being a member of discipline Force. This act on your part is against service discipline and amounts to gross misconduct.

1. By the reason of your commission/omission, constitute miss-conduct under Police disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department, you have rendered your-self liable to all or any of the penalties specified in Police Rule-1975 ibid.

2. You are, therefore, required to submit your written defense within 07-days of the receipt of this charge sheet to the enquiry Officer DSP A.D. Shah is hereby appointed for the purpose of conducting enquiry.

Your written defense if any should reach to the Enquiry Officer within a stipulated period, failing which shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

3. Intimate whether you desire to be heard in person.
4. A statement of allegation is enclosed.

[Signature]
ATTESTED
to be true COP District Police Officer, Karak

111 / 2020

DISCIPLINARY ACTION

(7) (19)

I, IRFAN ULLAH KHAN, District Police Officer, Karak, as a competent authority, is of the opinion SI Zafar Ali (suspended) Police Lines Karak has rendered himself liable to be proceeded against on committing the following act/commission within the meaning of Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department.

STATEMENT OF ALLEGATIONS

(As per the findings report of the preliminary enquiry conducted by SP Investigation Wing Karak that SI Zafar Ali while posted as SHO PS Karak registered case FIR No. 590 dated 16.09.2020 u/s 15AA PS Karak against accused Abdul Hakim s/o Nasib Ghulam r/o Warana Ghari Khel on ill intention. Accused was charged by the complainant in case FIR No. 258 dated 16.09.2020 u/s 302, 34 PPC PS Band Koral in district Dera Ismail Khan. This illegal act was done with the collaboration of Maddad Moharrar and DFC PS Karak. Furthermore, it has also been reported that SI took illegal gratification amounting to Rs. 5 lac from the accused party to provide shelter in the said case. This state of affair is quite adverse on his part and shows his mala fide intention, disruptive behavior and irresponsibility in the discharge of his official obligations being a member of discipline Force. This act on his part is against service discipline and amounts to gross misconduct.)

1. The enquiry Officers DSP B. D. Shah in accordance with provision of the Police Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa, Police Department may provide reasonable opportunity of hearing to the accused official, record his finding and make within 10-days of the receipt of this order, recommendation as to punishment or other appropriate action against the accused.
2. The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

District Police Officer, Karak

No. 115 /EC(Enq), dated 03/10/2020

Copy to:-

1. The enquiry Officers for initiating proceeding against the accused under the Provision of the Police Disciplinary Rule-1975 (amendment Notification No. 3859/Legal, dated 27.08.2014) Govt. of Khyber Pakhtunkhwa Police Department.
2. SI Zafar Ali (suspended) Police Lines Karak

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(2)

Annexure "B"

ORDER

My this Order will dispose off the departmental enquiry against SI Zafar (suspended) of this district Police.

Facts are that as per the findings report of the preliminary enquiry conducted SP Investigation Wing Karak that SI Zafar Ali while posted as SHO PS Karak registered an FIR No. 590 dated 16.09.2020 u/s 15AA PS Karak against accused Abdul Hakim s/o Mst. Ghulam r/o Warana Ghari Khel on ill intention. Accused was charged by the complainant case FIR No. 256 dated 16.09.2020 u/s 302, 34 PPC PS Band Korai in district Dera Ismail Khan. This illegal act was done with the collaboration of Maddad Moharrar and DFC PS Karak. Furthermore, it has also been reported that SI took illegal gratification amounting to Rs. 5000 from the accused party to provide shelter in the said case. This state of affair is quite adverse on his part and shows his mala fide intention, disruptive behavior and irresponsibility in the discharge of his official obligations being a member of discipline Force. This act on his part is against service discipline and amounts to gross misconduct.

He was issued with Charge Sheet and Statement of allegations and Mr. Ali Khan the then SDPO Karak was appointed as an Enquiry Officer to conduct proper departmental enquiry against him and to submit his findings within the stipulated time.

The Enquiry Officer reported that during the course of enquiry, DFC/LHC Mudassir Nazar and LHC/Moharrar Akhtar Nawaz while recording their statement before the previous Enquiry Officer, recorded false statement regarding arrest of Abdul Hakim and timing of registration of FIR. Now, they stated arrest of accused 10 o'clock and registration of FIR before arresting. Similarly, SI Zafar Ali had earlier made a statement in support of the FIR but now he stated during cross-examination that FIR was registered by the Moharrar on his instructions while the exact time of arrest of the accused and the registration of the FIR was placed on the responsibility of Muharrar. Moreover, all three have shown negligence and carelessness in performing their official duties whether intentionally or unintentionally. Furthermore, a case FIR 590 was emitted due to claim, recovery of weapon of offense, and place of occurrence in case FIR No. 256 dated 16.09.2020 u/s 302, 324, 34 PPC PS Bandkorai district D.I.Khan. So, any relief was given to accused Abdul Hakim is terminated due to the above case. Therefore, the E.O recommended him for suitable punishment.

He was served with Final Show Cause Notice, in response to the Final Show Cause Notice, the accused official submitted implausible reply, placed on file.

He was called and heard in person in this office but he could not produce any cogent reason in his defense.

Keeping In view of the available record and facts on file, perusal of enquiry papers and recommendations of the Enquiry Officers, he is found guilty of charges, therefore I Irfan Ullah Khan, District Police Officer, Karak as competent authority under the Police Rules 1975 (amended in 2014) is hereby imposed major punishment of reduction in pay for two years from SI Zafar Ali with immediate effect. He is reinstated in service from the date of suspension

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To: -

(21) (9)
The Regional Police Officer,
Kohat Region, Kohat

Annexure - 'C'

THROUGH PROPER CHANNEL

SUBJECT:- REPRESENTATION

Respected Sir,

With due respect, appellant submit representation against the order of learned District Police Officer Karak bearing OB No. 559 dated 02.01.2021 vide which penalty of reduction in pay for two years has been awarded to appellant.

FACTS:

1. That in the year 2020 appellant was posted as Station House Officer Karak City appellant and two others were rendered to departmental charges on the basis of registration of wrong case vide FIR No. 590 dated 16.09.2020 u/s 15AA Police Station Karak.
2. That appellant defended the charge and contended that registration of any case does not amount to misconduct, because wrong case could be easily cancelled, but non-registration of a case is serious misconduct. However the departmental proceeding culminated in passing the impugned order, hence this representation on the following grounds.

GROUND:

- a. That the impugned penalty is not clear because reduction in pay for two year without specifying the quantum of reduction does not serve the purpose. Therefore, the impugned order is worth to be set aside.
- b. That the whole departmental file was proposed in violation of law and rules, no one was examined as a witness in presence of applicant. No chance and opportunity of cross examination of any witness was provided to appellant.


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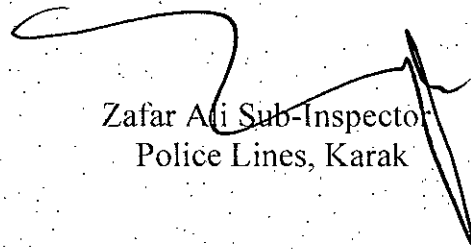
c. That the enquiry officer had based his opinion on assessment and the enquiry officer failed to bring any evidence on file in support of the charges and his finding report that wrong registration of case without any mala-fide motive does not fall within the ambit of commission of miss-conduct. To error is a human being and the supervisory officer are posted with sole object of rectifying any non-culpable wrong allegedly committed by the subordinate officer. That good performance of appellant have not taken into account before passing the impugned order. Major penalty was imposed on appellant for commission of no wrong.

It is therefore, requested that the impugned order may be set-aside with all back benefits.

Dated: 05.03.2021

Thanks

Yours obediently,



Zafar Ali Sub-Inspector
Police Lines, Karak

(23)

(11)

Annexure "D"

POLICE DEPTT:

KOHAT REGION

ORDER.

This order will dispose of a departmental appeal moved Offg: SI Zafar Ali of Operation Staff Karak against the punishment order, passed by DPO Kara vide OB No. 559, dated 02.01.2021 whereby he was awarded major punishment of reduction in pay for two years on the allegations of charging an accused in case FIR No. 590, dated 16.09.2020 u/s 15-AA PS Karak while he was already charged in case FIR No. 256, dated 16.09.2020 u/s 302, 34 PPC PS Band Korui at district D.I.Khan.

Comments as well as relevant record were requisitioned from DPO Karak and perused. The appellant was also heard in person in O.R held in this office on 16.06.2021. During hearing the appellant did not advance any plausible explanation in his defense to prove his innocence.

Above in view, the undersigned reached to the conclusion that the allegations leveled against the appellant are fully proved and the same has also been established by the E.O in his findings. From the perusal of relevant record, it transpires that the registration of FIRs in both districts probably with the difference of one and half hour is full of doubts and cannot be considered mere a genuine coincidence. Therefore, his appeal being devoid of merits is hereby rejected.

**Order Announced
16.06.2021**

Mohammad Zafar Ali
(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

No. 9471 /EC, dated Kohat the 21-6- /2021.

Copy to District Police Officer, Karak for information and necessary action w/r to his office Memo: No. 3533/EC, dated 17.05.2021. His Service Record containing 02 Service Books & Fauji Missal is returned herewith.

Mohammad Zafar Ali
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Mohammad Zafar Ali
(MOHAMMAD ZAFAR ALI) PSP
Region Police Officer,
Kohat Region.

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Ammanur-e-E

The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

THROUGH PROPER CHANNEL


**SUBJECT:- REVISION PETITION UNDER RULE 11-A OF KP
POLICE RULES 1975 (AMENDED 2014).**

Respected Sir,

Petitioner very humbly submits a revision petition for raising the orders of District Police Officer Karak dated 02.01.2021 vide which penalty of reduction in pay for two years was imposed on petitioner and orders of Regional Police Officer Kohat dated 21.06.2021 vide which the representation of petitioner lodged against the aforementioned order of District Police Officer Karak was rejected.

FACTS:

1. That petitioner which posted as Station House Officer Karak was rendered to disciplinary action on charges of registration of case FIR No. 590 dated 16.09.2020 u/s 15AA Police Station Karak as the above mentioned as case was also involved in case FIR No. 256 dated 16.09.2020 u/s 302/34 PPC Police Station Band Korai District DI Khan.
2. That the accuse arrested in case FIR No. 590 District Karak was arrested in case FIR No. 256 District DI Khan and he is shifted to Judicial Lockup. The lower courts as well as high courts has rejected his bail petition because his plea of alibi was reported manipulated.
3. That petitioner condemned the lower authorities that the impugned action on the past of petitioner was manipulated by the lower subordinate and involvement of the arrested accuse in murder case was supported by petitioner which failed his nefarious designs of manipulated plea of alibi.
4. That the reference of petitioner was neither taken into account by the lower authority nor appellate authority and the impugned orders were passed hence this revision petition on the following grounds:


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GROUNDS:

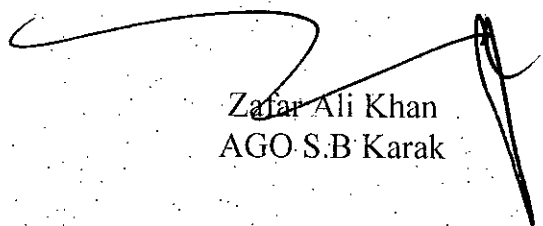
- a. That the impugned orders have been passed against the law, rules and facts on record on lower authority and appellate authority did not proper evaluate the facts and evidence on record. The alleged action on the past by the petitioner was not culpable and award of harsh and major penalty on charges of non-culpable action is against the interrupts of providing law and Rules and natural justice.
- b. That accuse charges in murder case of another district was arrested and he is still behind the bar and the authorities did not considered the action of petitioner. The accuse urged in murder made attempt of spoiling the evidence of murder case by manipulating plea of alibi, but his plea was failed. Therefore, the impugned penalty has wrongly been imposed on petitioner.
- c. That the authorities has not specified the stages of reduction in pay. Therefore, the impugned order is bad in law, therefore worth to be set aside.
- d. That the good performance rendered by petitioner during posting period as Station House Officer were ignored and the impugned order were passed on the basis of no evidence.
- e. That the enquiry was conducted against law and Rules and no fair opportunity was provided to appellant, therefore the impugned orders are not sustainable.

It is therefore, requested that the impugned order may be revised and petitioner revised dossier may be cleared from stigma of major penalty, please.

Dated: 01.07.2021

Thanks

Yours obediently,



Zafar Ali Khan
AGO S.B Karak



26 (14)

Annexure 'F'

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by **Sub-Inspector Zafar Ali No. 123/K**.

The petitioner was awarded punishment of reduction in pay for two years by District Police Officer, Karak vide OB No. 559, dated 02.11.2021 on the allegations that as per finding report of the preliminary enquiry conducted by Superintendent of Police, Investigation, Karak, he while posted as SHO Police Station Karak registered case FIR No. 590, dated 16.09.2020 u/s 15-AA Police Station Karak against accused Abdul Hakim s/o Nasib Ghulam r/o Warana Ghari Khel on ill intention. Accused was charged by the complainant in case FIR No. 256, dated 16.09.2020 u/s 302, 34 PPC Police Station Band Korai at district DIKhan. This illegal act was done with the collaboration of Maddad Moharrar and DFC Police Station Karak. Furthermore, it has also been reported that the petitioner took illegal gratification amounting to Rs. 5 lac from the accused party to provide shelter in the said case. His appeal was rejected by Regional Police Officer, Kohat vide order Endst: No. 9471/EC, dated 21.06.2021.

Meeting of the Appellate Board was held on 29.06.2022, wherein the petitioner was present and heard in detail.

Perusal of enquiry papers reveals that the allegations against the petitioner were proved. Petitioner failed to advance any plausible explanation in rebuttal of the charges. Therefore, the Board decided that his revision petition is hereby rejected as without merit.

Sd/-

SABIR AHMED, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/1404-11/22, dated Peshawar, the 6/7/2022.

Copy of the above is forwarded to the:

1. Regional Police Officer, Kohat.
2. Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar. Two Service Books and one enquiry file (770 pages) of the above named appellant received vide your office Memo: No. 7038/EB, dated 22.09.2021 is returned herewith for your office record.
3. District Police Officer, Karak.
4. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-III, CPO Peshawar.
8. Officer concerned.

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(DR. ZAHID ULLAH) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.



(27)

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Annexure - G

OFFICE OF THE
INSPECTOR GENERAL OF

KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. SI 1815 /22, dated Peshawar the 03-08-2022.

To: The Deputy Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa,
Peshawar.

Subject: MERCY APPEAL AGAINST THE PUNISHMENT.

Memo:

7867
05-08-2022

Please refer to your office Memo: No. 7137/EB, dated 13.07.2022.

The Competent Authority has examined and filed the mercy petition submitted by SI Zafar Ali No. 123/K against the punishment of reduction in pay for two years awarded by District Police Officer, Karak vide OB No. 559, dated 02.01.2021.

The applicant may please be informed accordingly.

	✓

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(NOOR AFGHAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

864
10-8-2022

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محکمہ خارجہ ٹریفک نمبر 314 (FC) ٹریفک نمبر 15/2020 سے سرکاری عدالت ہونے پر
 عدالت ڈفٹ میں چھ اظہارِ اہمی کہ ایک مسکوکہ شخصیتیں ہسپتال سے نزدیک
 پستول ہاتھ میں رکھتے ہوئے پھر رہے ہیں۔ عدالت ڈفٹ کو بتایا کہ
 مذکورہ شخصیتوں سے اورٹیسٹس چیک کروئے۔ اس کے بعد اورٹیسٹس دہرائے گئے
 عدالت ڈفٹ میں سے ڈفٹ کو بتایا کہ تمام کے جاؤ اور FIR درج کرو
 تمام کے رہائش گاہوں پر تمام کے لئے اور FIR درج کرو۔ اس کے بعد
 عدالت ڈفٹ کو الزامات لگائے گئے ہیں کہ وہ عدالت ڈفٹ کو دیکھنے کے لئے
 میں جھٹکا بیان کرتا ہوں کہ خدا کو حاضر باقہر جان کر آئے اور پھر جو
 الزامات ہیں میں گرفت اور تہمتیں لگاؤں۔ یہ عدالت ڈفٹ سے جو حقیقت
 برآ رہی ہے۔

[Signature]
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[Signature]
 66-10-2020

سوال - جب ڈفٹ عدالت آپ کو فون کیا تو کیا وقت تھا اور کہاں پر موجود تھے
 جواب - جواب کے نتیجے میں ٹائم گا پتہ نہیں لیکن آٹا معلوم ہے کہ وہ عدالت ڈفٹ سے
 تقریباً 19/15 بجے فون کیا تھا۔ میں عدالت ڈفٹ پر تھا۔
 سوال - FIR درج کرنے کے کتنے وقت بعد آپ تھام گئے اور ملازم بعد اللہ علی کو
 کس وقت جھانٹ پھر دیا گیا۔
 جواب - FIR درج کرنے کے بعد میں تقریباً 9:30 بجے تھام آیا۔ اور ملازم کو
 تھام کے وقت ملازم سر تھام جھانٹ پھر دیا گیا۔

سوال نمبر ۱۷ - ملازمین کے لئے ملازمت کے دوران میں جو بھی ضروری ہوگا اس کے لئے ملازمین کو مطلع کیا جائے گا۔

سوال نمبر ۱۸ - ملازمین کے لئے ملازمت کے دوران میں جو بھی ضروری ہوگا اس کے لئے ملازمین کو مطلع کیا جائے گا۔

سوال نمبر ۱۹ - ملازمین کو ملازمت کے دوران میں جو بھی ضروری ہوگا اس کے لئے ملازمین کو مطلع کیا جائے گا۔

سوال نمبر ۲۰ - ملازمین کو ملازمت کے دوران میں جو بھی ضروری ہوگا اس کے لئے ملازمین کو مطلع کیا جائے گا۔

سوال نمبر ۲۱ - ملازمین کو ملازمت کے دوران میں جو بھی ضروری ہوگا اس کے لئے ملازمین کو مطلع کیا جائے گا۔

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سوال نمبر ۲۲ - ملازمین کو ملازمت کے دوران میں جو بھی ضروری ہوگا اس کے لئے ملازمین کو مطلع کیا جائے گا۔

سوال نمبر ۲۳ - ملازمین کو ملازمت کے دوران میں جو بھی ضروری ہوگا اس کے لئے ملازمین کو مطلع کیا جائے گا۔

سوال نمبر 3

DFC عدیشن ملزم کو کس لیے میں گرفتار کیا گیا ہے؟
اس کے ساتھ کوئی دستاویز پیش نہیں کیا گیا۔

(30)

(17-A)

جواب - DFC عدیشن ملزم کو اکیلے گرفتار کیا گیا ہے، اس کے ساتھ کوئی دستاویز پیش نہیں کیا گیا۔

سوال نمبر 4 - ملزم کو DFC نے گرفتار کیا تھا، جیل آف SHO کو قید ہو گیا ہے۔
کو پھر اسلئے آپ کی طرف سے کیوں تحریر کیا گیا ہے،

جواب - ملزم کو DFC نے گرفتار کیا تھا، میں کو قید ہو گیا ہے۔
اسلئے میری طرف سے اسلئے تحریر کیا گیا ہے۔ کہ کمانڈ میں کوئی
دوسرا ذمہ دار نہیں تھا، نہ میرا پاس H.C تھا اور نہ
میرا پاس آبی اور نہ آبی تھا۔ اس وجہ سے میں نوڈ / FIR
تیار اسلئے میری طرف سے تحریر ہوا۔

سوال نمبر 5

CDR سے معلوم ہوتا ہے کہ ملزم کا کولیشن بوقت وقوعہ
ہوا ہے کہ آگیا ہے۔ جیل آف کے نمبر 0344-9796259 کا کولیشن بوقت
10:00 بجے میں بازار کرائی کا کھیل مارکیٹ آگیا ہے۔ ملزم کو کولیشن
کے بعد ہی CDR بوقت وقوعہ اور وقوعہ کے وقت میں تضاد کیوں پایا
جواب - سر جی ملزم کو DFC عدیشن گرفتار کیا ہے۔ طور ڈھنگ سے
نزدیک ہے، اسلئے ڈھنگ سے کولیشن طور ڈھنگ سے آگیا ہے۔ باقی میں تو اکثر
گشت کے اوقات میں بازار، کچھری عدالت، تحصیل ہوں، جیل ہوں
گشت میں ہوں ہوں، اسلئے میرے کولیشن میں تضاد ہے۔

سوال نمبر 6 - ملزم علی حکیم ورانہ کس کا ماہی ہے۔ کیا آپ کے کالوں پر وہی
بارشہ دار کو نہیں لگتا ہے۔ جیل آف کے کئی ورانہ کار بائیس

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ذ۔ جی سر عبدالحکیم درانہ فخری غیل مارا ہاٹھی ہے۔ نہ وہی درانہ میں ہے۔
اور نہ رشتہ دار ہے۔ البتہ گھر میں اور گھر میں درانہ کا ہے۔
اور میں ویرانہ میں غیل سے تعلق رکھتا ہوں

سوال نمبر 7

ملازم کی رقمٹاری پر تعلق میں ملازم کا تصور متاثرہ جاتا ہے۔
اور ڈسٹرکٹ پولیس اور انسپشن ایجنسی پر بھیجا جاتا ہے کیونکہ
ملازم عبدالحکیم کا تصور وائس ایچ ڈسٹرکٹ پولیس Page پر موجود ہے۔
جواب۔ اس سے تصور نہیں نکالنے کے لیے اس کا Picture

سوال نمبر 8۔ الزامات میں دہلی 5 اور 6 کے الزامات بھی شامل ہیں۔
ملازم عبدالحکیم سے جو چیزیں منگوائی گئی ہیں یا آپ کے کسی قانون DR
وغیرہ کیساتھ رشتہ کا موضوع اپنے آپ کو خود سے لہذا معاف فرادیتے ہیں
تو اسے کیا معلوم ہوتا ہے۔ کیا درست ہے؟

جواب۔ خود کی قسم میں چلنا دیکھو دنیا میں کہ سب سے زیادہ الزامات سے منگوائی
اور بنیادی ہیں۔ میں نے جو نام لکھا ہے قانون کے مطابق لکھا ہے۔ اس میں
ملک کوئی بی بیانی شامل نہیں ہے۔ میرے لئے دونوں زمینیں ایک سے کیونکہ
دونوں زمینیں آپس میں تعلق ہیں۔ میں نے ایک کو دوسرے پر ترجیح

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بیان اذان طہر علی خان

محکمہ چارج شیٹ نمبر 314 Ec نوٹس 10/02/2020 سے عرصہ میں صورت میں ہیں۔

کہ عدالت DFC نے مجھے اطلاع دی کہ ایک مشکوک شخص جس ہسپتال کے نزدیک ہسپتال ملازمین کے گھوم پھیر رہا ہے۔ میں نے عدالت DFC کو بتایا کہ مذکورہ شخص سے لوشنیں چیلڈ کرو۔ اس سے کہا کہ لوشنیں ڈیسٹرکچر کر لی ہیں۔

میں نے DFC اور کو بتایا کہ تمام سٹارڈ اور FCR درج کرو اور عدالت DFC نے مذکورہ شخص کو لٹا دیا ہے۔ اور تمام چارج FCR درج کی ہیں۔ اس سے ملوں سے عدالت کی کارروائی کی ہے۔ اس میں میرا کوئی کردار نہیں ہے۔

میرے اوپر جو الزامات لگائے گئے ہیں کہ 11/11/2020 کو روکے گئے ہیں۔ میں جلتا بیان کرتا ہوں کہ جڑ کو حکام ناظم جان کہ میرے اوپر جو الزامات دیے ہیں گورنر اور جے بی بی آر کے۔ یہ میرا بیان ہے جو حقیقت پر مبنی ہے۔

Police. Lim Kaval
24-11-2020

[Handwritten Signature]

ATTESTED
to be true Copy

(33) (20) No. 367 IEC(Enq) Dated 2-11-2020 (20)

FINAL SHOW CAUSE NOTICE.

1. I, IRFAN ULLAH KHAN, District Police Officer, Karak, as competent authority under the Police Rule-1975 hereby serve you SI Zafar Ali the then SHO PS Karak (now under suspension at Police Lines Karak) as follow:-

That consequent upon the completion of enquiry conducted against you by Enquiry Officers Mr. Ali Khan, SDPO Karak.

2. On going through the finding and recommendation of the Enquiry Officer and materials on the record and other connected papers including your defense before the said Enquiry Officer, the charge against you were proved and you have committed the following acts / omission specified in Police Rule-1975:-

"As per the findings report of the preliminary enquiry conducted by SP Investigation Wing Karak that you SI Zafar Ali while posted as SHO PS Karak registered case FIR No. 590 dated 16.09.2020 u/s 15AA PS Karak against accused Abdul Hakim s/o Nasib Ghulam r/o Warana Ghari Khel on ill intention. Accused was charged by the complainant in case FIR No. 256 dated 16.09.2020 u/s 302, 34 PPC PS Band Korai in district Dera Ismail Khan. This illegal act was done with the collaboration of Maddad Moharrar and DFC PS Karak. Furthermore, it has also been reported that you SI took illegal gratification amounting to Rs. 5 lac from the accused party to provide shelter in the said case. This state of affair is quite adverse on your part and shows your malafide intention, disruptive behavior and irresponsibility in the discharge of your official obligations being a member of discipline Force. This act on your part is against service discipline and amounts to gross misconduct."

As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Rule-1975.

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

5. If no reply to this Notice is received within Seven (07) days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

6. Copy of findings of the Enquiry Officer is enclosed.

ATTESTED
to be true Copy

~~Signature~~
District Police Officer, Karak

(34)

(2)

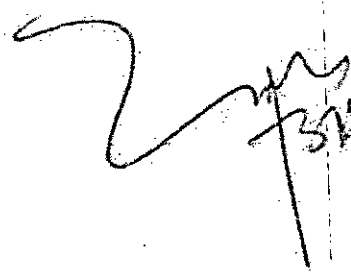
(25)

بیان اداں ٹیکس ملاقات


کوالہ حاصل شدہ اداں ٹیکس سیریز 12/2017/160 جو فیروز پورہ 05 مہرہ میں ادا ہوئی ہے۔
 ادا شدہ 047 نہ لینے کی اطلاع دی۔ کہ ایک مشترک شریک سہیل نے ادا کی ہے۔
 ادا میں ادا کر گھوم بھوم رہا ہے۔ میں نے ادا 047 کو بنایا اور کر رہا ہے۔
 ادا میں ایک ادا اس نے کیا اور ادا میں ادا کر رہا ہے۔

میں نے 047 کو بنایا اور ادا کے طور پر اور ادا کر رہا ہے۔ ادا میں 047 نہ
 ادا کر رہا ہے۔ ادا میں ادا کر رہا ہے۔ ادا میں ادا کر رہا ہے۔

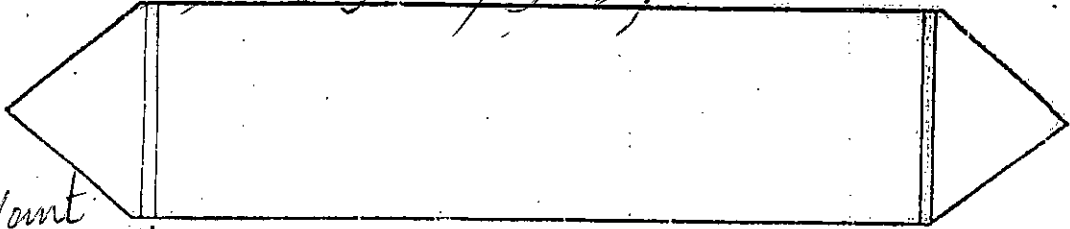
اس میں ادا کر رہا ہے۔ ادا میں ادا کر رہا ہے۔ ادا میں ادا کر رہا ہے۔
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 ادا میں ادا کر رہا ہے۔ ادا میں ادا کر رہا ہے۔ ادا میں ادا کر رہا ہے۔



BSM Police Line House
03-12-2020


ATTESTED
 to be true Copy

بعدالت سپر سپر ریجنل جج کوٹلی



Appellamt 2 منجانب
ظفر علی بنام
1999 و غیرہ

موزخہ
مقدمہ
دعویٰ
پرم

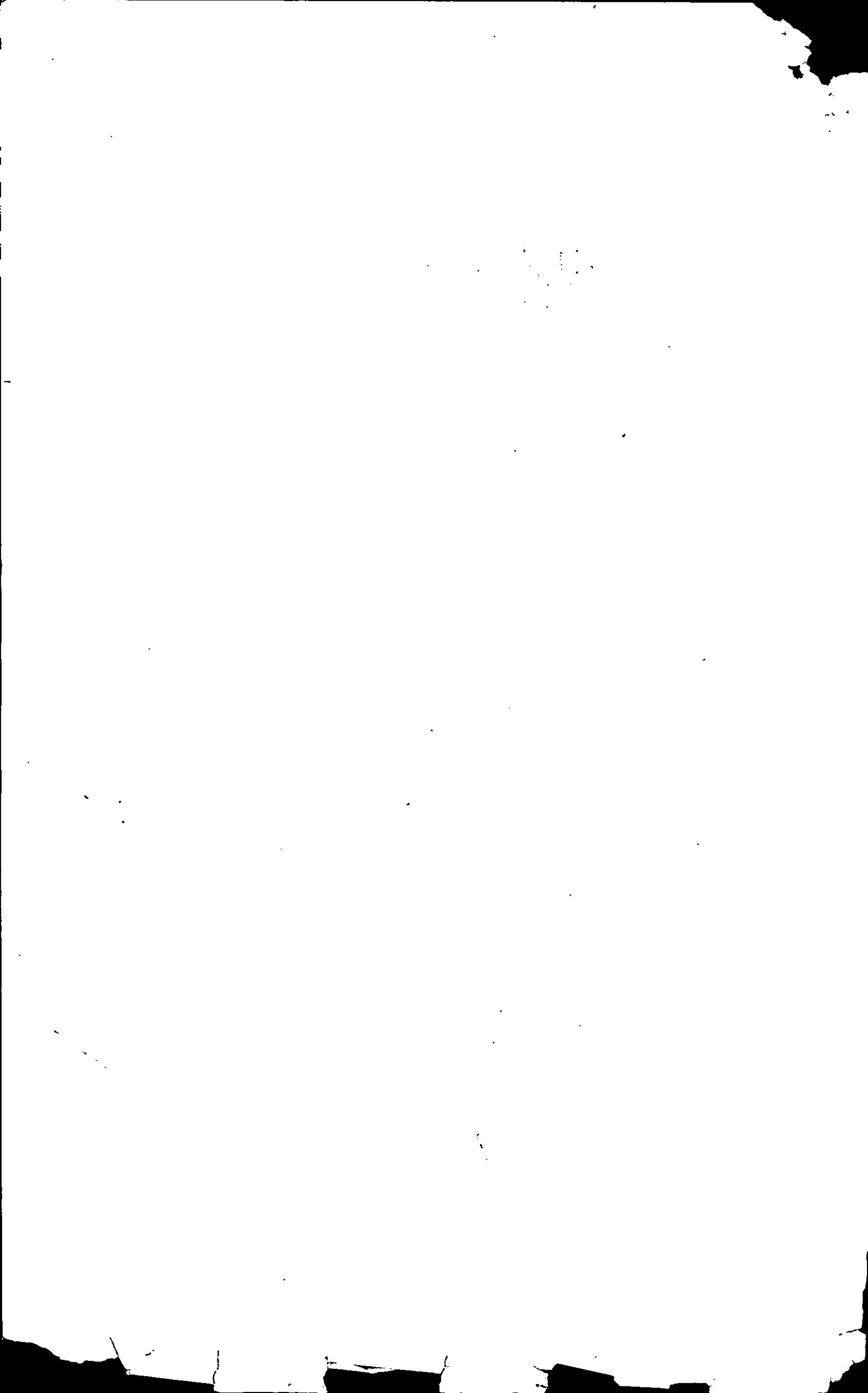
باعث تحریر آنگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی وکل کارروائی متعلقہ
آج کے مقام شیخ کیلئے شہادتوں اور سیکرٹری کے ہاں انٹرنیشنل

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز
ویکل و صاحب کو رضی نامہ کرے۔ تھے و تقرر ثالث ہ فیصلہ بر حلف دینے جو جواب وہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرا میں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل ٹرانس و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے کل یا جزوی کارروائی کے واسطے اور ویکل 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 سہاکتہ
واختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے دہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو ویکل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا اوکالت نامہ گھد یا کہ سند ہے۔

المرتوم 02 ماہ 09 2022

واہ الع
بہ مقام
کے لئے منجور ہے۔
Handwritten signatures and text at the bottom of the page.



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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

2888

Date: 11-1-2023

Service Appeal No. 1295/2022
Zafar Ali

..... Appellant

Sub Inspector, District Karak

VERSUS

SCANNED
KPST
Peshawar

Inspector General of Police,
Khyber Pakhtunkhwa & others

..... Respondents

INDEX

S.NO	DESCRIPTION	ANNEXURE	PAGE NO.
1.	Para wise comments/reply	-	1-3
2.	Copy of FIRs, Preliminary Enquiry report	A, B & C	4-7
3.	Final Show Cause notice and appellant reply	D & E	8-9

19/1/23
Respondents
Through
Representative

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1295/2022

Zafar Ali

Sub Inspector, District Karak

..... Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & others

..... Respondents

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS (1 TO 05).

Respectfully Sheweth:-

Preliminary Objections:-

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- iv. That the appellant is estopped to file the instant appeal for his own act.
- v. That the appeal is bad in eyes of law and not maintainable.
- vi. That the appellant has not approached the honorable Tribunal with clean hands.
- vii. That the appeal is based by law and limitation.

Facts:-

1. The appellant while posted as SHO Police station City Karak lodged a case vide FIR No. 590 dated 16.09.2020 u/s 15 AA PS Karak against accused Abdul Hakeem s/o Naseem Gul r/o Varana Ghari Khel for his ill intention and personal gain as the above named accused was directly charged in case FIR No. 256 dated 16.09.2020 u/ss 302, 34 PPC Police station Banda Korai, district Dera Ismial, Khan. The ill-will for personal gain of appellant, he lodged FIR against the accused in his jurisdiction in order to extend benefit to the accused in murder case. Therefore, a preliminary inquiry was initiated against the appellant and as contemplated from preliminary inquiry a regular inquiry was initiated against the appellant under the relevant rules by respondent No. 4. Copy of FIRs, preliminary inquiry report are **annexure A,B,C**.
2. As replied in the above para, the respondent No. 4 has initiated a regular inquiry with appointment of DSP Banda Daud Shah as inquiry officer, who vide his report held him guilty of the charges, upon which final show cause notice was served upon the appellant to which who filed reply. The appellant vide his reply to show cause admitted his guilt. Therefore, the appellant was heard in person during orderly room by respondent No. 4, but he failed to advance any plausible explanation to the charges established against him, hence, the impugned order

was passed by respondent No. 4. Copy of Final Show Cause notice and appellants reply are annexure D,E.

3. The departmental appeal of the appellant against the impugned order was processed by respondent No. 3. The appellant was heard in person in orderly room held on 16.06.2021, but the appellant failed to submit any plausible explanation in his defense. Therefore, the appeal being devoid of merit was correctly rejected by respondent No. 3 vide its order dated 16.06.2021.
4. The revision petition of the appellant against the impugned orders was correctly rejected on merit by respondent No. 1 / 2 as the allegations against the petitioner were proved and the petitioner failed to advance any plausible explanation in rebuttal of charges. It is added that the appellant was also afforded an opportunity of personal hearing on 29.06.2022.
5. There is no provision of mercy petition in Khyber Pakhtunkhwa, Police Rules 1975 (amended-2014), nor provision of 2nd appeal / revision petition to the same authority. The appellant had attempted to cover period of limitation through the instant mercy petition which is contrary to rules and limitation as well.
6. The appellant is estopped to file the instant appeal by his own conduct.

Grounds:-

- a. Incorrect, the appellant was proceeded with departmentally for his own illegal act and ill-will, through which he extended benefit to accused, who is directly charged in a murder case registered against him in district DI.Khan. Therefore, the appellant was proceeded with departmentally under the relevant rules by respondent No. 4 and the charges leveled against the appellant for his grave professional misconduct have been established, but the respondent No. 4 had taken a lenient view while imposing punishment on the appellant.
- b. Incorrect, as replied in para No. a of the grounds, the appellant had committed a grave professional misconduct, but the respondent No. 4 had taken a lenient view in disposal of departmental proceedings conducted against the appellant.
- c. Incorrect, the inquiry officer has examined all the concerned witnesses as required / appropriate by him in presence of appellant.
- d. Incorrect, the impugned order passed by respondent No. 4 is speaking one.
- e. Incorrect, as replied in para No. c, the inquiry officer has collected sufficient evidence including documentary proof, which connected the appellant in the commission of offence / misconduct.
- f. Incorrect, the impugned orders passed by respondent No. 1 to 4 are legal and speaking one and all codal formalities have been fulfilled by the respondents.
- g. Incorrect, as replied in the above paras, the appellant was heard in person by respondent No. 2 to 4 during the course of proceedings, he was as afforded ample opportunity of hearing and defense, but the appellant failed to submit any explanation to the charges established / proved against him.

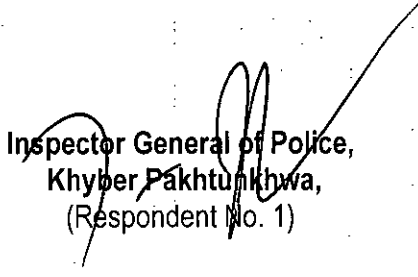
- h. Incorrect, reply is submitted in the above paras.
- i. Incorrect, the impugned orders are worth perusal, wherein the appellant was afforded opportunity of personal hearing by respondent No. 2 to 4 during the disposal of departmental proceedings, appeal and revision petition filed by appellant.

Prayer:-

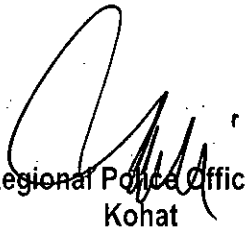
In view of the above, it is prayed that the appeal contrary to facts, law & rules, devoid of merits and not maintainable may graciously be dismissed with costs.



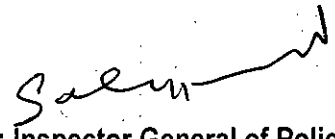
Chief Secretary
Govt of Khyber Pakhtunkhwa,
Home & TAs Department
(Respondent No. 5)



Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No. 1)



Regional Police Officer,
Kohat
Respondent No. 3



Addl. Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)



District Police Officer,
Karak
(Respondent No. 4)

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CP&ID 1574-133126-2007 2020 Form No 524

فارم نمبر ۲۳-۵۱

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ نو جداری

تاریخ وقت رپورٹ		تاریخ ۱۶/۹/۲۰۲۰	وقت ۱۰:۰۷:۰۰
نام و کنوینٹ اطلاع دہندہ مستفید		ظہیر علی خان	
تفصیلات جرم (مردہ) حال اگر کچھ لیا گیا ہو۔		1588	
جائے وقوعہ یا صاف مقام سے درست		پشاور	
نام و کنوینٹ ملزم		12103-1378359-6	
کارروائی و تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں تاخیر ہو تو اس کی وجہ بیان کرو		15/09/2020	
مقام سے روانگی کا تاریخ وقت		پشاور	

ابتدائی اطلاع نیچے درج کردہ اس وقت ویرے تہہ میں درج ذیل متبادلات

۱۔ ایک برہمنہ سبیل قبیلہ سے 5818 رجسٹرڈ ڈیپول یوٹر درج ذیل سے متعلق ہے جس کا نام ایبیر ہے۔
 ۲۔ ایک برہمنہ سبیل قبیلہ سے 5818 رجسٹرڈ بریکر 5170 احسار 5174 سے متعلق ہے جس کا نام ایبیر ہے۔
 ۳۔ ایک برہمنہ سبیل قبیلہ سے 5818 رجسٹرڈ بریکر 5174 احسار 5174 سے متعلق ہے جس کا نام ایبیر ہے۔
 ۴۔ ایک برہمنہ سبیل قبیلہ سے 5818 رجسٹرڈ بریکر 5174 احسار 5174 سے متعلق ہے جس کا نام ایبیر ہے۔
 ۵۔ ایک برہمنہ سبیل قبیلہ سے 5818 رجسٹرڈ بریکر 5174 احسار 5174 سے متعلق ہے جس کا نام ایبیر ہے۔
 ۶۔ ایک برہمنہ سبیل قبیلہ سے 5818 رجسٹرڈ بریکر 5174 احسار 5174 سے متعلق ہے جس کا نام ایبیر ہے۔
 ۷۔ ایک برہمنہ سبیل قبیلہ سے 5818 رجسٹرڈ بریکر 5174 احسار 5174 سے متعلق ہے جس کا نام ایبیر ہے۔
 ۸۔ ایک برہمنہ سبیل قبیلہ سے 5818 رجسٹرڈ بریکر 5174 احسار 5174 سے متعلق ہے جس کا نام ایبیر ہے۔
 ۹۔ ایک برہمنہ سبیل قبیلہ سے 5818 رجسٹرڈ بریکر 5174 احسار 5174 سے متعلق ہے جس کا نام ایبیر ہے۔
 ۱۰۔ ایک برہمنہ سبیل قبیلہ سے 5818 رجسٹرڈ بریکر 5174 احسار 5174 سے متعلق ہے جس کا نام ایبیر ہے۔

(Signature)
 15/09/2020
 Connected with

فائنڈنگ رپورٹ

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جناب عالی:

بحوالہ مشمولہ چارج شیٹ نمبری (Enq) 314/EC مورخہ 02.10.2020 بجاریہ جناب ڈسٹرکٹ پولیس آفیسر صاحب کرک میں الزامات لگائے ہیں کہ ابتدائی انکوائری کے مطابق جو جناب ایس پی انوسٹی گیشن کرک نے کی ہے کہ آپ SI ظفر علی متعینہ ایس ایچ او تھانہ کرک نے ملزم عبدالکیم ولد نصیب غلام سکند درانہ غری خیل کو بحوالہ علت نمبر 590 مورخہ 16.09.2020 بجرم 15AA تھانہ کرک کے خلاف بدینتی کی بنیاد پر درج رجسٹر کیا لیکن ملزم کے خلاف کمپلیٹ کنندہ نے علت نمبر 256 مورخہ 16.09.2020 زیر دفعہ 302,34 PPC تھانہ بند کورائی ضلع ڈیرہ اسماعیل خان میں درج رجسٹر کی ہے۔ آپ نے یہ خلاف قاعدہ و قانون کام مدحجراور DFC تھانہ کرک کی ملی بھگت سے کیا ہے۔ مزید یہ کہ آپ نے غیر قانونی کام کر کے ملزم پارٹی سے پانچ لاکھ روپے لیکر اس کو اس کیس میں تحفظ فرام کی ہے۔ اس بابت زیر دستخطی کو انکوائری افسر مقرر کیا گیا ہے۔

الزام علیہ کا موقف:

الزام علیہ SI کو طلب کر کے زبانی سنا اور تحریری بیان دیکر کہ LHC/DFC مدثر نذر نے مجھے اطلاع دی کہ ایک مشکوک شخص ہسپتال کے نزدیک ہسپتال ہاتھ میں رکھ کر گھوم پھر رہا تھا میں نے DFC مدثر نذر کو بتایا کہ مذکورہ شخص سے لاکس چیک کرو تو اس نے کہا کہ لاکس وغیرہ کچھ بھی نہیں ہے۔ میں نے DFC مدثر نذر کو بتایا کہ تھانہ لے جاؤ اور ایف آئی آر درج کرو۔ DFC مدثر نذر نے مذکورہ شخص کو تھانہ لے گئے اور محرر تھانہ نے ایف آئی آر درج کی۔ سن SHO نے قانون کے مطابق کارروائی کی ہے اور اس میں میری کوئی بددیانتی نہیں ہے۔ میرے اوپر جو الزامات لگائے گئے ہیں کہ SHO نے پانچ لاکھ روپے لئے ہے۔ میں خلفا بیان کرتا ہوں کہ خدا کو حاضر و ناظر جان کر میرے اوپر جو الزامات ہے سن گھڑت اور بے بنیاد ہے۔

نتیجہ انکوائری:

دوران انکوائری جملہ بیانات، جرح انکوائری آفیسر، خفیہ معلومات، CDR ڈیٹا اور سروس ریکارڈ کا بغور ملاحظہ کیا گیا اور زیر بحث انکوائری میں SHO تھانہ شی کرک SI ظفر علی پر جو الزامات لگائے گئے ہیں ان کو مختلف زاویوں سے دیکھا، باریک بینی سے پرکھنے اور اس معاملے کے تہہ تک پہنچنے اور جانچنے کی بھرپور کوشش کی تاکہ حقیقت تک پہنچا جاسکے اور انصاف کے تقاضے پورے کئے جائیں۔ جملہ انکوائری بیانات/جرح انکوائری آفیسر SI ظفر علی، محرر LHC/DFC اخترا نواز اور LHC/DFC مدثر نذر اور محرر اخترا نواز نے قبل ازیں دوران انکوائری سابقہ انکوائری آفیسر کے سامنے دروغ گوئی سے کام لیکر FIR میں مندرجہ وقت پر ملزم عبدالکیم کی گرفتاری اور بین FIR کی تائید میں بیانات دیئے تھے جبکہ اب سن انکوائری آفیسر کو ملزم کی گرفتاری کا وقت 10:00 کے بعد اور FIR کی اندراج قبل ازیں گرفتاری بتلایا ہے۔ اسی طرح SI ظفر علی نے بھی پہلے FIR کی تائید میں بیان دیا تھا مگر اب سن انکوائری آفیسر کو دوران جرح بتلایا کہ جملہ تحریری کارروائی مقدمہ علت 590 مورخہ 16.09.2020 بجرم 15AA تھانہ کرک محرر نے ان کی ہدایت پر تحریر کی ہے جبکہ ملزم کی گرفتاری کا درست وقت اور FIR کا اندراج وغیرہ کی کارروائی کی ذمہ داری محرر تھانہ پر ڈالی ہے۔ مزید یہ کہ ہر تینوں SHO ظفر علی، محرر LHC/DFC اخترا نواز اور LHC/DFC مدثر نذر نے اپنے اپنے دائرہ اختیار کے مطابق سرکاری ڈیوٹی قانون کے مطابق سرانجام دینے میں غفلت، کوتاہی اور لاپرواہی کا مظاہرہ کیا ہے خواہ وہ سہواً ہو یا دانستہ طور پر۔

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چونکہ مقدمہ علت 590 مورخہ 16.09.2020 جرم 15AA تھانہ کرک بوجہ ملزم عبدالحمیم کے خلاف درج مقدمہ علت نمبر 256 مورخہ 16.09.2020 جرم 302,324,34PPC تھانہ بند کورائی ضلع ڈی آئی خان میں براہ راست دعویٰ داری، ریکوری آلہ قتل اور نشاندہی موقع وغیرہ کے باعث خارج کیا گیا ہے۔ لہذا ملزم عبدالحمیم کو بذریعہ مقدمہ علت 590 مورخہ 16.09.2020 جرم 15AA تھانہ کرک جو ریلیف مقصد یا سہواً فراہم کی گئی تھی اسے کرنی تھی وہ ختم ہو چکی ہے۔ علاوہ ازیں SHO ظفر علی، محرر LHC/DFC اختر نواز اور LHC/DFC مدثر نذر کے خلاف رقم مبلغ پانچ لاکھ روپے ملزم عبدالحمیم سے بطور رشوت لینے کے متعلق دوران انکوائری کوئی ٹھوس ثبوت اشواہد ہاتھ نہ آئے اور نہ کوئی گواہ ادعیٰ محمد نواب ولد رائیس خان سکھہ ورنہ غری خیل بار بار ہدایت پر پیش ہو سکا۔

لہذا تمام متعلقہ ریکارڈز کو مد نظر رکھتے ہوئے SI ظفر علی نے اپنے دائرہ اختیار کے مطابق سرکاری ڈیوٹی میں غفلت اور لاپرواہی کا مرتکب ہوا ہے اور مذکورہ کے مستقبل کو مد نظر رکھتے ہوئے مناسب سزا دینے کی سفارش کی جاتی ہے۔ رپورٹ مرتب ہو کر گزارش ہے۔

ڈی ایس پی ہیڈ کوارٹرز کرک

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No. 342 /EC(Enq)

Dated 21/12/2020

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FINAL SHOW CAUSE NOTICE.

1. I, IRFAN ULLAH KHAN, District Police Officer, Karak as competent authority under the Police Rule-1975 hereby serve you SI Zafar Ali the then SHO PS Karak (now under suspension at Police Lines Karak) as follow:-

That consequent upon the completion of enquiry conducted against you by Enquiry Officers Mr. Ali Khan, SDPO Karak.

2. On going through the finding and recommendation of the Enquiry Officer and materials on the record and other connected papers including your defense before the said Enquiry Officer, the charge against you were proved and you have committed the following acts / omission specified in Police Rule-1975:-

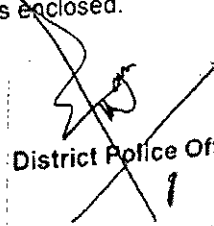
"As per the findings report of the preliminary enquiry conducted by SP Investigation Wing Karak that you SI Zafar Ali while posted as SHO PS Karak registered case FIR No. 590 dated 16.09.2020 u/s 15AA PS Karak against accused Abdul Hakim s/o Nasib Ghulam r/o Warana Ghari Khel on ill intention. Accused was charged by the complainant in case FIR No. 256 dated 16.09.2020 u/s 302, 34 PPC PS Band Korai in district Dera Ismail Khan. This illegal act was done with the collaboration of Maddad Moharrar and DFC PS Karak. Furthermore, it has also been reported that you SI took illegal gratification amounting to Rs. 5 lac from the accused party to provide shelter in the said case. This state of affair is quite adverse on your part and shows your malafide intention, disruptive behavior and irresponsibility in the discharge of your official obligations being a member of discipline Force. This act on your part is against service discipline and amounts to gross misconduct."

As a result thereof I, as competent authority, have tentatively decided to impose upon you the penalty of major punishment under Police Rule-1975.

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

5. If no reply to this Notice is received within Seven (07) days of its delivery in the normal course of circumstances, it will be considered/presumed that you have no defense to put in and in that case an ex-parte action shall be taken against you.

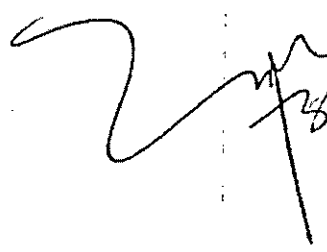
6. Copy of findings of the Enquiry Officer is enclosed.


District Police Officer, Karak

بیان اذان نظر علی صان

حوالہ فاضل سٹوڈنٹس ایسوسی ایشن 347/4c فورم 12/2020ء سرورجی عدالت میں
 کہہ کر DFCE نے جے ایچ ایچ ایس دی۔ کہ ایک مشکوک شخص ہسپتال کے نزدیک ہسپتال
 کے لائسنس چیک کرو۔ اس نے لپٹا کر لائسنس وغیرہ کچھ نہیں ہے۔
 DFCE کو بتایا اٹھانے جاؤ اور FIR درج کرو۔ DFCE نے
 لپٹا کر لائسنس ڈھانڈھنے کے لئے گئے۔ اور FIR درج کی۔ اس کے بعد
 اس میں میرا کوئی پرمانی نہیں ہے۔

میرا اور جو الزامات لگائے گئے ہیں انہیں
 میں جملہ بیان کرتا ہوں۔ کہ خدا کرے گا ظفر جان کر
 جو حقیقت تھی ہے۔


 Police Ave Korak
 03.12.2020

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Before the Honorable
Service Tribunal Peshawar

Writ Petition No- 1295/2022

Zafar Ali
Sub Inspector, District Karak

..... Petitioner


Versus

Chief Secretary, Provincial Police Officer,
Regional Police officer & others

..... Respondents

AFFIDAVIT

I Waqar Ahmad, PASI (BPS-11) of District Police Karak do hereby solemnly affirm and declare on oath that the contents of Para wise comments in the titled above Writ Petition are true & correct to the best of my knowledge and belief and nothing has been concealed from this honorable court:


u/01/2022
Deponent

CNIC No 17301-5732688-7
Mobile No 03459117337

Identified By



 JAN 2022