


FORM OF ORDER SHEET

Court of _____

Appeal No. 1433/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09-Sep-24	<p>The appeal of Mr. Asad Ali Shah presented today by Mr. Rizwanullah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 18-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1433 /2024

1. Asad Ali Shah, Deputy Superintendent of Police, (Security), RWCF Project, SSU (CPEC), Khyber Pakhtunkhwa Warsak Remodeling Canal System Project Malaguri, Tribal District, Khyber.

(APPELLANT)

VERSUS

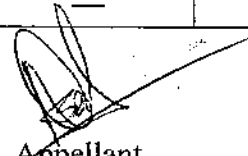
1. The Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar etc.

(RESPONDENTS)

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Appellant

Through

Dated: 09-09-2024


Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar
Email ID: advocaterizwanullah@gmail.com
Mobile No. 0300-596-5843

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1433 /2024

1. Asad Ali Shah, Deputy Superintendent of Police, (Security), RWCF Project, SSU (CPEC), Khyber Pakhtunkhwa Warsak Remodeling Canal System Project Malaguri, Tribal District, Khyber.

(APPELLANT)

VERSUS

1. The Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
2. The Provincial Police Officer, Government of Khyber Pakhtunkhwa, Peshawar

(RESPONDENTS)

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE
ORDER DATED 16-05-2024 PASSED BY
THE DEPUTY INSPECTOR GENERAL
OF POLICE, (CTD) KHYBER
PAKHTUNKHWA, PESHAWAR
(RESPONDENT NO.1) WHEREBY THE
APPELLANT WAS AWARDED MAJOR
PENALTY OF REDUCTION FROM
SUBSTANTIVE RANK of (DSP) INTO
THAT OF LOWER RANK BUT
NOTWITHSTANDING THE BASIC LEGAL
MENDATE, NO SPECIFICATION
WHATSOEVER WAS MADE ABOUT THE
PENALTY IN LOWER RANK. BESIDES,
IT WAS FURTHER ORDERED TO
RECOVER RS. 01 MILLION FROM
APPELLANT'S GENERAL PROVIDENT**

**FUND. THE LEGALITY OF SAID ORDER
WAS NONETHELESS CHALLENGED BY
FILING DEPARTMENTAL APPEAL
WITH THE PROVINCIAL POLICE
OFFICER, KHYBER PAKHTUNKHWA
(RESPONDENT NO.02) ON 22-05-2024.
HOWEVER, THE SAME WAS NOT
RESPONDED WITHIN THE STATUTORY
PERIOD OF LAW.**

Prayer in Appeal

On acceptance of this appeal, the impugned order dated 16-05-2024 may very graciously be set-aside and the appellant may kindly be restored against his original post of Deputy Superintendent of Police alongwith all consequential back benefits.

Any other relief deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the appellant.

RESPECTFULLY SHEWETH,

Short facts giving rise to the present appeal are as under:

FACTS

1. That the appellant joined the services of Police Department incapacity as Assistant Sub-Inspector (BS-09) on 27-02-2006 and then rose up to the post of Deputy Superintendent of Police (BS-17) on account of dedication, devotion and meritorious service. He has 18 years unblemished service record to his credit.
2. That the appellant was transferred to various posts across different stations and units throughout his service. Lastly, his services were placed at the disposal of Commandant, Special Security Unit (CPEC) Khyber Pakhtunkhwa vide order dated 30-03-2023 who further assigned him the duty to ensure the security of foreign national/Chinese engineers, as part of the (Remodeling Canal System Project Malaguri, Tribal District, Khyber).

(Copy of transfer order is appended as Annex-A)

3. That the appellant was performing his duty with great zeal, zest and devotion but strangely, one Amanullah, Assistant Sub-Inspector, CTD, Bannu Region-II moved an application that he was not paid of the **Head Money Share** for the arrest of proclaimed offender namely Usman s/o Rooh Niaz r/o Irmaz Tehsil Mirali District North Waziristan, involved in case FIR No. 49 dated 30-07-2020 u/s 324/148/149/109 PPC, 3/4ESA, 7ATA PS CTD Bannu Region.

(Copy of application is appended as Annex-B).

4. That on the basis of above application, Superintendent of Police (Admin) CTD was nominated to conduct preliminary inquiry in the matter. He finalized the inquiry and held the appellant guilty and recommended him to be proceeded against departmentally by issuing him charge sheet and statement of allegations to fulfill all legal requirements. However, copy of such report was not provided to him being the mandatory requirement of law.
5. That as per recommendation of above report of inquiry officer, appellant was served with a charge sheet alongwith statement of allegations for misconduct. He submitted an elaborate and exhaustive reply, denied the allegations and also termed it as fallacious, malicious and misconceived. He besides other submissions also specifically emphasized that *"shares in the disputed Head Money were duly distributed amongst the officials/informers who were legally entitled for the same and none of the objection was raised by any official at the relevant time"*, therefore, question of misappropriation of said money was not justified at all. He also termed the application filed by Amanullah, Assistant Sub-Inspector as frivolous and baseless one and categorically added that the appellant had initiated disciplinary proceedings against him in the past. Wherein, not only charge sheet alongwith statement of allegations were issued but enquiry was duly conducted and on the basis of report of inquiry officer as well as letter of appellant addressed to Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa he was repatriated from CTD, Khyber Pakhtunkhwa to his parent region Bannu vide order dated 29-12-2022. Similarly, the appellant also issued adverse remarks in the Annual Confidential Report "ACR" for the period from 01-01-2022 to 31-12-2022, which were formly countersigned and endorsed by the Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa. Thus, the instant application was filed solely as a retaliatory measure, intended to undermine, discredit, and tarnish the appellant's reputation

before his superiors, and also to seek retribution for the aforementioned disciplinary actions and adverse remarks. Moreover, he filed such application after lapse of a long period of one and a half years, at belated stage which also creates doubt in the prudent mind that when he was entitled for such share of (Head Money) then why he slept over it for a sufficient long time and failed to make any demand. Moreover, the application was filed after a considerable delay of one and a half years, which act alone raises serious concerns about its credibility. This prolonged inaction clearly suggests that if he was indeed entitled to the Head Money, his inordinate delay in asserting this claim and failing to make any timely demand seriously undermines the legitimacy of his current request.

(Copy of charge sheet alongwith statement of allegations and its reply by appellant, charge sheet alongwith statement of allegations regarding Amanullah, inquiry report of Amanullah, letter of appellant, repatriation order and adverse remarks with legible copies are appended as Annex-C, D, E, F, G, H & I)

6. That the above reply submitted by the appellant was not found satisfactory and as such, Mr. Najam-ul-Hussain Laiqat, Senior Superintendent of Police, CTD, Peshawar was appointed as Inquiry Officer to dig out the truth and submit report. He concluded the inquiry and found the appellant guilty of the allegations nevertheless, in clear contravention of legal procedures. Furthermore, despite the appellant's requests for the report and other relevant documents under the Right to Information "RTI" Act, 2013, neither the reports nor the requested documents were provided, rendering the process both opaque and unjust.

(Copy of applications and letter of RTI are appended as Annex-J, K & L).

7. That thereafter the appellant was served with a final show cause notice on 06-05-2024. He submitted reply on 14-05-2024 but the same was also not deemed satisfactory and ultimately, he was awarded major penalty of reduction from substantive rank of DSP into that of lower rank but

no specification whatsoever was made about penalty in lower rank as required under the law. It was further ordered to recover Rs. 01 Million from his GP Fund vide order dated 16-05-2024.

(Copy of show cause notice, reply and impugned order are appended as Annex-M, N & O).

8. That the appellant felt aggrieved by the aforesaid order, filed a departmental appeal with the Provincial Police Officer (respondent No.02) on 22-05-2024 but the same was also not responded.

(Copy of departmental appeal is appended as Annex-P).

9. That the appellant now files this appeal before this Hon'ble Tribunal inter-alia on the following grounds within the statutory period of law.

GROUND

- A. That the respondents have not treated the appellant in accordance with the mandate of **Article 4 of the Constitution of Islamic Republic of Pakistan, 1973** which has unequivocally laid down that it is the inalienable right of every citizen to be treated under the law, rules and policy. Therefore, the impugned order is not sustainable in the eye of law.
- B. That Preliminary Inquiry was not conducted in a manner prescribed by law as neither any witness was examined in the presence of appellant nor he was provided any opportunity of cross-examination in order to impeach the credibility of the witnesses, if any, appeared against him. Similarly, he was also not provided any chance to produce his defence in support of his version. The above defect in inquiry proceeding is sufficient to declare entire process as unlawful and distrustful. Right of fair trial is a fundamental right by dint of which a person is entitled to a fair trial and due process of law. The appellant has been deprived of his indispensable fundamental right of fair trial as enshrined in **Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973**. Besides, the Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa (respondent No.01) was not competent under Rule-5(4) read with Schedule-I of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) to initiate disciplinary proceedings against the appellant by constituting

preliminary inquiry as well as regular inquiry and the Provincial Police Officer, Khyber Pakhtunkhwa (respondent No.02) was alone competent to exercise such powers under the above referred provision of rules. It is also well settled law that when initial order or act relating to initiation of proceedings is illegal and without lawful authority then, all subsequent proceedings and actions taken thereon would fall on the ground automatically. Reliance can be placed on the judgment of august Supreme Court of Pakistan reported in 2009-SCMR-339. The relevant citation is reproduced as under:-

2009-SCMR-page-339 (citation-c)

---When initial order or act relating of initiation of proceedings was contrary to law and illegal, then all subsequent proceedings and actions taken thereon would have no basis and would fall.

Akin, the impugned order was issued by the Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa (Respondent No. 01), who lacked the requisite authority to issue such an order and according to Schedule-I of the Khyber Pakhtunkhwa Police Rules, 1975, only the PPO (Respondent No. 02) is authorized to issue such an order. It is well established principle of law that when the basic order is without lawful authority and void ab-initio then the entire superstructure built on it would fall on the ground automatically as per law laid down by august Supreme Court of Pakistan reported in **PLD-2008-Suprme Court-663 (citation-b)** and **2024-SCMR-527 (citation-g)**. It would be advantageous to reproduce herein the relevant citations for facility of reference:

**P L D 2008 Supreme Court 663
(citation-b)**

(b) Void order---

---When the basic order is without lawful authority and void ab initio, then the entire superstructure raised thereon falls on the ground automatically.

2024 S C M R 527 (citation-g)

(g) Void order---

---When the basic order is without lawful authority, then the entire superstructure raised thereon falls to the ground automatically.

Hence, the impugned order is liable to be set aside on this count alone.

- C. That likewise, the regular inquiry was also conducted in manifest violation of legal standards, as the same irregularities, procedural errors, and lapses carried out by the Inquiry Officer during the preliminary inquiry were repeated. Consequently, the appellant was denied his basic fundamental right to a fair trial and due process. Both Inquiry Officers' reports are therefore based on conjecture and unsubstantiated assumptions. As a result, the findings against the appellant are manifestly erroneous and unsupported by any legal evidence, rendering them untenable under the law. The entire process, from initiation to conclusion, fails to uphold the principles of justice, making the impugned order legally untenable and as such liable to be reversed.
- D. That the respondent No.1 was under statutory obligation to have considered the case of appellant in its true perspective and also in accordance with law besides to see whether both the inquiries were conducted in consonance with law and that the allegations thereof were proved against him without any shadow of doubt or otherwise. Nevertheless, he has overlooked this important aspect of the case without any cogent and valid reasons and awarded him major penalty of reduction from substantive rank of DSP into that of lower rank but no specification whatsoever was made about penalty in lower rank as required under the law. Hence, the impugned order is not tenable under the law.
- E. That the respondent No.2 was legally bound to have decided the departmental appeal filed by the appellant after application of mind with cogent reasons within reasonable time as per law laid down by august Supreme Court of Pakistan reported in 2011-SCMR-1 (citation-b). The relevant citation is as under:

2011-S C M R-1 (citation-b)

**---S. 24-A---Speaking order-
Public functionaries are bound
to decide cases of their
subordinates after application of
mind with cogent reasons within
reasonable time.**

But the above Authority failed to comply with the supra legal principle. Therefore, the impugned order is not warranted by the law.

- F. That the appellant was not provided with any of the inquiry reports to address or respond to the adverse findings against him, which is a clear legal requirement. This omission undermines the appellant's right to a fair opportunity to contest the findings, thus violating procedural fairness and due process. Reliance can be placed on **PLD-1981-SC-page-176-citation (f)** and **1987-SCMR-1776-(b)**. Hence, the impugned order is against the spirit of administration of justice.
- G. That the impugned order is against law, facts of the case and norms of natural justice. Therefore, the same is not warranted by the law.
- H. That the respondent No.1 has passed the impugned order in mechanical manner and the same is perfunctory as well as non-speaking and also against the basic principle of administration of justice. Thus, the impugned order is bad in law.
- I. That the impugned order is based on conjectures, surmises and suppositions. Hence, the same is against the legal norms of justice.
- J. That the appellant would like to seek the permission of this Hon'ble Tribunal to advance some more grounds at the time of arguments.

PRAYER

In view of the above narrated facts and grounds, it is, therefore, humbly prayed that the impugned order dated 16-05-2024 may very graciously be set-aside and the appellant may kindly be restored against his original post of Deputy Superintendent of Police alongwith all consequential back benefits.

Appellant

Through

Dated: 09/09/2024

Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar
Email ID: advocaterizwanullah@gmail.com
Mobile No. 0300-596-5843

9

**BEFORE THE HON'BLE CHAIRMAN, KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. _____/2024

1. Asad Ali Shah, Deputy Superintendent of Police, (Security), RWCF Project, SSU (CPEC), Khyber Pakhtunkhwa Warsak Remodeling Canal System Project Malaguri, Tribal District, Khyber.

(APPELLANT)

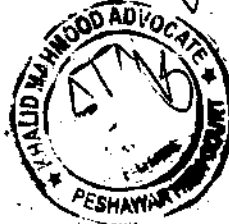
VERSUS

1. The Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar etc.

(RESPONDENTS)

AFFIDAVIT

I, Asad Ali Shah, Deputy Superintendent of Police, (Security), RWCF Project, SSU (CPEC), Khyber Pakhtunkhwa Warsak Remodeling Canal System Project Malaguri, Tribal District, Khyber do hereby solemnly affirm and declare that the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.



DEPONENT



Annex-A

10

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Dated Peshawar the 30/03/2023

NOTIFICATION

CPO/E-I/Transfer/Posting/ 866, In exercise of the powers delegated upon the Additional Inspector General of Police, Headquarters Khyber Pakhtunkhwa under sub-section (2) Section 17 of the Khyber Pakhtunkhwa Police Act, 2017, the following transfers/postings are hereby ordered in the public interest, with immediate effect:-

#	Name & Rank	From	To
1	Mr. Asad Ali Shah DSP (BS-17)	DSP Intelligence CTD Bannu	At the disposal of Commandant SSU (CPEC) Khyber Pakhtunkhwa for further posting
2	Mr. Habib Ullah Khan No. M/168 Inspector (BS-16)	Acting DSP CTD Malakand I	At the disposal of RPO Malakand Region as Acting DSP in his own pay & scale for further posting

Sd/-
(SABIR AHMED) PSP
Additional Inspector General of Police,
HQrs, Khyber Pakhtunkhwa
Peshawar.

& date even.

Copy forwarded to the:-

- Accountant General Khyber Pakhtunkhwa Peshawar.
- Add: Inspector General of Police, HQrs: and CTD Khyber Pakhtunkhwa.
- Regional Police Officer, Malakand Region
- Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa.
- Add: Director General (Elections-I), Election Commission of Pakistan, Islamabad.
- District Account Officer, Swat.
- PSO to IGR Khyber Pakhtunkhwa.
- Registrar CPO Peshawar.
- Officers concerned:
- Supdt: Secret and E-II CPO, Peshawar.
- U.O.P File.

Attested

Appellant

(DR. ZAHID ULLAH) PSP
AIG/Establishment,

For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Annex - B
منووان :- درخواست بابت حق تعلیمی بیڈ مینی آف پرو کلیم آفینڈر۔

11

جناب عالی!

مدعاہ گزارش کی جاتی ہے کہ مسائل نے بدبخت گرد و نشان ولد روح بیڈ اسکول میر علی شجاع ہار تھ
وزیرستان جس پر حکومت خیبر پختونخواہ نے مبلغ دس لاکھ روپے سر کی قیمت رکھی تھی کو مورخہ 20-06-
2022 کو گرفتار کیا گیا تھا جس میں انفارمیشن بھی من مسائل نے مہیا کی تھی اور ساتھ ساتھ ریڈ پارٹی میں شامل ہوا
تھا۔

اب من مسائل کو معلوم ہوا کہ مورخہ 22-08-2022 کو مذکورہ بیڈ مینی سی ٹی ڈی پشاور بیڈ
کو اور ٹرے سی ٹی ڈی بنوں دن کو موصول ہو چکی ہے مگر بد قسمتی سے من مسائل کو اب تک اپنا جائز حق ان میں سے
نہیں مل سکی جس پر مسائل کو نہایت افسوس اور حوصلہ شکنی ہوئی ہے۔

لہذا آپ صاحبان کی حضور میں درد مندانه آہیل کی جاتی ہے کہ من مسائل کو مذکورہ پرو کلیم
آفینڈر کی بیڈ مینی سے اپنا جائز حق دیا کر مشکور فرمادیں مسائل آپ صاحبان کی اس عنایت کا احیاء ممنون و
مشکور اور دعا گو رہے گا۔

میں نوازش ہوگی۔

مورخہ :- 23-08-2023

العارض

آپکا تابع فرمان

Mr. Farhan Ahmad
A.C.
24-08-2023

Attested

Appellant

ASIA

حاجی آمان اللہ خان ASI

متعینہ سی ٹی ڈی بنوں ریجن-II

موبائل نمبر :- 0332-9746552



OFFICE OF THE
DEPUTY INSPECTOR GENERAL OF POLICE,
CENTER TERRORISM DEPARTMENT,
KHYBER PAKHTUNKHWA PESHAWAR.
☎ 091-9212518-19; ☎ 091-9212530

12

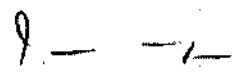
CHARGE SHEET

1. Mr. Imran Shahid, Deputy Inspector General of Police, CTF & EC, CTD, Khyber Pakhtunkhwa, as competent authority, under rule 06 of the KPK Police Rules, 1975, hereby charge you ~~Mr. Asad Ali Shah, present in police as Deputy Inspector General of Police~~ while then you were posted on basis of look after charge as SP CTD Bannu Region (HPS-16), for the allegations mentioned below:

- i. You, while posted on basis of look after charge as SP CTD Bannu Region (HPS-16), claimed & received reward 01 million rupees as head money for disbursement amongst the members of raiding team who participated in conducting raid vide DD No. 18 dated 20.06.2022 PS CTD Bannu Region, total 13 officials in which an ASI namely Haji Aman Ullah was also included and arrested Proclaimed Offender (P.O) namely Usman s/o Rookh Niaz r/o Irmaz Tehsil Mirali, District North Waziristan involved in case vide FIR No. 49 dated 30.07.2020 u/s 323/148 149/109 PPC, 341/SA, 7ATA PS CTD Bannu Region, but as per preliminary enquiry report you misappropriated the whole amount of 1 million fixed as head money for the arrest of above named P.O instead its disbursement upon the participants raiding team.
 - ii. That ASI Haji Aman Ullah, submitted application/complaint through Police Jawan App vide No. 1952 dated 29.08.2023 against you, wherein he alleged that you deprived him from his legal right (head money reward share) as you had already received the same from CTD HQs, and did not disburse his due share to him as well as to the other team members.
 - iii. Upon complaint of ASI Haji Aman Ullah, a fact finding enquiry was carried out. During the course of enquiry, team members were associated with enquiry proceedings and their statements were recorded which are placed on enquiry file, except former Insp: Javed Iqbal the then SHO PS CTD Bannu, as he got martyred while one HC Irfan Ullah, as he got injured during an encounter. All the members of raiding team denied in their statements to have received their due share from head money and fixed for the arrest of above named P.O which causes resentment in the Force.
 - iv. You, during preliminary enquiry admitted, that you have received 01 million rupees as reward of head money for above named P.O and showed that you distributed 60% to the informer, 10% received as your own share while showed remaining 30% amount to be handed over to former Inspector Javed Iqbal the then SHO PS CTD Bannu now martyred but you could not produce any proof in this regard.
 - v. You, could not prove yourself innocent & was found guilty of misconduct during the course of preliminary enquiry, hence you are formally charge sheeted for the allegations mentioned above.
2. By reason of the above, you appear to be guilty of misconduct under the KP Police Rules, 1975, and have rendered yourself liable to all or any of the penalties specified in the said Rules.
3. You are, therefore, directed to submit your written defense within seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer.
4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in, and in case of no reply, ex-parte action shall be taken against you.
5. You are directed to intimate whether you desire to be heard in person or otherwise.
6. Statement of allegations is enclosed herewith.

Attested by Appellant


Appellant


(Imran Shahid) DSP
Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.

Appellant
Att. Secy

(Imran Shabbid) PSC
Deputy Inspector General of Police,
Cyber, Khyber Pakhtunkhwa,
Peshawar.

- 1 Deputy Inspector General of Police, HQs: Khyber Pakhtunkhwa, Peshawar.
- 2 PSC to Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 3 Mr. Asad Ali Shah DSP Security SSU (P.T.C.)
- 4. Office Copy.

No 18733-35/PAC/CP

Date 24/10/2023

(Imran Shabbid) PSC
Deputy Inspector General of Police,
Cyber, Khyber Pakhtunkhwa,
Peshawar.

4. Your written defense, if any, should reach the Inquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in, and in case of no reply, ex-parte action shall be taken against you.

3. The Inquiry Officer shall, in accordance with the provision of the said Rules, provide a reasonable opportunity of hearing to the accused officer, record and submit its finding within 25 days of the receipt of the order, recommendations as to punishment, or other appropriate action against the accused officer.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above Inquiry, inquiry to the charges stated above under Police Rules, 1975:-
Mr. Najam-Ul-Haque (PSP) SSP (CTD)

All this speaks gross misconduct, careless attitude towards your law full assignments and contrary to Police Rules. The could not prove himself innocent & was found guilty of misconduct during the course of preliminary enquiry; hence he is formally charge sheeted for the allegations mentioned above.

Inspector Javed Iqbal the then SI (P) PS (CTD) Hamm now married but he could not produce any proof in this regard. received as his own share while showed remaining 30% amount to be handed over to former head money for above named P.T) and showed that he distributed 60% of the amount. He, during preliminary enquiry admitted, that he has received 01 million rupees as reward of money and fixed for the arrest of above named P.T) which causes resentment in the force. members of raiding team denied in their statements to have received their due share from head Hamm, as he got married while one P.T) from Iqbal, as he got injured during an encounter. All the recorded which are placed in enquiry file, except former Insp: Javed Iqbal the then SI (P) PS (CTD) of enquiry, team members were associated with enquiry proceedings and their statements were 1) on complaint of ASI (Haji Aman Ullah) a fact finding enquiry was carried out. During the course and did not disburse his due share to him as well as to the other team members.

his legal right (head money reward share) as he had already received the same from (CTD HQs: No. 1952 dated 29.08.2023 against him, wherein complainant alleged that he deprived him from that, ASI (Haji Aman Ullah), submitted application/complaint through Police Jawan App vide upon the participants raiding team. amount of 1 million fixed as head money for the arrest of above named P.T) instead its disbursement 7A1A PS (CTD) Hamm Region, but as per preliminary enquiry report he misappropriated the whole Waziristan, involved in case vide FIR No. 49 dated 30.07.2020 US 32/148/197/109 P.P.C, JAMSA, Prosecution, involved in case vide FIR No. 49 dated 30.07.2020 US 32/148/197/109 P.P.C, JAMSA, total 17 officers in which an ASI namely Haji Aman Ullah was also included and arrested team who participated in conducting raid vide CID No. 18 dated 20.06.2022 PS (CTD) Hamm Region, received reward of 01 million rupees as head money for disbursement amongst the members of raiding He, while posted on basis of bank after charge as SP (CTD) Hamm Region (HPS-16X claimed & of bank after charge as SP (CTD) Hamm Region (HPS-16X), for the allegations mentioned below:-

1. Mr. Imran Shabbid, Deputy Inspector General of Police, CTF & RC (CTD), Khyber Pakhtunkhwa, as competent authority, under rule 06 of the K.P. Police Rules, 1975, hereby charge Mr. Asad Ali Shah presently posted as DSP Security SSU (P.T.C.), while he was posted on basis

STATEMENT OF ALLEGATIONS

OFFICE OF THE
DEPUTY INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA DEPARTMENT,
091-9212518-19; 091-9212530



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Office Of the *Fair Copy*
Additional Inspector General of Police,
Counter Terrorism Department,
Khyber Pakhtunkhwa Peshawar.
Tel-091-9212518-19: Fax-091-9212530
Email: adligctd@kppolice.gov.pk

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CHARGE SHEET

1. **Mr. Imran Shahid, Deputy Inspector General of Police, CTF & EC, CTD, Khyber Pakhtunkhwa,** as a competent authority, under rule 06 of the KPK Police Rules, 1975, hereby charge you **Mr. Asad Ali Shah presently posted as DSP Security SSU CPEC** while then you were posted on basis of look after charge as SP CTD Bannu Region (BPS-16) for the allegations mentioned below:

- i. Your, while posted on basis of look after charge as SP CTD Bannu Region (BPS-16), claimed & received reward 01 million rupees as head money for disbursement amongst the members of raiding team who participated in conducting raid vide DD No. 18 dated 20.06.2022 PS CTD, Bannu Region, total 13 officials in which an ASI namely Haji Aman Ullah was also included and arrested Proclaimed Offender (P.O) namely Usman s/o Rooh Niaz r/o Irmaz Tehsil Mirali District North Waziristan involved in case vide FIR No. 49 dated 30.07.2020 u/s 324/148/149/109 PPC, 3/4ESA, 7ATA PS CTD Bannu Region, but as per preliminary enquiry report you misappropriated the whole amount of 1 million fixed as head money for the arrest of above named P. O instead its disbursement upon the participants raiding team.
- ii. That, ASI Haji Aman Ullah, submitted application/complaint through Police Jawan App vide No. 1952 dated 29.08.2023 against you, wherein he alleged that you deprived him from his legal right (head money reward share) as you had already received the same from CTD HQrs: and did not disburse his due share to him as well as to the other team members.
- iii. Upon complaint of ASI Haji Aman Ullah, a fact-finding enquiry was carried out, During the course of enquiry, team members were associated with enquiry proceedings and their statements were recorded which are placed on enquiry file, except former Insp: Javed Iqbal the then SHO PS CTD Bannu, as he got martyred while one HC Irfan Ullah, as he got injured during an encounter. All the members of raiding team denied in their statements to have received their due share from head money and fixed for the arrest of above-named P. O which causes resentment in the force.
- iv. You, during preliminary enquiry admitted, that you have received 01 million rupees as reward of head money for above named P. O and showed that you distributed 60% to the informer 10% received as your own share while showed remaining 30% amount to be handed to former Inspector Javeed Iqbal the then SHO PS CTD Bannu now martyred but you could not produce any proof in this regard.
- v. You, could not prove, yourself innocent & was found guilty of misconduct during the course of preliminary enquiry, you are formally charge sheeted for the allegations mentioned above.
2. By reason of the above, you appear to be guilty of misconduct under the KP Police Rules, 1975, and have rendered yourself liable to all or any of the penalties specified in the said Rules.
3. You are therefore, directed to submit your written defense within seven (07) days of the receipt of the Charge Sheet to the enquiry officer.
4. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in, and in case of no reply, ex-parte action shall be taken against you.
5. You are directed to intimate whether you desire to be heard in person or otherwise.
6. Statement of allegations in enclosed herewith.

Allested
Appellant

Sd-
(Imran Shahid) ^{PSP}
Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.



Fair Copy

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Office Of the
Additional Inspector General of Police,
Counter Terrorism Department,
Khyber Pakhtunkhwa Peshawar.
Tel-091-9212518-19: Fax-091-9212530
Email: adligctd@kppolice.gov.pk

STATEMENT OF ALLEGATIONS

1. Mr. Imran Shahid, Deputy Inspector General of Police, CTF & EC, CTD, Khyber Pakhtunkhwa, as a competent authority, under rule 06 of the KPK Police Rules, 1975, hereby charge you Mr. Asad Ali Shah presently posted as DSP Security SSU CPEC while then you were posted on basis of look after charge as SP CTD Bannu Region (BPS-16) for the allegations mentioned below:

- i. He, while posted on basis of look after charge as SP CTD Bannu Region (BPS-16), claimed & received reward 01 million rupees as head money for disbursement amongst the members of raiding team who participated in conducting raid vide DD No. 18 dated 20.06.2022 PS CTD Bannu Region, total 13 officials in which an ASI namely Haji Aman Ullah was also included and arrested Proclaimed Offender (P.O) namely Usman s/o Rooh Niaz r/o Irmaz Tehsil Mirali District North Waziristan involved in case vide FIR No. 49 dated 30.07.2020 u/s 324/148/149/109 PPC, 3/4ESA, 7ATA PS CTD Bannu Region, but as per preliminary enquiry report he misappropriated the whole amount of 1 million fixed as head money for the arrest of above named P. O instead its disbursement upon the participants raiding team.
- ii. That, ASI Haji Aman Ullah, submitted application/complaint through Police Jawan App vide No. 1952 dated 29.08.2023 against him, wherein complainant alleged that he deprived him from his legal right (head money reward share) as you had already received the same from CTD HQrs: and did not disburse his due share to him as well as to the other team members.
- iii. Upon complaint of ASI Haji Aman Ullah, a fact-finding enquiry was carried out, During the course of enquiry, team members were associated with enquiry proceedings and their statements were recorded which are placed on enquiry file, except former Insp: Javed Iqbal the then SHO PS CTD Bannu, as he got martyred while one HC Irfan Ullah, as he got injured during an encounter. All the members of raiding team denied in their statements to have received their due share from head money and fixed for the arrest of above-named P. O which causes resentment in the force.
- iv. He, during preliminary enquiry admitted, that you have received 01 million rupees as reward of head money for above named P. O and showed that you distributed 60% to the informer, 10% received as your own share while showed remaining 30% amount to be handed to former Inspector Javeed Iqbal the then SHO PS CTD Bannu now martyred but you could not produce any proof in this regard.
- v. He, could not prove, himself innocent & was found guilty of misconduct during the course of preliminary enquiry, hence he is formally charge sheeted for the allegations mentioned above.

All this speaks gross misconduct, careless attitude towards your lawful assignments ad contrary to Police Rules.

2. For the purpose of scrutinizing the conduct of the said officer with reference to the above Enquiry, the following inquiry officer of Khyber Pakhtunkhwa is hereby nominated with the directions to conduct inquiry to the charges stated above under Police Rules, 1975: -

Mr. Najam Ul Husnain Liaqat (PSP) SSP CTD Peshawar

3. The Inquiry Officer shall, in accordance with the provision of the said Rules, provide a reasonable opportunity of hearing to the accused officer, record and submits its finding within 25 days of the receipt of this order, recommendations as to punishment, or other appropriate action against the accused officer.

4. Your written defense, if any, should reach the Enquiry Officer within the specified period, falling which it shall be presumed that you have no defense to put in, and in case of no reply, ex-parte action shall be taken against you.

Sd-
(Imran Shahid) PSP
Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.

No18733-35/PA/CTF

Date 24/10/2023

Copy to the:

1. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
2. PSO to Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
3. Mr. Asad Ali Shah DSP Security SSU CPEC.
4. Office Copy.

Attested

Appellant

Sd-
(Imran Shahid) PSP
Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.

Annex - D

16

جناب عالی!

بجوالہ چارج شیٹ نمبر PACTF/35-18733 مورخہ 24.10.2023 ہجریہ جناب CTF/DIG/CTD پشاور

KPK معروض خدمت ہوں۔

1. میں مورخہ 20.06.2020 سے فروری 2023 تک بحیثیت ایس پی CTD بنوں ریجن تعینات تھا۔
2. دہشت گرد مجرم اشتہاری عثمان ولد روغنیاز سکنہ ہرمز میر علی ضلع شمالی وزیرستان کو افسران بالا کی طرف سے گرفتاری کا ٹاسک ملا جس کے سرپر صوبائی حکومت کی طرف سے 10 لاکھ روپے انعام مقرر تھے۔ علاقہ میں سوس / انفارمر کی مدد سے نہایت حکمت عملی کے ساتھ گرفتار کیا۔
3. SOP کے مطابق مجھے بعد چھاپہ مار ٹیم اور سوس / انفارمر کو اس وقت کے مجاز اتھارٹی ڈی آئی جی صاحب CTD خیر پختونخوا نے نقد انعامات سے نوازا۔

4. محکمہ CTD سے افسران بالا نے مارچ 2023 میں میرا تبادلہ ایس ایس پی (سی بیگ) پولیس کر دیا گیا اور تاحال وہی پر تعینات ہوں۔

کیپٹنٹ امان اللہ ASI جو کہ ریڈنگ پارٹی کا حصہ تھا کو بھی نقد انعام مجاز اتھارٹی کے ہدایات کے مطابق بدست اس وقت کے انسپکٹر جاوید اقبال خان ایس ایچ او CTD بنوں ریجن حوالہ کی گئی اور میرے جائے تعیناتی کے دوران امان اللہ ASI نے کسی قسم کی زبانی / تحریری شکایت نہ مجھے اور نہ ہی افسران بالا کو کی تھی۔ یہ امر قابل ذکر ہے کہ کیپٹنٹ امان اللہ ASI نے اختیارات سے تجاوز اور کارکردگی میں عدم دلچسپی لینے کی پاداش میں بحیثیت مجاز اتھارٹی مذکورہ ASI کو چارج شیٹ کیا جس کا جواب غیر تسلی بخش پانچ ماہ بعد غیر جانبدار انکوائری آفیسر انسپکٹر محمد اسرار خان INV/CTD بنوں ریجن مقرر کیا جس کے رپورٹ کے مطابق مذکورہ بالا دوران ڈیوٹی غفلت / کارکردگی میں عدم دلچسپی / اختیارات سے تجاوز کا مرتکب پایا گیا۔ نتیجہ اس وقت کے مجاز اتھارٹی ڈی آئی جی صاحب CTD کو سفارش کی گئی کہ مذکورہ ASI کو واپس ضلع بنوں پولیس بھیج دیا جائے سفارشات کی منظوری کے بعد بجوالہ آرڈر نمبر E-III/2499 مورخہ 29.12.2022 کو کلوز کیا گیا تھا۔ (چارج شیٹ / انکوائری رپورٹ / آرڈر کاپی ہمراہ لف ہے)۔ یہی وجہ ہے کہ مذکورہ ASI نے میرے تبادلے کے بعد من گھڑت اور بے بنیاد کیپٹنٹ داخل کی جس کی بنیاد پر مجھے چارج شیٹ مندرجہ عنوان بالا جاری کیا گیا مذکورہ ASI کو میرے تبادلے کے بعد پھر سے CTD/Bannu-II میں تبادلہ کرانے میں کامیاب ہوا تھا مگر دوبارہ نااہلی کی وجہ سے ضلع پولیس بھیج دیا گیا (آرڈر کاپی ہمراہ لف ہے)۔ اور اب مذکورہ ASI پر محکمہ CTD کے دروازے مکمل طور پر بند ہو چکے ہیں اس لیے وہ محکمہ / افسران بالا پر کئی چیز اچھالنے پر آمادہ آیا ہے اور موجودہ کیپٹنٹ اس کی واضح مثال ہے۔ امان اللہ ASI کی کیپٹنٹ پر مجھے چارج شیٹ مندرجہ بالا جاری فرمائی کی گئی ہے جس کے جواب دینے کے لیے مجھے مندرجہ ذیل ریکارڈ / دستاویزات کی مصدقہ نقلات کی ضرورت تھی۔

1. Committee Report

2. Recommendation of Committee

3. Contingent Bill

4. Voucher of Head Money

5. سالانہ آڈٹ رپورٹ کاپی سال 2022

6. مزید سابقہ ابتدائی انکوائری کی مکمل فائل نقلات مرتب شدہ جناب ایس پی ایڈمن صاحب سی ڈی پشاور۔

7. دیگر منجز CTD KPK کے رسیدات تقسیم وصولی ہونے والی رقم وصولی دستخط ہائے ریکارڈ ٹوٹوکاپی تاحال حوالہ نہیں کیے گئے ہیں۔

Attested

Appellant

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میں نے بذریعہ درخواست مورخہ 26.10.2023 ہجاز اتھارٹی لیٹر EC/19083 ارسال کی۔ اس طرح مورخہ 14.12.2023 کو دوبارہ ہجاز اتھارٹی لیٹر EC/10220 مورخہ 19.12.2023 ارسال کی، اس طرح مورخہ 29.01.2024 کو ہجاز اتھارٹی کے ذریعے لیٹر نمبر EC/890 مورخہ 30.01.2024 کو ارسال کی۔

حال ہی میں وارننگ لیٹر نمبر SSP Ops/30-726 مورخہ 12.02.2024 جاریہ جناب ایس ایس ایس پی صاحب CTD/Ops پشاور جاری فرمائی گئی ہے اس لیے مندرجہ ذیل جواب ارسال خدمت ہے،

1. تفصیلاً جواب مندرجہ بالا ہیرا گراف میں دیا جا چکا ہے۔ مذید عرض یہ ہے کہ میں نے ریڈنگ پارٹی میں سے شامل کسی بھی پولیس آفیسر بشمول امان اللہ ASI کی رقم خورد برد نہیں کی ہے اور نہ ہی غلط کام کیا ہے بلکہ قانون/SOP کے مطابق اس وقت کے ہجاز اتھارٹی ڈی آئی جی صاحب CTD/خط الواسع مدد فرمائی ہے جس پر انہوں نے باقاعدہ مجھے (Appreciate) کیا تھا۔

2. چونکہ کسپلینٹ امان اللہ ASI پیشہ ورانہ/عادی درخواست باز شخصیت کا حامل ہے اور یہ امر اس کے پرسنل فائل سے عیاں ہے۔ مذید برائے کسپلینٹ سے یہ بھی عیاں ہے کہ وہ قومیہ 20.06.2022 کو ہوا ہے اور میرا تبادلہ مارچ 2023 میں ہو چکا تھا جبکہ مذکورہ امان اللہ ASI نے مورخہ 23.08.2023 کو من گھڑت اور بے بنیاد درخواست دے کر مجھ پر بے بنیاد الزام لگایا ہے جو کہ بدعتی کا منہ بولتا ثبوت ہے جہاں یہ امر قابل ذکر ہے کہ میرے تبادلے کے بعد جناب محمد شعیب صاحب بحیثیت ایس پی CTD بنوں ریجن تعینات ہوا تھا جس کا تبادلہ ہونے تک بھی مذکورہ امان اللہ ASI مکمل خاموش رہا لہذا کسپلینٹ کے اس عمل کا حضور والا کو نوٹس لینا چاہیے۔

3. مجھے امان اللہ ASI کے کسپلینٹ کا علم اس وقت ہوا جب مجھے برائے قلمبند بیان SP ایڈمن ہیڈ کوارٹر/CTD لیٹر نمبر HQ/CTD/35-17134 مورخہ 26.09.2023 اور مورخہ 27.09.2023 کو بوقت 11:00 بجے بلا گیا جہاں پر ہجاز اتھارٹی کے سامنے میں نے تمام حقائق بیان کئے مگر حیرانگی کی بات یہ ہے کہ میرے بیان کو پس پشت ڈال کر امان اللہ ASI کے من گھڑت کسپلینٹ کو نوبت دی گئی جہاں تک ریڈنگ پارٹی کے مجوزہ بیانات کا تعلق ہے جس سے صاف انکار ہے نہ صرف اسلئے کہ وہ میرے سامنے نہیں لائے گئے بلکہ اسلئے بھی کہ میرے بار بار التجا کے باوجود ان کے مصدقہ نقولات مجھے فراہم نہیں کئے گئے اس لئے انکی قانونی کوئی حیثیت نہیں ہے۔

4. میں نے درست طور پر SOP/ ہجاز اتھارٹی کے احکامات کی بجا آوری کرتے ہوئے ریڈنگ پارٹی/ انفارمر کو اپنا اپنا قانونی حق ادا کر کے تمام متعلقہ ریکارڈ اس وقت کے ہجاز اتھارٹی ڈی آئی جی صاحب کے حوالہ کر کے باقاعدہ شاباش دی لہذا 14 مئی بعد امان اللہ ASI مذکورہ بالا کی کسپلینٹ سمجھ سے بالاتر ہے اور قابل اخراج ہے۔

5. چونکہ میں لہجے گناہی ثابت کر چکا ہوں لہذا الزامات من گھڑت اور بے بنیاد ہے لہذا چارج شیٹ کو واپس لے کر داخل دفتر فرمائی جائے تاکہ انصاف کے تقاضے پورے کئے جاسکے۔

6. آپ صاحبان سے التجا ہے کہ ذاتی شنوائی کا موقع دیا جاوے۔

لہذا التماس ہے کہ بمنظوری جواب لہذا چارج شیٹ مندرجہ عنوان بالا داخل دفتر فرمائی جاوے اور کسپلینٹ عمرہ 23.08.2023 کو خارج فرمایا جا کر امان اللہ ASI کے خلاف قانون کے مطابق کارروائی عمل میں لائی جاوے۔

بارہ
لوٹے۔ محل (9) قطعات
محمد اسلم (رقواسن) خزانہ

اسد علی شاہ
ڈی ایس پی سیکورٹی ایس۔ ایس۔ یو سی بی
درتک کیمپل سسٹم ضلع فیروز

Annex - E

18

CHARGE SHEET:

I, Superintendent of Police CTD Bannu, Region Bannu, as competent authority, hereby charge sheet you ASI Aman Ullah No.926 of Investigation Staff PS CTD Bannu as follows:-

- ❖ That you while posted in investigation staff CTD Bannu having no interest in the performance of official duty and there are repeated complaints against you that you are not present in the police station for official duty as and when required.
 - ❖ That you use your position and the name of CTD department to get personal and illegal work from people is against of police discipline. That apart from your duty, you interferes with other units of CTD i.e. operation and information staff which is against the law.
 - ❖ That despite receiving extreme threats, you continue to walk in public and dangerous places with great negligence and carelessness which can lead to target killing in any time.
 - ❖ That you make unreasonable demands from private people, when they file any complaint against you and you pressurize him in various ways. After then, the petitioner requested to file his complaint against you.
 - ❖ That you have deliberately avoiding to submit your reply to the show cause notice which amounts to insubordination on your part and performing your duty arbitrarily.
 - ❖ That you have no respect for the order of your senior officer which all speaks gross misconduct on your part.
1. By reason of the above you appear to be guilty of misconduct under the police Rules (Amended vide NWFP gazettee, 27 the January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.
 2. You are therefore, directed to submit your defense within 07 days of the receipt of this Charge Sheet to the enquiry officer.
 3. Your written defense, if any, should reach the Enquiry Officer within the specified period, failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.
 4. You are directed to intimate whether you desire to be heard in person.
 5. A statement of allegation is enclosed.

Attested

Appellant


Superintendent of Police,
CTD Bannu Region

STATEMENT OF ALLEGATIONS:

I, Superintendent of Police CTD Bannu, Region Bannu as competent authority, am of the opinion that ASI Aman Ullah No.926 of Investigation Staff PS CTD Bannu rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of police rules (amended vide NWFP gazette 27th January 1976).

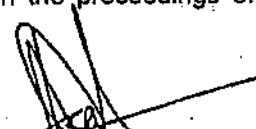
SUMMARY OF ALLEGATIONS:

- ❖ That he while posted in investigation staff CTD Bannu having no interest in the performance of official duty and there are repeated complaints against him that he is not present in the police station for official duty as and when required.
- ❖ That he used his position and the name of CTD department to get personal and illegal work from people is against of police discipline.
- ❖ That apart from his duty, he interferes with other units of CTD i.e. operation and information staff which is against the law.
- ❖ That despite receiving extreme threats, he continues to walk in public and dangerous places with great negligence and carelessness which can lead to target killing in any time.
- ❖ That he make unreasonable demands from private people, when they file any complaint against him, he pressurize him in various ways and after then, the petitioner requested to file his complaint against him.
- ❖ That he has deliberately avoiding to submit his reply to the show cause notice which amounts to insubordination on his part and performing his duty arbitrarily.
- ❖ That he has no respect for the order of his senior officer which all speaks gross misconduct on his part.

1. For the purpose of scrutinizing the conduct of the said Computer Operator with reference to the above allegations INSP M. ISYAN CO/INV is appointed as Enquiry Officer.

2. The Enquiry Officer shall provide reasonable opportunity of hearing to the said computer operator, record statements etc and findings within (25 days) after the receipt of this order.

3. The said computer operator shall join the proceedings on the date, time and place fixed by the Enquiry Officer.


Superintendent of Police,
CTD Bannu Region

Attested

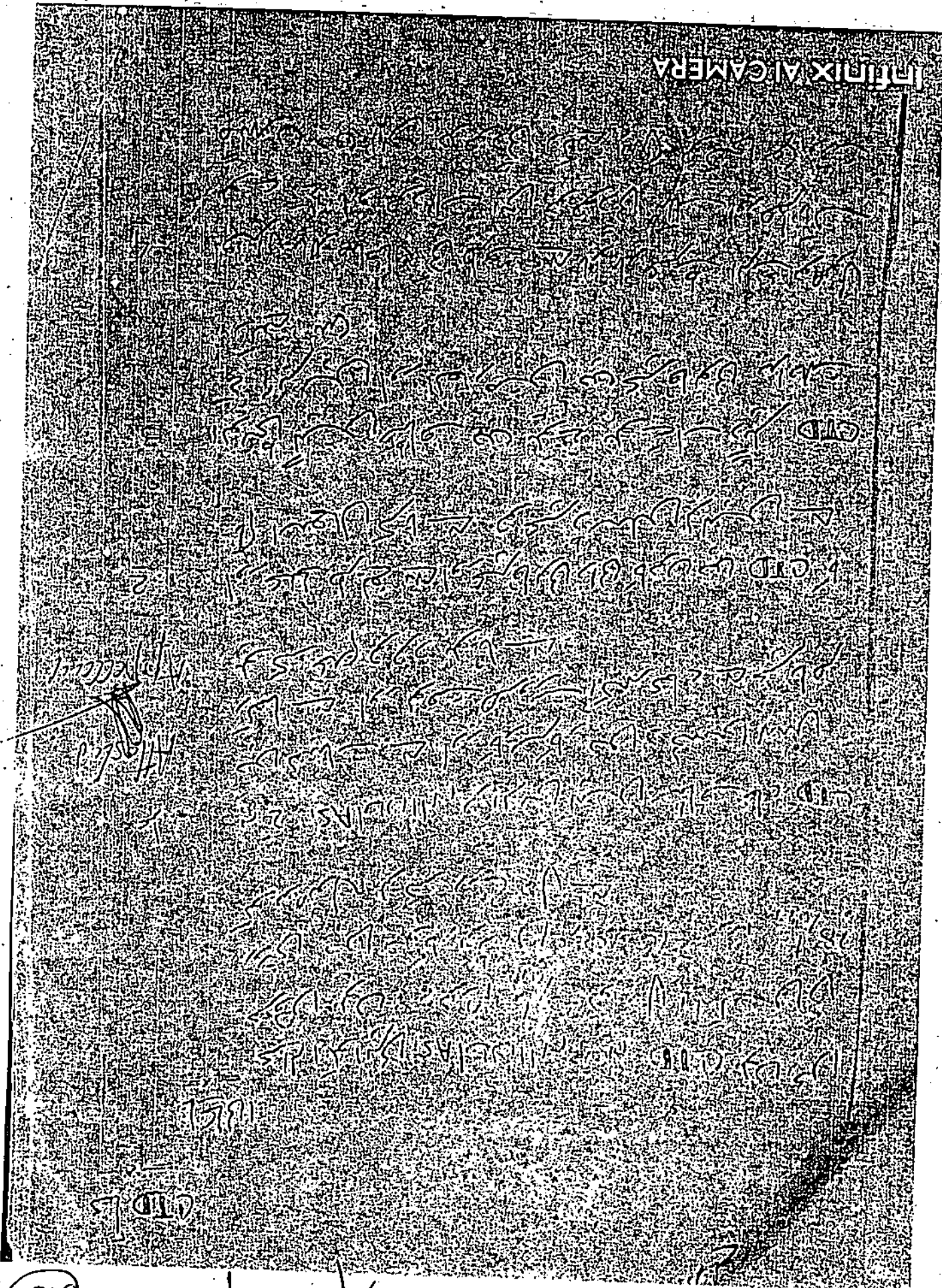
Appellant

No. 304-06 / dated: 18/11/2022.

Copies to the:-

1. PSO to W/DIG CTD KPK Peshawar for favor of information.
2. Enquiry Officer with the direction to pursue departmental proceedings within stipulated period (25 days).
3. ASI Aman Ullah No.926 of INV Staff PS CTD Bannu.

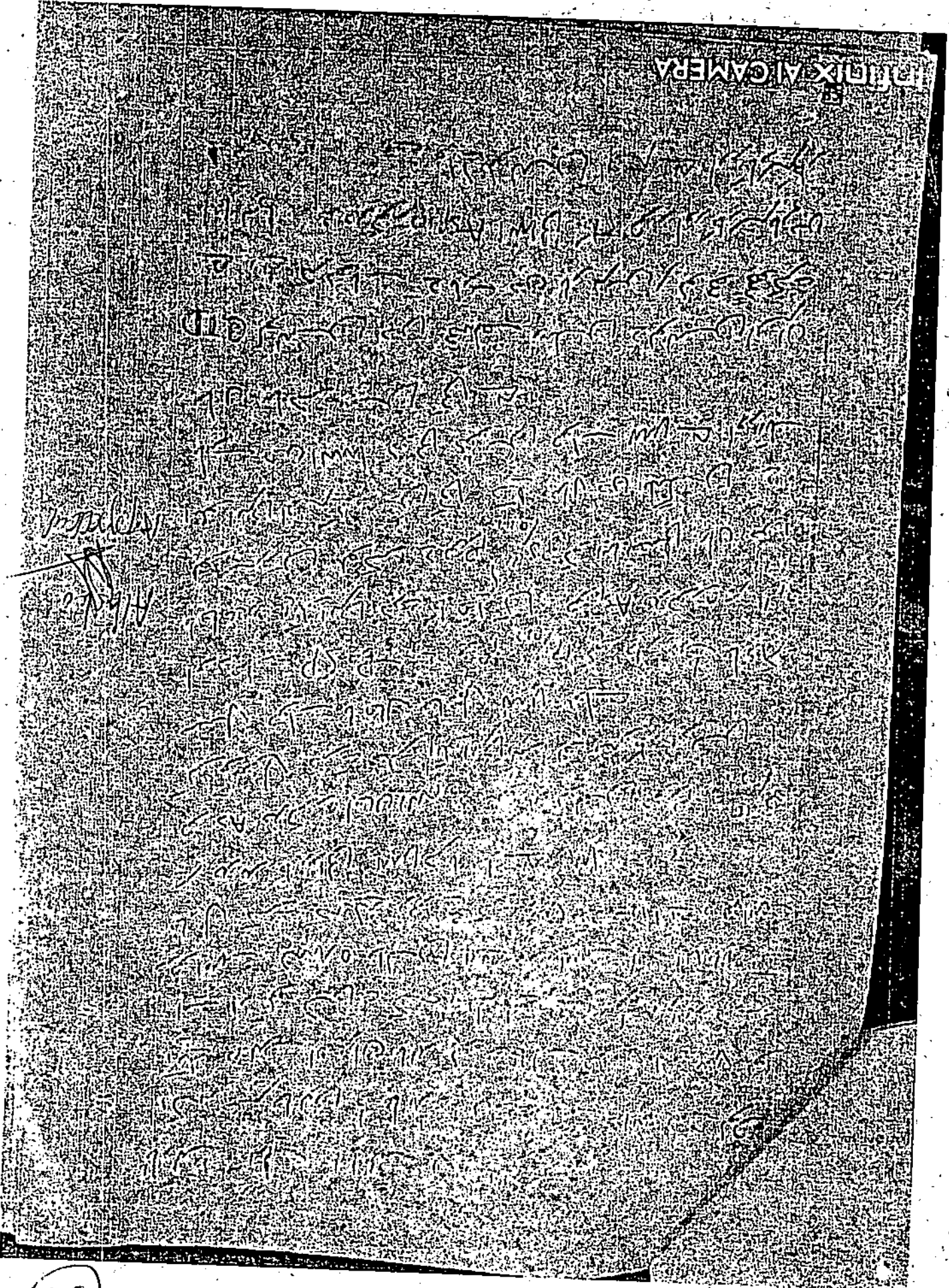
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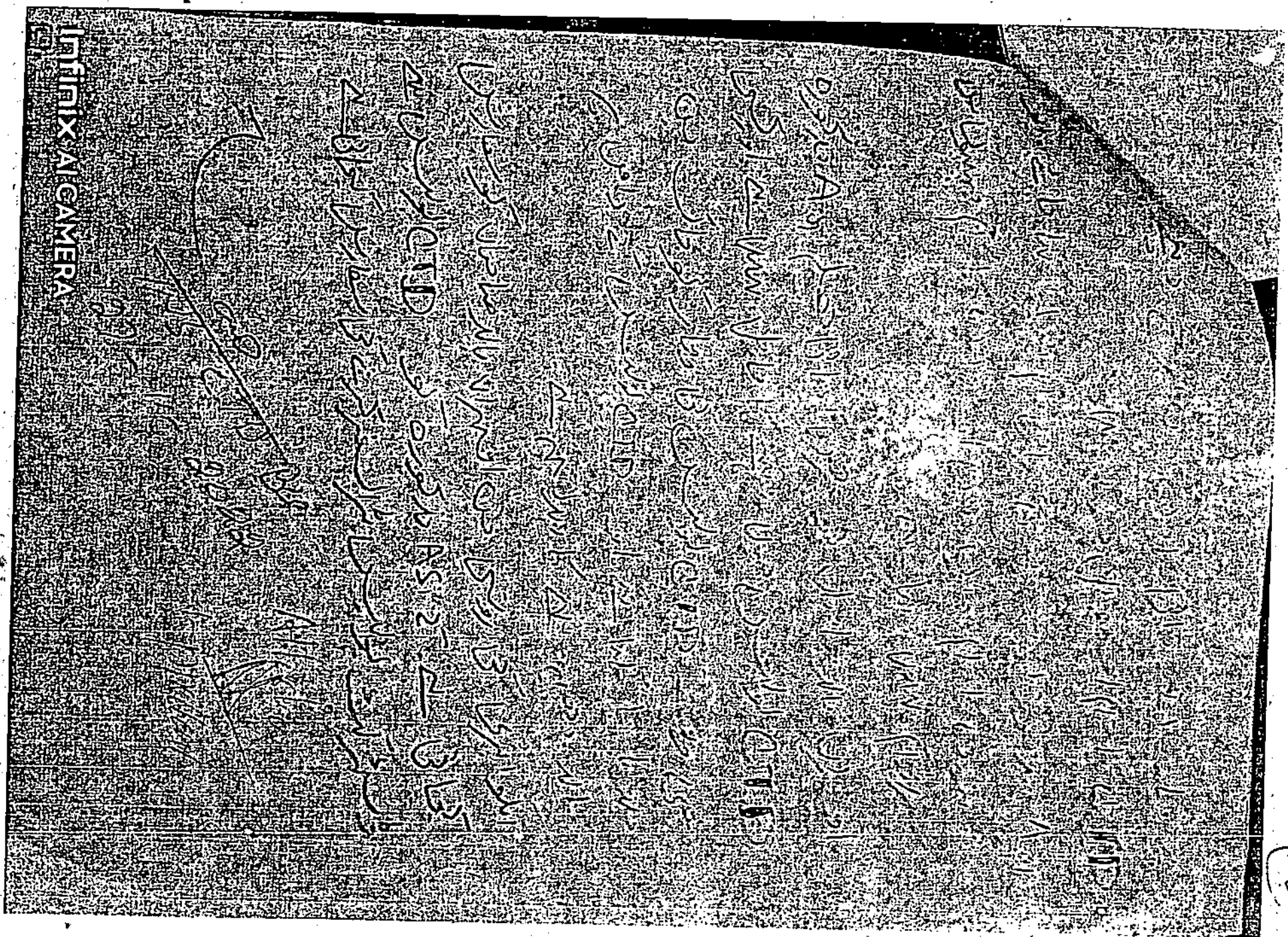
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ضلع بنوں

CTD تھانہ

جناب عالی!

محوالہ انکوآری ASI مان اللہ متعینہ CTD بنوں ریجن معروض خدمت ہوں کہ مورخہ 28.09.2022 کو ذیل ایسٹیشن کی روشنی میں شوکار نوٹس نمبر SRC/76 مورخہ 28.09.2022 کو موصول ہو کر درج ذیل ہے۔

ASI مان اللہ جو انو ایسٹیشن سٹاف تھا، CTD جو تعینات ہے اور کارسراکار میں دلچسپی نہیں رکھتا ہے اور بوقت ضرورت اکثر تھانے سے غیر حاضر ہو کر عدم موجودہ ہوتا ہے۔

2 اور غلط طریقے سے اور غیر قانونی زاتی کاموں CTD کا نام استعمال کرتا ہے جو غیر ڈسپلن پولیس ہے۔
3 انو ایسٹیشن سٹاف میں ہوتے ہوئے آپ دیگر CTD کے آپریشن اور انفاڈیشن میں غیر قانونی مداخلت رکھتے ہیں۔
4 افسران بالا صاحبان کی طرف سے بار بار تھریٹ امرٹ موصول ہونے کے باوجود آپ اپنی موجودگی پبلک اور خطرناک جگہوں میں اپنی موجودگی رکھتے ہیں جو کسی بھی وقت ہارگٹ کلنگ کا باعث بن سکتا ہے۔

5 اکثر غیر قانونی ڈیمانڈ ہونے پر جب پرائیویٹ لوگ آپ کے خلاف افسران بالا کو شکایت کرنے لگتے ہیں تو آپ اس کو کسی طریقے سے پریشرائیز کرتے ہیں جو درخواست کنندہ واپس اپنے درخواست افسران بالا سے فائل کرنے کے لیے رجوع کرتے ہیں کہ میں اپنے درخواست پر مذید کارروائی نہیں کرنا چاہتے ہیں۔ جو ASI مذکورہ مان اللہ نے شوکار نوٹس مورخہ 03.10.2022 کو موصول کر کے مگر انکوآری کے ساتھ شوکار نوٹس کا مفصل جواب تاحال شامل نہیں ہوا ہے۔

اور جناب ایس پی صاحب نے مورخہ 17.11.2022 کو چارج شیٹ جاری کر کے باقاعدہ انکوآری کرنے کا حکم کیا جو ASI مذکورہ پر 21.11.2022 کو سروس ہو کر نے مورخہ 25.11.2022 کو اپنا تفصیل بیان میں انکوآری آفیسر کو پیش کی جسکے بیان میں ایسٹیشن کے بارے میں ایسا کوئی ٹھوس جواب نہیں ہے اور ایک بیان بنا کر پیش کی ہے۔

CTD پولیس میں مختلف ریٹکس کے پولیس افسران سے اٹکے کر تو تات کے بارے میں باز پرس / پوچھ گچھ کر کے پایا گیا کہ مذکورہ ASI انتہائی کام چور اور کارسراکار میں دلچسپی نہیں رکھتے والے پولیس آفیسر ہے اور کارسراکار کے بجائے اپنے مالی کاموں میں ریج دیتے ہیں CTD کا نام استعمال کرتے ہیں۔ ASI مذکورہ کو جب کسی سرکاری کام کے لیے کہا جائے تو ٹھنٹوں کا کام دنوں میں اور دنوں کا کام میٹروں میں سرانجام نہیں دیتا ہے۔

افسران بالا صاحبان کو عرض کی جاتی ہے کہ ASI مذکورہ CTD پولیس میں رہنے کا قابل نہیں ہے اور کسی بھی وقت CTD پولیس کی وقار کو خاک میں ملایا جاسکتا ہے اور CTD پولیس کے دامن پر کالا دھبہ بننے کا اندیشا ہے۔

انکوآری کی روشنی میں افسران بالا صاحبان کو سفارش کی جاتی ہے کہ ASI مذکورہ کو CTD پولیس سے ڈسٹرکٹ پولیس ٹرانسفر کرنے کی سفارش کی جاتی ہے۔

-Sd-
INS-CTD-BANNU
27.11.2022

Attested

Appellavit

Superintendent of Police G.D.
Bannu Region, Bannu

**RECOMMENDATION OF ASI AMAN ULLAH NO.926
FOR REPATRIATION TO HIS PARENT REGION
BANNU**

Deputy Inspector General/Police (G.D)
(Khyber Pakhtunkhwa Peshawar)

OFFICE OF THE
SUPERINTENDENT OF POLICE
COUNTER TERRORISM DEPARTMENT (G.D)
BANNU REGION, BANNU

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(24)

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OFFICE OF THE,
SUPERINTENDENT OF POLICE,
COUNTER TERRORISM DEPARTMENT (CTD),
BANNU REGION, BANNU.

Ph: 0928-9270016, Email: spctdbannu@yandex.com
No. 316 /SRC/OHC, dated 28/11/2022

To: - The Deputy Inspector General of Police (CTD),
Khyber Pakhtunkhwa Peshawar.

SUBJECT: RECOMMENDATION OF ASI Aman Ullah No. 926 FOR REPATRIATION TO HIS PARENT REGION BANNU.

MEMO:

With reference to the subject cited above.

It is submitted that ASI Aman Ullah No. 926 presently serving in investigation staff CTD Bannu have been served with show cause notice but he badly failed to submit reply with in stipulated period. After then the defaulter ASI was proper Charge Sheeted and the enquiry paper were entrusted to Inspector Muhammad Israr Khan CO INV CTD Bannu to Probe into the matter and submit finding report.

Inspector Muhammad Israr submitted his finding report wherein, he suggested that the defaulter ASI Aman Ullah Khan No. 926 have no good character. The enquiry officer further added into finding report that ASI Aman Ullah is not fit to stay in CTD Bannu and can tarnish the dignity of CTD Police at any time. His retention in CTD Bannu can make a lot of problem in future and recommended for repatriation to his PARENT REGION BANNU. (Finding report is enclosed).

The undersigned is agreed with the recommendation of Enquiry officer. The service of ASI Aman Ullah Khan No. 926 is no more required to CTD Bannu Region. He may Kindly be repatriated to his parent region Bannu, please.

-Sd-
Superintendent of Police,
CTD, Bannu Region

Agreed

-Sd-
DIG/CTD
28.11.2022

Attested

Appellant

Annex- H

26



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar

E-mail: c3branch@gmail.com Tel: 091-9211075



No. 17-0-111

Dated Peshawar the 27/12/2022

ORDER

Assistant Sub-Inspector Amanullah No-926 of Bannu Region presently serving in CID, Khyber Pakhtunkhwa Peshawar is hereby repatriated to his parent Region Bannu with immediate effect.

Sd/-
(STIAUKAT ABBAS) PSP
Deputy Inspector General of Police HQs
Khyber Pakhtunkhwa
Peshawar

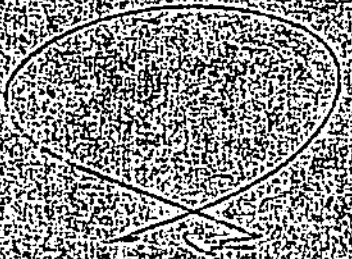
Endst. No. & dated even

Copy forwarded for information and necessary action to the

- Deputy Inspector General of Police HQs, Khyber Pakhtunkhwa Peshawar
- Deputy Inspector General of Police, CID, Khyber Pakhtunkhwa Peshawar w/ to his office letter No. 19/12/EC/CID dated 15-12-2022
- Regional Police Officer, Bannu Region Bannu

SSP/HO
FC Adm. OHS, SRC

(IRFAN ULLAH KHAN) PSP
AIG/establishment
For Inspector General of Police
Khyber Pakhtunkhwa
Peshawar



Attstg
A. J. J. J.

DIG/CID
02-01-2023

Infinitix AI CAMERA



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA PESHAWAR.
Central Police Office Peshawar.
Email: c3branch@gmail.com Tel 091-9211075

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No. 7499 /E-III:

Peshawar Date 29/12/2022

ORDER

Assistant Sub Inspector Aman Ullah No.926 of Bannu region presently serving in CTD, Khyber Pakhtunkhwa, is hereby repatriated to his parent region Bannu with immediate effect.

-Sd-

(SHOUKAT ABBAS)PSP
Deputy Inspector General of Police, HQrs,
Khyber Pakhtunkhwa
Peshawar.

Endst: No. & dated even

Copy is forwarded for information and necessary action to the:-

1. Deputy Inspector General of Police, HQrs, Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa Peshawar w/r to his letter No. 19112/EC/CTD; dated 15.12.2022.
3. Regional Police Officer, Bannu Region Bannu.

-Sd-

(IRFAN ULLAH KHAN)^{PSP}
AIG Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar.

Attested

Appellant

Form No. 13-17

No. 13-17

POLICE DEPARTMENT (CTD)

KHYBER PAKHTUNKHWA

Annual Confidential Report on the working of "D" List HC, Assistant Sub: Inspectors, Sub: Inspectors and Inspectors for the year December, 2022.

Name, Provincial or Rang No. Rank and Grade

ASI Aman Ullah No.926

Father's Name

Haji Musharaf Khan

Date of Birth

01.07.1972

Where and on what duties Employed during the past 12 months.

01.01.2022 to 31.12.2022
DFU Staff NWD

Class of Superintendent of Police Report i.e "A" or "B"

(C)

Is he honest?

No

Remarks By:-

Incompetent
Policer
officer.

SP/CTD, Bannu Region.

DIG/CTD, KPK.

From 01.01.2022 to 31.12.2022

From 01.01.2022 to 31.12.2022

Countersigned

(Asad Ali Shah)

Superintendent of Police,
CTD, Bannu Region

(David Iqbal Khan) PSR

Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.

Attested

Appedant

29

Annex - J
بخدمت جناب ایڈیشنل آئی جی پی صاحب (KPK CTD) پشاور

بادسلط کمانڈنٹ صاحب SSU KPK پشاور

عنوان: فراہمی نقولات کا بیان بغرض قلمبندی بیان چارج شیٹ نمبر CTF/PA/55-18733 جاریہ جناب ڈی آئی جی صاحب CTD ہیڈ کوارٹر پشاور

جناب عالی!

معروض خدمت ہوں کہ من سائل کو بادسلط افسران بالا صاحبان چارج شیٹ نمبر CTF/PA/55-18733 مورخہ 24.10.2023 موصول ہو کر بعد ملاحظہ چارج شیٹ سے پایا گیا کہ چارج شیٹ میں مندرجہ الزامات ایک دو سال قبل کے ہیں جسکے لئے من سائل کو ذیل سابقہ ریکارڈ CTD ہیڈ کوارٹر سے مصدقہ فراہم کرنا انتہائی ضروری ہے تاکہ من سائل بہتر جواب چارج شیٹ میں جمع کرایا جاسکے، واضح رہے کہ CTD یون ریجن / تھانہ CTD کا سابقہ ریکارڈ بحوالہ مقدمہ علت نمبر 230 مورخہ 18.12.2022 جرم 302/324/353/427/342/436/120B/121/148/149/3/4ESA/7ATA پی سی تھانہ CTD یون ریجن مکمل طور پر جل کر خاکستہ ہو چکا ہے۔ (فونو کاپی FIR مہر اہل ہے)

1- سابقہ ابتدائی انکوائری مکمل فائل نقولات مصدقہ مرتب شدہ جناب ISP ایڈمن صاحب CTD ہیڈ کوارٹر پشاور۔

2- من سائل کا مرتب شدہ / کلیم شدہ (Claim) ہیڈ منی کیس مکمل نقولات۔

3- سابقہ SOP بابت ہیڈ منی رقم وصولی / تقسیم طریقہ کار۔

4- دیگر ریجنز KPK CTD رسیدات تقسیم وصولی ہیڈ منی رقم معہ وصولی دستخط ہائے ریکارڈ فونو کاپیاں۔

Attested

نوازش ہوگی۔

مورخہ: 26/10/2023

Appellant

العارض

ڈی ایس پی اسد علی شاہ ایس ایس یو سی بیگ متعینہ RWCS سیکورٹی ضلع نمبر۔

Annex - K

30



COMPLAINT AGAINST NON-PROVISION OF INFORMATION UNDER THE KP RTI ACT 2013

بخدمت جناب چیف انفارمیشن کمیشنر،

خیبر پختونخوا انفارمیشن کمیشن پشاور۔

تاریخ: _____

جناب عالی،

گزارش ہے کہ میں نے شکیم کے نمبر سٹریٹیزم لوگس (CT-D) کے ایک انفارمیشن ایئر (PIO) کے مورہ 12022024 کا ایک معلومات کے حصول کی درخواست دی تھی۔

میں نے درخواست وقت کا اٹھارہ ماہ تک اس کی طرف سے مجھے آج تک کوئی آئی ایم اے کی معلومات فراہم نہیں کی گئی۔ یہاں میں غیر پختونخوا انفارمیشن کمیشن کے پاس غیر پختونخوا معلومات تک رسائی ایک 2013 کے تحت معلومات فراہم کرنے پر ڈیڑھ لاکھ کے خلاف شکایت درج کرائی ہے۔ شکایت کی تاریخ 2013 میں ہے۔

- ① Committee Report
- ② Recommendation of Committee
- ③ Contingent Bill
- ④ Voucher of Head money
- ⑤ سالانہ آڈٹ رپورٹ کی سال 2024
- ⑥ وزیر سائنس اور ٹیکنالوجی کی طرف سے منظور شدہ بجٹ
- ⑦ ایئر میں سے کسی بھی قسم کی تھریڈنگ اور دیگر معلومات
- ⑧ ایئر کے سربراہی
- ⑨ حکومت و صوبائی بیڈجٹ کی رقم و وصولی کی تفصیلات کا کارڈ کا بیان
- ⑩ نیشنل ایئر لائنز

- قومی تاریخ کی کاپی
- معلومات کی درخواست کی کاپی
- کوئی بھی تھریڈنگ شدہ رسید کی کاپی اور درخواست وصولی کی رسید

(Handwritten signature)

اسد علی شاہ

قومی تاریخ: _____

قومی تاریخ: 0332-9000308 _____

قومی تاریخ: 7-8-9-0-6-5-1-1-1-1-1 _____

قومی تاریخ: 12022024 _____

Attached
Appellavit

www.kpiti.gov.pk

091 9216557 KPIC FACILITATION CENTRE

خیبر پختونخوا انفارمیشن کمیشن، روپ ہاؤس، نزد داروہ روڈ، آئی ایم اے، خیبر پختونخوا، پشاور





Annex-L (31)
GOVERNMENT OF KHYBER PAKHTUNKHWA
INFORMATION COMMISSION
Near BRT Abdara Station, Arbab Colony, Opposite Jabar
Flats, University Road, Peshawar.
Email: complaints@kpri.gov.pk
Phone: 091-9216557
Fax: 091-9216561

No: KPIC/DR/1-11196/24
Dated:

07 MAR 2024

To

The AIG (Legal)/PIO,
Inspector General of Police, Central Police Office,
Peshawar.

Subject:

COMPLAINT AGAINST NON-SUPPLY OF INFORMATION
(COMPLAINT NO: 11196)

I am directed to state that a citizen Mr. Asad Ali Shah has filed an information request with your department for seeking some information, however the same was not provided to him within prescribed time limit, therefore, he has filed a complaint before the KP Information Commission. (Copy attached)

It is to direct to respond parawisely to the Commission, except Para - 7, within ten working days positively.

It is further to direct to respond to the Commission by providing only the inquiry report in Para 6 as per above time line.

/
Deputy Registrar,
KP Information Commission,
Peshawar.

Copy to:-

1. PS to Chief Information Commissioner, KP Information Commission, Peshawar.
2. Mr. Asad Ali Shah (Complainant)

Attested

[Signature]
Appellant

[Signature]
Deputy Registrar,
KP Information Commission,
Peshawar.



ANNEX - M

(32)

Additional Inspector General of Police,
Counter Terrorism Department,
Khyber Pakhtunkhwa Peshawar,
☎ 091-9212518-19; 📠 091-9212510
Email: adofficetd@kppolice.gov.pk

FINAL SHOW CAUSE NOTICE

i. Mr. Asad Ali Shah (IPS-16) while posted in this Unit and assigned the look after charge as SP CTD Bannu was charge sheeted by the undersigned and issued statement of allegation to you for the commission of the following allegations levelled against you and mentioned below:

ii. You while posted and assigned the look after charge as SP CTD Bannu Region, claimed and received Rs. 20 million rupees as head money for disbursement amongst the members of raiding team consisted of 12 officials including an ASI namely Haji Aman Ullah who participated in conducting raid vide DD No. 18 dated 20.06.2022 PS CTD Bannu Region, and arrested a Proclaimed Offender (PO) namely Usman Yousof, Son of Imam Fehsal Murali District North Waziristan, involved in case vide FIR No. 49 dated 10.07.2024 as 1418 of 100PPC, 34LSA 7ATA PS CTD Bannu Region, but as per preliminary enquiry report you misappropriated amount of 01 million fixed as head money for the arrest of above named PO instead its disbursement among the participants of raiding team.

iii. That, ASI Haji Aman Ullah, submitted an application/complaint through Police Jawan App vide No. 102 dated 29.08.2023 against you and complained therein that you deprived him from his legal right (head money reward share) as he had already received the same from CTD HQs and you did not disburse his due share to him as well as to the other team members.

iv. Upon complaint of ASI Haji Aman Ullah, a fact finding enquiry was carried out wherein you were found guilty, thus the undersigned issued you a charge sheet along with statement of allegation vide No. 1873035/PA/CTF dated 24.10.2023. Mr. Najam Ul Hasnain (IPS) SSP, of CTD Peshawar was nominated as Enquiry Officer in the matter to dig out the real facts and submit his finding report surfacing the truth.

v. The Enquiry Officer initiated departmental inquiry in the matter, who carried out an impartial enquiry, without any favor, collected all evidences and recorded the statement of witnesses in the matter. After going through all the available record, you badly failed to defend yourself and to produce any evidence in your support. The inquiry officer thus found you guilty of the allegations levelled in the charge sheet and recommended you for awarding "Major Punishment".

vi. The finding report of the inquiry officer are much clear and sufficient enough to award you any punishment mentioned in Police Rules-1975 of Khyber Pakhtunkhwa Police (amended in 2014) but the undersigned, however, give you another last opportunity of personal hearing and production of evidence in your defense proving yourself innocent in the allegations levelled against you. In view of the above, you appear to be guilty of misconduct under the Police Rules-1975 of Khyber Pakhtunkhwa Police (amended in 2014) and thus calls upon you this Final Show Cause Notice.

You are, therefore, directed to submit your written reply before the competent authority in your defense within 07 days of the receipt of this Final Show Cause Notice failing which it shall be presumed that you have no defense to put in and in case, ex-parte action shall be taken against you.

J - 7 -

(IMRAN SHAHID) P. 020
Deputy Inspector General of Police,
CTF & EU,
CTD, Khyber Pakhtunkhwa,
Peshawar.

8769 PA/CTF & EU CTD HQs Peshawar Date 06/05/24

Asad Ali Shah,
SP CTD Bannu region
vide DSP SSP,
Khyber Pakhtunkhwa.

Attested

Applicant



Fair Copy

Office Of the
Additional Inspector General of Police,
Counter Terrorism Department,
Khyber Pakhtunkhwa Peshawar.
Tel-091-9212518-19: Fax-091-9212530
Email: adligctd@kppolice.gov.pk

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FINAL SHOWCASE NOTICE

That you **Mr. Asad Ali Shah (BPS-16)** while posted in this Unit and assigned the look after charge as SP CTD Bannu Region was charge sheeted by the undersigned and issued statement of allegation to you for the omission/commission of the following allegations levelled against you and mentioned below:

- i. Your while posted and assigned the look after charge as SP CTD Bannu Region, claimed and received reward of 01 million rupees as head money for disbursement amongst the members of raiding team consisted upon 13 officials including an ASI namely Haji Aman Ullah who participated in conducting raid vide DD No. 18 dated 20.6.2022 PS CTD Bannu Region, and arrested a Proclaimed offender (PO) namely Usman s/o Rooh Niaz r/o Irmaz Tehsil Mirali District North Waziristan, involved in case vide FIR NO. 49 dated 30.07.2020 u/s 324/148/149/109 PPC, 3/4ESA, 7ATA PS CTD Bannu Region, but as per preliminary enquiry report you misappropriated amount of 01 million fixed as head money for the arrest of above named PO instead its disbursement among the participants of raiding team.
- ii. That, ASI Haji Aman Ullah, submitted an application/complaint through Police Jawan App vide No. 1952 dated 29.08.2023, Mr. Najam Ul Hasnain (PSP) SSP of CTD Peshawar was nominated as Enquiry Officer in the matter to dig out the real facts and submit his finding report surfacing the truth.
- iii. The Enquiry officer initiated departmental inquiry in the matter who carried out an impartial enquiry, without any favor, collected all evidence and recorded the statement of witnesses in the matter. After going through all the available record, you badly failed to defend yourself and to produce any evidence in your support. The enquiry officer thus found you guilty of the allegations levelled in the charge sheet and recommended you for awarding "Major Punishment".
- iv. The finding report of the inquiry officer are much clear and sufficient enough to award you any punishment mentioned in Police Rules-1975 of Khyber Pakhtunkhwa Police (amended in 2014) but the undersigned however, give you another last opportunity of personal hearing and production of evidence in your defense providing yourself. If innocent in the allegations levelled against you.
- v. By reason of the above, you appear to be guilty of misconduct under the Police Rules-1975 of Khyber Pakhtunkhwa Police (amended in 2014) and thus calls upon you this Final Show Cause Notice.
- vi. You are therefore directed to submit your written reply before the competent authority in your defense within 07 days of the receipt of this Final Show Cause Notice failing which it shall be presumed that you have no defense to put in and in case, ex-parte action shall be taken against you.

Attested
Appreciated

Sd-
(IMRAN SHAHID) PSP, QPM
Deputy Inspector General of Police,
CTG & EU
CTD, Khyber Pakhtunkhwa,
Peshawar.

No. 8769/PA/CTF & EU CTD HQrs: Peshawar

Date 06/05/2024

Copy to the:

1. **Mr. Asad Ali Shah DSP Security SSU CPEC.**
Ex Acting SP CTD Bannu Region,
Presently DSP SSU,
Khyber Pakhtunkhwa.

Annex-N

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BEFORE THE WORTHY DEPUTY INSPECTOR GENERAL OF POLICE
CTF&EU, CTD (KP) PESHAWAR

Subject: FINAL SHOW CAUSE NOTICE NO.8769/PA/CTF&EU CTD HQrs. DATED: 06.05.2024

Respected Sir,

With humble request and profound submissions, it is stated:

1. That I was served with charge sheet / statement of allegation through letter dated: 24.10.2023.
2. That I, on receipt of charge sheet/statement of allegation dated: 24.10.2023 supra preferred application dated: 26.10.2023 for providing the following essential documents:
 - i. Preliminary Inquiry
 - ii. Claim of head money
 - iii. SOP 2016
 - iv. Receipts of disbursement of the head money amongst the raiding party
 - v. Committee report
 - vi. Recommendations of the committee
 - vii. Contingent bill
 - viii. Vouchers of head money
 - ix. Receipts of head money/documents of other region of CID alongwith receipts having signatures of the receivers.

Attested

Appellant

But not provided, reasons best known to the Authority, although I went from post to pillar and knock every door to get the desired essential documents but all my cries fell on deaf ear, evident from RTI Application dated: 12.02.2024 & complaint dated: 22.02.2024 to KP-RTI Commission, Peshawar.

3. That I left with no other option but to invoke constitution jurisdiction of the Hon'ble Peshawar High Court, Peshawar through Writ Petition No.1401-P/2024, which was disposed of vide Judgment dated: 28.03.2024, in presence of the representative of the department, with the following directions,

"When we confronted the learned counsel for the petitioner with Rule-12 of the Khyber Pakhtunkhwa Government Servants (Efficiency & Discipline) Rules, 2011 in terms of which any document that relates to the merits of the inquiry and is relevant can be requisitioned by the inquiry committee or the inquiry officer as the case may be. He on giving second thought stated that during the course of inquiry, if any document is required, he will submit an application to the inquiry officer in terms of the relevant rules. The inquiry committee having the powers of the civil court has ample powers to decide the said application and requisition the required documents which are relevant for the purpose of inquiry. This petition is disposed of in the above terms".

The Judgment dated: 28.03.2024 ibid was properly communicated to the concerned quarters alongwith application for providing of desired essential documents mentioned in preceding Para-2.

4. That astonishingly the inquiry Committee/Officer, instead to provide the desired essential documents, has unilaterally submitted final inquiry report, reflecting from the final show cause notice, hence the instant application.
5. That I neither in possession of the relevant documents, mentioned in preceding para No.2, nor the final inquiry report alongwith ancillary document/ evidence was provided alongwith subject mentioned final Show Cause Notice, nor I was ever associated with the so-called unilateral inquiry proceedings, hence has been condemned unheard, which attracts the doctrine of audi alteram partem.
6. That I have been compelled to answer the queries either put forward in shape of statement of allegation/charge sheet or the subject mentioned final Show Cause Notice, without providing the desired essential documents, in compliance of the Judgment dated: 28.03.2024 of the Hon'ble Peshawar High Court, Peshawar and law/rules governing the subject, which has caused grave miscarriage of justice.
7. That I have neither been treated in accordance with law nor I have been provided equal protection of law, enshrined in Articles 4 & 10-A of the Constitution of Islamic Republic of Pakistan, 1973.
8. That any other additional ground / documentary proof, with the permission your esteemed office, will be taken/produced at the time of personal hearing, if granted.


It is, therefore, most respectfully requested that on acceptance of instant Application, the desired essential documents mentioned in preceding para-2 and final inquiry report alongwith ancillary documents/evidence, may be provided in compliance of Judgement dated: 28.03.2024 supra, of the Hon'ble Peshawar High Court, Peshawar, so as to enable me to submit proper reply to the subject mentioned final Show Cause Notice and to avoid untoward situations and further complications.

Attested
Appellant

NOTE: As per your kind direction for personal appearance before your good self vide summon No9218-20 dated 10.05.2024. I am present in your good office today on dates 14.05.2024 and again submitted that the essential documents need to be handed over to defence my self properly as per rules.

Dated: 14.05.2024

Faithfully yours,


(ASAD ALI SHAH)
Deputy Superintendent of Police
Special Security Unit (CPEC)
Remodelling Warsak Canal System
District Khyber



Annex - 0
Office of the
Deputy Inspector General of Police,
Counter Terrorism Financing & Extortion Unit,
CTD, Khyber Pakhtunkhwa Peshawar.
☎ 091-9212518-19; 📠 091-9212530

(36)

ORDER

This order will dispose off the enquiry in hand initiated against acting DSP Asad Ali Shah BPS-16 (the accused official), then posted/assigned look after charge as Acting SP CTD, Bannu Region (BPS-16) on complaint of ASI Aman Ullah (the Complainant), of District Police Bannu, lodged on Police Jawan App. He stated that he was posted in operation wing CTD Bannu Region during the year 2022 under the command of the accused officer Asad Ali Shah. Inspector Javed Iqbal (now martyred) was SHO PS CTD, Bannu, who had conducted a raid on the information provided by the Complainant, along with other Police officials near New Bus Stand Bannu. They effected arrest of a PO namely Usman s/o Rosh Niaz r/o Imruz, Mir Ali, District North Waziristan, who was wanted in a case vide FIR No. 49 dated 30.07.2020 u/s 324-148-149-109 PPC-3/4 EXP-7ATA PS CTD Bannu Region. Rs. 01 million Head Money was fixed for his arrest and he was listed at S. No. 264 vide Notification No. SO/ (Police-1)/ HD/1-3/2022 dated 08.03.2022 of Provincial Government, Khyber Pakhtunkhwa.

2. After his arrest, the accused officer, Asad Ali Shah, moved a case for release of Head Money reward vide his letter No.2527/Reader dated 22.06.2022 in favor of those Police Officers/ Officials who had taken active part in the arrest of above-named PO. The reward money Rs. 01 million was released on the request of the accused officer Asad Ali Shah who received the amount for further disbursement amongst the members of the above-mentioned raiding team. The Complainant alleged that the accused officer Asad Ali Shah misappropriated the above-mentioned Head Money and deprived him (the Complainant) from his due share in that reward.

3. The subject complaint was marked to SP Admin CTD for preliminary enquiry and report. He conducted the enquiry of allegations of embezzlement and associated 11 officials/ officers including AD Head Money CTD, HQrs as PWs (list attached). He also summoned the accused officer Asad Ali Shah who did not attend the enquiry proceedings. It was reported that the then SHO Inspector Javed Iqbal has been martyred in 2023 and HC Irfan Ullah was reportedly bed-ridden after receiving injuries during an encounter with militants. All the 11 officials mentioned in the list above including Complainant stated in their statements that no one has received his due share from Rs. 01 million reward money fixed for the arrest of above-named PO.

4. Accused officer Asad Ali Shah appeared on 27.09.2023 before the Enquiry Officer and provided a written statement to him which revealed that he had received Rs. 01 million reward of Head Money in connection with arrest of PO Usman in the year 2022 and he had paid 60% share to the informer, kept Rs. 01 lac as his share from Head Money amount and handed over remaining 30% amount Rs. 03 lacs to Javed Iqbal the then SHO PS CTD Bannu Region (now martyred) for further disbursement among the members of raiding team. He could not produce any proof in support of his claim or receipt of any member of the raiding party while taking plea that all his belongings were burnt in the militants' attack on CTD Compound Bannu. The Enquiry Officer recommended in his report that accused officer Asad Ali Shah may be proceeded against departmentally by issuing him a formal charge sheet and statement of allegations to fulfill all the legal requirements.

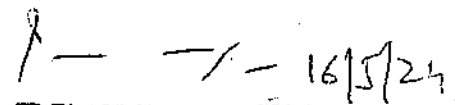
5. In the light of recommendations, the undersigned served him with a charge sheet and statement of allegations for the charges mentioned in the above complaint of ASI Aman Ullah (the Complainant), District Police Bannu and enquiry was entrusted to the then SSP Operations CTD, HQrs, Peshawar. He initiated a formal departmental enquiry into the allegations and again summoned the PWs connected with the issue including the accused officer Asad Ali Shah, who submitted that he may be provided with the copies of some documents which request was accepted and SP Admin was directed to provide him with the relevant documents. SP Admin directed the accused officer Asad Ali Shah to collect the same from his office on 16.02.2024 when accused officer was present in CTD, HQrs, Peshawar but the accused officer Asad Ali Shah disappeared without any information and avoided receiving the requisite documents. Note on diary No. 1692 dated 13.02.2024 office of the Addl: IGP CTD, KP is self-explanatory.

Attested

Appellant

- 6. Perusal of the enquiry file revealed that the accused officer used tactics to delay the enquiry proceedings on the pretext of providing him with documents and he tried his best to linger on the enquiry proceedings. He always avoided to attend/ join the enquiry proceedings in the presence of PWs intentionally so that he does not has to face or c s examine them in self-defense to later claim that he was deprived of the opportunity. He was given ample opportunity by both the Enquiry Officers to defend himself by providing any proof or evidence in his defense, but he always failed.
- 7. During the course of formal departmental enquiry, he was provided with copies of all relevant documents for which he had applied. The enquiry report is self-explanatory in this regard. All the PWs again corroborated their previous statements which they recorded during the course of preliminary enquiry before the enquiry officer.
- 8. It is worth mentioning here that only ASI Aman Ullah of District Police Bannu made a complaint of not receiving share from Head Money amount but during the course of formal departmental enquiry it was established that the accused officer Asad Ali Shah had deprived all the 12 members of raiding party from their due share including his own gunman and driver who also supported the allegations levelled by ASI Aman Ullah. It has also been established that information regarding presence of PO Usman at New Bus Stand Bannu was provided by him (the Complainant) to the accused officer.
- 9. Consequent upon receiving enquiry report, accused officer Asad Ali Shah was served with Final Show Cause Notice in response to which he submitted his written explanation in which he also did not defend himself but demanded provision of irrelevant documents. In this connection he also filed a Writ Petition No. 1401-P/2024 before the Honorable Peshawar High Court, Peshawar, which was disposed off accordingly on 28.03.2024. In compliance, he already received the documents for which he had applied. He was heard in OR. His explanation in response to the allegations was not satisfactory and the allegations of non-payment of head money reward share to the members of raiding party have been proved.
- 10. After completion of all the legal requirements and giving patient hearing to the accused officer acting DSP Asad Ali Shah (BPS-16), now DSP SSU KP, he has failed to prove himself innocent in the enquiry at hand, keeping in view the sufficient evidence available at enquiry file in the form of statements of 11 witnesses who all have corroborated the charges levelled by ASI Aman Ullah in the statements. Thus, the undersigned, being the competent authority, am constrained to award him major punishment of **reduction from substantive rank to lower rank** under rule 5 (5) of Khyber Pakhtunkhwa Police Rules (1975) and recovery of Rs. 01 million be made from his GP Fund for further disbursement amongst the concerned Police Officers/Officials who had effected the arrest of head money PO Usman.

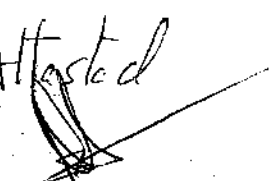
Order announced.


 (IMRAN SHAHID)^{PSP, QPM}
 Deputy Inspector General of Police,
 CTD, Khyber Pakhtunkhwa,
 Peshawar.

No: 9567-70 /PA/DIG CTF & EU Date: 16 /05/2024

Copy of the above is submitted for information to the:

- 1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2. Addl: Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
- 3. Deputy Inspector General of Police, HQrs, Khyber Pakhtunkhwa, Peshawar.
- 4. Commandant SSU (CEPC), Khyber Pakhtunkhwa, Peshawar.
- 5. Officer Concerned.

Attested

 Appellant

Annex - P

38

BEFORE THE WORTHY PROVINCIAL POLICE OFFICER (PPO)
KHYBER PAKHTUNKHWA, PESHAWAR.

THROUGH PROPER CHANNEL

Departmental Appeal under Rule-3 of the Khyber Pakhtunkhwa Civil Servants (Appeal) Rules, 1986 read with all enabling provisions of law governing the subject against Order No.9567-70/PA/DIG CTF &EU, dated: 16.05.2024 of the Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa Peshawar, vide which major punishment of reduction from substantive rank to lower rank was awarded to appellant.

Prayer in Appeal

On acceptance of Instant Departmental Appeal, order dated: 16.05.2024 of the Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa Peshawar may be declared as illegal, unlawful, without lawful authority, void ab-initio, coram non iudice and of no legal effect, hence be set at naught and Appellant may be exonerated from the charges leveled against him, so as to secure the ends of justice and equity.

⇔ ⇔ ⇔ ⇔ ⇔ ⇔ ⇔ ⇔ ⇔ ⇔ ⇔

Respected Sir,

1. That Appellant, being qualified i.e. Bachelor of Arts, was appointed as Assistant Sub Inspector (ASI), in Khyber Pakhtunkhwa Police, on the recommendations of Khyber Pakhtunkhwa Public Service Commission, vide Notification dated: 28.02.2006, was promoted from time to time, lastly promoted to the rank of Deputy Superintendent of Police (DSP-BS17), vide Notification dated: 01.03.2023 and presently posted as DSP, Special Security Unit / SSU Khyber Pakhtunkhwa Police, ensuring the security of Foreign Nationals/ Chinese Engineers, as part of the Remodelling Warsak Canal System Project in District Khyber.

2. That Appellant was served with charge sheet/statement of allegations Deputy Inspector General of Police CTF & CE CTD Khyber Pakhtunkhwa Peshawar, through letter No.18733-35/PA/CTF dated: 24.10.2023, with the following allegations:

Attested

Appellant

- i. You, while posted on basis of look after charge as SP CTD Bannu Region, claimed and received reward 01 Million Rupees as head money for disbursement amongst the members of raiding team who participated in conducting raid vide DD No.18 dated: 20.06.2022 PS CTD Bannu Region, total 13 officials in which an ASI namely Haji Aman Ullah was also included and arrested Proclaimed Offender (P.O) namely Usman S/O Raah Niaz R/O Irmaz Tehsil Mirail, District North Waziristan involved in case vide FIR No.49 dated: 30.07.2020 u/s 324/148/149/109 PPC, 3/4 ESA, 7 ATA PS CTD Bannu Region, but as per preliminary enquiry report you misappropriated the whole amount of 1 Million fixed as head money for the arrest of above named P.O instead its disbursement upon the participants raiding team.
- ii. That, ASI Haji Aman Ullah, submitted application/complaint through Police Jawan App vide No.1952 dated: 29.08.2023 against you, wherein he alleged that you deprived him from his legal right (head money reward share) as you had already received the same from CTD HQrs: and did not disburse his due share to him as well as to the other team members.
- iii. Upon complaint of ASI Haji Aman Ullah, a fact finding enquiry was carried out. During the course of enquiry, team members were associated with enquiry proceedings and their statements were recorded which are placed on enquiry file, except former Insp: Javed Iqbal the then SHO PS CTD Bannu, as he got martyred while one HC Irfan Ullah, as he got injured during an encounter. All the members of raiding team denied in their statements to have received their due share from head money and fixed for the arrest of above named P.O which causes resentment in the force.

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- iv. You, during preliminary enquiry admitted, that you have received 01 Million Rupees as reward of head money for above named P.O and showed that you distributed 60% to the Informer, 10% received as your own share while showed remaining 30% amount to be handed over to former Inspector Javed Iqbal the then SHO PS CTD Bannu now martyred but you could not produce any proof in this regard.
- v. You, could not prove yourself innocent & was found guilty of misconduct during the course of preliminary enquiry, hence you are formally charge sheeted for the allegations mentioned above."

3. That Appellant, on receipt of charge sheet/statement of allegations dated: 24.10.2023 supra; approached DIG CTD Peshawar through application dated: 26.10.2023 and requested for the following documents to submit proper reply to the charge sheet supra:
 - i. Preliminary enquiry into the matter conducted by SP Admin CTD Headquarters Peshawar.
 - ii. Claim of head money submitted by Appellant to CTD Headquarters Peshawar alongwith relevant documents.
 - iii. Standing Operating Procedure (SOP) dated: 2016, for fixation / release of head money / reward money.
 - iv. Receipts of disbursement of head money amongst the raiding party in other regions of CTD Khyber Pakhtunkhwa.
4. That DIG CTD Peshawar directed Appellant, vide letter No.21308/HM/CTD, dated: 12.12.2023, to collect the desired documents from the concerned section of his office accordingly.
5. That Appellant tried his best to collect the desired documents in compliance of letter dated: 12.12.2023 supra, however, not relieved from duty by the Commanding Officer due to serious threats to the Foreigners/ Chinese Engineers, resultantly he requested through application dated: 14.12.2023 to provide the desired documents through proper channel.
6. That DIG CTD Peshawar directed Appellant, vide letter No.874/HM/CTD, dated: 11.01.2024, to personally or through his messenger or his relative collect the desired documents from the concerned section on any working day accordingly.
7. That Appellant, in compliance of directions dated: 11.01.2024 supra went from post to pillar and exhausted all possible measures to collect the desired documents from the concerned quarters but failed. SSP CTD Peshawar issued letter No.394/EC/CTD/Peshawar-I, dated: 25.01.2024, vide which Appellant was directed to personally or through his messenger collect the desired documents from his office at the earliest and submit reply to charge sheet supra to proceed further into the matter.
8. That Appellant, in compliance of letter dated: 25.01.2024 supra, visited office of the SSP CTD Peshawar/ Enquiry Officer and was handed over the following documents:

- i. Photocopies of complete head money case (21 pages)
- ii. Photocopies of SOP 2016 regarding head money (6 pages)

However, rest of the documents i.e.

- i. Committee report
- ii. Recommendations of the committee
- iii. Contingent bill

Attested
Appellant

- iv. Vouchers of head money
- v. Preliminary enquiry with complete documents and
- vi. Other regions (CTD) receipts of head money documents having receiving signatures by all relevant officers / officials.

Were not provided, resultantly appellant preferred application dated: 29.01.2024, Through Proper Channel, and requested for the aforementioned lift over documents.

9. That the Inquiry Officer/SSP CTD Peshawar, instead to provide the requisite documents, issued letter No.552-53/SSP Ops, dated: 02.02.2024, vide which Appellant was directed to submit reply to the charge sheet supra by 06th day of February, 2024 positively.
10. That Appellant approached DIG CTD Peshawar through application dated: 06.02.2024 for providing attested copies of the desired documents mentioned in preceding Para No.8.
11. That Inquiry Officer/SSP CTD Peshawar warned Appellant, vide letter No.726-30/SSP Ops dated: 12.02.2024 and alleged that he is playing a shady role and resorting to delay tactics to avoid the procedure, therefore, directed him to be careful in future and submit reply to the charge sheet supra within three days positively, Irrespective of the fact that Appellant was neither provided the requisite documents nor his repeated applications were considered.
12. That Appellant approached Additional Inspector General of Police Khyber Pakhtunkhwa Peshawar through application dated: 12.02.2024 by invoking his jurisdiction under the Right to Information Act, 2013 and simultaneously submitted reply dated: 13.02.2024 to the warning letter dated: 12.02.2024 supra. It is worth to mention that Additional Inspector General of Police Peshawar, while considering application dated: 12.02.2024 Ibid, directed Appellant, vide letter No.3033/EC/CTD/HQrs dated: 13.02.2024, to appear in Orderly Room / OR on 14.02.2024, resultantly Appellant appeared before Additional Inspector General of Police and the date time fixed, however, refused to provide the desired documents.
13. That Appellant left with no other option but to approach Khyber Pakhtunkhwa RTI Commission, through complaint, received vide Diary No.12153, dated: 22.02.2024 for appropriate directions to the Inquiry Officer/ SSP CTD Peshawar to provide the following documents related to the case of Appellant:

- i. Committee Report
- ii. Recommendations of committee
- iii. Contingent bill
- iv. Voucher of head money
- v. Audit report for the year 2022
- vi. Preliminary enquiry report conducted by Respondent No.5 alongwith relevant documents
- vii. Head money receiving / receipts of other ranges of CTD Khyber Pakhtunkhwa.

Attashed

 Appellant

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14. That Inquiry Officer/SSP CTD Peshawar directed Appellant, vide Notice No.824-27/SSP Ops, dated: 22.02.2024, to appear before him on 26.02.2024 at 10:00 a.m., resultantly, Appellant attended the office of Inquiry Officer/SSP CTD Peshawar, on the time & date fixed, however, the Inquiry Officer instead to provide the requisite documents, directed Appellant to submit written defense to the charge sheet supra, eventually, Appellant submitted yet another application dated: 26.02.2024 and requested to first provide the requisite documents and thereafter reply to the charge sheet would be submitted.
15. That Appellant, keeping in view peculiar facts and circumstances of the case coupled with strange attitude displayed by Inquiry Officer by way of compelling him to submit reply to the charge sheet supra without providing the essential documents, approached your esteemed office, through application dated: 26.02.2024, for transfer pending departmental enquiry outside CTD to an impartial / unbiased inquiry officer/ department, however, regretted vide letter No.387-88/CPO/IAB dated: 07.03.2024, with the following remarks:

"As enquiry is already been conducted at CTD and the DSP Asad Ali Shah has still not joined that and rather employing delaying tactics. He may as well be directed to join the enquiry proceedings vide SSP Operations CTD letter No.824-27/SSP Ops dated: 22.02.2024, so the matter may be finalized, please."

16. That Appellant, being aggrieved of the aforementioned inactions of the Inquiry Officer/SSP CTD Peshawar, by way of not providing documents pertaining to the alleged charges, requested by Appellant through numerous applications dated: 26.10.2023, 14.12.2023, 29.01.2024, 06.02.2024, 26.02.2024, DIG CTD Peshawar, by way of not providing the requisite documents requested through application dated: 12.02.2024, KP RTI Commission by way of not considering complaint dated: 22.02.2024, for issuing appropriate directions to Inquiry Officer to furnish the requisite documents & your esteemed office by regretting application dated: 26.02.2024, vide order/letter dated: 07.03.2024, for transfer of departmental inquiry in CTD to an impartial Inquiry Officer outside CTD and, had no other efficacious and alternate remedy, approached the Hon'ble Peshawar High Court, Peshawar through Writ Petition No.1401-P/2024, with the following prayer:

"It is therefore, most humbly prayed, that on acceptance of instant Writ Petition, impugned decision dated: 07.03.2024 of Respondent No.2 may be set aside and, while allowing application dated: 26.02.2024 of Appellant, appropriate directions may be issued to Respondent No.2 to transfer pending departmental enquiry in CTD to an impartial enquiry officer / department, outside CTD Khyber Pakhtunkhwa and Respondent No.6 may be directed to ensure availability of the desired documents reflecting from complaint dated: 22.02.2024, so as to enable Appellant to submit reply to the charge sheet dated: 24.10.2023 and to secure the ends of justice."

Which was disposed of, vide Judgment dated: 28.03.2024, with the following directions:

"We, when confronted learned counsel for the Petitioner with Rule 12 of the Khyber Pakhtunkhwa Government Servants (Efficiency and Discipline) Rules, 2011 in terms of which any documents that relates to the merits of the inquiry and is relevant can be requisitioned by the Inquiry Committee or the Inquiry Officer as the case may be. He on giving second thought

Attested
Appellant

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stated that during the course of inquiry, if any document is required, he will submit an application to the inquiry officer in terms of the relevant rules. The inquiry committee having the powers of a civil court has ample powers to decide the said application and requisition the required documents which are relevant for the purpose of inquiry.

The petition is disposed of in the above terms."

(Copy of Judgment dated: 28.03.2024 of the Hon'ble Peshawar High Court, Peshawar alongwith memo of writ petition No.1401-P/2024 is attached as Annexure - A")

- 17. That Appellant approached the inquiry officer through application dated: 02.04.2024 and requested for providing the desired documents, in compliance of Judgment dated: 28.03.2024 supra of the Hon'ble Peshawar High Court, Peshawar, however, to no avail so far.
(Copy of application dated: 02.04.2024 is attached as Annexure-B)
- 18. That DIG CTD Peshawar, issued final Show Cause Notice No.8769/PA/CTF&EU CTD HQrs dated: 06.05.2024, operative part whereof is reproduced as under:

"The Enquiry Officer initiated departmental inquiry in the matter who carried out an impartial enquiry, without any favour, collected all evidences and recorded the statement of witnesses in the matter. After going through all the available record, you badly failed to defend yourself and to produce any evidence in your support. The inquiry officer thus found you guilty of the allegations levelled in the charge sheet and recommended you for awarding "Major Punishment."

The finding report of the inquiry officer are much clear and sufficient enough to award you any punishment mentioned in Police Rules-1975 of Khyber Pakhtunkhwa Police (Amended in 2014) but the undersigned, however, give you another last opportunity of personal hearing and production of evidence in your defense proving yourself innocent in the allegations levelled against you.

By reason of the above, you appear to be guilty of misconduct under the Police Rules 1975 of the Khyber Pakhtunkhwa (amended in 2015) and thus calls upon you this final Show Cause Notice. You are therefore directed to submit your written reply before the Competent Authority in your defense within seven days of the receipt of this final Show Cause Notice failing which it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you."

Attested

Appellant

(Copy of final Show Cause Notice dated: 06.05.2024 alongwith covering letter is attached as Annexure - C)

- 19. That, admittedly, Appellant was not in position of the requisite/essential document, therefore, preferred yet another application dated: 08.05.2024, with the following prayer:

"It is, therefore, most respectfully requested that on acceptance of instant application, the desired essential documents mentioned in preceding para-2 and findings of final inquiry report alongwith ancillary documents / evidence, may be provided in compliance of Judgment dated: 28.03.2024 supra of the Hon'ble Peshawar High Court, Peshawar, so as to enable me / appellant to submit proper reply to the subject mentioned final Show Cause Notice and to avoid untoward situation and further complications."

(Copy of application dated: 08.05.2024, diary number/receipt alongwith covering letter is attached as Annexure - D)

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20. That DIG CTD Khyber Pakhtunkhwa Peshawar, instead to provide the requisite/essential documents, proceeded Appellant ex parte and awarded major punishment of reduction from substantive rank to lower rank, vide impugned order dated: 16.05.2024, operative whereof is reproduced as under:

"Consequent upon receiving enquiry report, accused Officer Asad Ali Shah was served with final Show Cause Notice in response to which he submitted his written explanation in which he also did not defend himself but demanded provision of irrelevant documents. In this connection he also filed a Writ Petition No.1401-P/2024 before the Hon'ble Peshawar High Court, Peshawar, which was disposed off accordingly on 28.03.2024. In compliance, he already received the documents for which he had applied. He was heard in OR. His explanation in response to the allegations was not satisfactory and the allegations of non-payment of head money reward share to the members of raiding party have been proved.

After completion of all the legal requirements and giving patient caring to the accused officer acting DSP Asad Ali Shah (BPS-16), now DSP SSU KP, he has failed to prove himself innocent in the inquiry at hand, keeping in view the sufficient evidence is available of the inquiry file in the form of statements of eleven witnesses who all have corroborated the charges leveled by ASI Aman Ullah in the statements. Thus the undersigned being the Competent Authority constrained to award him major punishment of reduction from substantive rank to lower rank under Rule 5(5) of the Khyber Pakhtunkhwa Police Rules, 1975 and recovery of Rs. 01 Million be made from his GP Fund and further disbursement amongst the Police Officers/Officials who had effected the arrest of head money PO Usman."

Hence the instant appeal.

(Copy of Impugned order dated: 16.05.2024 is attached as Annexure - E)

21. That impugned order dated: 16.05.2024 is against the law, facts and material available on file, hence untenable.
22. That regular inquiry into the guilt of Appellant has not been conducted, rather Appellant and major punishment of reduction from substantive rank to lower rank alongwith recovery of Rupees 1 million has been imposed upon him, which has caused grave miscarriage of justice.
23. That the entire departmental proceedings have unilaterally been carried out, neither statements of the so-called eleven witnesses were recorded in presence of Appellant nor he was allowed to cross examine them nor he was confronted with the so-called witnesses/documentary evidence, hence has been condemned unheard, which attracts the doctrine of audi alteram partem.
24. That Appellant has neither been treated in accordance with law nor has been provided equal protection of law, enshrined in Articles 4 & 10-A of the Constitution of Islamic Republic of Pakistan, 1973.
25. That, admittedly, Appellant is performing duties as DSP in 8PS-17 and in Schedule-1 of the Police Rules, 1975 (with amendments in 2014), the Competent Authority to award major punishment i.e. reduction from substantive rank to lower rank, to Appellant, as your esteemed office/ the worthy PPO Khyber Pakhtunkhwa, but astonishingly the impugned order has been issued by DIG (Imran Shahid BPS-19) CTD Peshawar, thus acted without jurisdiction which makes the impugned order coram non judge, hence nullity in the eye of law.

Attested
Appellant

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26. That Appellant served the KP Police Department for more than 18 years and never been involved in any type of non-professional activities rather he enjoying excellent reputation in the department, however, he has been subject to unprecedented abuse of authority, for ulterior motives and mala fide intentions, hence indulgence of your esteemed office is solicited for smooth administration of justice.
27. That any other grounds/documentary evidence, with the permission of your esteemed office, will be taken/produced at the time of personal hearing, if granted.

It is therefore, most humbly prayed, that on acceptance of instant Departmental Appeal, order dated: 16.05.2024 of the Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa Peshawar may be declared as illegal, unlawful, without lawful authority, void ab-initio, coram non iudice and of no legal effect, hence be set at naught and Appellant may be exonerated from the charges leveled against him, so as to secure the ends of justice and equity.

APPELLANT



Asad Ali Shah-S/O Syed Ali Shah
Deputy Superintendent of Police (Security)
RWCF Project, SSU (CPEC), Khyber
Pakhtunkhwa Warsak Remodeling Canal
System Project Mataguri, Tribal District Khyber.

Dated: 22.05.2024

Attested



Appellant

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پشاور بار ایسوسی ایشن، خیبر پختونخوا

ایڈووکیٹ: Rignwanullah

بار کونسل ایسوسی ایشن نمبر: bc-09-0050

رابطہ نمبر: 03005965843



Honble Chairman, KPK Service Tribunal, Peshawar

Appellant: منجانب	Service Appeal: دعویٰ
Asad Ali Shah	علت نمبر:
بنام The DIG (CFO) KPK, Peshawar and others.	مورخہ:
	جرم:
	تھانہ:

بابت تحریر آئیکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ

آن مقام Peshawar کیلئے Rignwanullah کو وکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کالہ اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق

زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی

کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ پاٹھنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پر داخلہ منظور و قبول ہوگا

دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا کوئی تاریخ سے ہر جانبہ التوائے مقدمہ کے سبب سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ کے ساتھ سند رہے

المرقوم: 7/9/2024
Attested
7/9/2024
PESHAWAR BAR ASSOCIATION
HYBER PAKHTOONK

المقام Peshawar کے لیے منظور ہے۔