

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

AMENDED SERVICE APPEAL NO.591/2024

Zeeshan Khan

VS


Police Department

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THROUGH:

APPELLANT


TAIMUR ALI KHAN
(ADVOCATE HIGH COURT)
Cell# 0333-9390916

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**

AMENDED SERVICE APPEAL NO.591/2024

Zeeshan Khan, IHC No.5775,
I/C PP Malikkhel PS Badabar, Peshawar.

(APPELLANT)

VERSUS

1. The provincial police officer, Khyber Pakhtunkhwa Peshawar:

(RESPONDENTS)

**AMENDED APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNALS
ACT, 1974 AGAINST THE ORDER DATED 21.05.2024,
WHEREBY THE REVISION PETITION OF THE
APPELLANT WAS ACCEPTED BY MODIFYING HIS
MAJOR PUNISHMENT OF DISMISSAL FROM
SERVICE INTO MINOR PUNISHMENT OF STOPPAGE
OF ONE (1) INCREMENT WITH CUMULATIVE
EFFECT AND WAS REINSTATED INTO SERVICE
WITH IMMEDIATE EFFECT AND HIS INTERVENING
PERIOD WAS TREATED AS LEAVE WITHOUT PAY.**

PRAYER:

**THAT ON THE ACCEPTANCE OF THIS AMENDED
APPEAL, MINOR PUNISHMENT OF STOPPAGE OF
ONE (1) INCREMENT WITH CUMULATIVE EFFECT
OF THE APPELLANT MAY KINDLY BE SET ASIDE
AND STOPPED ONE (1) INCREMENT OF THE
APPELLANT MAY PLEASE BE RESTORED AND
REINSTATE HIM INTO SERVICE WITH EFFECT
FROM 29.12.2023 I.E FROM THE DATE OF DISMISSAL
AND HIS INTERVENING PERIOD MAY ALSO BE
TREATED ON FULL PAY BY MODIFYING THE**

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ORDER DATED 21.05.2024 TO THAT EXTENT WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS HONORABLE TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as Constable the year 2012 and completed all his due training and due to his excellent performance he was promoted to the rank of IHC. The appellant since his appointment is performing his duty with devotion and honesty, whatsoever, assigned to him and no complaint has been filed against him regarding his performance.
2. That the appellant was posted as Incharge Police Post Science College Police Station Yakathoot. The appellant along with other constable Mohabat Khan was on routine gasht on ring road has stopped Suzuki Pick Up and put down two suspected persons from the Suzuki Pick Up and on search narcotics were recovered from them and they disclosed their name as Gul Nazar and Mustaqim. The appellant informed his SHO of concerned Police Station Yakathoot about the matter on which the SHO directed the appellant to trace the main dealer with the help of that arrested persons.
3. That on the direction of SHO, the appellant asked the accused about the main dealer who provide them narcotics for distribution on which Gul Nazar told the appellant that a person namely Gul g provide them narcotics for distribution on which constable Mohabat took mobile from Gul Nazar and contacted Gul g through his mobile in order to persuade Gul g to come to the spot so that they trap him and arrest him as per direction of his SHO and told Gul g about the arrest of Gul Nazar and Mustaqim on which he wanted some bargain for release of accused, however, the appellant told Constable Mohabat to insist Gul g to come to ring road so that they also arrest him, however, Gul g told Mohabat that he is not present and his partner will come to the spot near at KDF Restaurant on ring road and the appellant also contacted with his informer (Younas) to come to the spot near KDF Restaurant on ring road to help them to trap and arrest of partner of

Gul g on which the informer (Younas) came to the spot and as per direction of the appellant informer (Younas) was waiting for the partner of Gul g at the spot near KDF Restaurant on ring road and the appellant along with constable Mohabat were waiting on the other side of the road and in meanwhile the police team comprised of SDPO Pishtakhara and SHO Sarband along with other Police Officials came to the spot and arrest informer Younas on which the appellant came near to the police team and told them that the person you arrested is his informer and told them that he has contacted with his SHO about the arrest of accused Gul Nazar and Mustaqim and on his direction to trap the main dealer who provide narcotics to accused Gul Nazar and Mustaqim for distribution, he has done the whole process and told them the whole story and that moment the appellant also contacted with his SHO of concerned Police Station Yakathoot and told him about the occurrence on which the SHO told the appellant that he is present with the DSP Subrab and tell him on which DSP Subrub also contacted SDPO Pishtakhara through his mobile phone and told him about the reality of the issue. It is pertinent to mention here that properly FIRs were also lodged against the accused namely Mustaqim and Gul Nazar. **(Copies of FIRs are attached as Annexure-A)**

4. That SP City Division CCP, Peshawar submitted report on 29.12.2023 to the SSP Operation, Peshawar about the incident and recommended for proper departmental proceeding against the appellant, but without conducting any inquiry against the appellant, he was dismissed from service on the same day of submission of report i.e 29.12.2023 vide order dated 29.12.2023. **(Copies of report dated 29.12.2023 and order dated 29.12.2023 are attached as Annexure-B&C)**
5. That the appellant filed departmental appeal on 19.01.2024 against the dismissal order dated 29.12.2023, which was rejected on 20.03.2024 for no good ground. **(Copies of departmental appeal and rejection order dated 20.03.2024 are attached as Annexure-D&E)**
6. That the appellant then filed the service appeal in this Honorable Tribunal in which he impugned the orders dated 29.12.2023 and dated 20.03.2024 and also filed revision petition under 11-A of Police Rules 1975 (amended in 2014) before respondent No.1 and during the proceeding of the service appeal of the appellant, the respondent No.1 passed an order dated 21.05.2024, whereby his revision petition was accepted by modifying the major punishment of dismissal from service into minor punishment of stoppage of one (1) increment with

cumulative effect and was reinstated into service with immediate effect and his intervening period was treated as leave without pay. **(Copies of revision petition and order dated 21.05.2024 are attached as Annexure-F&G)**

7. That as the appellant has filed the service appeal in this Honorable Tribunal against the order dated 29.12.2023, whereby the appellant was dismissed from service and against the order dated 20.03.2024 whereby the departmental appeal of the appellant was rejected with the prayer to set aside the orders dated 29.12.2023 and 20.03.2024 and reinstate the appellant into his service with all back and consequential benefits, however, his revision petition was accepted by respondent No.1 on 21.05.2024 in which he was reinstated into service with immediate effect instead of 29.12.2023 by the respondent department itself, but his major punishment of dismissal from service was modified into minor punishment of stoppage of one (1) increment with cumulative effect and his intervening period was treated as leave without pay and as the appellant was reinstated into service by the department itself through an order dated 21.05.2024, but imposed minor punishment of stoppage of one (1) increment with cumulative effect and his intervening period was treated as leave without pay in that order, therefore, the appellant filed an application for permission to seek amendment in his service appeal due to the passing of order dated 21.05.2024, which was allowed by this Honorable Tribunal on 20.08.2024. **(Copies of application and order sheet dated 20.08.2024 are attached as Annexure-H&I)**
8. That the appellant wants to file the amended appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUNDS:

- A) That imposition of minor punishment of stoppage of one (1) increment with cumulative effect upon the appellant and his intervening period was treated as leave without pay in the order dated 21.05.2024 is against the law, rules, facts, norms of justice and material on record, therefore not tenable and liable to be modified to the extent by setting aside imposition of minor punishment of stoppage of one (1) increment with cumulative effect upon the appellant and his intervening period was treated as leave without pay.

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B) That baseless allegation was leveled against the appellant on which the appellant was dismissed from service without conducting inquiry to dig out the reality about the allegation leveled against the appellant, but the appellant was reinstated into on 21.05.2024 by the department itself by accepting his revision, which means that the stance of the appellant was accepted by the department itself by dismissing him from service on baseless allegation, but minor punishment of stoppage of one (1) increment with cumulative effect has imposed upon the appellant and his intervening period was treated as leave without pay in the order dated 21.05.2024, which is liable to be modified to the extent of setting aside the imposition of minor punishment of stoppage of one (1) increment with cumulative effect upon the appellant and his intervening period was treated as leave without pay.

C) That when the appellant has arrested two persons due to recovery of narcotics from them then he has properly informed his SHO of the concerned Police Station Yakathoot about the matter on which the SHO directed the appellant to trace the main dealer with the help of that arrested persons and on the direction of SHO, the appellant asked the accused about the main dealer who provide them narcotics for distribution on which Gul Nazar told the appellant that a person namely Gul g provide them narcotics for distribution on which constable Mohabat took mobile from Gul Nazar and contacted Gul g through his mobile in order to persuaded Gul g to come to the spot so that they trap him and arrest him as per direction of his SHO and told Gul g about the arrest of Gul Nazar and Mustaqim on which he wanted some bargain for release of accused, however, the appellant told Constable Mohabat to insist Gul g to come to ring road so that they also arrest him, however, Gul g told Mohabat that he is not present and his partner will come to the spot near at KDF Restaurant on ring road and the appellant also contacted with his informer (Younas) to come to the spot near KDF Restaurant on ring road to help them to trap and arrest of partner of Gul g on which the informer (Younas) came to the spot and as per direction of the appellant informer (Younas) was waiting for the partner of Gul g at the spot near KDF Restaurant on ring road and the appellant along with constable Mohabat were waiting on the other side of the road and in meanwhile the police team comprised of SDPO Pishtakhara and SHO Sarband along with other Police Officials came to the spot and arrest informer Younas on which the appellant came near to the police team and told them that the person you arrested is his informer and told them that he has contacted with his SHO about the arrest of accused

Gul Nazar and Mustaqim and on his direction to trap the main dealer who provided narcotics to accused Gul Nazar and Mustaqim for distribution he has done the whole process and told them the whole story, which means that the appellant did not commit any misconduct and all has done on the direction of his SHO to trap the main dealer who distributed the narcotics, but despite that high ups of the appellant connected the issue with appellant and was dismissed him from service on baseless allegation, but the appellant was reinstated into service on 21.05.2024 by the department itself by accepting his revision, which means that the stance of the appellant was accepted by the department itself by dismissing him from service on baseless allegation, but minor punishment of stoppage of one (1) increment with cumulative effect has imposed upon the appellant and his intervening period was treated as leave without pay in the order dated 21.05.2024, which is liable to be modified to the extent of setting aside the imposition of minor punishment of stoppage of one (1) increment with cumulative effect upon the appellant and his intervening period was treated as leave without pay.

- D) That in the impugned order dated 21.05.2024, the department admit the stance of the appellant that he was actually arresting the main dealer on the direction of SHO and his revision was accepted by reinstating him into his service and when the department admitted the stance of the appellant then imposition of minor punishment of stoppage of one (1) increment with cumulative effect and treating his intervening period as leave without pay is against the norms of justice and fair play.
- E) That in the dismissal order dated 29.12.2023 of the appellant, it is also mention that the appellant has not informed his any senior officer, but the appellant has properly informed his SHO of Police Station Yakathoot about the matter and in the impugned order dated 21.05.2024, the department admit the stance of the appellant that he was actually arresting the main dealer on the direction of SHO and his revision was accepted by reinstating him into his service and when the department admitted the stance of the appellant, then his dismissal from service on 29.12.2023 and now imposition of minor punishment of stoppage of one (1) increment with cumulative effect and treating his intervening period as leave without pay on baseless allegation is against the norms of justice and fair play.

- F) That the appellant told the police team on the spot as well as during personal hearing that he has timely informed his SHO about the matter and on the direction of the SHO he has done all the process in order to trap and arrest the main dealer of narcotics, but despite that the appellant was dismissed from service on 29.12.2023, however, the department admit the stance of the appellant in the order dated 21.05.2024 that he was actually arresting the main dealer on the direction of SHO, which means that the appellant did not commit any misconduct and has been punished for no fault on his part by first dismissed from service in order dated 29.12.2023 and now imposition of minor punishment of stoppage of one (1) increment with cumulative effect and treating his intervening period as leave without pay in the order dated 21.05.2024.
- G) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that on the acceptance of this amended appeal, minor punishment of stoppage of one (1) increment with cumulative effect of the appellant may kindly be set aside and stopped one (1) increment of the appellant may be restored and reinstate him into service with effect from 29.12.2023 i.e from the date of dismissal and his intervening period may also be treated on full pay by modifying the order dated 21.05.2024 to that extent with all back and consequential benefits. Any other remedy, which this Honorable Tribunal deems fit and appropriate that, may also, be awarded in favour of appellant.


APPELLANT

Zeeshan Khan

THROUGH:


(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT

&


(SHAKIR ULLAH TORANI)

ADVOCATE

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

AMENDED SERVICE APPEAL NO.591/2024

Zeeshan Khan

VS

Police Department

AFFIDAVIT

I, Zeeshan Khan Ex-IHC No.5775, I/C PP Malikkhel PS Badabar, Peshawar (Appellant), do hereby affirm and declare that the contents of this amended service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.


DEPONENT

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(9)

A



پولیس فارم نمبر 24-5-1

سیریل نمبر: 005012

اعمالی اطلاعی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ فوجداری

نمبر: 2391/23 قاتل: آفیسر جانی شاہ ضلع: پشاور ایف ڈی نمبر: AMJ-12/28/2023-2391

تاریخ وقت وقوع: 28-12-2023 11:40 PM

ردیف	تاریخ وقت رپورٹ	تعداد بہت نمبر (27)	6	قاتل سے روایت کی تاریخ وقت	سیریل نمبر
2	نام و سکونت اطلاع دہندہ مستفیض	29-12-2023 12:35 AM	Zeesban Khan HC	قاتل: سر محمد علی شاہ	آفیسر جانی شاہ
3	مختصر کیفیت جرم (معدومہ) قابل اگر کوہ کو کیا ہے		بیمار:	03169296221	فون نمبر:
4	جائے وقوعہ و فاصلہ قاتل سے اور سمت		ریگ روڈ اور کالونی		
5	کارروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ وقت ہو تو اس کی وجہ بیان کی جائے		برسید کی تحریری مراسلہ پر مقدمہ درج و جسر کیا گیا۔		

دستخط: Mazhar Sher پلٹ نمبر: 4887 جہدہ: ASI پلٹ نمبر: 03134288169

(اعمالی اطلاع لے کر درج کریں)

یوقت صدر راج ایک تحریری مراسلہ منجانب زیشان خان ASI سے بدست کنسٹیبل محبت 6584 موصول ہو کر جو ذیل ہے بخود منجانب آفیسر جانی شاہ صاحب قاتل AMIS اشب صراہ کنسٹیبلان محبت 6584 نیاز علی 3686 کے سلسلہ ناک بندی مقام جائے وقوعہ ہلا پر موجود تھا کہ اسی دوران منجانب جات آباد سے سواری کا ایک سوز کی پک اپ آکر چینگ کی غرض سے روکنے کا اشارہ دے کر روڈ کے کنارے پر کھڑا کر کے جس سے ایک شخص مشتبہ حالت میں نیچے اتارنا ہمارے بدریافت آج نام مستقیم ولد مہدالہ باجہ ساکن تیراہ تھاپا جامہ تلاش لینے پر ڈاکو کے جڑھاٹلو اس سے ایک پیکٹ ہیروئن زرد سلوٹن ٹیپ میں پکائی ہوئی برآمد ہو کر موقع بڑی ڈیکوئل سکیل وزن کرنے پر 1050 گرام نفل جیسس سے 61 گرام ہیروئن ملیہ کر کے بٹرس تجزیہ FSL بندہ پارسل نمبر 1 سس اور ہلا 1049 گرام ہیروئن بندہ پارسل نمبر 2 سس بندہ سر ہمد کر کے پارسل ہائے کے اندر 1/1 عدد نمونہ ہیرا کی BM بطور ثبوت بندی جبکہ پارسل ہائے پر 3/3 عدد ہیرا کی BM ثبوت کی پارسل ہائے ہیروئن بروئے لڑ قبضہ پولیس میں کے طوم ہلا کو سر کب جرم ہلا کا پارک صہب ضابطہ گرفتار کر کے مراسلہ بٹرس تاجی مقدمہ بدست کنسٹیبل محبت 6584 اسال قاتل ہے پرچہ دیا جا کر اوسٹی گیشن سٹاف کو ماسور تفتیش کیا جاوے دستخط آفیسر جانی شاہ ASI منجانب چوکی سائنس کالج مورخہ 29.12.23 کارروائی قاتل مراسلہ حرف بحرف درج ہلا ہو کر پرچہ جرم ہلا چاک کیا جا کر نقول پرچہ جات بٹرس تفتیش حوالہ مبارک خان کے جاتے ہیں پرچہ گزارش ہے۔

ASI Mazhar Sher 29-12-2023

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سیریل نمبر: 005013

پولیس فارم نمبر 24-5-1



ایس آئی اے رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ رولہ نمبر 154 مجموعہ ضابطہ نوہداری

نمبر: 2392/23 قتان: آئی بی جی شاہ ضلع: پشاور ای ٹی نمبر: AMJ-12/28/2023-2392

تاریخ وقت و نمبر: 29-12-2023 12:10 AM

1	تاریخ وقت رپورٹ	6	قتان سے روائی کی تاریخ وقت	بہرے کل عام
2	نام و سکونت اطلاع دہندہ مستفیض	6	قتان سے روائی کی تاریخ وقت	بہرے کل عام
3	مختصر کیفیت جرم (محدود الفاظ) دلیل اگر کچھ کو کیا ہے	6	قتان سے روائی کی تاریخ وقت	بہرے کل عام
4	جائے وقوعہ و فاصلہ قتان سے اور سمت	6	قتان سے روائی کی تاریخ وقت	بہرے کل عام
5	کارروائی متعلقہ تفتیش اگر اطلاع دہندہ کرنے میں کچھ توقف ہو تو اس کی وجہ بیان کی جائے	6	قتان سے روائی کی تاریخ وقت	بہرے کل عام

دستخط: Mazhar Sher ٹیٹ نمبر: 4887 عہدہ: ASI علی فون نمبر: 03134288169

(ایس آئی اے اطلاع نیچے درج کریں)

یوقت صدر سیک ایک تحریری مراسلہ منجانب حیدر خان ASI سے بدست کنسٹیبل عہدہ الدین 837 موصول ہو کر مذکورہ ملے سے خدمت اسرار منجانب صاحب قتان AMJS عمرہ کنسٹیبلان عہدہ الدین 837 صاحبہ 5614 کے بمسلہ سوبائش گت بمقام ہائے وقوعہ بالا پر موجود تھا کہ ایک جوان الغرض پیدل آتا ہوا گزرا کر کے بدریافت اپنا نام گل غنور ولد گلاب سکندر تیراہ علیا لہ کر کے دائی ہاتھ سے ایک ڈائی شاہر رنگ میز لیا جا کر پیک کرنے پر شاہر سے ایک پیکٹ بیرون زدود سلوشن نیپ میں لپٹی ہوئی برآمد ہو کر موقع بذریعہ ڈیکش سکلی وڈن کرنے پر 1030 گرام لٹی جس میں سے 01 گرام بیرون زدود لٹھہہ کر کے بھرش تجزیہ FSL بند بہ پارسل نمبر 01 میں اور ہلا پیکٹ وڈی 1029 گرام بند بہ پارسل نمبر 02 میں بند بہ کر کے پارسل حاسے کے اندر 1/1 عدد نمونہ موہیرا سی BM بند کی جبکہ پارسل حاسے پر 3/3 عدد موہیرا سی BM ثبت کی اور (2) پارسل بروئے فرد قبضہ پولیس میں کر کے لازم ہلا کو مرکب جرم ہلا کا چھو حسب ضابطہ گرفتار کر کے مراسلہ بھرش چاکید کی پرچہ بدست کنسٹیبل عہدہ الدین 837 سال قتان ہے پرچہ لیا جا کر انوسنی گیشن سٹاف کو مامور تفتیش کیا جائے دستخط

اگر بی حیدر خان ASI قتان AMIS مورخہ 29.12.2023 کارروائی قتان مراسلہ درج ہلا ہو کرچہ بحرم چاک کیا جا کر منتقل پرچہ چات بھرش تفتیش حوالہ الغرض خان OII کے جائے ہی پرچہ گزارش ہے

ASI Mazhar Sher 29-12-2023



OFFICE OF THE
SUPERINTENDENT OF POLICE CITY DIVISION

CAPITAL CITY POLICE PESHAWAR

091-9225333/ cpscitypeshawar@yahoo.com

No 2791 /Reader

dated 29/12/2023

To: The Senior Superintendent of Police,
Operations, Peshawar.

Subject: INCIDENT REPORT

It is submitted that audio messages between two parties regarding bargaining for the release of two arrested accused of narcotics were widely viral on social media which were tasked to the undersigned for proper enquiry by the high ups.

To trace the involved individual, a special team comprising of SDPO Pishiakhara and SHO Sarband was constituted who contacted the dealing hands and fixed two lac in lieu of release of arrested accused. The dealer fixed the venue for receiving the fixed amount. At about 1730 Hrs on dated 28.12.2023, the team arranged the money and reached to the venue where the team succeeded to apprehend the dealer red handed. After interviewing, the dealer disclosed his name Younas s/o Sifat Shah resident of Superior Science College PS AMJS and deposed that he made bargaining on the directions of ASI Zeeshan Incharge PP Science College and his gunner FC Mohabbat in connection with the release of arrested accused Gul Nazir and Mustaqeem resident of Tirah.

To verify the statement of Younas s/o Sifat Shah, the ASI Zeeshan and FC Mohabbat were called to the office and were heard in person who supported his version.

After going through the whole episode, both the officials were found guilty therefore, they are recommended for proper departmental proceedings.


Superintendent of Police City Division
Capital City Police, Peshawar

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**OFFICE OF THE
SUPERINTENDENT OF POLICE CITY DIVISION
CAPITAL CITY POLICE PESHAWAR**

To

The Senior Superintendent of Police,
Operation, Peshawar

Subject: INCIDENT REPORT

It is submitted that audio messages between two parties regarding bargaining for the release of two arrested accused of Narcotics were widely viral on Social Media which were tasked to the undersigned for proper by the high ups.

To trace the involved individual, a special team comprising of SDPO Pishtakhara and SHO Sarband was constituted who contracted the dealing hands and fixed two lac in view of release of arrested accused. The dealers fixed the venue for receiving the fix amount. At about 17:30 hrs on dated 28.12.2023 the team arranged the money and reached to the venue where the team succeeded to apprehend the dealer red handed. After interviewing, the dealer disclosed his name Younis S/o Sifat Shah R/o Superior Science College PSMIS and deposed that he made bargaining on the directions of ASI Zeeshan Incharge PP Science College and his Gunner FC Mohabbat in connection with the released of arrested of the accused Gul Nazar and Mustaqeem R/o Tirah.

To verify the statement of Younas S/o Sifat Shah, ASI Zeeshan, FC Mohabbat were called to the office and were heard in person who supporting his version.

After going through the whole episode, both the official were found guilty therefore, they are recommended for proper Departmental proceedings.

Superintendent of Police
Capital city Police, Peshawar

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ORDER

On the recommendation of SP City, Peshawar vide his office memo No. 2791/F dated 29.12.2023, that audio messages between two parties regarding bargaining for the release of two arrested accused of narcotics were widely viral on social media which were tasked to the Enquiry Officer for proper enquiry by the high-ups. To trace the involved individual, a special team comprising of SDPO Pishakhara and SHO Sarband was constituted who contacted the dealing hands and fixed two lac in lieu of release of arrested accused. The dealer fixed the venue for receiving the fixed amount at about 1730 hrs on dated 28.12.2023, the team arranged the money and reached to the venue where the team succeeded to apprehend the dealer red handed. After interviewing, the dealer disclosed his name Younas s/o Sifat Shah r/o of Superior Science College PS AMJS and deposed that he made bargaining on the directions of ASI Zeeshan incharge PP Science College and his gunner Constable Mohabat in connection with the release of arrested accused Gul Nazar and Mustaqeem resident of Tirah. To verify the statement of Younas s/o Sifat Shah the ASI Zeeshan and Constable Mohabat were called to the office and heard in person who supported his version. After going through the whole episode, both the officials were found guilty. Later on the accused were charged in case vide FIR No. 2391 dated 29.12.2023 u/s 9DCNSA and FIR No. 2390 dated 29.12.2023 u/s 9DCNSA Police Station AMJS.

Keeping in view the above explained position, they were called in Orderly Room on 29.12.2023 and heard in person. The accused officials during personal hearing were given ample opportunities to defend themselves but they failed to produce any plausible reasons in their defense. They were also cross examined. They stated that they wanted to trap and arrest the man to whom he was talking for bargaining. They were questioned as to whether they informed their senior officers before the trap/dealing to which they replied in negative. They also admit to have had dealing conversation on record. It is crystal clear that they did not inform any senior officers before dealing which smells a rat on their part, thus, the allegations leveled against them stand proved beyond any shadow of doubt and like such negligence and unfair actions of black sheeps who were dressed in police uniform cannot be ignored. Thus, they brought bad name to the police department. Therefore, I, Kashif Aftab Ahmad Abbasi, Senior Superintendent of Police, Operations, Peshawar, in exercise of the powers conferred on me under Police Rules, 1975 award them the major punishment of "Dismissal" from service with immediate effect.

1. ASI Zeeshan Khan No. 5775 I/C PP Science College PS AMJS.
2. Constable Mohabat No.6584 PS AMJS.

Order announced

(Lt Cdr) KASHIF AFTAB AHMAD ABBASI PSP
Senior Superintendent of Police
(Operations) Peshawar

29/12/2023

No. 2194-99 PA dated Peshawar, the 29/12/2023.

Copy for information and necessary action to:-

1. The Capital City Police Officer, Peshawar.
2. SSP Coordination Peshawar.
3. SsP City, Security & HQrs, CCP Peshawar.
4. SDPOs Suburb/Pishakhara CCP Peshawar.
5. EC-II/OASI/CRC/PO/FMC along with complete enquiry file for record ().

Peshawar, the 29/12/2023.
Copy for information and necessary action to:-
1. The Capital City Police Officer, Peshawar.
2. SSP Coordination Peshawar.
3. SsP City, Security & HQrs, CCP Peshawar.
4. SDPOs Suburb/Pishakhara CCP Peshawar.
5. EC-II/OASI/CRC/PO/FMC along with complete enquiry file for record ().

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ORDER

On the recommendation of SP City Peshawar vide his office memo No. 2791/F dated 29.12.2023, the audio message between two parties regarding bargaining for the released of two arrested accused of narcotics were widely viral on social media which were task to the inquiry officer for proper inquiry by the High-Ups.

To traced the involved individuals a special Team comprising SDPO Pisthakara and SHO Sarband was constituted who connecting the dealing hands and fixed two lac in lieu of release of arrested accused. The dealer fixed the venue for receiving the fixed amount at about 1730 hrs on dated 28.12.2023, the team arranged the money and reached to the venue where the team succeeded to apprehend the dealer red handed. After interviewing the dealer disclose his name Younas S/o Sifat R/o Superior Science College PSAMJS and disposed that he made bargaining on the direction of ASI Zeeshan Incharge PP Science College and his Gunner Constable Mohabat in connection with the released of arrested accused Gul Nazar and Mustaqeem R/o Tirah to verify the statement of Younas S/o Sifat Shah ASI Zeeshan and Constable Mohabat were called to the office and heard in person who supported his version. After going through the whole episode, both the official were found guilty. Later on the accused were charged in case vide FIR No. 2391 dated 29.12.2023 U/S 9-D, CNSA and FIR No. 2390 dated 29.12.2023 U/S 9-D CNSA, Police Station AMJS.

Keeping in view the above explained position they were called in orderly Room on 29.12.2023 and heard in person. The accused official during personal hearing were given ample opportunities to defend themselves but they failed to produce plausible reason in their defense. They were also cross examined they stated that they wanted to trap and arrest the man whom he was talking for bargaining. They were questioned as to whether they informed their senior officer before the trap dealing to which they replied in negative. They also admit to have had dealing conversation on record. It is crystal clear that they did not inform any senior officer before dealing which smiles a rate on their part, thus, the allegation levelled against them stand proved beyond any shadow of doubt and like such negligence and unfair action of black sheep's who were dressed in Police inform cannot be ignored. Thus they brought bad name to the Police department therefore, I, Kashif Aftab Abbasi, Senior Superintendent of Police Operation, Peshawar, in exercise of the power conferred on me under Police Rules, 1975 award him the major punishment of "Dismissed" from service with immediate effect.

1. ASI Zeeshan Khan No. 5775 I/C PP Science College PS AMJS.
 2. Constable Mohabat No. 6584 PS AMJS.
- Order announced.

(Lt Cdr Kashif Aftab Ahmad ABB, (ASD) PSP

Senior Superintendent of Police,
Operation, Peshawar

No. 2194-99/PA dated Peshawar, the 29/12/2023

Copy of information and necessary action to:

1. The Capital City Police Officer, Peshawar.
2. SSP Coordination Peshawar.
3. SSP City, Security and HQRs CCP Peshawar.
4. SDPO Subordinate Pishtakara CCP Peshawar.
5. SDPO Subordinate Pishtakara CCP Peshawar.

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17-11-2024

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Worthy Capital City Police Officer, Peshawar.

SUBJECT: DEPARTMENTAL APPEAL AGAINST THE ORDER DATED 29.12.2023, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE.

RESPECTED SIR,

1. That the appellant was appointed as Constable the year 2012 and completed all his due training and due to his excellent performance he was promoted to the rank of ASI. The appellant since his appointment has performed his duty with devotion and honesty whatsoever assigned to him and no complaint has been filed against him regarding his performance.

2. That the appellant was posted as Incharge Police Post Science College Police Station Yakathoot. The appellant along with other constable Mohabat Khan was on routine gashl on ring road on 28.1.2023 he stopped Suzuki Pick Up and put down two suspected persons from the Suzuki Pick Up and on search narcotics were recovered from them and they disclosed their name as Gul Nazar and Mustaqim. The appellant informed his SHO of concerned Police Station Yakathoot about the matter on which the SHO directed the appellant to trace the main dealer with the help of that arrested persons.

3. That on the direction of SHO, the appellant asked from the accused about the dealer who provide them narcotics for distribution on which Gul Nazar told the appellant that a person namely Gul g is the dealer who provide them narcotics for distribution on which constable Mohabat took mobile from Gul Nazar and contacted Gul g through his mobile in order to persuade Gul g to come to the spot so that they trap him and arrest him as per direction of his SHO and told Gul g about the arrest of Gul Nazar and Mustaqim on which he wanted some bargain for release of accused, however, the appellant told Mohabat to insist Gul g to come to ring road so that they also arrest him, however, Gul g told Mohabat that he is not present and his partner will come to the spot near at KDF Restaurant on ring road and the appellant also contacted with his informer (Younas) to come to the spot near KDF

Restaurant on ring road to help them to trap and arrest of partner of Gul g on which the informer (Younas) came to the spot and as per direction of the appellat informer (Younas) was waiting for the partner of Gul g at the spot near KDF Restaurant on ring road and the appellat along with constable Mohabat were waiting on the other side of the road and in meanwhile the police team comprised of SDPO Pishtakhara and SHO Sarband along with other Police Officials came to the spot and arrest informer Younas on which the appellat came near to the police team and told them that the person you arrested is his informer and told them that he has contacted with his SHO about the arrest of accused Gul Nazar and Mustaqim and on his direction to trap the real dealer of narcotics he has done the whole process and told them the whole story and that moment the appellat also contacted with his SHO of concerned Police Station Yakathoot and told him about the occurrence on which the SHO told the appellat that he is present with the DSP Subrab and tell him on which DSP Subrab also contacted SDPO Pishtakhara through his mobile phone and told him about the realty of the issue.

- 1. That SP City Division CCP, Peshawar submitted report on 29.12.2023 to the SSP Operation, Peshawar about the incident and recommended for proper departmental proceeding against the appellat, but without conducting any inquiry against the appellat, he was dismissed from service on the same day of submission of report i.e 29.12.2023 vide order dated 29.12.2023. (Copy of order dated 29.12.2023 is attached as Annexure-A)
- 5. That the appellat now wants to file departmental appeal to your Honor against the order dated 29.12.2023 on the following grounds.

GROUND:

- A) That order dated 29.12.2023 is against the law, rules, facts, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That inquiry was not conducted against the appellat to dig out the realty about the allegation/incident before passing the dismissal order dated 29.12.2023, which is violation of law and rules and as such the order 29.12.2023 is liable to be set aside.

1) That SP City Division CCP, Peshawar submitted report on 29.12.2023 to the SSP Operation Peshawar about the incident and recommended for proper departmental proceeding against the appellant, but despite of recommendation of SP City for proper departmental proceeding, no inquiry was conducted against the appellant to dig out the reality about the allegation/incident and dismissed the appellant from his service on the same day of submission of report i.e 29.12.2023 vide order dated 29.12.2023, which means that the appellant has not been treated in accordance with law and rules and has been punished in slip shod manner without conducting proper inquiry about the allegations, which is not permissible under the law and as such the order dated 29.12.2023 is liable to be set aside.

1) That when the appellant has arrested two persons due to recovery of narcotics from them then he has properly informed his SHO of the concerned Police station Yakathoot about the matter on which the SHO directed the appellant to trace the main dealer with the help of that arrested person and on the direction of SHO, the appellant asked from the accused about the dealer who provide them narcotics for distribution on which Gul Nazar told the appellant that a person namely Gul g is the dealer who provide them narcotics for distribution on which constable Mohabat took mobile from Gul Nazar and contacted Gul g through his mobile in order to persuaded Gul g to come to the spot so that they trap him and arrest him as per direction of his SHO and told Gul g about the arrest of Gul Nazar and Mustaqim on which he wanted some bargain for release of accused, however, the appellant told Mohabat to insist Gul g to come to on ring road so that they also arrest him, however, Gul g told Mohabat that he is not present and his partner will come to the spot near at KDF Restaurant on ring road and the appellant also contacted with his informer (Younas) to come to the spot near KDF Restaurant on ring road to help them to trap and arrest of partner of Gul g on which the informer (Younas) came to the spot and as per direction of the appellant informer (younas) was waiting for the partner of Gul g at the spot near KDF Restaurant on ring road and the appellant along with constable Mohabat were waiting on the other side of the road and in meanwhile the police team comprised of SDPO Pishtakhara and SHO Sarband along with other Police Officials came to the spot and arrest informer Younas on which the appellant came near to the police team and told them that the person you arrested is his informer and told them that he has contacted with his SHO about the arrest of accused Gul Nazar and Mustaqim and on his direction to trap the real dealer of

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...notic... he has done the whole process and told them the whole
...y, which means that the appellant did not commit any misconduct
...all ... done on the direction of his SHO to trap the dealer of the
...notic... but despite that high ups of the appellant connected the
...e wi... appellant on presumption basis without conducting regular
...pro... inquiry to dig out the reality about the issue which is
...ainst... norms of justice and fair play.

1. That in the dismissal order, it is mention that the appellant has not
informed his any senior officer, but the appellant has properly
informed his SHO of Police Station Yakathoot about the matter and
most of the Nazar Gul and Mustaqim and even when the police team
arrived to the spot and arrested informer Younas, at that moment the
appellant also contacted with his SHO of concerned Police Station
Yakathoot and told him about the occurrence on which the SHO told
the appellant that he is present with the DSP Subrab and tell him on
which DSP Subrab also contacted SDPO Pishtakhara through his
mobile phone and told him about the reality of the issue, which means
that the appellant did not commit any misconduct and has been
punished with no fault on his part.

2. That the appellant told the police team on the spot as well as during
personal hearing that he has timely informed his SHO about the
matter and on the direction of the SHO he has done all the process in
order to trap and arrest the main dealer of narcotics, but even the
incident of SHO of Police Station Yakathoot was not recorded to dig
out the reality about the matter and dismissed the appellant in slip shod
manner, which is not permissible under the law and rules

3. That no charge sheet was issued to the appellant in order to defend
himself, which is violation of law and rules.

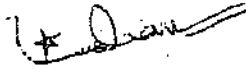
4. That even the show cause notice was not issued to the appellant before
passing the dismissal order dated 29.12.2023, which is against the
norms of justice and fair play.

5. That the opportunity of defense was not provided to the appellant,
which is against the spirit of Article 10-A of the Constitution.

6. That the appellant has not been treated in accordance with law and
rules and has been condemned unheard throughout.

(17)

It is, therefore most humbly requested that on acceptance of this departmental appeal, the order dated 29.12.2023 may kindly be set aside and the appellant may be reinstated into service with all back and consequential benefits.



APPELLANT

Dated: 30.01.2024

Zeeshan Khan, Ex-ASI No.5775,
I/C PP Science College PS AMIS



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

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

ORDER.

This order will dispose of the departmental appeal preferred by Ex-ASI Zeeshan Khattak No. 5775, who was awarded the major punishment of "dismissal from service" under KP PR-1975 (amended 2014) by SSP/Operations, Peshawar vide order No. 2194-99/PA, dated 29.12.2023.

2- Brief facts leading to the instant appeal are that the defaulter ASI while posted as I/C PP Science College, PS AMJ-Shah Peshawar was held responsible that as per recommendation of SP/City, Peshawar vide his office memo No. 2791/R, dated 29.12.2023, that an audio message between the 02 parties regarding bargaining for release of 02 accuseds of narcotics were widely viral on social media which were tasked to the Enquiry Officer for proper enquiry by the high-ups. To trace the involved individuals, a special team comprising of SDPO Pishtakhara and SHO Sarband was constituted who contacted the dealing hands and fixed 02 lacs in lieu of release of arrested accused. The dealer fixed the venue for receiving the said amount at about 17:30 hrs dated 28.12.2023, the team arranged the money and reached to the venue where the team succeeded to apprehend the dealer red handed. After interviewing, the dealer disclosed his name Younas s/o Sifat Shah r/o Superior Science College PS AMJ-Shah and disposed that he made bargaining on the direction of ASI Zeeshan I/C PP Science College and his gunner Constable Mohabat in connection with the release of arrested accuseds i.e. Gul Nazar and Mustaqeem resident of Tirah. On account of this, he was awarded the major punishment of dismissal from service.

3- He was heard in person in Orderly Room. During personal hearing, he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Therefore, his appeal for setting aside the punishment awarded to him by SSP/Operations, Peshawar vide order No. 2194-99/PA, dated 29.12.2023 is hereby rejected/filed.

"Order is announced"

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 1194-1202 /PA,

dated Peshawar the

20 03/2024

Copies for information and necessary action to the:-

1. SSP/Operations Peshawar.
2. SP/HQrs: Peshawar
3. AD/IT CCP Peshawar.
4. PO, EC-II, AS, CRC, OASI & FMC alongwith complete Fuji Misal.
5. Official concerned.

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**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.**

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule 1975 (amended 2014) submitted by Ex-IIC Zeeshan Khan No. 5775. SSP/Operations awarded the petitioner major punishment of dismissal from service vide Order (Insd: No. 2194-99/PA, dated 29.12.2023) on the allegations that he while posted as I/C PP Science College, PS AMI-Shah Peshawar was held responsible that as per recommendation of SP/CCy, Peshawar vide his office memo No. 2791/R, dated 29.12.2023, that an audio message between 02 parties regarding bargaining for release of 02 accused of narcotics were widely viral on social media which were tasked to the I/C for proper enquiry by high-ups. To trace the involved individuals, a special team comprising of SDO Peshawar and SHO Sarisind was constituted who contacted the dealing hands and fixed 02 days in lieu of release of arrested accused. The dealer fixed the venue for receiving the money and reached to the venue where the team succeeded to apprehend the dealer red handed. After interviewing, the dealer disclosed his name Yunis s/o Sifat Shah r/o Superior Science College PS AMI-Shah and disposed that he made bargaining on the direction of ASI Zeeshan I/C PP Science College and his gunner Constable Mohabat in connection with the release of arrested accused i.e. GulNazar and Mustaqem resident of Tirah.

The Appellate Authority i.e. CCPO/Peshawar heard the appellant in OR & rejected his appeal vide order (Insd: No. 1194-1202/PA, dated 20.03.2024).

Meeting of Appellate Board was held on 16.05.2024 wherein petitioner was heard in person. The petitioner contended that he was actually arresting the main dealer on the directions of SHO.

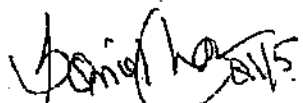
The petitioner was heard in person. He has more than 11 years of service to his credit. The Board by taking lenient view decided that his revision petition is hereby accepted by modifying the major punishment of dismissal from service into minor punishment of stoppage of one (01) increment with cumulative effect. He is reinstated into service with immediate effect. The intervening period may be treated as leave without pay.

Sd/-
AWAL KHAN, PSP
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 300-1305/24, dated Peshawar, the 21-05-2024.

Copy of the above is forwarded to the:

1. Capital City Police Officer Peshawar, One Service Roll, One Fauji Missal and Enquiry File (01) of the above named IIC received vide your office memo: No. 7354/CRC, dated 25.04.2024 is returned herewith for your office record.
2. SSP Operations, Peshawar.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.


(SONIA SHAMROZE KHAN)
PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

H (22)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. 591/2024

Zeeshan Khan

V/S

Police Department

APPLICATION FOR PERMISSION TO SEEK AMENDMENT IN
THE INSTANT APPEAL DUE TO PASSING THE ORDER DATED
21.05.2024

RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal in this Honorable Tribunal against the order dated 29.12.2023, whereby the appellant was dismissed from service and against the order dated 20.03.2024 whereby the departmental appeal of the appellant was also rejected along with the prayer to reinstate him with all back benefits.
2. That the appellant also filed revision before the Provincial Police Officer which was decided on 21.05.2024, wherein the revision of the appellant was partially accepted and his major punishment of dismissal from service was modified into minor punishment of stoppage of one (01) with cumulative effect and was reinstated into service with immediate effect and his intervening period was treated as leave without pay. (Copy of order dated 21.05.2024 is attached as Annexure-A).
3. That the appellant has filed the instant appeal with the prayer to reinstate him with all back and consequential benefits, but he was reinstated into service by modifying his major punishment of dismissal from service into minor punishment of stoppage of one annual increment with cumulative effect and his intervening period was treated as leave without pay in the order dated 21.05.2024. Therefore, the appellant wants to amend the instant appeal by impugning the order 21.05.2024 in this Honorable Tribunal.

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It is therefore, most humbly prayed that on the acceptance of this application, the appellant may kindly be allowed to the extent that the instant appeal by impugning the order dated 21.05.2023.

APPELLANT

THROUGH:



TAIMUR ALI KHAN
ADVOCATE

AFFIDAVIT

it is solemnly affirm that the contents of this application is true and correct and nothing has been concealed from this Honorable Tribunal.



DEPONENT

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 591 /2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 12215

Dated 16-04-2024

Zceshan Khan Ex-ASI No.5775,
I/C PP Science College PS AMIS, Peshawar.

(APPELLANT)

VERSUS

1. The Capital City Police Officer, Peshawar.
2. The Senior Superintendent of Police, (Operations) Peshawar.

(RESPONDENTS)

Filed to-day

Registrar

16/4/24

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORDER DATED 29.12.2023, WHEREBY MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WAS IMPOSED UPON THE APPELLANT AND AGAINST THE ORDER DATED 20.03.2024, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED FOR NO GOOD GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 29.12.2023 AND 20.03.2024 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED INTO HIS SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS HONORABLE TRIBUNAL DEEMS FIT AND APPROPRIATE THAT, MAY ALSO, BE AWARDED IN FAVOUR OF APPELLANT.

Presented to-day
and filed.

Registrar

23/4/24

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

VAKALAT NAMA

NO. _____/2024

IN THE COURT OF

Khyber Pakhtunkhwa

Service Tribunal
Peshawar

Zeeshaan Khan

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Dept

(Respondent)
(Defendant)

I/We, Zeeshaan Khan

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT AND SHAKIR ULLAH TORANI ADVOCATE**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2024

Zeeshaan Khan

(CLIENT)

ACCEPTED

TAIMUR ALI KHAN
Advocate High Court

BC-10-4240
CNIC: 17101-7395544-5
Cell No. 03339390916

SHAKIR ULLAH TORANI
Advocate Peshawar
BC-22-4994
03409146056