


## FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No.** 1467/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	16/09/2024	<p>The appeal of Mr. Khalid Khan presented today by Mr. Kabir Ullah Khattak Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 26.09.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 1468/2024

Khalid Kha Ex- ASHO

**VERSUS**

1. The Provisional Police Officer, Government of Khyber  
Pakhtunkhwa Peshawar & others

**INDEX**

S#	Description of Documents	Annexure	Pages
1.	Grounds of Petition.		1-7
2.	Affidavit.		8
3.	Addresses of parties		9
4.	Copy of charge sheet & statement of allegation	"A"	10-13
5.	Copy of reply of charge sheet	"B"	14
6.	Copy of final show cause notice	"C"	15
7.	Copy of reply of final show cause notice	"D"	16
8.	Copy of impugned dismissal order	"E"	17
9.	Copies of departmental appeal dated 12.03.2024 and rejection order dated 16.08.2024	"F & G"	18-19
10.	Copy of Revision petition	"H"	20-21
11.	Wakalatnama		22

Through

Dated: 16/09/2024

*Khalid*  
APPELLANT

*Kabir Ullah Khattak*  
Kabir Ullah Khattak  
Advocate, High Court  
Peshawar.

①

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. 1468/2024

Khalid Khan Ex-Addl: SHO No.1703 R/o Jamrud  
District Police Khyber.

Appellant

*VERSUS*

1. The Provisional Police Officer, Government of Khyber  
Pakhtunkhwa Peshawar.
2. Capital City Police Officer Peshawar.
3. District Police Officer Khyber.

Respondents

**APPEAL U/S-4 OF THE KHYBER**  
**PAKHTUNKHWA SERVICES TRIBUNAL ACT**  
**1974 AGAINST THE ORDER DATED**  
**29/02/2014 PASSED BY THE DISTRICT**  
**POLICE OFFICER KHYBER (RESPONDENT**  
**NO.3) WHEREBY THE APPELLANT WAS**  
**IMPOSED MAJOR PENALTY OF DISMISSAL**  
**FROM SERVICE AGAINST WHICH THE**  
**APPELLANT FILED DEPARTMENTAL**  
**APPEAL ON 12.03.2024 WHICH WAS**  
**REJECTED ON 16.08.2024, ON NO GOOD**  
**GROUND WHEREBY APPELLANT FILE**  
**REVISION PETITION UNDER RULE-11A TO**  
**RESPONDENT NO.1 WHICH WAS STILL**  
**PENDING WITHOUT ANY RESPONSE.**

2

Prayer:-

ON ACCEPTANCE OF THIS APPEAL THE  
IMPUGNED ORDERS DATED 29/02/2024 &  
16/08/2024 PASSED BY THE RESPONDENTS  
MAY VERY GRACIOUSLY BE SET ASIDE  
AND THE APPELLANT MAY KINDLY BE  
REINSTATED IN SERVICE WITH FULL  
BACK WAGES AND 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,

1. That the petitioner was enlisted as Sepoy in Khyber Khassadar Force (Now merged in Khyber Pakhtunkhwa Police), in the year 2009 and since then till issuance of impugned order dated 29.02.2024, performed his official duties with zeal/devotion and utmost satisfaction of the superiors.
2. That the petitioner while posted as Addl: SHO at Police Station Jamrud District Khyber was served with charge sheet No.6627/PA by respondent No.2 Dated 04.09.2023 and leveled

the following allegations, It is reported that you charged Nazir S/o Gohar Aman resident of Dalazak Road Corporation Colony Peshawar in the case FIR No. 220 dated 25.08.2023 US: 9D CNSA of police Station Jamrud, while the real accused namely Muhammad Israr S/o Muhammad Ibrahim R/o Koki Khel, Ibrahim Khel Jamrud was released after bargaining with him, it is also revealed that you are involved narcotics activities including contacts with drug peddlers in the area by the above mentioned reason you are appeared to be guilty of mis-conduct as per police rule 1975 and that you have render yourself liable to all or any of the penalties specified in police rule 1975. (Copy of charge sheet & statement of allegation are attached as annexure "A").

3. That in the response of charge sheet the appellant comprehensive reply of charge sheet and denied all the allegation leveled against him. It is pertinent to mentioned here that at the time of Nakabandi the appellant along with other constables namely Hashim, Zinat Shah was present and the accused was arrested on the spot and huge quantity of narcotic's 10 Kg of heroin was recovered from motor car driving by accused Nazir Khan and FIR was registered

against accused namely Nazir Khan, it is further pertinent to mentioned here that Moharrar Akhtar Hussain recorded video of the whole episode which is clearly shows that accused was present on driving seat of the motor car and also recovered 10 Kg heroin was recovered from the diggy of the said motor car. That the said video record / USB will be produced at the time of arguments. (Copy of reply of charge sheet is attached as annexure "B").

4. That the respondent department also issued a final show cause notice on 24.11.2023 against the appellant. (Copy of final show cause notice is attached as annexure "C").
5. That in response of final show cause notice a comprehensive reply was submitted by the appellant to respondent department and denied all the allegation leveled against him. (Copy of reply of final show cause notice is attached as annexure "D").
6. That the respondent department issued impugned dismissal order against the appellant on 29.02.2024, whereby the appellant was dismissed from service on the ground of alleged

allegations mentioned in the impugned order. (Copy of impugned dismissal order is attached as annexure "E").

7. That the appellant submitted Departmental appeal on 12.03.2024 against the impugned dismissal order dated 29.02.2024 which was rejected on 16.08.2024 by the respondent No.2 on no good grounds. (Copies of departmental appeal dated 12.03.2024 and rejection order dated 16.08.2024 are attached as annexure "F & G").
8. That feeling aggrieved by the Appellate order of respondent No.2 dated 16.08.2024 the appellant filed revision petition under rule 11-A of police rule 1975 against the order dated 16.08.2024 on 19.08.2024 which was still pending without any response. (Copy of Revision petition is attached as annexure "H").
9. That feeling aggrieved the Appellant prefers the instant service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

**GROUND:-**

- A. That the impugned orders dated 29.02.2024 and 16.08.2024 are passed against the law, facts,

(6)

norms of justice, hence may be liable for setting aside.

B. That no departmental and regular inquiry was conducted by the Respondent department and no chance of personal hearing was provided to the appellant in this respect the appellant relied upon the judgment dated 2008 SCMR Page:1369.

C. That there is no proof or evidence regarding the alleged allegations leveled against the appellant with respondent department.

D. That there was no complaint made against the appellant.

E. That no opportunity of cross examination was provided to the appellant and no iota of evidence is available against the appellant regarding alleged involvement of the appellant.

F. It is a well settled maxim no one can be condemned unheard because it is against the natural justice of law in this respect the appellant relied upon a judgment reported on 2008 SCMR page:678.



(7)

G. That any other ground not raised here may graciously be allowed to be raised at the time of arguments on the instant service appeal.

*It is therefore, most humbly prayed that on acceptance of this appeal the impugned orders dated 29/02/2024 & 16/08/2024 passed by the respondents may very graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.*

*Any other relief not specifically asked for may also graciously be extended in favour of the Appellant in the circumstances of the case.*

*Khabir*  
APPELLANT

Through

*[Signature]*  
Kabir Ullah Khattak  
& *[Signature]*  
Roeda Khan  
Advocate, High Court  
Peshawar.

Dated: 16-09-2024

NOTE:-

As per information furnished by my client, no such like appeal for the same petitioner, upon the same subject matter has earlier been filed, prior to the instant one, before this Hon'ble Tribunal.

*[Signature]*  
Advocate.

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2024

Khalid Kha Ex- ASHO

***VERSUS***


The Provisional Police Officer, Government of Khyber  
Pakhtunkhwa Peshawar & others

**AFFIDAVIT**

I, Khalid Khan Ex-Addl: SHO No.1703 R/o Jamrud  
District Police Khyber, do hereby solemnly affirm and  
declare that all the contents of the instant appeal are true  
and correct to the best of my knowledge and belief and  
nothing has been concealed or withheld from this Hon'ble  
Court.

  
DEPONENT

*Identified by:*

  
Roeeeda Khan  
Advocate High Court  
Peshawar.

Dated:16.09.2024

9

**BEFORE THE HON'BLE SERVICE TRIBUNAL**  
**PESHAWAR**

In Re S.A No. \_\_\_\_\_/2024

Khalid Kha Ex- ASHO

***VERSUS***

The Provisional Police Officer, Government of Khyber  
Pakhtunkhwa Peshawar & others

**ADDRESSES OF PARTIES**

***PETITIONER.***


Khalid Khan Ex-Addl: SHO No.1703 R/o Jamrud  
District Police Khyber.

**ADDRESSES OF RESPONDENTS**

1. The Provisional Police Officer, Government of Khyber  
Pakhtunkhwa Peshawar.
2. Capital City Police Officer Peshawar.
3. District Police Officer Khyber.

  
APPELLANT

Through

  
Roeda Khan  
Advocate, High Court  
Peshawar.

Dated: 16/09/2024

Amman (A) P. (10)

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KHYBER  
Tel: 091-5863033



10. 6627/PA-DRQ Khyber

Date: 4/10/2023

CHARGE SHEET UNDER SECTION 60(a) OF POLICE RULES 1975

1. I, Capt. & Saleem Abbas Kulachi (PSP), District Police Officer, Khyber, as a competent authority, hereby charge FC Khalid Khan No. 1763 of District Police Khyber as per the following allegations:

*With reference to Case FIR No. 220, dated 23-08-2023 at 9D-CNSA of Police Station Jamrud, it is reported that you charged Razeer s/o Gahar Ammi s/o Inqilab Zak read, Corporation Colony, Peshawar in the case while the real accused namely Muhammad Faraz s/o Muhammad Ibrahim r/o Kaki Ekiel, Ibrahim, Khel, Jamrud was released after bargaining, with him. It is also revealed that you are involved in Narcotics activities including contacts with drug peddlers in the area.*

2. By the above-mentioned reasons, you appear to be guilty of misconduct as per Police Rules, 1975 and that you have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

3. Therefore, you are directed to submit your written defense within 07 days of the receipt of this Charge Sheet to the Inquiry Officer, as the case may be.

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 that case, *ex-parte* action shall follow against you.

5. State, whether you desire to be heard in person or not.

CAPT. & SALEEM ABBAS KULACHI (PSP)  
DISTRICT POLICE OFFICER,  
KHYBER

GS CamScanner

Copies to: [illegible]  
[illegible]  
[illegible]

SAJID ALI KHAN (PSI)  
DISTRICT POLICE OFFICER,  
KHYBER



3. Therefore, you are directed to submit your written defense within 07 days of the receipt of this Charge Sheet to the inquiry officer, as the case may be.  
4. Your written defense, if any, should reach the inquiry officer within the specified period, in which it shall be presumed that you have no defense to put in and, in that case, appropriate action shall follow against you.  
5. State, whether you desire to be heard in person or not.

2. By the above-mentioned reasons, you appear to be guilty of misconduct as per Police Rules, 1975 and that you have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

1. Capt. Sajid Ali Khan (PSI), District Police Officer, Khyber, as a competent authority, hereby charges PC Khalid Khan No. 1703 of District Police Khyber as per the following allegations:  
"With reference to case FIR No. 220, dated 23.08.2025 at 910-CNSA of Police Station Jinnah, it is reported that you charged Muzer Ali (Khatir Jinnah) & Jaha Zak (Khatir Jinnah) & Jaha Zak (Khatir Jinnah) in the case while the real accused namely Muhammad Faraz & Muhammad Ibrahim & Khatir Jinnah, Khatir Jinnah was released after bargaining, with him, it is also reported that you are involved in various activities including contacts with drug peddlers in the area."

CHARGE SHEET UNDER SECTION 60(A) OF POLICE RULES 1975

13/08/2025

1672/VA-DPO Khyber

TEL: 091-5862033

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KHYBER



11

BETTER COPY

*better copy*

(12)

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KHYBER  
Tel: 091-5862033

No. 6627/PA/DPO Khyber

Dated 4/09/2023

CHARGE SHEET UNDER SECTION 6 (i) (a) OF POLICE RULES 1975

1. I, Capt Saleem Abbass Kulachi (PSP) District Police Officer, Khyber as a competent authority, hereby charge FC Khalid Khan No 1763 of district Police Khyber as per the following allegations:

“With reference to case FIR No. 220, dated 23.08.2023 U/S 9-D CNSA, Police Station Jamrud it is reported that you Charged Nazeer S/o Gohar Aman on Dalazak Road Corporation Colony Peshawar in the case while the real accused namely Muhammad Israr S/o Muhammad Ibrahim r/o kuki Khel Ibrahim, Khel jamrud was released after bargaining, with him. It is also revealed that you are involved in Narcotic activities including contacts with drug peddlers in the area.

2. By the above-mentioned reasons, you appear to be guilty of misconduct as per police Rules, 1975, and that you have rendered yourself liable in all or any of the penalties specified in Police Rules, 1974.

3. Therefore, you also directed to submit written defense within 7 days of receipt of this Charge Sheet to the enquiry Officer, as may be.

4. your written defense, if any should reach the enquiry officer within the specified period, fining which it shall be presumed that you have no defense in put in and, in this case, ex-parte action shall follow against you.

5. State, whether desire to be heard in person or not.

SALEEM ABBASS KULACHI (PSP)  
DISTRICT POLICE OFFICER  
KHYBER

Better Copy

OFFICE OF THE  
DISTRICT POLICE OFFICER  
KHYBER  
Tel: 091-5862033

13

No. 6629/PA/DPO Khyber

Dated 4/09/2023

**DISCIPLINARY ACTION UNDER SECTION 5 (3) OF POLICE RULES  
1975**

I, Capt Saleem Abbass Kulachi (PSP) District Police Officer, Khyber as a competent authority, believe that FC Khalid No 1703 of District Police Khyber has rendered himself liable to be proceeded against as he committed the mentioned below allegations within the meaning of Police Rules 1975, (With amendment 2014).

**STATEMENT OF ALLEGATIONS UNDER SECTION 6 (i) (a) OF POLICE  
RULES 1975**

With Reference to Case FIR No. 220, dated 25/08/2023 u/s 9-D CNSA, of Police Station Jamrud, it is reported that FC Khalid Khan No 1703, while acting as Addl SHO Jamrud charged Nazeer s/o Gohar Aman R/o Dalazak Road Corporation Colony Peshawar in the said case while the real accused namely Muhammad Ibrahim r/o Kuki Khel Jamrud was bargaining, with him. It is also that he is involved contacts with drug peddlers in the area. These acts come under the meaning of misconduct as per section and render him liable him liable for punishment in under section 3 (b) of Khyber Pakhtunkhwa Police Rules amendments 2014 respectively.

To probe into above mentioned allegation against the said accused SP Jan Khyber is hereby nominated as the inquiry officer U/S 5 (a) of the Khyber Pakhtunkhwa Police Rules 1975 (with amendments) 2014.

The enquiry officer shall in accordance with the provision of Police Rules 1975 provide reasonable opportunity of hearing to the delinquent official, records the finding and make immediate recommendation whether to punish are to take other appropriate action against the delinquent official.

FC Khalid Khan No 1703 of district Police Khyber is directed to appear before the enquiry officer on the date, time and place fixed by the inquiry officer.

SALEEM ABBASS KULACHI (PSP)  
DISTRICT POLICE OFFICER  
KHYBER

Amara

(B)  
(14)

بیان خالد خان ASHO تھانہ جرود حال پولیس لائن شاہ کس ضلع خیبر

جناب عالی: بحوالہ چارج ٹیوت نمبری 7105 مورخہ 27-09-2023 بجاریہ جناب ڈسٹرکٹ پولیس آفیسر ضلع خیبر کے سلسلے میں معروض خدمت ہوں کہ:

سائل تھانہ جرود میں بحیثیت ASHO تعینات تھا۔ اللہ تعالیٰ کے فضل کرم سے سرکاری ڈیوٹی احسن طریقے سے سرانجام دی ہے۔ بحوالہ چارج شیٹ متذکرہ بالا معروض خدمت ہوں کہ:-

1- یہ کہ دہشت گرد ایوب عرف ایوب عرف عمر خالد ولد نامعلوم سکنہ شاہ کس نے کسی حاجی رحمان کو بھتہ دینے کی عرض سے موبائل فون پر دھمکی آمیز فون کیا۔

2- یہ کہ دہشت گرد ایوب عرف ایوب عرف عمر خالد ولد نامعلوم سکنہ شاہ کس اور کسی حاجی رحمان جو ایک ہی گاؤں کے رہائشی باشندہ گاؤں وہ قریبی پڑوسی ہیں۔

3- یہ کہ ہر دونوں کسان یعنی دہشت گرد ایوب عرف ایوب عرف عمر خالد ولد نامعلوم اور کسی حاجی رحمان ایک دوسرے کا قریب سے جانتے ہیں۔

4- کسی حاجی گل رحمان ولد خانہ گل سکنہ کو کی خیل کھٹیا خیل جبہ جرود نے تھانہ جرود میں بحوالہ مد 08 روزنامہ 05-10-2023 نامعلوم ملزمان نامعلوم کے خلاف رپورٹ درج کی ہے۔


5- یہ کہ سائل خود بھی ان ہی ملک دشمن عناصر / دہشت گردوں کے ٹارگٹ پر ہے سائل کو کئی بار بھتہ دینے کے بابت دھمکی آمیز فون میسجز ہوئے ہیں۔ بھتہ نہ دینے کی صورت میں جان سے مارنے کی دھمکیاں دیتے ہیں۔ اس بابت سائل نے تھانہ جرود میں بحوالہ مد 12 روزنامہ 18-09-2022 اور بحوالہ مد 18 روزنامہ 15-11-2022 نامعلوم ملزم / ملزمان کے خلاف رپورٹس بھی درج روزنامہ کی کیے ہے۔

6- اس سلسلے میں سابقہ DPO جناب عمران خان صاحب نے سائل کو بحوالہ چھٹی انگریزی نمبر Reader / 12 مورخہ 21-01-2023 بھی جاری کیا تھا (ہر اذلف ہے)۔

7- یہاں یہ امر قابل ذکر ہے کہ اگر سائل کسی کے واسطے ڈیلن / لین دین کر سکتا ہے تو کم از کم سائل خود بھی ان کسان سے اپنے آپ کو بچاتا۔ لیکن یہ امر مجبوری سائل تاحال پریشانی میں مبتلا ہے اور سماجی دشمن عناصر سائل کو ذہنی تارچر کے واسطے بار بار ٹیلی فون کرتے ہے۔

اللہ تعالیٰ کو حاضر و ناظر جان کر حلفاً بیان کرتا ہوں کہ مجھ پر لگے الزامات بالکل من گھڑت، بے بنیاد ہے اور منہجی بھر صداقت نہیں ہے۔ جس کی میں ہر قسم تسلی دینے کا تیار ہوں۔

استدعا ہے کہ انکو آری کو مزید کسی قسم کی کارروائی کے بغیر داخل دفتر کرنے کا حکم صادر فرما کر مشکور فرمائیں۔ سائل تاحیات دعا گو رہے گا۔

  
خالد خان ASHO تھانہ جرود حال پولیس لائن شاہ کس

مورخہ 09-10-2023

۱۴



Amendment (15)



OFFICE OF THE  
DISTRICT POLICE OFFICER  
KHYBER



No. 8525 / PA-DPO Khyber

Dated 24/11/2023

FINAL SHOW CAUSE NOTICE

Whereas you FC Khalid Khan No. 1703 of District Police Khyber are hereby served with Final Show Cause notice under the provision of Police Rules 1975 (with Amendment 2014)

"That Inquiry Officer in his findings vide No. 984/PA, dated 22/11/2023 find you guilty of the charges leveled against you as in Charge Sheet No. 6627/PA-DPO Khyber dated 04/09/2023. Further, it is also found that another departmental inquiry is initiated against you due to your alleged involvement in contacts with militant elements and playing role of mediators in extortion case"

Therefore, I, Capt. Saleem Abbas Kulachi (PSP), District Police Officer-Khyber, being the competent authority, is satisfied that you deserve the penalty imposed upon you by the inquiry officer. I, thus, hereby call upon you to respond to this Notice within 07 days of the receipt, and to state, why you should not be awarded with Major/Minor Punishment as per the Police (E&D) Rules 1975 (With Amendments - 2014)

If you failed to submit any reply, *ex-parte* action shall be taken against you.

Capt. SALEEM ABBAS KULACHI (PSP)  
DISTRICT POLICE OFFICER,  
KHYBER

Copies to:

1. OASI Branch, Khyber
2. HRMIS District Police Khyber
3. Service Record Branch, Khyber
4. Concerned Official/s





OFFICE OF THE  
DISTRICT POLICE OFFICER  
KHYBER

Tel: 091-5862033 Fax: 091-5864478  
Email: dpokhyber1@gmail.com



Amendment (E)  
P. (17)

No. 957 /PA-DPO Khyber

Dated: 29/02/2024

**DISMISSAL ORDER**

FC Khalid Khan No. 1703 of District Police Khyber, while he was posted as Addl: SHO Jamrud, was issued with Charge Sheet No. 6527/PA-DPO Khyber dated 04/09/2023 due to his alleged involvement in concealment of drugs and charging another individual instead of the real culprit. That, he charged Nazeer Khan s/o Gohar Amin r/o Dalazak Road, Corporation Colony Peshawar in the case FIR No. 220, dated 25/08/2023 u/s 9D-CNSA instead of Muhammad Israr s/o Muhammad Ibrahim Kuki Khel, who was the real accused and was released without any legal or criminal proceedings. Further, he also concealed the seized drugs.

Thus, a departmental inquiry was initiated against him. During the inquiry proceedings he was given the chance to produce written documentary proof in his defense and appear before the Inquiry Officer. He availed both but failed to submit anything in his defense. It was further revealed that the plan was hatched and executed by him along with SI Shamshad (then SHO Jamrud), HC Akhtar Hussain (then Moharrir PS Jamrud), FC Aziz Khan (then posted at PS Jamrud) and LHC Abdul Hannan (then posted at PS Jamrud). During the inquiry proceedings another chargesheet vide 4050/PA-DPO Khyber dated 25/09/2023 was issued against the delinquent official. A letter no. 16805-06/Inv/CTD-HQ, dated 18/09/2023 was received from the office of Addl: IG CTD Khyber Pakhtunkhwa, Peshawar in which it was reported that during the interrogation of a militant, it was revealed that Khalid Khan has worked as mediator between the extortionist namely TTP Commander Ayub @ Umar Khalid s/o Mayoob r/o Shah Kas, Khyber and the victim namely Haji Rehman r/o Shah Kas. The delinquent official received extortion on the behalf of the TTP Commander. Inquiry officer in his final recommendations found him guilty. Thus, FC Khalid Khan No. 1703 of District Police Khyber was found guilty in both departmental inquiries, and major punishment is recommended in both cases.

The undersigned, as per the recommendation of the inquiry officer, being the competent authority is satisfied about his involvement in criminal and militant abetment and in order to maintain discipline in the force hereby awards the delinquent official with Major Punishment of Dismissal from Service as per Section 4-b(iv) of Police (E&D) Rules 1975 (With Amendments -- 2014).

Capt. © SALEEM ABBAS KULACHI (PSP)  
DISTRICT POLICE OFFICER,  
KHYBER

OB No. 303 /dated 29/02/2024  
No. 958-61 /PA - DPO Khyber  
Copies to:

1. DSP HQrs, Khyber
2. OHC, DPO Khyber for Record
3. Accountant, DPO Khyber for Stoppage of Pay
4. Service Record Branch/ HRMIS for Service Record, Good/Bad Entries

Copies:

- 1.
- 2.

ers. Khyber Pakhtunkhwa  
Pakhtunkhwa

**BEFORE THE WORTHY CHIEF CAPITAL POLICE OFFICER CAPITAL CITY, PESHAWAR**

**Subject: DEPARTMENTAL APPEAL/REPRESENTATION AGAINST ORDER DATED: 29.02.2024 OF DISTRICT POLICE OFFICER KHYBER, VIDE WHICH APPELLANT WAS DISMISSED FROM SERVICE.**

**Prayer: On acceptance of instant appeal, impugned order dated: 29.02.2024 of District Police Officer, Khyber may be set aside and appellant may be re-instated in service with all consequential benefits.**

14-3-24

Respected Sir,

- That appellant was enlisted as Sepoy in Khyber Khassadar Force (Now merged in Khyber Pakhtunkhwa Police), in the year 2009 and since then till issuance of impugned order dated: 29.02.2024, performed duties with zeal/devotion and utmost satisfaction of the superiors, evident from absorption of his services in the Khyber Pakhtunkhwa Police Department, vide Notification dated: 13.02.2020 (Serial No.1365), needless to add that all those employees, having spotless career and outstanding performance, were merged in Khyber Pakhtunkhwa Police Department.
- That appellant, while posted at Police Station Jamrud, was served with charge sheet No.6627/PA-DPO Khyber, dated: 04.09.2023 and levelled the following allegations:  
 "With reference to FIR No.220 dated: 25.08.2023 U/S 9-D CNSA of Police Station Jamrud, it is reported that you charge Nazir S/O Gohar Aman R/O Dalazak Road Corporation Colony Peshawar in the case while the real accused namely Muhammad Israr S/O Muhammad Ibrahim R/O Kuki Khel Ibrahim Khel, Jamrud was released after bargaining with him. It is also revealed that you are involved in Narcotics Activities including contacts with drug fiddlers in the area. By the above mentioned reasons you appear to be guilty of misconduct as per Police Rules 1975 and that you have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975."  
 Appellant submitted comprehensive reply to the allegations ibid and claimed innocence.
- That Appellant was served with final Show Cause Notice No.8525/PA-DPO Khyber dated: 24.11.2023 with the following accusation:  
 "That inquiry officer in his findings vide No.984/PA, dated: 22.11.2023 find you guilty of the charges leveled against you as in charge sheet No.6627/PA-DPO Khyber dated: 04.09.2023. Further, it is also found that another departmental inquiry is initiated against you due to your alleged involvement in contacts with militant elements and playing role of mediators in extortion case."  
 Appellant submitted reply to the Show Cause Notice ibid within the stipulated time and not only claimed innocence but also requested for personal hearing.
- That the worthy DPO Khyber, without either giving opportunity of hearing or conducting regular inquiry into the matter or providing free and fair opportunity to defend himself, imposed major penalty of dismissal from service upon Appellant, vide Order No.957/PA-DPO Khyber, dated: 29.02.2024, hence the instant appeal.
- That Appellant has neither been provided opportunity of hearing nor regular inquiry has been conducted into his alleged accusation, hence has been condemned unheard, which attracts the doctrine of audi alteram partem.
- That no iota of evidence is available on file which could substantiate the alleged hearsay charges/accusation against Appellant. Moreover, Appellant has neither been treated in accordance with law nor he has been extended equal protection of law, enshrined in Articles 4 & 10-A of the Constitution of Islamic Republic of Pakistan, 1973.
- That about 15 years spotless career of Appellant has been done away with single stroke of pin without care and caution of its legal consequences, moreover, impugned order dated: 29.02.2024 has been passed surmises and conjectures, hence carry no legal weight.
- That any other ground, with the permission of your honor, will be taken at the time of personal hearing, if granted.

It is, therefore, most humbly prayed that on acceptance of instant appeal, impugned order dated: 29.02.2024 of the worthy District Police Officer, Khyber may be set aside and appellant may be re-instated in service with all consequential benefits.

asp legal for comments  
S/S  
04.07.2024

Dated: 12.03.2024

Yours sincerely,  
*Khalid*

**KHALID KHAN S/O HAJI ZARBAT SHAH**  
Ex-FC, Tehsil Jamrud District Khyber  
Cell : 0333-2512008  
CNIC : 17301-5905068-5



Amir (9) 19

**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-Constable Khalid Khan No. 1703**, who was awarded the major punishment of “dismissal from service” under KP PR-1975 (amended 2014) by DPO Khyber vide order No. 957/PA, dated 29.02.2024.

2- Brief facts leading to the instant appeal are that the defaulter Constable while posted as Additional SHO PS Jamrud, District Khyber, was proceeded against departmentally on the charges that he was found involved in concealment of drugs and charging another individual instead of the real culprit. That he charged Nazeer Khan s/o Gohar Amin r/o Dalazak road, Corporation Colony Peshawar in case FIR No. 220, dated 25.08.2023, u/s 9D-CNSA instead of Muhammad Israr s/o Muhammad Ibrahim Koki Khel, who was the real accused and was released without any legal or criminal proceedings.

3- He was issued Charge Sheet and Summary of Allegations by DPO Khyber. SP/Investigation, Khyber was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer after conducting departmental enquiry submitted his findings in which he was recommended for major punishment. The competent authority in light of the findings of the Enquiry Officer awarded him the major punishment of dismissal from service.

4- He was heard in person in Orderly Room. During personal hearing, he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Therefore, his appeal for setting aside the punishment awarded to him by DPO Khyber vide order No. 957/PA, dated 29.02.2024 is hereby **rejected/filed**.

**“Order is announced”**

  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR

No. 4990-94 /PA/CCP, dated Peshawar the 10 / 08/2024.

Copies for information and necessary action to the:-

1. District Police Officer Khyber, along with complete inquiry file.
2. DSP/HQrs Khyber.
3. Accountant & OASI Khyber.
4. Official concerned.

*Aman*

**BEFORE THE WORTHY INSPECTOR GENERAL OF POLICE (IGP) KHYBER PAKHTUNKHWA**  
**CENTRAL POLICE OFFICE (CPO), PESHAWAR**

Subject: REVISION PETITION UNDER RULE 11-A OF THE KHYBER PAKHTUNKHWA POLICE RULES, 1975 (AMENDED UPTO DATE) AGAINST:

- I. ORDER NO.957/PA-DPO KHYBER, DATED: 29.02.2024 OF THE DISTRICT POLICE OFFICER (DPO) KHYBER, VIDE WHICH PETITIONER WAS DISMISSED FROM SERVICE, AND
- II. ORDER NO.4990-94/PA-CCP, DATED: 16.08.2024 OF THE CAPITAL CITY POLICE OFFICER (CCPO) PESHAWAR, VIDE WHICH APPEAL OF THE PETITIONER AGAINST ORDER DATED: 29.02.2024 OF DPO, KHYBER WAS REJECTED.

Prayer: On acceptance of instant Revision Petition, impugned orders dated: 29.02.2024 (of District Police Officer, Khyber) and 16.08.2024 (of the Capital City Police Officer, Peshawar) may be set aside and Petitioner may be re-instated in service with all consequential benefits.

**Respected Sir,**

1. That Petitioner was enlisted as Sepoy in Khyber Khassadar Force (Now merged in Khyber Pakhtunkhwa Police), in the year 2009 and, since then till issuance of impugned order dated: 29.02.2024, performed duties with zeal/devotion and utmost satisfaction of the superiors, evident from absorption of his services in the Khyber Pakhtunkhwa Police Department, vide Notification dated: 13.02.2020 (Serial No.1365), needless to add that all those employees, having spotless career and outstanding performance, were merged in the Khyber Pakhtunkhwa Police Department.

2. That Petitioner, while posted at Police Station Jamrud, was served with charge sheet No.6627/PA-DPO Khyber, dated: 04.09.2023 and levelled the following allegations:

"With reference to FIR No.220, dated: 25.08.2023 U/S 9-D CNSA of Police Station Jamrud, It is reported that you charge Nazeer S/O Gohar Aman R/O Dalazak Road, Corporation Colony Peshawar in the case, while the real accused namely Muhammad Israr S/O Muhammad Ibrahim R/O Kuki Khel, Ibrahim Khel Jamrud was released after bargaining with him. It is also revealed that you are involved in narcotics activities including contacts with drug peddlers in the area. By the above mentioned reason you appeared to be guilty of misconduct as per Police Rules, 1975 and that you have rendered yourself liable to all OR any of the penalties specified in Police Rules, 1975."

Petitioner submitted comprehensive reply to the allegations ibid and claimed innocence.

3. That Petitioner was served with final Show Cause Notice No.8525/PA-DPO Khyber, dated: 24.11.2023 with the following accusation:

"That Inquiry Officer in his findings vide No.984/PA, dated: 22.11.2023 find you guilty of the charges leveled against you as in charge sheet No.6627/PA-DPO Khyber dated: 04.09.2023. Further, it is also found that another departmental inquiry is initiated against you due to your alleged involvement in contacts with militant elements and playing role of mediator in extortion cases."

Petitioner submitted reply to the Show Cause Notice ibid within the stipulated time and not only claimed innocence but also requested for personal hearing.

4. That DPO Khyber, without either giving opportunity of hearing OR conducting regular inquiry into the matter OR providing free and fair opportunity to defend himself, imposed major penalty of dismissal from service upon Petitioner, vide Order No.957/PA-DPO Khyber, dated: 29.02.2024.

5. That Petitioner preferred Departmental Appeal dated: 12.03.2024, under Rule-11 of the Khyber Pakhtunkhwa Police Rules, 1975, to Capital City Police Officer, Peshawar, however, rejected, vide impugned Order dated: 16.08.2024.

6. That Petitioner, being aggrieved of orders dated: 29.02.2024 (of DPO Khyber) and 16.08.2024 (of CCPO, Peshawar), approaches your esteemed office, by invoking relevant provisions under Rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975, on the following grounds:

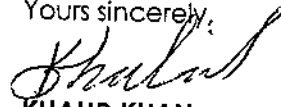
21

**GROUNDS:**

- A. That both the impugned orders are against the law, facts and material available on file, hence untenable.
- B. That Petitioner was charged for fake accusation of a person namely Nazeer Khan, in case FIR No.220, dated: 25.08.2024, under section 9-D CNSA, Police Station Jamrud, instead of Muhammad Israr, who was the real accused and was allegedly released by Petitioner without any legal / criminal proceedings, which is altogether baseless and carry no legal weight, **because:**
  - i. Accused Nazeer Khan was apprehended by police party, including petitioner, constables Hashim, Zeenat Shah and huge quantity of contraband i.e. 10 KG of heroin, was recovered from the motorcar, driven by accused Nazeer Khan and case FIR No.220 dated: 25.08.2024, under section 9-D CNSA, Police Station Jamrud, was registered, in the complainant-ship of petitioner. It is worth to mention that Moharrar Akhtar Hussain recorded video of the whole episode, which clearly shows that accused was present on driving seat of the motorcar while the contraband was recovered from diggy of the said motorcar.
  - ii. Co-accused Muhammad Israr was arrested by the Investigation Officer S.I Naseem Khan and after associating him with the investigation, he was granted post arrest bail by the learned Additional Sessions Judge-II, Khyber, vide order dated: 12.09.2023, while co-accused Nazeer Khan is behind the bars.
  - iii. Trial in the aforementioned case has been commenced and charge has been framed against both the accused, vide order dated: 22.06.2024 and date: 08.08.2024 was fixed therein for onward proceedings, but astonishingly none of the accused has taken the plea, on the basis whereof Petitioner has been shunt-out from service.
- C. That Petitioner has neither been provided opportunity of hearing nor regular inquiry has been conducted into his alleged accusation, hence has been condemned unheard, which attracts the doctrine of **audi alteram partem**.
- D. That no iota of evidence is available on file which could substantiate the alleged hearsay charges/accusation against Petitioner. Moreover, Petitioner has neither been treated in accordance with law nor he has been extended equal protection of law, enshrined in Articles 4 & 10-A of the Constitution of Islamic Republic of Pakistan, 1973.
- E. That more than 15 years spotless career of Petitioner has been done away with a single stroke of pen without care and caution of its legal consequences, moreover, impugned orders dated: 29.02.2024 & 16.08.2024 have been passed in surmises and conjectures, hence carry no legal weight.
- F. That any other ground, with the permission of your honor, will be taken at the time of personal hearing, if granted.

It is, therefore, most humbly prayed that on acceptance of instant Revision Petition, impugned orders dated: 29.02.2024 (of District Police Officer, Khyber) and 16.08.2024 (of the Capital City Police Officer, Peshawar) may be set aside and Petitioner may be re-instated in service with all consequential benefits.

Yours sincerely,



**KHALID KHAN**




**S/O HAJI ZARBAT SHAH**

Ex-FC, Tehsil Jamrud District Khyber

Cell : 0333-2512008

CNIC : 17301-5905068-5

Dated: 19.08.2024

55402	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈوکیٹ: _____	PESHAWAR BAR ASSOCIATION
بار کونسل ایسوسی ایشن نمبر: _____	
رابطہ نمبر: 03330260900	
	

بعدالت جناب: مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ

منجانب: <u>الذلت</u>	دعویٰ:
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
<b>باعت تحریر آئکہ</b>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ  
 آن مقام حکومت کیلئے کالڈ سٹاف، رولڈ ہاؤس، کوئٹہ  
 کر کے اقرار کیا جاتا ہے کہ صاحب منصف کو مقدمہ کی کل کاروائی کا کالڈ اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقریر نمائش و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری بیکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پروا ذخیرہ منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانب التوا لے مقدمہ کے سبب سے ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم ہلدی 20/12/16

العواہ شد العبد  
 مقام حکومت کیلئے کالڈ سٹاف، رولڈ ہاؤس، کوئٹہ کے لیے منظور ہے۔

Accepted  
 By



نوٹ: اس وکالت نامہ کی ذمہ داری ناقابل قبول ہوگی۔