


FORM OF ORDER SHEET

Court of _____

Appeal No. 1469/2024

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. Shah Zeb 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. 1469/2024

Shahzeb Khan, FC Constable No.1324

VERSUS


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

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Through

نہالہ زبیب
APPELLANT


Kabir Ullah Khattak
Advocate, High Court
Peshawar.

Dated: 16/09/2024

(1)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. 1469/2024

Shahzeb Khan FC Constable No.1324 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 2007 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 respondent departments suspended one LHC namely Shahzeb No. 699 through suspension order 01.09.2023, and later on a corrigendum No.6615 dated 04.09.2023 was

issued whereby the said LHC Shahzeb No.699 was replaced with the present appellant without any justification and without any proof and reason. (Copy of corrigendum order is attached as annexure "A")

3. That the petitioner while posted as FC Constable at Police Station Jamrud District Khyber was served with charge sheet No.6620/PA by respondent No.2 Dated 04.09.2023 and leveled the following alleged allegations, "As per learned sources it is reported that you while deputed at Police Station Jamrud were found involved in contacts with drug peddlers in the area. It is reported that you are in contacts with elements who are involved in drug peddling and narcotics activities, and also involved in concealment of seized contrabands such activities are tantamount to gross misconduct and criminal abetment". (Copy of charge sheet & statement of allegation are attached as annexure "B").

4. That in the response of charge sheet the appellant comprehensive reply of charge sheet and denied all the allegation leveled against him. (Copy of reply of charge sheet is attached as annexure "C").

(4)

5. 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 "D").
6. 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 "E").
7. 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 "F").
8. 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 "G & H").

9. 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 20.08.2024 which was still pending without any response. (Copy of Revision petition is attached as annexure "I").

10. 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, 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.

(6)

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 and so concern the allegation mentioned in the impugned order dated 29.02.2024 in response of ^{which} it is stated that the appellant was not present at the spot of ^{the} said occurrence.

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.

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.

(7)

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.

نثار زيب

APPELLANT

Through

Kabir Ullah Khattak
&
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.

Advocate.

(8)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2024

Shahzeb Khan FC Constable No.1324

VERSUS

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

AFFIDAVIT

I, Shahzeb Khan FC Constable No.1324 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.

شاه زيب

DEPONENT

Identified by:



Roeeda Khan
Advocate High Court
Peshawar.

Dated:16.09.2024

(9)

BEFORE THE HON'BLE SERVICE TRIBUNAL
PESHAWAR

In Re S.A No. _____/2024

Shahzeb Khan FC Constable No.1324

VERSUS

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

ADDRESSES OF PARTIES

PETITIONER.

Shahzeb Khan FC Constable No.1324 R/o Jamrud
District Police Khyber.

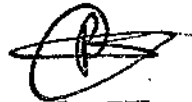
ADDRESSES OF RESPONDENTS

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

شاه ذيب

APPELLANT

Through



Roeeda Khan
Advocate, High Court
Peshawar.

Dated: 16/09/2024

B³ (11)

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



CS CamScanner

No. 66202A-DPO Khyber

Dated: 04/09/2023

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

1. I, Capt. & Saleem Abbas Kulachi (PSP), District Police Officer, Khyber, as a competent authority, hereby charge FC Shahzeb Khan No. 1324 of District Police Khyber as per the following allegations:

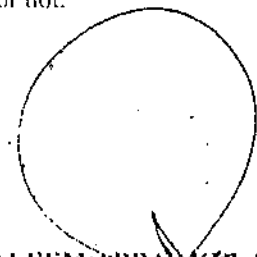
"As per learned sources it is reported that, you, while deputed at Police Station Jamrud, were found involved in contacts with drug peddlers in the area. It is reported that you are in contacts with elements who are involved in drug peddling and narcotics activities, and also involved in concealment of seized contrabands. Such activities are tantamount to gross misconduct and criminal abetment."

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 to 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

Copies to:

- 1. District Police Officer, Khyber for initiation of inquiry
- 2. District Police Officer, Jamrud Branch for record/ Profile (s) update
- 3. FC Shahzeb No. 1324 for information and compliance

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OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER

Tel: 091-5862033



No. 6621/PA-DPO Khyber

Dated: 09/09/2023

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

I, Capt. R. Saleem Abbas Kulachi (PSP), District Police Officer, Khyber, as a competent authority, believe that FC Shahzeb Khan No. 1324 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 Amendments 2014).

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

As per learned sources it is reported that, FC Shahzeb Khan No. 1324 of District Police Khyber, while deputed at Police Station Jamrud, was found involved in contacts with drug peddlers in the area. It is reported that he is in contacts with elements who are involved in drug peddling and narcotics activities, and also involved in concealment of seized contrabands. These acts come under the meaning of Misconduct as per section 2(iii) and render him liable for punishment under section 3(b) of Khyber Pakhtunkhwa Police Rules, 1975 (With Amendments 2014), respectively.

To probe into the above-mentioned allegations against the said accused *SP, Jamrud Khyber* is hereby nominated as the Inquiry Officer under Section 5(4) of the Khyber Pakhtunkhwa Police Rules 1975 (With Amendments 2014).

The Inquiry Officer shall in accordance with the provision of Police Rules, 1975, provide reasonable opportunity of hearing to the delinquent official, record the findings, and make immediate recommendations whether to punish or to take other appropriate action against the delinquent official.

FC Shahzeb Khan No. 1324 of District Police Khyber is directed to appear before the Inquiry Officer on the date, time and place fixed by the Inquiry Officer.

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

Copies to

- 1. Khyber for initiation of Inquiry
- 2. P. and Services Branch for records Profile (s) update

1D 14



OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER



No. 8.529 / PA-DPO Khyber

Dated 24 / 11 / 2023

FINAL SHOW CAUSE NOTICE

Whereas you FC Shahzeb Khan No. 1324 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. 840/PA, dated 16/10/2023 find you guilty of the charges leveled against you as in Charge Sheet No. 6620/PA-DPO Khyber dated 04/09/2023. That the inquiry officer in his findings in the inquiry initiated against you found you guilty of the charges and recommended award of punishment as per rule"

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

بیان شاہ زیب نمبر 1324 متعینہ تھانہ جمرو

جناب عالی! بحوالہ Final Show Cause Notice نمبر PA DPO Khyber 2529/ مورخہ 24.11.2023 مجاریہ جناب ڈسٹرکٹ پولیس آفیسر ضلع خیبر کے سلسلے میں معروض خدمت ہوں کہ :-

سائل تھانہ جمرو میں جنرل ڈیوٹی پر تعینات تھا۔ اللہ تعالیٰ کے فضل و کرم سے سرکاری ڈیوٹی احسن طریقہ سے انجام دی ہے۔ سائل نے دوران اپنے آفسران بالا کو کسی قسم کی شکایت کا موقع نہیں دیا۔ سائل دوران سائل کبھی معطل وغیرہ نہیں ہوا۔ دوران تعیناتی من سائل کسی قسم کے منشیات فروشوں کیساتھ کسی قسم کا رابطہ بلا واسطہ یا بلا واسطہ نہیں کیا ہے، نہ ہی منشیات فروشوں کے ساتھ ملاپ / مدد کی ہے اور نہ منشیات چھپایا ہے کیونکہ مال مقدمہ محرر تھانہ کی تحویل میں ہوتا ہے جب کہ من سائل جنرل ڈیوٹی پر تعینات ہے۔ سائل عہدہ کے لحاظ سے ایک کنسٹیبل ہے اور کنسٹیبل کے ساتھ نہ کسی کو پکڑنے کا اختیار ہوتا ہے اور نہ کسی کو چھوڑنے کا اختیار ہوتا ہے تو سائل کس طرح کسی کے منشیات، فروشوں کے ساتھ رابطہ قائم کر سکتا ہے۔ من سائل نے اپنی ڈیوٹی نہایت ایمانداری اور دیانتداری کے ساتھ سرانجام دی ہے۔

اللہ تعالیٰ کو حاضر و ناظر جان کر حلفاً بیان کرتا ہوں کہ مجھ پر لگائے گئے الزامات بالکل من گھڑت اور بے بنیاد ہے جس میں مضی بھر صداقت نہیں ہے۔

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

کنسٹیبل شاہ زیب 1324 متعینہ تھانہ جمرو

مورخہ 01.12.2023

شاہ زیب



OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER

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



No. 952 /PA-DPO Khyber

Dated: 29/02/2024

DISMISSAL ORDER

FC Shahzeb Khan No. 1324 of District Police Khyber, while he was posted at PS Jamrud, was issued with Charge Sheet No. 6620/PA-DPO Khyber dated 04/09/2023 due to his alleged involvement in concealment of drugs and contacts with drug peddlers and drug peddling.

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 he played a major role in fake charging of Nazcer Khan s/o Gohar Amin r/o Dalazak Road, Corporation Colony Peshawar in the case FIR No. 220, dated 25/08/2023 w/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. Thus, he was found guilty and recommended to be awarded with major punishment.

The undersigned, as per the recommendation of the inquiry officer, being the competent authority is satisfied about his involvement in criminal abetment and drug peddling 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. 302 /dated 29/02/2024

No. 953-56 /PA - DPO Khyber

Copies to:

1. DSP HQs, Khyber
2. OIC, DPO Khyber for Record
3. Accountant, DPO Khyber for Stoppage of Pay
4. Service Record Branch/ IIRMS for Service Record, Good/Bad Entries

167 (17)

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.

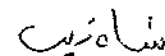
Prayer: On acceptance of instant appeal, impugned order dated: 29.02.2024 of District Police Officer, Khyber may be set aside and appellant may be re-instated in service with all consequential benefits.

Respected Sir,

1. That appellant was enlisted as Sepoy in Khyber Khassadar Force (Now merged in Khyber Pakhtunkhwa Police), in the year 2007 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.985), needless to add that all those employees, having spotless career and outstanding performance, were merged in the Khyber Pakhtunkhwa Police Department.
2. That appellant, while posted at Police Station Jamrud, was served with charge sheet No.6620/PA-DPO Khyber, dated: 04.09.2023 and levelled the following allegations:
"As per learned sources it is reported that FC Shahzeb Khan No.1324 of District Police Khyber while deputed at Police Station Jamrud, was found involved in contacts with drug fiddlers in the area. It is reported that he is in contacts with elements, who are involved in drug fiddling and Narcotics Activities and also involved in concealment of seized contraband. These acts come under the meaning of misconduct as per section 2(iii) and render him liable for punishment under section 3(b) of Khyber Pakhtunkhwa Police Rules, 1975."
Appellant submitted comprehensive reply to the allegations ibid and claimed innocence.
3. That Appellant was served with final Show Cause Notice No.2529/PA-DPO Khyber dated: 24.11.2023 with the following accusation:
"That inquiry officer in its findings vide No.840/PA, dated: 16.10.2023 find you guilty of the charges leveled against you as in charge sheet No.6626/PA-DPO Khyber dated: 04.09.2023. That the inquiry officer in his findings in the enquiry initiated against you found you guilty of the charges and recommended award of punishment as per rule."
Appellant 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 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.952/PA-DPO Khyber, dated: 29.02.2024, hence the instant appeal.
5. 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.
6. 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.
7. That more than 17 years spotless career of Appellant has been done away with single stroke of pen 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.
8. 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.

Yours sincerely,



SHAHZEB S/O JEHAZEB

Ex-FC, Tehsil Jamrud District Khyber

Cell : 0303-9509191

CNIC : 21202-8654201-7

Dated: 12.03.2024



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 Shah Zeb No. 1324, who was awarded the major punishment of "dismissal from service" under KP/PR-1975 (amended 2014) by DPO Khyber vide order No. 952/PA, dated 29.02.2024.

2- Brief facts leading to the instant appeal are that the defaulter Constable while posted at PS Jamrud, District Khyber, was proceeded against departmentally on the charges that he was found involved in contacts with drug peddler, collecting monthlies in his area and there were running hotspot in his area for drug activities but he failed to operate against them.

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. 952/PA, dated 29.02.2024 is hereby rejected/filed.

"Order is announced"

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 6995-99 /PA/CCP, dated Peshawar the 16/08/2024

Copies for information and necessary action to the:-

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

(I) 19

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 UP TO DATE) AGAINST:

- I. ORDER NO.952/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.4995-99/PA-CCP, DATED: 16.08.2024 OF THE CAPITAL CITY POLICE OFFICER (CCPO) PESHAWAR, VIDE WHICH APPEAL OF THE PETITIONER AGAINST ORDER DATED: 09.02.2024 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 2007 and since then (on issuance of impugned order dated: 29.02.2024, performed duties with zeal/devotion and utmost satisfaction of the superior, evident from absorption of his services in the Khyber Pakhtunkhwa Police Department, vide Notification dated: 13.02.2020 [Serial No.935], 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.6620/PA-DPO Khyber, dated: 04.09.2023 and levelled the following allegations:

"As per learned sources it is reported that FC Shahzeb Khan No.1324 of District Police Khyber while deputed at Police Station Jamrud, was found involved in contacts with drug peddlers in the area. It is reported that he is in contact with elements, who are involved in drug peddling and Narcotics Activities and also involved in concealment of seized contraband. These acts come under the meaning of misconduct as per Section 2(B) and render him liable for punishment Under Section 3(b) of the Khyber Pakhtunkhwa 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.2527/PA-DPO Khyber, dated: 24.11.2023 with the following accusation:

"That Inquiry Officer in his findings vide No.240/PA, dated: 14.10.2023 finds you guilty of the charges levelled against you as in charge sheet No.6626/PA-DPO Khyber dated: 04.09.2023. That the Inquiry Officer in his findings in the enquiry initiated against you found you guilty of the charges and recommended award of punishment as per Rule."

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.925/PA-DPO Khyber, dated: 29.02.2024.

5. That Petitioner preferred appeal dated: 12.03.2024, under Rule-11 of the Khyber Pakhtunkhwa Police Rules, 1975 to the 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 revisional jurisdiction under Rule 11-A of the Khyber Pakhtunkhwa Police Rules, 1975, Inter-alia, on the following grounds:

GROUNDS:

- A. That impugned orders of both the foras below are against the law, facts and material available on file, hence untenable.
- B. That Petitioner was charged 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 and Muhammad Israr have been charged in case FIR No.220 dated: 25.08.2024, Under Section 9-D CNSA, Police Station Jamrud, by complainant Khalid Khan ASHO, apprehended in presence of constables Hashim, Zeenat Shah and the FIR was chalked by Moharrar Akhtar Hussain, which clearly indicates that Petitioner was neither present on the spot nor he played any role in the entire episode.
 - ii. Accused Muhammad Israr was arrested by the local police 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 17 years spotless career of Petitioner has been done away with single stroke of pen 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.
- F. That charges leveled against petitioner in the charge sheet dated: 04.07.2023 are not commensurate with the charges leveled in the final Show Cause Notice, more-so final Show Cause Notice dated: 24.11.2023 was based on charge sheet No.6626/PA-BRO Khyber, dated: 04.07.2023, which has never been communicated to petitioner, rather the said charge sheet was issued to Ex-FC Aziz Khan, which speaks volumes of malafide on part of the Respondent Department.
- G. 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,

SHAHZEB S/O JEHAZEB
Ex-FC, Tehsil Jamrud District Khyber
Cell : 0303-9509191-0333-7386107
CNIC : 21202-8654201-7

Dated: 20.08.2024

