FORM OF ORDER SHEET

Court of _____

Appeal No. 1496/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	20/09/2024	The appeal of Mr. Fazal Rehman resubmitted today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 30.09.2024. Parcha Peshi given to counsel for the appellant. By order of the Chairman REGISTRAR

The appeal of Mr. Fazal Rehman received today i.e on 13.09.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules1974.
2- Memorandum of appeal is not signed by the appellant.
3- Affidavit is not attested by the Oath Commissioner.
4- Appeal has not been flagged/marked with annexures marks.
5- Page no. 12 to 17 of the appeal are illegible.
6- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 776 /Inst./2024/KPST,

Dt. 13/9 /2024.

ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Javed Iqbal Gulbela Adv.
High Court at Peshawar.

Respected Sir!

Re-submitted after removal of objection. Missing page 12 to 16 are part of record and needs no better copy.

14/9/2024

Javed Iqbal Gulbela.
(ASC)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1496 /2024

Fazal Rehman

VERSUS

CCPO Peshawar & others

INDEX

Dated: 13-09-2024

Appellant

Through

Javed Iqbal Gulbela
Advocate Supreme Court,
Pakistan.

Saghir Iqbal Gul Bela
Advocate High Court.

(1)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No._____/2024

Fazal Rehman (Ex-constable belt no. 1106) District Khyber,
S/o Tehsil Landi Kotal, District, Khyber. ..... *Appellant*

VERSUS

1. **Capital city Police Officer Peshawar.**
2. **District Police Officer, Khyber.**

.....*Respondent*

s

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT -1974 AGAINST THE IMPUGNED OFFICE ORDER NO. 1021/PA-DPO- KHYBER, DATED: 04-03-2024 OF THE OFFICE OF DISTRICT POLICE OFFICER, KHYBER; WHEREBY THE APPELLANT HAS BEEN ILLEGALLY DISMISSED FROM HIS SERVICE AND DEPARTMENTAL APPEAL BEARING DIARY NO.119 PA-CCPO/2024 OF THE APPELLANT DATED: 21-03-2024 HAS BEEN TURNED DOWN VIDE IMPUGNED ORDER NO. 4913-17/PA/CCP- PESHAWAR, DATED: 16-08-2024 OF THE OFIICE OF CAPITAL CITY POLICE OFFICER PESHAWAR, IN A CLASSICAL, CURSORY AND WHIMSICAL MANNER.

Respectfully Sheweth,

1. That after going through mandatorily required criteria, and after being envisaged with the ordeals and inquisition of selection process, the Appellant got inducted onto the rolls of the prestigious police force of the province, as constable.

2. That thereafter the Appellant took charge & with his most sincere and pragmatic way, performed his duties with full zest and devotion & never left any stone unturned in performance of his duties and have always won

Award, felicitations and appreciations of his High-up at certain junctures due to his Mantle whetted skills, punctuality and behavior. The appellant performed various duties at Landi Kotal District Khyber, with dedication and commitment. **(copies of Awards are annexed as Annexure "A")**

3. That on 04-03-2024, an Impugned Order No. 1021/PA-DPO- Khyber, of the office of District Police Officer, Khyber, where the appellant was dismissed from service. **(Copy of the Impugned Dismissal Order No. 1021/PA-DPO- Khyber, of the office of District Police Officer, Khyber, Dated: 04-03-2024 is annexed as "B")**

4. That feeling aggrieved, the Appellant moved a Departmental Appeal bearing Diary No.119 PA-CCPO/2024 Dated: 21-03-2024 to Capital City Police Officer, Peshawar, which has been turned down vide impugned Order No. 4913-17/PA/CCP- Peshawar, Dated: 16-08-2024 of the office of Capital city Police Officer Peshawar, in a classical cursory and in whimsical manner. **(Copies of Departmental Appeal bearing Diary No.119 PA-CCPO/2024 Dated: 21-03-2024 And impugned Order No. 4913-17/PA/CCP- Peshawar, Dated: 16-08-2024 of the office of Capital city Police Officer Peshawar, are annexed as annexure "C & D")**

5. That the Appellant arrested and lodged FIRs against the Narcotics smuggler which proved the excellence performance of the appellant.**(Copies of FIRs are annexed as annexure "E")**

6. That due to honesty and best performance of the appellant the respondents appointed the appellant as additional SHO of PS Landi Kotal, Khyber, inspite of the facts that the appellant is constable

7. That feeling highly aggrieved and having no other remedy, the Appellant approaches this August Tribunal for recognition, acknowledgment and enforcement of his due rights and for reinstatement into service with all back benefits, upon the following grounds inter alia:-

GROUNDS:

A. That the Appellant is a naturally born bona-fide citizen of Islamic Republic of Pakistan and is fully and equally, on equality basis, entitled to and basic and fundamental rights on enshrined in the fundamental law of the land, interpreted, acknowledge, and enforced by the law of the land and any discrimination or unfettered exercise of discretionary powers public functionaries is always chucked away and chucked down by law and law court of the land.

B. That it is a cherished principle of law that where a law requires a thing to be done in a particular manner, the same is to be done in that manner and not otherwise.

C. That the impugned dismissal order as well as the impugned appellate order are illegal, unlawful and void ab initio and liable to be struck down.

D. That the impugned dismissal order is unwarranted, illogical and against the Rules so therefore not maintainable at all.

E. That no proper inquiry was ever conducted in case of the appellant, nor the appellant was ever heard in person, nor was ever allowed to cross examine any witness and thus the appellant was condemned unheard.

F. That the appellant perform his duty with full zest and zeal, and it is the reason that the respondents not only awarded appreciation certificates, but also appreciated his excellent performance, therefore the impugned orders have no locus standi in the eye of laws, and are liable to be set aside.

G. That the appellant successfully launched operation against the narcotics smugglers, which is evident front the registration of several FIR's. Therefore, the allegations against the appellant are false, concocted and based on hallucination.

H. That the appellant has neither posted at international border in between Pakistan and Afghanistan, nor any duty had been assign to the appellant in respect of the said border, rather the FC Force of Pakistan, Custom Force of Pakistan, Excise and Taxation Force of Pakistan and Pak Army are deputed on the international border and responsible for all type of security including controlling of narcotics activities, terrorism activities etc, therefore the allegations of the smuggling against the appellant are totally false and fabricated and therefore are liable to be set aside.

I. That not only the dismissal order from service is illegal, unlawful, void-ab-initio but the rejection of departmental appeal by the Respondents are also against the law and rules governing the subject, therefore not sustainable in the eye of law and need to be set aside in the best interest of justice.

J. That the appellant belongs to a poor family, and is the only earning hand in the whole family to look after them.

K. That from every angle the appellant is liable to be re-instated into service with all back benefits.

L. That any other ground not raised here may graciously be allowed to be raised at the time of arguments.

It is, therefore most humbly prayed that on acceptance of the instant appeal, the impugned Office Order No. 1021/PA-DPO- Khyber, Dated: 04-03-2024 of the office of District Police Officer, Khyber and impugned Order No. 4913-17/PA/CCP- Peshawar, Dated: 16-08-2024 of the office of Capital city Police Officer Peshawar may kindly be set aside and by doing the appellant be reinstated into service with all back benefits.

Any other relief not specifically ask for may also graciously be extended in favor of the Appellant in the circumstances of the case.

Dated: 13-09-2024

Appellant

Through

Javed Iqbal Gul Bela
(ASC)

Saghir Iqbal Gul Bela.
(AHC)

Alamzeb Khan

M.Arif Mohmand
(Advocates)

NOTE:
That as per information of my client, no such service appeal has been moved by the Appellant, prior to this one.

ADVOCATE.

(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Fazal Rehman

VERSUS

IGP

AFFIDAVIT

*I, **Fazal Rehman** S/o Khyal Rehman R/o Tehsil **Landi Kotal, District Khyber**, do hereby solemnly affirm and declare on oath that the contents of accompanied Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.*

DEPONENT
CNIC # 21203 2151003 1
Cell No. 0301-8969522

Identified by:
Javid Iqbal Gulbela
ASC

ATTESTED
M. KHAN ADVOCATE
Oath Commissioner
Peshawar

(6)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

Service Appeal No._____/2024

Fazal Rehman

VERSUS

CCPO Peshawar & others

ADDRESSES OF THE PARTIES

ADDRESSES OF THE APPELLANTS:

Fazal Rehman (Ex-constable belt no. 1106) District Khyber.

ADDRESSES OF THE RESPONDENTS:

1. **Capital city Police Officer Peshawar.**
2. **District Police Officer, Khyber**

Dated: 13-09-2024

Appellant

Through

Javed Iqbal Gulbela
Advocate Supreme Court,
Pakistan.

(47)

Annex "A"

DISTRICT POLICE OFFICER
KHYBER

COMMENDATION CERTIFICATE

CC-III

Granted to

Fazal Rahman B-No 1106

for his good performance of duty with cash reward Rs. 1000/-

District Police Khyber

District Police Officer
Khyber

No. 3874 /PSO-Khyber,
Date: 06 10/61 2023

JAVED
Supreme Court of Pak
(USCP# 5317)

(8)

DISTRICT POLICE OFFICER
KHYBER

COMMENDATION CERTIFICATE

CC-III

Granted to

As Fazal Rahman Khan PS-I constable

for his good performance of duty with cash reward Rs. _____

District Police Officer
Khyber

District Police Officer

No. 1516 /PSO-Khyber,
Date 04 / 6 / 2022

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(SC # 5311)

9

OFFICE OF THE DISTRICT POLICE OFFICER KHYBER

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

Annex-"B"

No. 1021 /PA-DPO Khyber Dated: 04/03/2024

DISMISSAL ORDER

FC Fazal Rehman No. 1106 of District Police Khyber, while he was posted as Addl. SHO Landi Kotal was issued with Charge Sheet No. 7893/PA-DPO Khyber dated 25/10/2023 due to his alleged contacts with drug peddlers and provision of safe passages to them.

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. Local sources revealed that he did involve in the contacts with drug peddlers and provided safe passages to smugglers through his area of jurisdiction. That, he was in contact with international smugglers who are involved in smuggling of drugs between Afghanistan and Pakistan. Thus, he was found guilty of the said misconduct and is recommended for 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. 313 /dated 04/03/2024
No. 1022-25 /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

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(10)

Ann-C

بخدمت جناب کیپٹل سٹی پولیس آفیسر صاحب پشاور

Dy: No. 119 PA-CCPO
Dt: 21/03/24
Encl: جناب عالی!

Deputy Superintendent of Police Civil Branch
138
6/7/24

درخواست برائے نوکری بحالی

موءدبانہ گزارش ہے۔ کہ سائل ضلع خیبر علاقہ لنڈیکوتل کے ایک نہایت شریف اور معزز خاندان سے تعلق رکھتا ہے۔ سائل نے پچھلے بیس (20) سال سروس میں آفسران بالا کو معمولی شکایت کا موقع تک نہیں دیا ہے اور نہ کبھی ڈیوٹی میں غفلت کیا ہے۔ یہ کہ سائل تقریباً ڈیڑھ سال پہلے تھانہ لنڈیکوتل میں ایڈیشنل ایس ایچ او کے پوسٹ پر تھا، لیکن کچھ اہلکاروں نے من سائل کے خلاف ایک افواہ بنایا کہ یہ منشیات فروش کیساتھ ملا ہوا ہے جس سے من سائل ابھی تک خبر بھی نہیں۔ لیکن آفسران بالا نے من سائل کے خلاف انکوائری مقرر کی۔

من سائل نے انکوائری آفیسر کو زبانی و تحریری حلفیہ بیان دی کہ من سائل پر لگائے گئے الزامات سراسر من گھڑت، جھوٹی اور کچھ اہلکاروں کی صرف ایک سازش ہے۔ من سائل اب بھی حلفیاً بیان دیتا ہوں کہ میں نے کبھی بھی کسی منشیات فروش یا سمگلر کیساتھ کوئی تعاون یا کوئی روابط نہیں رکھا۔ مزید یہ کہ تھانہ لنڈیکوتل میں ایس ایچ او کے حکم احکام کے بغیر کوئی ایڈیشنل ایس ایچ او یا چوکی انچارج کوئی کاروائی وغیرہ نہیں کر سکتا۔ سائل نے بحوالہ علت نمبر:36 مورخہ:14.02.2024 جرم:324-353-186-11c,CNSA-34 تھانہ لنڈیکوتل میں گاڑی سے 10500 گرام آئس برآمد کے اور ملزم نے ہم پولیس پارٹی پر بارادہ قتل فائرنگ کی۔ اس کے علاوہ سائل علت نمبر:205 مورخہ:21-08-2023، علت نمبر129 مورخہ:26-07-2022 اور ایسی طرح بہت سارے FIR کئے ہیں جس میں مجموعی طور پر 74500 گرام ہیروئن، 38320 گرام آئس اور 5000 گرام کیمیکل برآمد کر کے ساتھ منشیات میں ملوث ملزمان بھی گرفتار کئے ہیں۔ جس میں کئی ملزمان کو عمر قید کی سزا بھی سنائی گئی ہے۔ FIR کی کاپی درخواست کیساتھ لف قابل ملاحظہ ہے۔

مختصر یہ کہ سائل کسی منشیات فروش یا سمگلر کیساتھ کسی قسم تعلق نہیں یا روابط نہیں اور نہ مذکورہ انکوائری میں کوئی ثبوت موجود ہے بلکہ صرف کسی کے جھوٹی شیطانی پر نوکری سے برخاست کیا ہے۔

آپ صاحبان سے بذریعہ درخواست عاجزانہ استدعاء کی جاتی ہے کہ سائل کو واپس اپنی نوکری پر بحال کرنے کا حکم صادر فرما کر مشکور فرمائیں سائل تاحیات دعاگو رہیگا۔

عین نوازش ہوگی

العارض

آپ کا تابع الحکم سابقہ کانسٹیبل فضل الرحمان
نمبر:1106
پتہ: تحصیل لنڈیکوتل ضلع خیبر
رابطہ نمبر:- 0301-8969522/0321

DSP Legal
for Commandant PS
24.03.2024

9780078

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(11)

Ann-"D"

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 Fazal Rehman No. 1106,** who was awarded the major punishment of **"dismissal from service"** under KP PR-1975 (amended 2014) by DPO Khyber vide order No. 1021/PA, dated 04.03.2024.

2- Brief facts leading to the instant appeal are that the defaulter Constable while posted as Additional SHO PS Landi Kotal, District Khyber was proceeded against departmentally on the charges that he was found involved in contacts with drug peddler, smuggling and 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. 1021/PA, dated 04.03.2024 is hereby **rejected/filed.**

"Order is announced"

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 4913-17 /PA/CCP, dated Peshawar the 16-1 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.

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(12)

A111-E

فارم نمبر ۲۳-۵(۱)

ابتدائی اطلاع رپورٹ

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

لنڈی کوتل — ضلع خیبر

مقدمہ علت 36	تاریخ و وقت وقوعہ 14/01/2023 وقت 12:40 بجے
تاریخ وقت رپورٹ 14/01/2023 14:30 بجے	تھانہ سے روانگی 14/01/2023 15:00 بجے
نام و سکونت اطلاع دہندہ و مستغیث اور اس کا موبائل فون نمبر	فضل الرحمٰن ولد [illegible] تھانہ لنڈی کوتل 0301-8969191
مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو۔	324, 353, 186, 11 CCNSA-34
جائے وقوعہ فاصلہ تھانہ سے اور سمت	جرسوں کا سفلی خیل لنڈی کوتل بطرف جنوب تقریباً 8 کلومیٹر تھانہ
نام و سکونت ملزم	مہر علی ولد اسلم شاہ سکنہ مہر کلے سکان ولی خیل و دیگر نامزد نامعلوم
کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان کرو	مراسلہ تھانہ ہذا مراسلہ پر مقدمہ درج رجسٹر کیا گیا
تاریخ و وقت روانگی کی	بطور سپیشل رپورٹ

ابتدائی اطلاع نیچے درج کرو۔

[illegible]

SI-PA Lnk
14/01/2023

JAVED IQBAL GULELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ

17

تاریخ وقت رپورٹ

نام و سکونت اطلاع دہندہ و مستغیث اور اس کا ٹیلی فون نمبر

جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو

تھانہ روانگی کی تاریخ و وقت

نام و سکونت ملزم

کارروائی جو تفتیش کے متعلق کی گئی اگر تفتیش روک دی گئی ہو تو وجوہات بیان کریں

تھانہ سے روانگی کی تاریخ و وقت

ابتدائی اطلاع نسبت

ADAL GULBELA
Advocate
Court of Pak
SC # 53171

(14)

ابتدائی اطلاع رپورٹ

DCNSA

ابتدائی اطلاع نیچے درج

(15)

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نیچے درج کرو۔

JAVE

Supreme Court

(16)

فارم نمبر ۲۴-۵(۱)

ابتدائی اطلاعی رپورٹ

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

ضلع: جہلم

۱. تھانہ: سدر

۲. ضلع: 158

۳. نمبر: 129

۴. تاریخ و وقت رپورٹ: 26/2/2022 بوقت 03:00 بجے

۵. نام و سکونت اطلاع دہندہ / مستغیث: 26/2/2022 بوقت 05:00 بجے

۶. مختصر کیفیت جرم (معہ دفعہ) حال اگر کچھ لیا گیا ہو: 7200 گرام آئس / 22000 گرام آئس — 9D CNSA, 1C CNSA

۷. جائے وقوعہ فاصلہ تھانہ سے اور سمت: [illegible]

۸. نام و سکونت ملزم: [illegible]

۹. کارروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا تو وجہ بیان کرو: [illegible]

۱۰. تھانہ سے روانگی کی تاریخ و وقت: [illegible]

ابتدائی اطلاع نیچے درج کرو:

[illegible]

(17)

T/1

Ann-F

OFFICE OF THE DISTRICT POLICE OFFICER KHYBER

Tel: 091-5861193

No. 7845/PA-DPO Khyber

Dated: 25/10/2023

CHARGE SHEET UNDER SECTION 5(1(a)) OF POLICE RULES 1975

1. I, Capt. ® Saleem Abbas Kulachi (PSP), District Police Officer, Khyber, as a competent authority, hereby charge FC Shoaib Khan No. 1125 of District Police Khyber as per the following allegations:

"As per learned sources, reportedly you, FC Shoaib Khan No. 1125 of District Police Khyber while posted at PS Landi Kotal, have been involved in contacts with narcotics peddlers and smugglers. That you have provided safe passage to the narcotics smugglers in your area of jurisdiction and remained involved in contacts with them. In return, you received bribes from them. Such corrupt activities and criminal abetment come under the meaning of Misconduct."

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. SP Inv. Khyber for initiation of Inquiry
2. HRMIS and Service Record Branch for record Profile (s) update
3. FC Shoaib Khan No. 1125 for information and compliance

JAVED IQBAL GULBELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(17)

Better Copy

OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER
Tel: 091-5861033

Better Copy

No.7895/PA-DPO Khybe dated 25/10/2023

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

1. I, Capt. ® Saleem Abbas Kulachi (PSP), District Police Officer, Khyber as a competent authority hereby charge FC Shoaib Khan No. 1125 of District Police Khyber as per the following allegations:

"As per learned source reportedly you FC Shoaib Khan 1125 of District Police Khyber while posted at PS Landi Kotal have been involved in contact with narcotics peddlers and smugglers. That you have provided safe passage to the narcotics smugglers your area of jurisdiction and remained involved in contacts with them. In return you received bribes from them. Such corrupt activates and criminal abetment come under the meaning of Misconduct."

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. You written defense, if any should reach the inquiry officer within the specified period, failing to which it shall 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 on or not.

SALEEM ABBAS KULACHI (PSP)
DISTRICT POLICE OFFICER
KHYBER

Copy to:

1. SP Inv Khyber for imitation of Inquiry.
2. HRMIS and Service Record Profile (s) update.
3. FC Shoaib Khan No. 1125 for information and compliance.

(18)

F/I

FRP

NDENT OF POLICE
ATION DISTRICT
HYBER
Phone No.0917259003

119 /Inv Khyber

Dated: 14-02-2024

To: The District Police Officer,
Khyber.

Subject: **FINDING OF ENQUIRY AGAINST THE CONSTABLE FC FAZAL REHMAN NO. 1106**

Respected Sir,

It is submitted that the matter was probed thoroughly and the following steps have been followed during the course of enquiry.

Allegations in the Order:

It is alleged in the order issued by DPO Khyber Vide No. 7893/PA-DPO Khyber dated 25/10/2023, As per learned sources, reportedly FC Fazal Rehman No. 1125 of District Police Khyber while posted Addl SHO PS Landi Kotal, has been involved in contacts with narcotics peddlers and smugglers. That he had provided safe passage to the narcotics smugglers in his area of jurisdiction and remained involved in contacts with them. In return, he received bribes from them. Such corrupt activities and criminal abetment come under the meaning of Misconduct.

Enquiry proceedings:

During the course of the enquiry, the delinquent was issued with Charge Sheet. He submitted his reply. Then he was called to appear before the inquiry officer. He was heard in person and his statement was recorded. Could not provide any solid evidence in his defense.

Conclusion:

- **FC Fazal Rehman No. 1106** He is found guilty of the same miss-conduct.

Recommendation:

Keeping in the view of the above, it is kindly recommended that

- **FC Fazal Rehman No. 1106** may kindly be awarded with suitable punishment.

Submitted please

Kamal H.

KAMAL HUSSAIN
Superintendent Of Police Investigation
District Khyber

JAVED IQBAL GULHELA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(19)

F/II

OFFICE OF THE DISTRICT POLICE OFFICER KHYBER

Tel: 091-5862033

No. 7 [illegible] /PA-DPO Khyber

Dated: 3/10/2023

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

I, Capt. ® Saleem Abbas Kulachi (PSP), District Police Officer, Khyber, as a competent authority, believe that FC Fazal Rehman No. 1106 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(1)(a)) OF POLICE RULES 1975

As per learned sources, reportedly FC Fazal Rehman No. 1106 of District Police Khyber while posted as Addl: SHO Landi Kotal, has been involved in contacts with narcotics peddlers and smugglers. That he had provided safe passage to the narcotics smugglers in his area of jurisdiction and remained involved in contacts with them. In return, he received bribes from them. Such corrupt activities and criminal abetment 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 [illegible] 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 Fazal Rehman No. 1106 of District Police Khyber are directed to appear before the Inquiry Officer on the date, time and place fixed by the Inquiry Officer.

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

Copies to

1. SP Ins. Khyber for initiation of Inquiry
2. HRMIS and Service Record Branch for record/ Profile (s) update

JAVED [illegible]
Supreme Court of Pakistan
(ASC # [illegible])

F/III

تحریری بیان بابت محکمانہ انکوائری

جناب عالی!

گزارش کی جاتی ہے کہ تھانہ لنڈی کوتل میں بطور ایڈیشنل SHO میں نے مختلف قسم کے جرائم بالخصوص منشیات کی روک تھام کے لئے وقتاً فوقتاً کریک ڈاؤن کیا کرتا تھا۔ جو کہ تھانہ لنڈی کوتل کے ریکارڈ میں موجود ہے اور جس کی تصدیق متعلقہ تھانہ سے کی جا سکتی ہے۔ دوران ڈیوٹی مجھ پر غیر قانونی عناصر کی طرف سے متعدد بار حملے بھی ہوئے ہیں۔ ایک حملے کے دوران گاڑی سے 10½ کلو آئس برآمد کیا۔

دوران ڈیوٹی میں نے ہمیشہ افسران بالا سے ملنے والے احکامات کو احسن طریقے سے سرانجام دیئے ہیں۔ لہذا چارج شیٹ میں مجھ پر جو الزامات لگائے گئے اُس کے ساتھ میرا کوئی تعلق نہیں ہے۔

یہی میرا بیان ہے جو سچ پر مبنی ہے

آپ کا تابع الحکم فضل رحمان
بیلٹ نمبر: 1106

2.11.2023

JAVED IQBAL GULGEEA
Advocate
Supreme Court of Pakistan
(ASC # 5317)

(21)

وکالت نامہ

بعدالت: Service Tribunal, KPK, Peshawar

بنام: CCPO Peshawar & Others

منجانب: Fazal Rehman دعویٰ: Service Appeal

Appellant

تاریخ: 13/09/2024

باعث تحریر آنکہ مقدمہ مندرجہ بالاعنوان اپنی طرف سے واسطے پیروی وجوابدہی بمقام پشاور کیلئے **جاوید اقبال گل بیلہ** ایڈووکیٹ سپریم کورٹ آف پاکستان صفیر اقبال ایڈووکیٹ

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا رہونگا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کرونگا، اگر پیشی پر من مظہر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہوگیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختارانہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کو کل پرداختہ صاحب موصوف مثل کردہ ذات خود منظور وقبول ہوگا۔ اور صاحب کو عرضی دعویٰ وجواب دعویٰ اور درخواست جرائے ڈگری ونظر ثانی اپیل ونگرانی ہر قسم کی درخواست پر دستخط وتصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد ثالثی وراضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل وبرآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم امتناعی یا قرقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختارانہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر وہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہرجانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کرونگا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سند رہے۔

مورخہ 13/09/2024 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Fazal Rehman (Ex-Constable)

صحیح معارف پہچان
عالمشیر بیگ خان

Accepted by:

23-6484

BC-23-6271