


FORM OF ORDER SHEET

Court of _____

Appeal No. 1754/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03 /10/2024	<p>The appeal of Mr. Fida Muhammad resubmitted today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 08.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Fida Muhammad received today i.e on 20.09.2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Copy of charge sheet, statement allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal be placed on it.
- 3- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. B18 /Inst./2024/KPST,

Dt. 23/9 /2024.

Amir Bullo
ADDITIONAL REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Javed Iqbal Gulbela Adv.
High Court at Peshawar.

Respected Sir,
Resubmitted after removal of the above mentioned objections. The charge sheet has been annexed, while the rest of the document has not been provided by the respondents. Therefore the instant appeal may kindly be fixed for hearing.

Date: 03/10/2024.

Javed Iqbal Gulbela
Javed Iqbal Gulbela
(ASC)

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR

Service Appeal No. 1754 /2024

Fida Muhammad

VERSUS

CCPO Peshawar & others


I N D E X

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4.	Copy of the Impugned Dismissal Order No. 1026/PA-DPO-Khyber, of the office of District Police Officer, Khyber, Dated: 04-03-2024	"A"	7
5.	Impugned Order No. 5201-05/PA/CCP- Peshawar, Dated: 20-03-2024 of the office of Capital city Police Officer Peshawar,	"B"	8
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Dated: 19-09-2024


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

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 1754 /2024

Diary No. 15890

Dated 20-09-2024

FIDA MUHAMMAD (Ex-Constable Belt No. 3618) r/o schem choek,
p/o Badbhir, bazed khel, District Peshawar.

..... **Appellant**

VERSUS

1. **CAPITAL CITY POLICE OFFICER**, Police Lines, Peshawar.
2. **DISTRICT POLICE OFFICER**, Khyber.

..... **Respondents**

Appeal u/s 4 of the Khyber Pakhtunkhwa Services Tribunal Act -1974 against the impugned Office Order No. 1026/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 of the Appellant has been turned down vide impugned Order No. 5201-05/PA/CCP- Peshawar, Dated: 20-08-2024 of the office 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 District Khyber, with dedication and commitment.

3. That on 04-03-2024, an Impugned Order No. 1026/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. 1026/PA-DPO- Khyber, of the office of District Police Officer, Khyber, Dated: 04-03-2024 is annexed as "A")**
4. That feeling aggrieved, the Appellant moved a Departmental Appeal, which has been turned down vide impugned Order No. 5201-05/PA/CCP- Peshawar, Dated: 20-08-2024 of the office of Capital city Police Officer Peshawar, in a classical cursory and in whimsical manner. **(Copy of impugned Order No. impugned Order No. 5201-05/PA/CCP- Peshawar, Dated: 20-08-2024, is annexed as annexure "B")**
5. 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:-

GROUND:

- 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 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.
- H. 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.
- I. That the appellant belongs to a poor family, and is the only earning hand in the whole family to look after them.
- J. That from every angle the appellant is liable to be re-instated into service with all back benefits.
- K. 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. 1026/PA-DPO- Khyber, Dated: 04-03-2024 of the office of District Police Officer, Khyber and impugned Order No. 5201-05/PA/CCP- Peshawar, Dated: 20-08-2024 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.

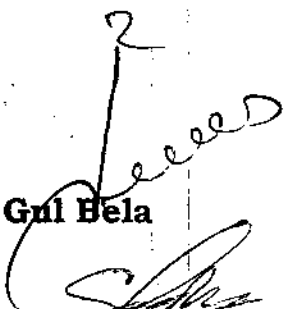
4


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

Dated: 19-09-2024



Appellant

Through


Javed Iqbal Gul Bela
(ASC)

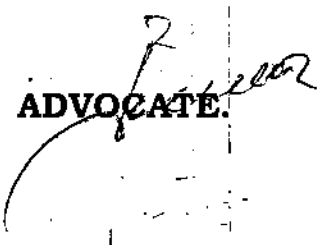

Saghir Iqbal Gul Bela
(AHC)


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.

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**BEFORE THE HONORABLE SERVICE TRIBUNAL
KPK PESHAWAR**

Service Appeal No: _____ 2024

Fida Muhammad **Appellant**

VERSUS

CCPO Peshawar & others **Respondents**

A F F I D A V I T:-

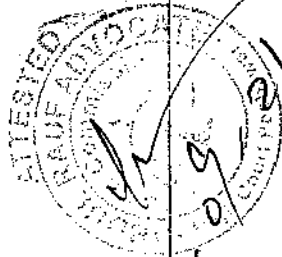
I, Fida Muhammad (Ex-Constable Belt No. 3618) R/o Skim Chowk Post Office Badhber, Bazed Khel, District Peshawar, do hereby solemnly affirm and declare on oath that the contents of this Appeal, are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable Tribunal.



DEPONENT

Identified By:

Javed Iqbal Gulbela
Advocate Supreme Court
Of Pakistan.
0300-5192799



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**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

Service Appeal No. _____/2024

Fida Muhammad

VERSUS

CCPO Peshawar & others

ADDRESSES OF THE PARTIES

ADDRESSES OF THE APPELLANTS:

FIDA MUHAMMAD (Ex-Constable Belt No. 3618) r/o schem
chock, p/o Badbhir, bazed khel, District Peshawar.

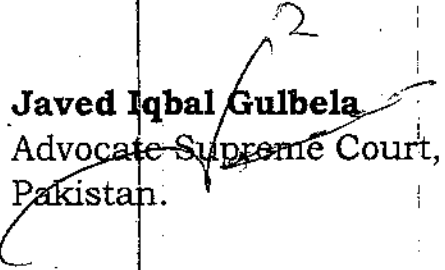
ADDRESSES OF THE RESPONDENTS:

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

Dated: 19-09-2024


Appellant

Through


Javed Iqbal Gulbela
Advocate Supreme Court,
Pakistan.



OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER

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



No. 1026 /PA-DPO Khyber

Dated: 04/03/2024

DISMISSAL ORDER

FC Fida Muhammad No. 3618 of District Police Khyber, while he was posted as I/C Al-Haj Post, PS Bara was issued with Charge Sheet No. 9058/PA-DPO Khyber dated 15/12/2023 due to his alleged contacts with drug peddlers and collecting monthlies in his area of jurisdiction for providing them safe passages.

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 collect these monthlies from drug peddlers in his area of jurisdiction. He also did provide safe passage to these drug peddlers to smuggle these drugs. 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 (I&D) Rules 1975 (With Amendments - 2014).

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

OB No. 314 dated 04/03/2024

No. 1027-30 /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

(ASC # 5317)



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

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

ORDER

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Ann "B"

This order will dispose of the departmental appeal preferred by Ex-Constable Fida Muhammad No. 3618, who was awarded the major punishment of "dismissal from service" under KP PR-1975 (amended 2014) by DPO Khyber vide order No. 1026/PA, dated 04.03.2024.

2- Brief facts leading to the instant appeal are that the defaulter Constable while posted as I/C Al-Haj Post, PS Bara, District Khyber, was proceeded against departmentally on the charges that he was found involved in contacts with drug peddler, collecting monthlies in his area jurisdiction. There were running hotspot in his area for drug activities and 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 found guilty. 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. 1026/PA, dated 04.03.2024 is hereby rejected/filed.

"Order is announced"

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. SACV-05 /PA/CCP, dated Peshawar the 20 /08/2024

Copies for information and necessary action to the:-

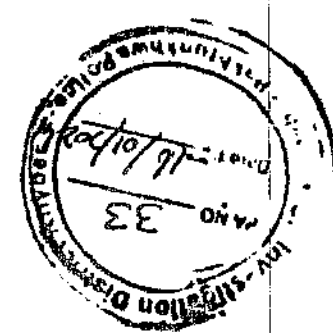
1. District Police Officer Khyber, along with complete inquiry file.
2. DSP/HQrs Khyber.
3. Accountant & OASI Khyber.
4. Official concerned.



JAVEED
Supervisor
IASC # 53111

Cap. Saleem Abbas Kulachi (SP) DISTRICT POLICE OFFICER, KYBER

RECEIVED
 ADMN. SECTION
 SUPREME COURT (ASST. SECY.)



FC Fida Muhammad No. 3618 of District Police Kyber are directed to appear before the Inquiry Officer on the date, time and place fixed by the Inquiry Officer.

The Inquiry Officer shall in accordance with the provisions 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 Fida Muhammad No. 3618 of District Police Kyber are directed to appear before the Inquiry Officer on the date, time and place fixed by the Inquiry Officer.

As per credible sources, FC Fida Muhammad No. 3618 of District Police Kyber while deputed as FC Al-Hajj P.O. PS. has committed the following misconducts:

- That, while acting as FC Al-Hajj P.O. PS. he was found involved in contacts with Narcotics dealers. He was allegedly found to be collecting morphines from these drug peddlers and providing them safe passage.
- It is pertinent to mention that the reports of a neo-terrorist nexus have been received which suggest the financial support of terror by drug dealers in the area.

Such allegations came under the purview of Misconduct as per section 2(iii) and render him liable for punishment under section 17(1) of Police Rules, 1975 (With Amendment - 2014).

I, Capt. Saleem Abbas Kulachi (SP), District Police Officer, Kyber, as a competent authority, believe that FC Fida Muhammad No. 3618 of District Police Kyber 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).

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

STATEMENT OF ALLEGATIONS UNDER SECTION 6 (1)(D) OF POLICE RULES 1975

1975

OFFICE OF THE
 DISTRICT POLICE OFFICER
 KYBER



AMM
 11/2/22

No. 9059/VA-DPO Kyber



**SUPERINTENDENT OF POLICE
INVESTIGATION DISTRICT
KHYBER**

Phone No.0917259003



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No. 165 /PA-Inv Khyber

Dated: 04/03/2024

Attm - "D"

To: The District Police Officer,
Khyber.

Subject: **FINDING OF ENQUIRY AGAINST THE CONSTABLE FC FIDA MUHAMMAD NO. 3618**

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. 9059/PA-DPO Khyber dated 15/12/2023, As per credible sources, FC Fida Muhammad No. 3618 of District Police Khyber while deputed as I/C Al-Haj Post, PS Bara has committed the following misconducts:

- That, while acting as I/C Al- Haj Post, he was found involved in contacts with Narcotics dealers. He was allegedly found to be collecting monthlies from these drug peddlers and providing them safe passages.
- It is pertinent to mention that the report of a narco-terrorist nexus have been received which suggest the financial support of terrorist by drug dealers in the area.

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. He has submitted his statement and stated that he performing his duty with honesty. However he also stated that he had lodged 14 FIRs against these drug peddlers in the year 2022 and 21 FIRs in the year 2023 copies are attached here.

Further ground check through local source it was revealed that he has contacts with drug peddlers and concealed the seized drugs.

Conclusion:

- FC Fida Muhammad No. 3618 was posted at I/C Al- Haj Post PS Bara and was found guilty of involvement in contacts with drug peddlers in his area.

Recommendation:

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

- FC Fida Muhammad No. 3618 may kindly be awarded with suitable punishment.

Submitted please


KAMAL HUSSAIN

Superintendent Of Police Investigation
District Khyber

JAN 2024
DISTRICT POLICE KHYBER
(ASC # 5317)

28.12.2023

Handwritten text, possibly a signature or name, partially obscured by a dark stamp.

Main body of handwritten text, appearing to be a list or series of entries, though the characters are difficult to decipher due to the high contrast and blurriness.

I/O
①

Handwritten text at the bottom of the page, possibly a date or reference number.



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



11-A

D/II

No. 998/PA-DPO Khyber

Dated: 5/12/2023

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 Fida Muhammad No. 3618 of District Police Khyber as per the following allegations:

- "That, while acting as I/C Al-Haj Post, you were found involved in contacts with Narcotics dealers. You were allegedly found to be collecting monthlies from these drug peddlers and providing them safe passages.
- It is pertinent to mention that the reports of a narco-terrorist nexus have been received which suggest the financial support of terrorist by drug dealers 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 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 Fida Muhammad No. 3618 for information and compliance

