

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1033/2024
Javid Muhammad
Sub Inspector, District Kohat

..... Appellant

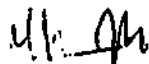
VERSUS

District Police Officer, Kohat & others

..... Respondents

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Deponent

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1033/2024
Javid Muhammad
Sub Inspector, District Kohat

..... Appellant

VERSUS

District Police Officer, Kohat & others

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS. Khyber Pakhtunkhwa
Service Tribunal

Respectfully Sheweth:-

Diary No. 16555

Preliminary Objections:-

Dated 10-10-24

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- iv. That the appellant is estopped to file the instant appeal for his own act.
- v. That the appeal is not maintainable in its present form.
- vi. That the appeal is bad in law and limitation as well.

Facts:-

1. Incorrect and misleading, the appellant badly failed to fulfill his job obligation while posted as SHO PS Shakar Darra. Moreover, every Police officer is under obligation to perform his duty with clean sheeted conduct and upto the entire satisfaction of high ups as in this department there is no room lies for any lethargy. Besides, clean record does not exonerate any officer from further wrong deeds.
2. Para is correct to the extent of Oil fields of OGDCL in the jurisdiction of PS Shakar Darra while rest of the para is not related needs no comments.
3. Incorrect and misleading. The appellant is concealing real facts from the Honorable Tribunal. The appellant while posted as SHO PS Shakar Darra was in active connivance by supporting/aiding the criminals involved in the theft of OGDCL pipeline Shakar Darra. Charge sheet alongwith statement of allegations was served upon the appellant (**Annexures A & B**). SP/Investigation, Kohat was appointed as inquiry officer to scrutinize the conduct of the appellant. The enquiry officer in enquiry proceedings fulfilled all codal formalities and submitted findings (**Annexure-C**) wherein the appellant was found guilty of gross misconduct. The enquiry officer further submitted that the acts of the appellant imprinted bad impact in the minds of public towards the Khyber Pakhtunkhwa Police. Therefore, he was recommended for major punishment by the enquiry officer.

4. Incorrect and misleading. As already explained above that the appellant was found guilty of extending full-fledged support/ aid to the criminals involved in the theft of OGDCL pipeline Shakar Dara. Hence, he failed to discharge his responsibility rather was in league with the said criminals in fulfilling their (Criminal) filthy designs. Therefore, the acts of the appellant tarnished the image of Police department in the eyes of general public.
5. Para is not related with the answering respondent.
6. Para is not related with the answering respondent.
7. Incorrect and misleading. As already explained above the appellant while posted as SHO PS Shakar Dara was in active connivance by supporting/ aiding the criminals involved in the theft of OGDCL pipeline Shakar Dara. In light of the said allegations, Charge sheet along with statement of allegations was served upon the appellant and enquiry was entrusted to the SP/ Investigation, Kohat for scrutinizing the conduct of the appellant. The enquiry officer in enquiry proceedings fulfilled all legal and codal formalities and submitted findings wherein the appellant was found guilty of gross misconduct. The enquiry officer further mentioned that the acts of the appellant imprinted bad impact in the minds of public towards the Khyber Pakhtunkhwa Police.
8. Pertains to record, needs no comments.
9. As already explained above in detail in Paras No. 3, 4 & 7.
10. Incorrect. plea taken by the appellant is totally bereft of any substance because the appellant was proceeded against through proper departmental enquiry by issuing him Charge Sheet and Statement of allegations and enquiry was entrusted to the SP/ Investigation, Kohat. The enquiry officer during the course of enquiry provided ample opportunities to the appellant to produce any cogent justification in rebuttal of the charges leveled against him. However, he bitterly failed to produce even a single iota of evidence in his defense. Furthermore, the enquiry officer after fulfillment of all codal formalities, submitted his report wherein he held the appellant responsible of the misconduct. After receipt of the enquiry findings, the appellant was served with Final Show Cause Notice (Annexure-D) by the competent authority upon which he replied but he did not advance any defense in rebuttal of charged leveled against him. Therefore, he was awarded major punishment of reduction from substantive rank of Offg: Sub-Inspector to Assistant Sub-inspector vide Order No. 6111-13/PA dated 18.10.2023 (Annexure-E).
11. Correct to the extent that the appellant filed departmental appeal against order dated 18.10.2023 wherein the appellate authority observed that as the appellant was promoted as Offg: SI on 01.01.2021. He was not confirmed as Sub-Inspector. Consequently, he was holding the substantive rank of ASI. Section 4(2)(b) of Khyber Pakhtunkhwa Police Rules, 1975 (amended 2014) provides that reduction from an Officiating Rank is not a punishment. Hence, the competent authority was directed to pass a speaking order on the departmental

enquiry conducted against the appellant strictly in accordance with the Rules ibid within a period of 15 days after the receipt of the order issued vide No. 174 dated 04.01.2024 (Annexure-F).

12. Correct to the extent that in light of directions issued by the appellate authority i.e. RPO/ Kohat in pursuance of the Police Rules, 1975 as amended-2014, the Competent authority awarded the appellant the major punishment of reduction in pay to initial stage in the same time scale for the period of 02 years with immediate effect vide Order No. 1877-79 dated 08.03.2024 which does commensurate with the gravity of misconduct of the appellant. Moreover, the appellant has already been treated leniently as the misconduct committed by the appellant does attract a harsh punishment. Besides, his act was such which also come within the ambit of criminal proceedings (Annexure-G).
13. Para pertains to record. Hence, needs no comments. Moreover, the appeal of the appellant being devoid of law/ rules is liable to be dismissed on the following grounds amongst the others.


Grounds:-


- A. Incorrect, plea taken by the appellant is totally bereft of any substance as the appellant has been treated in accordance with law/ rules, proper departmental enquiry into the matter was conducted by the respondents wherein he was found guilty of gross misconduct. Hence, after enquiry, he has rightly been awarded with major punishment. Therefore, no malafide has been committed by the answering respondents.
- B. Incorrect and misleading. As already explained above that plea taken by the appellant is totally bereft of any substance because the appellant was proceeded against through proper departmental enquiry by issuing him Charge Sheet and Statement of allegations and enquiry was entrusted to the SP/ Investigation, Kohat. The enquiry officer during the course of enquiry provided ample opportunities to the appellant to produce any cogent justification in rebuttal of the charges leveled against him. However, he bitterly failed to produce even a single iota of evidence in his defense. Furthermore, the enquiry officer after fulfillment of all codal formalities, submitted his report wherein he held the appellant responsible of the misconduct. After receipt of the enquiry findings, the appellant was served with Final Show Cause Notice by the competent authority upon which he replied but he did not advance any defense in rebuttal of charged leveled against him.
- C. Incorrect and misleading. The appellant is concealing real facts from this Hon'ble Tribunal as the appellant was appeared before the Enquiry officer and recorded his statement which is evident from findings of the enquiry.
- D. Incorrect. As already explained in preceding paras.
- E. Incorrect and misleading. As already explained above that plea taken by the appellant is totally bereft of any substance because the appellant was proceeded against through proper departmental enquiry by issuing him Charge

Sheet and Statement of allegations and enquiry was entrusted to the SP/ Investigation, Kohat. The enquiry officer during the course of enquiry provided ample opportunities to the appellant to produce any cogent justification in rebuttal of the charges leveled against him. However, he bitterly failed, to produce even a single iota of evidence in his defense. Furthermore, the enquiry officer after fulfillment of all codal formalities, submitted his report wherein he held the appellant responsible of the misconduct. After receipt of the enquiry findings, the appellant was served with Final Show Cause Notice by the competent authority upon which he replied but he did not advance any defense in rebuttal of charged leveled against him.

- F. Para already explained in detail in preceding paras.
- G. Para already explained in detail in preceding paras.
- H. Correct to the extent of bad faith but in the instant case the appellant was found guilty of gross misconduct as already explained above in detail. So he cannot take support of judgments of Hon'ble Courts as he had supported/ aided the criminals involved in the theft of OGDCL pipeline Shakar Dara.
- I. Incorrect, no violation of law exists on part of respondents as the appellant was properly associated with the enquiry proceedings. Hence, the plea of the appellant regarding the audi-alteram-partem is totally devoid of merit in the instant case
- J. The respondent also seek permission from this Honorable court to produce additional document at the time of arguments

In view of the above, it is humbly prayed that the appeal devoid of merits may graciously be dismissed with costs.


Regional Police Officer,
Kohat
(Respondent No. 1)
(SHER AKBAR) PSP, S.St


District Police Officer,
Kohat
(Respondent No. 2)
(MUHAMMAD OMER KHAN) PSP

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1033/2024
Javid Muhammad
Sub Inspector, District Kohat

..... Appellant

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District Police Officer, Kohat & others

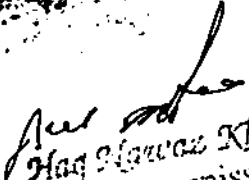
..... Respondents

AFFIDAVIT

I, Muhammad Omer Khan, District Police Officer, Kohat Respondent No. 2 do hereby solemnly affirm and declare on oath that the contents of parawise comments are true and correct to the best of my knowledge and belief and nothing has been concealed from the Honorable Tribunal.

It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense is struck off.


District Police Officer,
Kohat
(Respondent No. 2)
(MUHAMMAD OMER KHAN) PSP
DISTRICT POLICE OFFICER,
KOHAT


Haq Nawaz Khattak
Oath Commissioner
Distt: Court Kohat
08-10-24

Annex - A
P-5

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No. 3598-98/P/A

Office of the
District Police Officer,
Kohat

Dated 07-7-2023

CHARGE SHEET

1. **MR. FARHAN KHAN PSP, DISTRICT POLICE OFFICER, KOHAT**, as competent authority under Khyber Pakhtunkhwa Police Rules 1975 (amendments 2014), am of the opinion that you **SI Javed Muhammad** the then **SHO Police station Shakardara** rendered yourself liable to be proceeded against, as you have omitted the following act/omissions within the meaning of Rule 3 of the Police Rules 1975.

- i. That you while posted as SHO Police station Shakardara is alleged to have supported /aided the criminals involved in the theft of OODCL pipeline Shakardara.
- ii. Your above act shows In-efficiency, irresponsibility and professional gross misconduct on your part.

2. By reasons of the above, you appear to be guilty of misconduct under Rule 3 of the Rules ibid and have rendered yourself liable to all or any of the penalties specified in the Rule 4 of the Rules ibid.

3. You are, therefore, required to submit your written statement within 07days of the receipt of this Charge Sheet to the enquiry officer.

Your written defense if any should reach the Enquiry Officer within the specified period, failing which it shall be presumed that you have no defense to put in and ex-parte action shall be taken against you.

4. A statement of allegation is enclosed.

ATTN


DISTRICT POLICE OFFICER,
KOHAT

Attested
Sheem



No. 3420-21/PA

Office of the
District Police Officer,
Kohat

Dated 04-7-2023

Annex - B
P-6

DISCIPLINARY ACTION

1. **MR. FARHAN KHAN PSP, DISTRICT POLICE OFFICER, KOHAT** as competent authority, am of the opinion that you SI Javed Muhammad the then SHO PS Jarra have rendered yourself liable to be proceeded against departmentally under Khyber Pakhtunkhwa Police Rule 1975 (Amendment 2014) as you have committed the following acts/omissions.

STATEMENT OF ALLEGATIONS

i. You while posted as SHO PS Jarra seizing officer of case FIR No. 194/2022 u/s 11-A CNSA PS Jarra took case property but case property was not produced before the magistrate on the time of production of the accused likewise daily diary of SHO is not available on file thus it cannot be ascertained that what time on the day of occurrence and with how many officials left the PS. Similarly no details found about the handing over case property to Muharrar of the police station due to which accused got benefit and acquitted by ASJI Kohat

ii. Your above act shows in-efficiency and professional gross misconduct.

2. For the purpose of scrutinizing the conduct of said accused with reference to the above allegations SP Investigation Kohat is appointed as enquiry officer. The enquiry officer shall in accordance with provision of the Police Rule-1975, provide reasonable opportunity of hearing to the accused official, record his findings and make, within twenty five days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused official.

The accused official shall join the proceeding on the date, time and place fixed by the enquiry officer.

**DISTRICT POLICE OFFICER,
KOHAT**

No. 3420-21/PA, dated 04-7-2023.

1. Copy of above to:-
SPINU: Kohat :- The Enquiry Officer for initiating proceedings against the accused under the provisions of Police Rule-1975.

2. The Delegation Officer :- with the directions to appear before the Enquiry Officer, on the date, time and place fixed by him, for the purpose of enquiry proceedings.

Attested
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INQUIRY FINDING

T AGAINST SI JAVED MUHAMMAD

Charge Sheet along with statement of allegations received from DPO, Kohat vide No.3598-99/PA dated 27.07.2023, wherein the following allegations were leveled against SI Javid Muhammad:-

- I. That you while posted as SHO Police Station Shakardarra is alleged to have supported/aided the criminals involved in the theft of OGDCL pipeline Shakardarra.
- II. Your above act shows in-efficiency irresponsibility and professional gross misconduct on your part.

PROCEEDINGS

The undersigned was appointed as Enquiry Officer. The defaulter SI Javid Muhammad was served upon the above quoted Charge Sheet along with statement of allegations with the direction to submit his written statement before the undersigned within stipulated period.

Reply of the delinquent officer was received, placed on file and found unsatisfactory. In order to dig out the real facts the following witnesses were examined and their statements duly signed were placed on file:-

1. STATEMENT OF SI JAVED MUHAMMAD

SI Javid Khan was called in the office and heard in person. He stated that the allegations of stealing gas pipelines against him are fabricated and baseless. There are hundreds of security personnel deployed at OGDCL, which is being supervised by a retired Colonel Rank Officer. He has served as SHO PS Shakardara for nearly three months and during his posting, he had arrested many accused involved in pipes theft after registering cases against them. As far as theft of OGDCL gas pipeline is concerned, Malak Rasheed and some of his aides are posting posts on social media through fake IDs against me. The reason behind this is that Malak Rashid had provided a pick-up on rent to OGDCL for Police patrolling. The driver namely Imtiaz of that pickup was the nephew of Malak Rasheed. In 2021, Imtiaz had killed a man, due to which he removed from the driving of the said Pickup. On the removal of Imtiaz from driving Malak Rasheed was annoyed with him. Furthermore, unknown accused had looted Rs 7 million from Postmaster Tariq on which Malak Rasheed and his followers started a campaign against him on social media. The accused were arrested within 12 days and the looted money was also recovered from their possession. Besides this he had made correspondence with the FIA against fake accounts of social media. (Statement of SI Javid Khan along with relevant documents is attached).

2. STATEMENT OF MEHRAB GUL S/O ARAB GUL R/O SHAKARDARRA.

The local villager Mehrab Gul on inquiry stated that SHO Javid Muhammad had involved in pipes theft. He had sold 22 Nos of gas pipes. He further disclosed that SHO Javid Muhammad is strong supporter of extortionists and had close relations with them. He further added that if someone raises his voice against theft, he (SI Javid) used to threaten them through these criminal elements. (Statement is attached)

3. STATEMENT OF MIR ASLAM R/O JANAK SHAKARDARRA

Another villager stated in his statement that Wazir and his sons Sanullah and Usama are close accomplices of SHO Javid in pipe theft. They were fully supported by SHO Javid Muhammad. Apparently they are doing nothing but the one Sanullah has recently build a house worth Rs 10,00,000/- and also purchased a car worth Rs 10,00,000/-.

Annex e
P-7

Attended
[Signature]

INQUIRY FINDINGS REPORT AGAINST SI JAVED MUHAMMAD

Charge Sheet along with statement of allegations received from DPO, Kohat vide No.3598-99/PA dated 07.07.2023, wherein the following allegations were leveled against SI Javid Muhammad:-

- I. That you while posted as SHO Police Station Shakardarra is alleged to have supported/aided the criminals involved in the theft of OGDCL pipeline Shakardarra.
- II. Your above act shows in-efficiency irresponsibility and professional gross misconduct on your part.

PROCEEDINGS

The undersigned was appointed as Enquiry Officer. The defaulter SI Javid Muhammad was served upon the above quoted Charge Sheet along with statement of allegations with the direction to submit his written statement before the undersigned within stipulated period.

Reply of the delinquent officer was received, placed on file and found un-satisfactory. In order to dig out the real facts, the following witnesses were examined and their statements duly signed were placed on file:-

1. STATEMENT OF SI JAVED MUHAMMAD

SI Javid Khan was called in the office and heard in person. He stated that the allegations of stealing gas pipelines against him are fabricated and baseless. There are hundreds of security personnel deployed at OGDCL, which is being supervised by a retired Colonel Rank Officer. He has served as SHO PS Shakardara for nearly three months and during his posting, he had arrested many accused involved in pipes theft after registering cases against them. As far as theft of OGDCL gas pipeline is concerned, Malak Rasheed and some of his aides are posting posts on social media through fake IDs against me. The reason behind this is that Malik Rashid had provided a pick-up on rent to OGDCL for Police patrolling. The driver namely Imtiaz of that pickup was the nephew of Malak Rasheed. In 2021, Imtiaz had killed a man, due to which he removed from the driving of the said Pickup. On the removal of Imtiaz from driving Malak Rasheed was annoyed with him. Furthermore, unknown accused had looted Rs 7 million from Postmaster Tariq on which Malak Rasheed and his followers had started campaign against him on social media. The accused were arrested within 12 days and the looted money was also recovered from their possession. Besides this he had made correspondence with the FIA against fake accounts of social media. (Statement of SI Javid Khan along with relevant documents is attached).

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The local villager Mehrab Gul on inquiry stated that SHO Javid Muhammad had involved in pipes theft. He had sold 22 Nos of gas pipes. He further disclosed that SHO Javid Muhammad is strong supporter of extortionists and had close relations with them. He further added that if someone raises his voice against theft, he (SI Javid) used to threaten them through these criminal elements. (Statement is attached)

3. STATEMENT OF MIR ASLAM R/O JANAK SHAKARDARRA

Another villager stated in his statement that Wazir and his sons Sanaullah and Usama are close accomplices of SHO Javid in pipe theft. They were fully supported by SHO Javid Muhammad. Apparently they are doing nothing but the one Sana Ullah has recently build a house worth of approximately 10 Million and also purchased a Toyota

Attested
Faleem

P-9
(14)

Fielder Car. His other brother Osama also build his house which cost is approximately 6.5 Million. It is the habit of SHO Javid Muhammad to lodge FIRs of theft against poor to show his progress to his seniors whereas the big gang and extortionists are his close companions from whom he receives his regular share. (Statement is attached)

4. STATEMENT OF MALAK KHALID MEHMOOD

Malak Khalid Mehmood a local of Shakardarra stated that the allegations against SHO Javid Khan regarding theft of gas pipe are true. He also involved in the theft of Solar Panel System. The extortionists and other criminal elements are his favourite child. (Statement is attached)

5. DISCREET PROBE REPORT

Discreet information has been obtained about the SI Javid Muhammad regarding the theft of gas pipeline. No one is ready to testify against him. However, Shaukat Chairman and Saraulah who are running hotel business in Shakardara, Abba, have close links with SI Javid. (Secret probe report is attached)

6. SOURCE REPORT.

In order to dig-out actual facts source report was obtained from concerned authority which reveals that OGDCL pipes worth of millions of rupees had been stolen time to time by village chairman Shaukat, Nazar Hussain and Osama. These pipes were sold to Afghani scrap dealers in adjoining District Mianwali Punjab. SHO Javed Khan was regular share holder of this group. (Source report is attached).

FINDING

Having gone through the statements of villagers, secret probe, source report and personal hearing of the delinquent officer the charges leveled against SHO Javid Muhammad seems genuine and during the course of enquiry he found guilty. It imprints bad impact in the minds of public. The ubiquitous impression of KP Police has badly damaged by the illegal act of SHO Javid Muhammad.

CONCLUSION

As SI Javid Muhammad is found guilty on account of his involvement in theft of OGCL Pipeline. It is suggested / recommended that Major Punishment may kindly be awarded to him.

Submitted please.


Superintendent of Police,
Investigation Kohat

Attested


Fielder Car. His other brother Osama also build his house which cost is approximately 6.5 Million. It is the habit of SHO Javid Muhammad to lodged FIRs of theft against poor to show his progress to his seniors whereas the big gang and extortionists are his close companions from whom he receives his regular share. (Statement is attached)

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FINDING

Having gone through the statements of villagers, secret probe, source report and personal hearing of the delinquent officer the charges leveled against SHO Javid Muhammad seems genuine and during the course of enquiry he found guilty. It imprints bad impact in the minds of public. The ubiquitous impression of KP Police has badly damaged by the illegal act of SHO Javid Muhammad.

CONCLUSION

As SI Javid Muhammad is found guilty on account of his involvement in theft of OGCL Pipeline. It is suggested / recommended that Major Punishment may kindly be awarded to him.

Submitted please.

Attested
[Signature]



ANX. E 32

OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-920116 Fax 920125

No. 5467 /PA dated Kohat the 18/9/2023

FINAL SHOW CAUSE NOTICE

1. I, **Mr. Farhan Khan PSP, District Police Officer, Kohat** as competent authority, under the Khyber Pakhtunkhwa Police Rules 1975, (amended 2014) is hereby serve you **SI Javed Muhammad the then SHO PS Shakardara** as follow:-

- i. That consequent upon the completion of inquiry conducted against you by the inquiry officer for which you were given opportunity of hearing vide office No. 3598-99/PA dated 07.07.2023.
- ii. On going, through the finding and recommendations of the inquiry officer, the material on record and other connected papers including your defense before the inquiry officer.

I am satisfied that you have committed the following acts/omissions, specified in section 3 of the said ordinance.

- a. *That you while posted as SHO Police station Shakardara is alleged to have supported /aided the criminals involved in the theft of OGDCL pipeline Shakardara.*
- b. *Your above act shows in-efficiency, irresponsibility and professional gross misconduct on your part.*

2. As a result thereof, I, as competent authority, have tentatively decided to impose upon you major penalty provided under the Rules *ibid*.

3. You are, therefore, required to show cause as to why the aforesaid penalty should not be imposed upon you also intimate whether you desire to be heard in person.

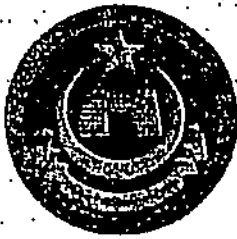
4. If no reply to this notice is received within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have no defence to put in and in that case as ex-parte action shall be taken against you.

5. The copy of the finding of inquiry officer is enclosed.

ATTACHED

DISTRICT POLICE OFFICER,
KOHAT

Attested
[Signature]



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ANX „F,, 38

ORDER

This order will dispose of departmental proceedings against Offg: Sub Inspector Javed Muhammad, the then SHO PS Shakardara of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (Amendment 2014).

Facts arising of the case are that he while posted as SHO Police Station Shakardara is alleged to have supported / aided the criminals involved in the theft of OGDCL pipeline Shakardara.

The above act of the defaulter SI shows in-efficiency, irresponsibility and professional gross misconduct on his part.

For the above, serious / professional misconduct of the defaulter SHO, charge sheet alongwith statement of allegations was served upon the accused officer. SP Investigation Kohat was appointed as enquiry officer to scrutinize the conduct of accused officer and stated therein that secret probe from the villagers, source report and personal hearing of the delinquent officer, charges leveled against him seems to be genuine. During the course of enquiry he has found guilty. It imprints bad impact in the minds of public. The ubiquitous impression of Khyber Pakhtunkhwa Police has badly damaged by the illegal act of the delinquent officer.

In view of above, the accused officer was served with Final Show Cause Notice to which he submitted reply but he did not advance any defense and relied in his reply to the charge sheet.

The accused official was heard in person in Orderly Room held in this office on 18.10.2023 and he is afforded full opportunity of defense but he failed to submit any plausible explanation, therefore, the charges leveled against him have been established.

In view of the above and available record, I agree with the findings of enquiry officer, therefore, in exercise of powers conferred upon me under the rules Ibid I, Farhan Khan, District Police Officer, Kohat hereby award a major punishment of reduction from substantive rank of Offg: Sub Inspector to Assistant Sub Inspector. He is reinstated in service from the date of suspension.

DISTRICT POLICE OFFICER,
KOHAT

OB No.

877

Dated

18-10-23

No.

611-13

IPA dated Kohat the 18-10-2023.

Copy of above to the:-

1. Reader/Pay officer/SRC/OHC for necessary action.

Attested
[Signature]

H

Annex - F
P-11

ORDER

ANX.H., 42

This order will dispose of the departmental appeal preferred by ASI Javed Muhammad No. 88/K of district Kohat against the order of District Police Officer, Kohat whereby he was awarded major penalty of reduction from the rank of Offg: Sub Inspector to substantive rank of Assistant Sub Inspector vide OIB No. 877, dated 18.10.2023. Brief facts of the case are that the appellant while posted as SHO PS Shakar Dara was alleged to have supported / aided the criminals involved in the theft of UCIDCI pipeline Shakar Dara.

Proper departmental enquiry proceedings were initiated against him and SP / Investigation Kohat was nominated as Enquiry Officer. The Enquiry Officer after fulfillment of usual formalities submitted his findings wherein the appellant was found guilty of the charges leveled against him and recommended for major punishment under the relevant rules.

Keeping in view, the recommendations of the Enquiry Officer and circumstances of the case, the delinquent officer was awarded punishment of reduction from Offg: Sub Inspector to substantive rank of Assistant Sub Inspector.

Feeling aggrieved from the order of District Police Officer, Kohat, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in the office of the undersigned on 19.12.2023. From the perusal of the record, it has transpired that the appellant was promoted as Offg: Sub Inspector on 01.01.2021. He has not yet been confirmed as Sub Inspector. Consequently, he is holding the substantive rank of Assistant Sub Inspector. Section 4(2)(b) of the Khyber Pakhtunkhwa Police Rules 1975 (As Amended in 2014) provides that reversion from an Officiating rank is not a punishment. Thus the appellant is currently holding the substantive rank of Assistant Sub Inspector.

Foregoing in view, I, Sher Akhtar, PSP, S.St, Regional Police Officer, Kohat, being the appellate authority, hereby set aside the punishment of reduction from the rank of Officiating Sub-Inspector to Assistant Sub-Inspector awarded by District Police Officer, Kohat vide order No. 877 dated 18.10.2023. The departmental enquiry conducted against the appellant stands pending before the District Police Officer, Kohat. He is, therefore, directed to pass a speaking order on the departmental enquiry conducted against the appellant strictly in accordance with the Khyber Pakhtunkhwa Police Rule 1975 (As Amended in 2014) within a period of 15 days after the receipt of the order of this office.

Order Announced
19.12.2023


Regional Police Officer,
Kohat Region

No. 174 /EC, Dated Kohat the 04/01/2024

Copy forwarded to District Police Officer, Kohat for information and necessary action w/r to his office Memo: No. 7819/LB, dated 30.11.2023. 02 Service Books, 01 Ser^c Roll and Fauji Misal are returned herewith.

ATTACHED

Attested


Annex - G

P-12

I



OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT
Tel: 0922-9260116 Fax 9260125

ANX I, 43

ORDER

In compliance with the directives received from Worthy Regional Police Officer vide his office order Endst: No. 174/EC dated 04.01.2024 passed on the departmental appeal of ASI Javed Muhammad No. 88/ K (The then Offg: Sub Inspector) wherein, the WRPO Kohat being the appellate authority, set aside the punishment of reduction from the rank of Offg: SI to ASI awarded by this office Order Book No. 877 dated 18.10.2023. The departmental enquiry was kept pending and this office was directed to pass a speaking order strictly in accordance with Police Rules 1975 (As amended in 2014).

Facts arising of the case are that he while posted as SHO Police Station Shakardara was allegedly found to have supported / aided the criminals involved in the theft of OGDCL pipeline Shakardara, which show his malafide and professional gross misconduct on his part.

For the above, serious / professional misconduct of the defaulter SHO charge sheet alongwith statement of allegations was served upon the accused officer. SP Investigation Kohat was appointed as enquiry officer to scrutinize the conduct of accused officer. The enquiry officer after thoroughly probing into the matter, statement of villagers, source report and personal hearing of the delinquent officer has found him guilty of the charges leveled against him and recommended for award of one of the major punishment.

In view of above, the accused officer was served with Final Show Cause Notice to which he submitted reply which was found un-satisfactory and also he did not advance any plausible explanation in his defense during his personal hearing in O.R on 18.10.2023.

Since, the appellant has not yet been confirmed in his Substantive Rank of Sub Inspector, therefore still he is holding the rank of ASI, hence reduction from Offg: Rank is not a punishment under the Rules ibid.

In view of the above and available record, I agree with the findings of enquiry officer, therefore, in exercise of powers conferred upon me under the rules ibid I, Farhan Khan, District Police Officer, Kohat hereby impose a major punishment of reduction in pay to initial stage in the same time scale for the period of 02 years with immediate effect and he is reinstated in service from the date of suspension.

ANNEX

DISTRICT POLICE OFFICER,
KOHAT

OB No. 209
Dated 08-3-24
No. 1872-79 /PA dated Kohat the 08-3-2024.

- Copy of above to the:-
1. Regional Police Officer, Kohat w/r to his office Endst: quoted above, please
 2. Reader/Pay officer/SRC/OHC for necessary action

Attested
[Signature]

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

P-13

Service Appeal No. 1033/2024
Javid Muhammad
Sub Inspector, District Kohat

..... Appellant


VERSUS


District Police Officer, Kohat & others

..... Respondents

AUTHORITY LETTER

Mr. Usman Ali Khan, DSP Legal Kohat is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.


Regional Police Officer,
Kohat
(Respondent No. 1)
(SHER AKBAR) PSP, S.St


District Police Officer,
Kohat
(Respondent No. 2)
(MUHAMMAD OMER KHAN) PSP