

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.852/2024.


Ghost/illegal Employee Shaukat iqbal No.1893 of CCP Peshawar..... **Appellant.**

VERSUS

Capital City Police Officer, Peshawar and others..... **Respondents.**

I n d e x

S.NO	DOCUMENTS	ANNEXURE	PAGES
1	Reply		1 to 3
2	Affidavit		4
3	Authority		5
4	Copy of statement	A	6
5.	Copy of letter	B	7


DSP/Legal, 16/10
CCP Peshawar.

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REPLY BY RESPONDENTS NO. 1& 2.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16889

Dated 17-10-24

Respectfully Sheweth:-

PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
3. That the appellant has not come to Hon'ble Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file the instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from Hon'ble Tribunal.
7. That the appeal is not maintainable in its present forum being devoid of any merit.
8. The appellant has no right to file an appeal under Section 04 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, as he is not considered a civil/government servant.

REPLY ON FACTS:-

1. Incorrect. The appellant was identified one of the illegal and fake employee enlisted fraudulently and illegally by a Mafia in CCP Peshawar. As per Police Act 2017, recruitment shall be made in accordance with the procedures and requirements outlined in Section 34 of the Act provides that:-

34. Initial recruitment of Constables.---(1)The post of Constable shall be filled in by initial recruitment at the District level by the head of district police through a selection process conducted by an accredited testing agency approved by the Provincial Police Officer.

But the appellant did not follow the same for recruitment. Copy of regularization order dated 01.03.2020 as annexure "A" of the appeal have OB No. 2064, dated 27.06.2019, is fake, OB No. 2064 dated 27.06.2019 was allotted to Ex-Pakistan leave of two Constables Rehman Ullah No. 1778 and Adnan No. 2886 for the purpose of Hajj. (Copy of OB No. 2064 is attached herewith). Furthermore, regularization Notification of 1549 SPOs issued vide Notification No. SO(Budget)/HD/15-29/2016 vol-II dated 8th April, 2020 by SO(Budget). While their order was separately issued vide OB No. 1186, dated 20.05.2020 by SP HQrs., CCP Peshawar.

2. Incorrect. No record found of the transfer order annexed in the appeal. Furthermore, during the course of enquiry, it came to light that the appellant was looking for a job in the year 2022 and approached to Haji Shahid and requested for recruitment as a Constable. Haji Shahid allegedly demanded a payment of 5 lakh rupees, which the appellant paid.

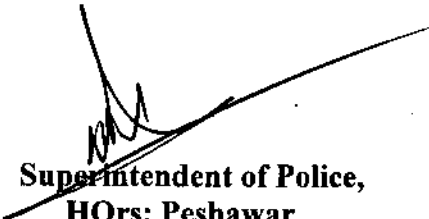
Subsequently, Haji Shahid handed over a fraudulent order and directed him to report to District Khyber without undergoing any required procedures. (Copy of statement is annexed as A)

3. Incorrect. In compliance with the direction of DIG/HQrs: Khyber Pakhtunkhwa, vide letter No. 101/PA/DIG/HQrs: dated 21.08.2023, a scrutiny committee was constituted, wherein the appellant was found to be a fake/illegal employee. A facts finding enquiry was conducted, and the enquiry committee, after examining the issue in detail, concluded that the appellant was fictitiously recruited by a mastermind in Accounts Branch who was siphoning salary from the national exchequer in his name. The mastermind of this scheme employed tactics such as illegally hiring namesakes of previously dismissed police employees and recruiting illegal, fake, and ghost employees through fake orders and OB entries. They also used fake transfer orders to start their salaries illegally from AG Office. The enquiry committee, after reviewing the records of the OASI Branch, discovered that on belt number 1593 in CCP Peshawar one Arshad Ali Constable is serving and presently on duty as driver MT staff CCP, Peshawar. Similarly, according to CRC report, the constable serving at this number has verified Service Roll and documents. Service Record from Establishment Branch, District Khyber received, Service Roll analyzed and found that the Service Roll have fake order, fake/bogus OB numbers and scanned signature. During the enquiry, the appellant recorded his statement in written and also fixed his thumb impression on his statement, wherein, he confessed his guilt. After a thorough probe into the matter, the enquiry committee found the appellant to be an illegal, fake employee.
4. Incorrect. During scrutiny of illegal/ghost employees, it was discovered that salaries had been regularly disbursing to non-existent or fake employees. Upon this revelation, immediate action was taken to halt the payment of their salaries. This measure aims to curb financial misconduct and ensure accountability within the system. After enquiry certain employees including the appellant confirmed as illegal/fake employee. Furthermore, the appellant, identified as belt No. 1593 and Personnel Number 921365 (Khyber), was found to be a fake/illegal employee. He was subjected to proceedings due to receiving illegal salaries through a bank account, despite not being found in the official records. This situation highlights the serious issue of fraudulent enlistment and unauthorized receipt of government salaries. Name of the appellant did not present in SPO record nor in regularized SPO record.
5. Incorrect. After completion of inquiry proceedings, the enquiry committee found the appellant to be an illegal/fake employee. The Supreme Court of Pakistan, in its judgment in Civil Petition No. 4057/2021 and CM Appeal No. 01/2022, declared such illegal employment in a government department as invalid when no pre-requisite criteria were followed. For reference, Para 03 of the judgment is reproduced below:


3. " Having heard learned counsel for the parties and going through the impugned judgment and on the basis of the comments filed by the Government of Khyber Pakhtunkhwa, it appears that at the time of appointing the petitioner no process was followed and the principle of transparency and open competition was entirely ignored. The petitioner was appointed in violation of law and the rules and even if the termination later does not

PRAYERS:-

It is therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merit and legal footing, may kindly be dismissed with cost please.



**Superintendent of Police,
HQrs: Peshawar.
(Razi Khan)
(Respondent No.2)
Incumbent**



**Capital City Police Officer,
Peshawar.
(Qasim Ali Khan) PSP
(Respondent No.1)
Incumbent**

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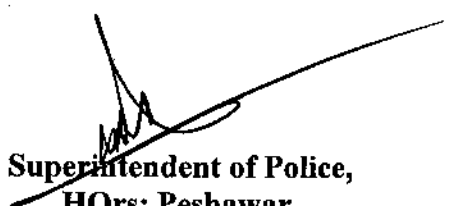
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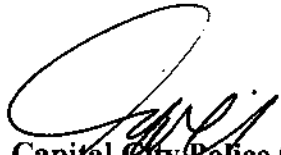
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AUTHORITY.

We respondents are hereby authorize Mr.Inam Ullah DSP legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of respondent department.


**Superintendent of Police,
HQrs: Peshawar.
(Razi Khan)
(Respondent No.2)
Incumbent**


**Capital City Police Officer,
Peshawar.
(Qasim Ali Khan) PSP
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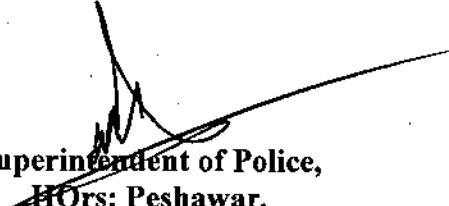
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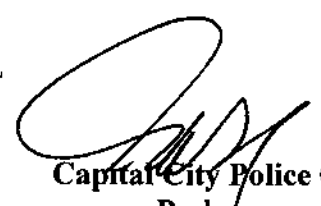
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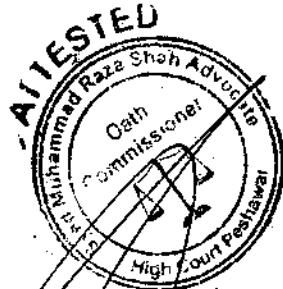
AFFIDAVIT.

We respondent No. 02 and 03 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of my knowledge and belief and nothing has concealed/kept secret from this Hon'ble Tribunal. It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense have been struck off. /cost


**Superintendent of Police,
HQrs: Peshawar.
(Razi Khan)
(Respondent No.2)
Incumbent**


**Capital City Police Officer,
Peshawar.
(Qasim Ali Khan) PSP
(Respondent No.1)
Incumbent**

17 OCT 2024



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[Signature]

03119885564

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Attested
[Signature]

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OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9213757

No. S23-25/PA-SSP-Coord:

Dated Peshawar the 5/01/2024

To The Addl: Inspector General of Police,
Headquarter, Khyber Pakhtunkhwa, Peshawar.

Subject: DISCIPLINARY ACTION AGAINST OFFICIALS FOR FRAUDULENT
AND ILLEGAL RECRUITMENTS

Memo:

Please refer to your office letters No. 124/PA/DIG/HQs, dated 24.10.2023, 159/PA/DIG/HQs dated 01.12.2023 and 163/PA/DIG/HQ dated 5.12.2023 regarding identification of ghost employees.

In pursuance of above, an exercise to identify ghost/illegal employees was carried out in CCP and District Khyber in which it surfaced that from 2019 to 2021, a mafia was involved in recruiting illegal/fake/ghost employees through fake orders/documents in CCP/Khyber. This mafia used to first recruit these individuals through fake/illegal means and then transfer some of them to District Khyber. They were also involved in issuance of their salaries in connivance with their counterparts in AG office. An enquiry was ordered through a committee headed by SSP/Coordination, CCP Peshawar. During enquiry the following facts transpired;

2. A total of 28 individuals were illegally recruited by this mafia bypassing necessary recruitment procedures like advertisement, medical tests, training, and physical check-ups etc. The individuals recruited as such were called by the Enquiry Committee and they confessed bribery in their appointment as they did not go through any ETEA or other examination nor attained any training etc. Their Service Rolls, Order Book entries and Belt Numbers have also been found to be fraudulent. Through this process, a large sum of money was pocketed from the individuals in return for their illegal recruitment at the first hand, and afterwards their two years (2019-2021) salaries were also retrieved in the form of arrears by this mafia involved in these illegal recruitments.

3. It was observed that the Service Rolls of these illegal employees were entered through fake Order Book in 2019; however, according to statements of these employees, their salaries started from 2021 and as such the salaries were withdrawn by the delinquent officials as arrears for themselves.

4. The findings indicated that a network comprising of Muhammad Aslam, the then OS, CCP, SC Shahid Ali, the then APO/Pay, CCP, SC Syed Tahir Shah, the then Pay Officer CCP, Peshawar bypassed mandatory procedures of recruitment and manipulated the record for their personal gain. The gang opened multiple bank accounts in the name of various private individuals as well as on


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their own names and in some instances two personal numbers are being used to draw salaries of the ghost employees.

5. Tactics such as reinstating fake namesake of previous Police employees was used for syphoning out salaries from Government exchequer by this mafia. For example, SC Shahid fraudulently recruited his private driver namely Akbar Khan Son of Essa Khan CNIC 17301-1462713-9. He was recruited in place of one Akbar Khan son of Yar Muhammad who was Police Constable and dismissed in 2008 and now working in a private factory in Industrial Estate Hayatabad. SC Shahid's private driver having same name as was of the "re-instated" as being the dismissed Akbar Khan and the driver was receiving salary in his account and having "19 years government Service" to his credit despite not working for a single day in the department. A total of 28 such officials (Ghost = 12 + illegally recruited = 16) have therefore been struck off from the strength of Peshawar Police.

6. It is therefore, requested that departmental proceedings against the delinquent officials may kindly be initiated for gross misconduct, illegal recruitments, loss to the national exchequer for personal gains and harming reputation of police department as they have been transferred from CCP Peshawar and now are serving in other units. The Enquiry Committee Report/Findings consist of (28) pages are enclosed herewith for ready reference, please.

SSP COORDINATION
FOR CAPITAL CITY POLICE OFFICER
PESHAWAR

Copy to: -

1. The Deputy Inspector General of Police, Headquarter KPK, Peshawar.
2. PSO to Inspector General of Police, Khyber Pakhtunkhwa.

On
Attested