

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

SERVICE APPEAL No. 971/2024.

Gohar Ali Shah SI .....Appellant.

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar  
& Others.....Respondents.

INDEX

S#	Description of document	Annexure	Page
1	Parawise Comments	-	1-2
	Affidavit, Power of attorney	-	3-4
3	Copy of charge sheet, reply & statements	A	5-14
4	Copy of summary of allegation	B	15
5	Copy of enquiry report	C	16-18
6	Copy of Final Show Cause Notice, reply	D	19-20
7	Copy of Order	E	21
8	Copy of order RPO	F	22-23
9	Copy of order PPO	G	24
10			

*SI / Legal  
Smeaton*

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**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

SERVICE APPEAL No. 971/2024.

Gohar Ali Shah SI.....Appellant.

**VERSES**

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar  
& Others.....

17.18.  
23-10-24  
Respondents.

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 to 3**

Respectfully Sheweth:

**Preliminary Objections.**

1. That the appellant has got no cause of action and locus standi to file instant appeal.
2. That the appeal is bad due to misjoinder and nojoinder of necessary parties.
3. That the appeal is barred by law and & limitation.
4. That the appellant has not come to this Tribunal with clean hands.
5. That the instant appeal is not maintainable in its presents form.
6. That the appellant concealed the material facts from this Hon'ble Tribunal.
7. That the appellant has been estopped by his own conduct to file the appeal.

**REPLY ON FACTS.**

1. Para No. 01 of appeal pertains to service record, hence need no comments.
2. Para No. 02 of appeal is incorrect. Appellant while posted to Police Station Zaida, he along with other police party held nakabandi /snap checking. During such nakabandi he stopped one motor car wherein Fayaz & Nawaz Ali Shah r/o Zaida were boarded. During search of that car huge quantity of Charas from the possession of one namely Fayaz were recovered but instead of taking legal action, he received illegal gratification of Rs 90000/- from him and set them free, on account of such mis-conduct he was proceeded against departmentally. He was issued charge sheet/summary of allegations and proper departmental enquiry were initiated and SDPO Lahor was appointed as Enquiry Officer to conduct proper departmental enquiry in accordance with law/rules. The enquiry officer conducted proper departmental enquiry, recorded statements of all concerned and submitted his findings wherein appellant was found guilty for the mis-conduct. The respondent No. 1 perused the findings of the enquiry officer and by agreeing with the enquiry officer, appellant was served with Final Show Cause Notice and after providing opportunity of personal hearing, awarded Major punishment of reduction from rank of Sub Inspector to Assistant Sub Inspector in accordance with law/rules. (Copies of Charge Sheet/ Summary of allegations enquiry report, and Final Show Cause Notice and Order are attached as Annexure "A,B,C,D & E").
3. Para No. 03 to the extent of filing departmental appeal before appellate authority is correct however, the same was examined which was partially accepted wherein the major penalty of reduction in rank was modified into minor penalty of forfeiture of one year approved service vide order 155-57/ES dated 11.01.2024. (Copy of appellate order is attached as annexure "F").
4. Reply already given vide para above.
5. Para No. 05 of appeal to the extent of filing revision petition is correct, however the same was rejected by the appellate authority being devoid of merit and groundless through speaking order where the petitioner/appellant was heard in person before passing final order (Copy of order No. S/1151-56 dated 17.05.2024 attached as annexure "G").

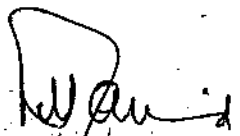
- 6. Reply, already given vide para above.
- 7. That appellant has got no cause of action, the orders of respondents are quite legal and in accordance with law/rules, hence the present appeal is groundless and liable to be dismissed.


**GROUNDS.**

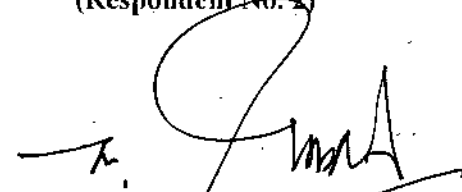
- A. Incorrect. The orders of respondents are quite legal in accordance with law and rules.
- B. Incorrect. The orders of respondents are legal and in accordance with law. Appellant is treated in accordance with law/ rules and no discrimination what so ever has been committed. The orders passed against the appellant are neither unconstitutional nor illegal rather the same are speaking in nature.
- C. Incorrect. The actions of respondents are strictly as per law /rules.
- D. Incorrect proper departmental enquiry was conducted and during enquiry appellant was provided an opportunity of cross-examination and personal hearing. After fulfilment of all codal formalities he was awarded punishment as per law/ rules.
- E. Incorrect. Proper Charge Sheet and Summary of allegations were issued and the appellant was provided opportunity of personal hearing during departmental proceedings. After proper enquiry proceedings in accordance with law/rules appellant was found guilty for the mis-conduct, hence, on receipt of recommendation of Enquiry Officer appellant was and punished as per law/ rule.
- F. Incorrect. Pertains to Service Record.
- H. That the respondents also seek permission to advance other grounds at the time of arguments.

**Prayer.**

Keeping in view the above narrated facts, it is humbly prayed that the instant appeal being devoid of merits may very kindly be dismissed with costs, please.

  
 (HAROON RASHID KHAN)PSP  
 District Police Officer, Swabi.  
 (Respondent No. 1)

  
 (NAJEEB UR REHMAN BUGVI)PSP  
 Regional Police Officer, Mardan.  
 (Respondent No. 2)

  
 DIG/Legal, CPO  
 For Inspector General of Police,  
 Khyber Pakhtunkhwa, Peshawar  
 (Respondent No. 3)  
 (DR. MUHAMMAD AKHTAR ABBAS)PSP  
 Incumbent

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

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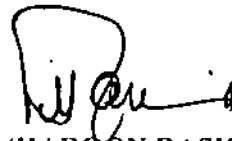
Gohar Ali Sha SI .....Appellant.

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar  
& Others.....Respondents.

AFFIDAVIT:-

I the respondent No.1 do hereby solemnly affirm and declare on oath that the contents of the written reply are correct/ true to the best of my knowledge/ 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 has been struck off/cost.



(HAROON RASHID KHAN)PSP  
District Police Officer, Swabi.  
(Respondent No. 1)

**ATTESTED**



23-10-2024

(4)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

**SERVICE APPEAL No. 971/2024.**

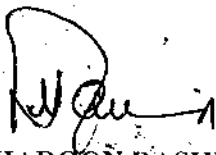
Gohar Ali Shah SI .....Appellant.

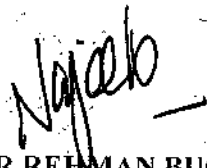
**VERSUS**

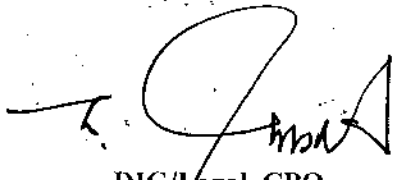
Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & Others.....Respondents.

**POWER OF ATTORNEY.**

We, the respondent No. 1 to 3 do hereby appoint **Mr. Akbar Ali Khan DSP Investigation, Swabi** as special representative on our behalf in the above noted Service Appeal. He is authorized to represent us before the Tribunal on each and every date fixed and to assist the Govt. Pleader attach to Tribunal.

  
**(HAROON RASHID KHAN)PSP**  
District Police Officer, Swabi.  
(Respondent No. 1)

  
**(NAJEEB UR REHMAN BUGVI)PSP**  
Regional Police Officer, Mardan.  
(Respondent No. 2)

  
**DIG/Legal, CPO**  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 3)  
**(DR. MUHAMMAD AKHTAR ABBAS)PSP**  
Incumbent

A

5

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OFFICE OF THE  
DISTRICT POLICE OFFICER SWABI  
PHONE# 0938-920050 FAX# 0938-920054  
EMAIL: dpo\_swabi@yahoo.com

**CHARGE SHEET UNDER KPK POLICE RULES-1975**

Whereas I am satisfied that formal enquiry as contemplated by Khyber Pakhtunkhwa Police Rules 1975 is necessary and expedient.

And whereas I am of the view that the allegations if established would call for Major/Minor penalty as defined in Rules 4 (b) a & b of the aforesaid Rules.

Now therefore as required by Rules 6 (1) of the aforesaid Rules I, **Najmul Hasnain Liaquat, PSP District Police Officer Swabi** charge you **SI Gohar Ali**, the basis of statement of allegations attached to this charge sheet.

In case your reply is not received within seven days without sufficient cause it will be presumed that you have no defence to offer and ex-parte action will be taken against you.

  
NAJMUL HASNAIN LIAQUAT (PSP)  
DISTRICT POLICE OFFICER  
SWABI

ATTESTED

PIO   
District Police Officer, Swabi.

Attachment  
D/S  
M/s/...

PTO

وزیرستان اور آزاد کشمیر کے لیے

1- سائنس اور ریاضیات کے لیے SI کے لیے طلبہ کی فہرست

تیار کر کے پیش کرنا ہے

2- سائنس اور ریاضیات کے لیے SI کے لیے طلبہ کی فہرست

تیار کر کے پیش کرنا ہے

3- سائنس اور ریاضیات کے لیے SI کے لیے طلبہ کی فہرست

تیار کر کے پیش کرنا ہے

4- سائنس اور ریاضیات کے لیے SI کے لیے طلبہ کی فہرست

تیار کر کے پیش کرنا ہے

5- سائنس اور ریاضیات کے لیے SI کے لیے طلبہ کی فہرست

تیار کر کے پیش کرنا ہے

6- سائنس اور ریاضیات کے لیے SI کے لیے طلبہ کی فہرست

تیار کر کے پیش کرنا ہے

7- سائنس اور ریاضیات کے لیے SI کے لیے طلبہ کی فہرست

تیار کر کے پیش کرنا ہے

8- سائنس اور ریاضیات کے لیے SI کے لیے طلبہ کی فہرست

تیار کر کے پیش کرنا ہے

9- سائنس اور ریاضیات کے لیے SI کے لیے طلبہ کی فہرست

تیار کر کے پیش کرنا ہے

(4)

(6)


(1) All

5 - یہ کہ جو جسہ 22.2.2023 کو مسی سبر علی شاہ و شاہ خالد سائمان لوئیس برک ڈرائیوران اپنے کلینٹر مسی لوئیس ولد افضل سکنہ کوئٹہ کے خلاف SHO کھانہ زبردہ خورد خورد گزاری جس میں لوئیس مذکورہ خلاف رقم مبلغ 2,25,000/- روپے اور ایک سو دو سو ارب ساٹھ روپے تقریباً 30,000/- روپے ادکارہ پنچا سے گاڑی سے چوری کرنے اور لہو وقوعہ روئیس ہونے کی بابت ادکارہ میں بھی کیلنٹ کرنے اور معلوم کرنے پر کہ مسی لوئیس سے لائق اختیار حینا راجم واقع زبردہ میں روئیس زبردہ ہوا معلوم ہوا۔ جو کہ لوئیس مذکورہ کیا ہیں، لوئیس علی شاہ و شاہ علی سائمان زبردہ کے ساتھ رجسٹرڈ ہوئے۔

6 - من 22.2.2023 کو جمعہ کیسٹان حویا ل کشتہ پر کھا۔ حیرت کھانے پر زبردہ فون اطلاع دیکر کہ سیمان سبر علی و شاہ خالد نے مسی لوئیس کے خلاف درخواست کی ہے اور لوئیس مذکورہ کو کھانہ لاکر مالہ مدعیان درخواست ڈرائیوران کے ساتھ اپنا معاملہ صاف کرنا اسی اطلاع پر میں جا کہ مسی لوئیس مذکورہ کھانہ لاکر صاف و لوئیس علی شاہ و شاہ علی شاہ طلبیدہ کھانہ لاکر کھانہ میں کمرہ حیرت میں بچائے جا کر فریقین کے مابین معاملہ شروع ہو کر رہا ہوا۔ پر لوئیس مذکورہ نے سلا مالہ روز وقوعہ میں نے ادکارہ سے برک کے لوئیس سے رقم تقریباً 2,25,000/- روپے حویا ل چوری کر کے میں ادکارہ سے دسہ زبردہ سیمان سبر علی کے محنت کرات کو میں نے حملہ رقم مسی سبر علی اور دو سو روپے حویا ل (ایک سلسلہ اور دو سو روپے) حویا ل کے صبح صاف مذکورہ نے مجھے 50 ہزار روپے حوالہ کر کے اور سا کو خالی 370000 حویا ل میں

ATTESTED

P.T.O

PIO   
 District Police Officer, Swabi.



دیسہ ٹھنڈ کوٹی میں مسی ناصر ولد الغا اللہ جو کہ فلائنگ کورج ڈرائیو ہے اور  
 اسی دوران درخواست کنندگان اور الزا علیہا کے درمیان اسی ناصر نے نیوے پر  
 حتیٰ مدافن نے ہر سہت لواز علی شاہ مالک گاڑی (سبز علی شاہ و شاہ ظاہر) کو  
 SI/ ہزار روپے والیں کی جو کہ لٹا مار جسم کی اداسگی ہوئی تھی اور ضامن اور  
 دیگر ساتھیوں کا لٹا مار جسم اور کرنے کا خیال نہیں تھا لیسہ الزامات کے ذریعے  
 پولیس کو دباؤ میں لاکر لٹا مار جسم بڑب کرنا چاہیے تھے۔

7۔ یہ کہ عبدالقادر، لواز علی شاہ کے مدفنہ ما ان کی مدد تھی جو کہ کار سے  
 کسی جسم کی منتیات پر آمد نہیں ہوئے باجم انہی پر الزام ہے کہ ان کے  
 یہ اصرار کرتے ہیں کہ وہ منتیات کے حکروہ دفعہ میں عملوت میں لے  
 ان کے خلاف کاروائی عمل میں لانا ضروری تھا

8۔ یہ کہ SI ایک زبرد دار پولیس آفیسر تھے اور اپنے بیٹے نے زبرد داران سے  
 جوئی واقعہ تھے۔ جن SI سائل 205 کو مجسٹریٹ کیسٹل جوئی پر درانی تخت  
 اور خذ الفلن اور المانداری سے جوئی سے انجام دینے کی بدولت جو جو وہ مدد  
 آباں تھے۔ لیسہ ان SI اس جسم کی غیر زبرد حرکت کا اصرار ہی  
 نہیں کر سکتا یہ کہ جن SI فالون کے تہا ان میں جمعہ الزامات  
 گمانے والوں کے خلاف کاروائی کا حق محفوظ رکھا ہوں

لیسہ اسد عا ہے کہ خارج شدہ ڈانڈو ایڑی لیکچر میں محمدانہ کاروائی  
 داخل دفتر خانی کا

محمد خان ایڈووکیٹ

0313-9379049

ATTESTED  
 PIO  
 District Police Officer, Swabi.

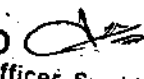
بیان اذان جناح ولد علاء کمر سکنہ زنگہ  
 نے نہایت بیان کیا جو <sup>2003</sup> مجھے کو توڑی گیا ہے  
 بیمار تھا لیکن علاج معالجہ دینا شروع کیا تھا، لوقت شب

والی رات تھا تو زیدہ تھا اس کی سہ ماہی کو جو حشر علی نے گاڑی  
 کو اس بارہ دہ کراواک کو چھوئے تین تین عین کراواک  
 بیویوں کا فائدہ کیا جسے ساتھ گاڑا میں سہ ماہی میں  
 قتل ہو گیا اور وہ گرتے ان سے لے کر 2003 اور 2004  
 زد کر دیا جانے ہوئے اس طرح کو جو حال ہے سے کراواک

عین <sup>نہ گھوڑا دیا</sup> میں سے اس بارہ دہ کو نہ دیتے  
 ضابطہ <sup>نہ گھوڑا دیا</sup> عین میں سے اس بارہ دہ کو نہ دیتے  
 ضابطہ <sup>نہ گھوڑا دیا</sup> عین میں سے اس بارہ دہ کو نہ دیتے

بیان اذان جناح ولد علاء کمر سکنہ زنگہ

2003-2004  
 16202-0893003-9

ATTESTED  
 PIO   
 District Police Officer, Swabi.

ATTESTED

0310-9911544

16202-10361470

*[Signature]*



*[Handwritten text in Urdu script, appearing to be a letter or report. The text is mirrored and difficult to decipher due to the image's orientation and quality.]*

(22)

(10)

A/S

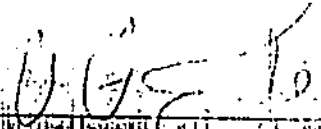
A/6

(11)

(24)

بیان اذعان کنشیل ماہم نمبر 1354 تھانہ صوابی

میں ہدیہ یافتہ بیانی کی ایک کاپی مورخہ 02/03/2023 گوہر خان SI کے ساتھ میں مورخہ کنشیل ماہم نمبر 1380 لیاقت جنگ نمبر 578/DVR سلسلہ موبائل گشت موجود تھے کہ بوقت تقریباً 1800 بجے سے 2400 بجے تک بمقام سیدہ ذوی روز نزد بازار گاہ/نخیرہ روز باک بندی کر کے گوہر خان SI نے مجھے روز کے ایک سائیکل جبکہ کنشیل ماہم نمبر 1380 اور روز کے دوسرے سائیکل پر پتھر فاسٹ پر کھڑے کر کے اور ذرا نیور لیاقت جنگ 578 موبائل پک اپ میں موجود تھا۔ اس دوران گوہر خان SI خود مختلف قسم کی گزریاں کی پینٹنگ کر رہا تھا۔ کسی کے ساتھ کچھ مشکوک یا غیر قانونی شے کی برآمدگی یا اسے پھونکنے سے میں لاعلم ہوں جس کی میں خفا تصدیق کرتا ہوں۔

العبد: 

ATTESTED

PIO

District Police Officer, Swabi.

Better Copy

## بیان اذان کنستیبیل ماسم نمبر 1354 تھانہ صوابی

نے بدریافت بیان کیا کہ مورخہ 02.03.2023 گوہر خان SI کے ساتھ میں معہ کنستیبیل سلیم اللہ نمبر 1380 لیاقت جنگ نمبر 578/DVR بسلسلہ موبائل گشت موجود تھے کہ بوقت قریباً 1800 بجے سے 2400 بجے تک بمقام زیدہ ٹوپی روڈ نزد جناز گاہ مقبرہ موڑنا کہ بندی کر کے گوہر خان SI نے مجھے روڈ کے ایک سائیڈ جبکہ کنستیبیل سلیم اللہ نمبر 1380 کو روڈ دوسرے سائیڈ پر کچھ فاصلے پر کھڑے کر کے اور ڈرائیور لیاقت جنگ 578 موبائل پک اپ میں موجود تھا۔ اس دوران گوہر خان SI خود مختلف گاڑیوں کی چیکنگ کر رہا تھا۔ کسی کے ساتھ کچھ مشکوک یا غیر قانونی شے کی برآمدگی یا اسے چھوڑنے سے میں لاعلم ہوں جس کی میں خلفاً تصدیق کرتا ہوں۔

sd

العبد:

16902-2696798-3

District Police Officer, Swabi.

PIO

ATTESTED

Signature of District Police Officer



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A/7

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0312-6010325

16202-2379227-1

District Police Officer, Swabi

PIO

ATTESTED

Subm...



وہاں کاشیائی بھی ہے جس کا نام ہے  
عہدہ

اور اس کے لئے بھی وہاں کاشیائی ہے جس کا نام ہے

جس کا نام ہے کاشیائی اور اس کے لئے بھی وہاں کاشیائی ہے

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District Police Officer, Swabi.

PIO

ATTESTED

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**OFFICE OF THE  
DISTRICT POLICE OFFICER SWABI**  
PHONE# 0938-920050 FAX# 0938-920054  
EMAIL: [dpo\\_swabi@yahoo.com](mailto:dpo_swabi@yahoo.com)

**SUMMARY OF ALLEGATIONS**

I, Najmul-Hasnain Liaquat, District Police Officer, Swabi as competent authority am of the opinion that SI Gohar Ali has rendered himself liable to be proceeded against as he has committed the following acts/omission within the meaning of section 02 (iii) of KPK Police Rules-1975.

1. While posted at PS Zaida, he alongwith other Police party held nakabandi/snap checking at Kunda mor stopped one motor car, wherein Fayaz and Nawaz Ali Shah Rs/o Zaida were boarding. During search huge quantity of Charas was recovered from possession of Fayyaz. But instead of taking legal action, he received illegal gratification of Rs. 90,000/- from him and set them free.
2. Above commission/omission falls under the purview of in-efficiency and misconduct and is punishable under Rules 4 a & b of Police Rules 1975 amended 2014.

For the purpose of scrutinizing the conduct of the said official Mr. Shafi ur Rehman DSP Lahor is hereby deputed to conduct proper departmental enquiry against the aforesaid official, as contained in section 6 (I) (a) of the afore mentioned rules. The enquiry officer after completing all proceedings shall submit his verdict to this office within (7) days, SI Gohar Ali is directed to appear before the enquiry officer on the date, time and place fixed by the later (enquiry officer). statement of charge sheet is attached herewith.

  
**NAJMUL HASNAIN LIAQUAT (PSP)**  
DISTRICT POLICE OFFICER  
SWABI

No. 25 /CC/PA

Dated: 07/03 /2023

**ATTESTED**  
PIO   
District Police Officer, Swabi.

SUMMARY OF ALLEGATIONS IS

✓ ✓

No. 179 / L.

Dated 9 / 5 / 2023.

DEPARTMENTAL ENQUIRY OF SI GOHAR ALI POLICE LINES SWABI.

Reference attached:-

Allegations:-

It is alleged that SI Gohar Ali while posted at Police Station Zaida, he alongwith other Police party held Nakabandi/snap checking at Kunda Mor stopped one Motor Car, wherein Fayyaz and Nawaz Ali Shah r/o Zaida were boarding. During search huge quantity of Charas was recovered from possession of Fayyaz, but instead of taking legal action, he received illegal gratification of Rs.90,000/- from him and set them free.

The W/DPO Swabi entrusted the enquiry to the then SDPO Lahor. However, on his transfer the said enquiry was entrusted to me.

In order to probe into the matter the undersigned perused the entire record alongwith the statements of all concerned which are as under:-

STATEMENT OF SI GOHAR ALI POLICE LINES SWABI. ✓

He stated that the allegations leveled against him are false, baseless, against the rules and against the facts.

- In the charge sheet date of Nakabandi, time not mentioned nor clear about the registration the motor car.
- During Nakabandi he did not recover Charas from the possession of Fayyaz and Nawaz Ali shah r/o Zaida nor he received illegal gratification from them.

He stated that on 22.02.2023 the persons namely Sabz Ali shah and Shah Khalid r/o Bunair submitted an application in Police Station Zaida against Younas s/o Asghar r/o Bunair regarding theft of amount Rs.2,25,000/- and one Mobile Phone from his vehicle and after the occurrence the said person (Younas) came to Swabi District and lived with Fayyaz and Nawaz Ali Shah in village Zaida Changaro Cham.

ATTESTED

PIO 

District Police Officer, Swabi.

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On 02.03.2023 he along with Police officials was on routine gusht. At the time Moharrir of Police Station Zaida informed him to bring Younas to Police Station Zaida regarding application of Sabz Ali Shah and Shah Khalid. On the said information he arrest Younas and brought him to Police Station Zaida. The persons Fayyaz and Nawaz Ali Shah also with him. After detail discussion the matter has been settled between the applicant and respondents in Police Station (Decision attached).

He did not recovered Charas from the vehicle of Fayyaz and Nawaz Ali Shah. If, they are found involved in such like practice legal action will be taken against them.

He further stated that he is a responsible Police Officer and serving in Police Department since 1991. During his service he always performed his official duty with efficient manor and high devotion. His detail statement is attached herewith for perusal.

**STATEMENT OF SI NAZIM KHAN SHO POLICE STATION ZAIDA.** ✓

He stated that during his period SI Gohar Khan performed his duty as Addl. SHO Police Station Zaida. During his period he (SI Gohar Khan) did not take action against narcotics. He brought the said information in the notice of SDPO Circle Swabi and also lodged reports in Daily Dairy. His statement is attached herewith for perusal.

**STATEMENT OF CONSTABLE SALEEM ULLAH NO.1380 PP** ✓  
**JEHANGIRA**

He stated that on 02.03.2023 he alongwith SI Gohar Khan and other official (Masam Khan No.1354 & Liyaqat Jung No.578) hold nakabandi near graveyard Kunda Mor. SI Gohar Khan was busy in checking of different vehicles on the spot. During Nakabandi SI Gohar Khan recovered 03 packet Charas from Motor Car and told them wait for him in "Tall" and went in the said Motor Car. SI Gohar Khan came back after one hour and told him that he will give him Charas. Then they went to hotel (Hawaldar Hotel) for meal. His statement is attached herewith for perusal.

**ATTESTED**

**PIC**   
District Police Officer, Swabi.

**FINDINGS:-**

1. Statements of Fayyaz and Nawaz Ali Shah corroborated the version of allegations.
2. He called the person namely Younas to Police Station Zaida who is the friend of Fayyaz and Nawaz Ali. But according to the record of register No.05 the said application was marked to ASI Safdar for taking action.
3. SHO Police Station Zaida (SI Nazim Khan) also produce bad reputation of SI Gohar Khan in his statement.
4. Constable Saleem Ullah No.1380 stated in his statement that the delinquent officer SI Gohar Khan recovered 03 packet Charas from Motor Car.
5. The undersigned obtained CDR of SI Gohar Khan, Fayyaz and Nawaz Ali Shah and perused carefully which shows the location of SI Gohar Khan near Kunda Government Hospital Kunda on 02.03.2023 at 22:30 PM where according to him he made Nakabandi. While the location of Nawaz Ali at the point was at 00:31 AM to 00:43 AM.
6. According to MHC PS Zaida the delinquent officer returned late to Police Station on the same night.
7. The undersigned perused his previous record/service roll. After perusal the undersigned noted his 08 good entries and 11 minor/bad entries.
8. A secret enquiry was also conducted in the said matter which corroborate the allegations leveled against him.

**RECOMMENDATION:-**

Keeping in view, the above facts, statements of Constable Saleem Ullah No.1380, Fayyaz and Nawaz Ali Shah the delinquent officer is recommend for suitable punishment if, agreed.

**ATTESTED**

Sub-Divisional Police Officer,

Lahor

**PIO**

District Police Officer, Swabi.

FINAL SHOW CAUSE NOTICE

I, Najmul Hasnain Liaquat, District Police Officer, Swabi as competent authority under Police Rules 1975, hereby serves upon you, SI Gohar Ali, as follow:

1. While posted at PS Zaida, you alongwith other Police party held nakabandi/snap checking at Kunda mor stopped one motor car, wherein Fayaz and Nawaz Ali Shah Rs/o Zaida were boarding. During search huge quantity of Charas was recovered from possession of Fayyaz. But instead of taking legal action, you received illegal gratification of Rs. 90,000/- from him and set them free.
2. The above commission/omission falls under the purview of in-efficiency and mis-conduct and is punishable under Rules 4 a & b of Police Rules 1975

Amended 2014

In this connection you were charge sheeted and served with summary of allegations and SDPO Lahor was appointed to conduct proper departmental enquiry. The enquiry officer held enquiry, collected evidence, recorded statements of all concerned and submitted his findings, wherein he found you guilty for the mis-conducted and recommended you for suitable punishment.

You are hereby directed to show cause of your irresponsible acts towards performing your professional responsibilities within 07 days, as to why you should not be punished in light of Police Rules 1975 (amendment 2014).

In case of none submission of your reply within 07 days of its delivery in the normal course of circumstances, it shall be presumed that you have nothing to offer in defence and ex-parte action shall be taken against you.

ATTESTED

PIO

District Police Officer, Swabi.

NAJMUL HASNAIN LIAQUAT (PSP)  
DISTRICT POLICE OFFICER  
SWABI

District Police Officer, Swabi.

PIO

ATTESTED

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OFFICE OF THE  
DISTRICT POLICE OFFICER, SWABI  
PHONE# 0938-920050 FAX# 0938-920054  
EMAIL: [dpo\\_swabi@yahoo.com](mailto:dpo_swabi@yahoo.com)

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No. 2117-22PA,

Dated 23/05/2023

**ORDER**

This order is aimed to dispose-off the departmental proceedings conducted against SI Gohar Ali of this district Police, under the Khyber Pakhtunkhwa, Police Rules, 1975 (amendment 2014) vide this office No.25/CC/PA dated 07.03.2023 on the following allegations.

While posted at PS Zaida, he alongwith other Police party held nakabandi/snap checking at Kunda mor. During nakabandi he stopped one motor car, wherein Fayaz and Nawaz Ali Shah Rs/o Zaida were boarding. During search huge quantity of Charas was recovered from possession of Fayaz, but instead of taking legal action, he received illegal gratification of Rs.90,000/- from him and set them free.

He was issued charge sheet on the said allegations and enquiry proceedings were entrusted to SDPO Lahor under Police Rules-1975 ammended-2014. The Enquiry Officer, conducted departmental enquiry, collected evidence, recorded statements of all concerned and submitted his finding, wherein the enquiry officer found the defaulter officer guilty for the mis-conduct and recommended him for suitable punishment. The undersigned thoroughly perused the findings of the Enquiry Officer, and served him with Final Show Cause Notice. His reply to the Final Show Cause Notice was received, perused and he was heard in orderly room on 23.05.2023 but he could not advance any reason in self defence.

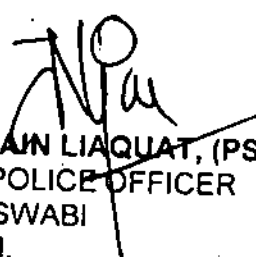
Keeping in view findings report of the Enquiry Officer and conduct of the defaulter officer, the undersigned came to the conclusion that the charges levelled against him have been proved beyond the shadow of doubt.

In view of situation painted above, in exercise of powers vested upon undersigned, I, Najmul Hasnain Liaquat, District Police Officer Swabi hereby, award SI Gohar Ali Major Punishment of "Reduction in rank from substantive rank of SI to ASI" with immediate effect and re-instate him from the date of his suspension.

**Order Announced**

OB No. 676

Dated: 23/05/2023

  
NAJMUL HASNAIN LIAQUAT, (PSP)  
DISTRICT POLICE OFFICER  
SWABI

**OFFICE OF THE DISTRICT POLICE OFFICER, SWABI.**

Copies to the: -

1. Pay Officer.
2. Establishment Clerk.
3. I/C PAL
4. Fauji Missal Clerk.

**ATTESTED**

  
PIO

District Police Officer, Swabi.

✓  
✓  
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ORDER.

This order will dispose-off the departmental appeal preferred by ASI Guhar Ali No. 292/MR of Swabi District Police against the order of the then District Police Officer, Swabi, whereby he was awarded Major punishment of reduction in rank from substantive rank of Sub Inspector to ASI vide OB: No. 676 dated 23.05.2023. The appellant was proceeded against departmentally on the allegations that he while posted at Police Station Zaida held nakabandi/snap checking at Kunda Mor alongwith other police officials. During nakabandi, he stopped a motorcar wherein Fayaz and Nawaz Ali Khan Paslo Zaida were boarded. During search huge quantity of charas was recovered from possession of Fayaz, but instead of taking legal action, he received illegal gratification of Rs. 90,000/- and set them free.

Proper departmental enquiry proceedings were initiated against him. He was issued Charge. Sheets alongwith Statement of Allegations and the then Sub Divisional Police Officer, (SDPO) Lahor, Swabi, was nominated as Enquiry Officer. The Enquiry Officers after fulfilling all codal formalities submitted their findings wherein he recommended the delinquent Officer for suitable punishment.

The then District Police Officer, Swabi thoroughly perused the findings of the Enquiry Officer and served him with Final Show Cause Notice. His reply to the Final Show Cause Notice was received, perused and he was heard in Orderly Room on 10.10.2023, but he could not advance any reason in his self defense.

Keeping in view findings report of the enquiry Officer and conduct of the delinquent Officer, the then District Police Officer, Swabi reached to the conclusion that the charges leveled against him have been proved beyond any shadow of doubt, hence, awarded him major punishment of reduction in rank from substantive rank of Sub Inspector to ASI vide OB: No. 676 dated 23.05.2023 by the then District Police Officer, Swabi.

Feeling aggrieved from the order of then District Police Officer, Swabi, the appellant preferred the instant appeal. He was summoned and heard in person in Orderly Room held in this office on 19.10.2023.

From the perusal of the enquiry file it transpired that the enquiry proceedings have not been conducted in a professional manner rather the same were conducted in a naphazard manner without delving deep to ascertain the facts of the matter. The Enquiry Officer was supposed to bring on record all the relevant materials so as to establish the guilt of the delinquent Officer but instead of doing so, he proceeded in a hasty and perfunctory manner. Hence, in order to prove the delinquent Officer as guilty or innocent the relevant materials were not collected. Therefore, the matter is remanding back by the undersigned vide this office order endorsement No. 7029-PA dated 30.10.2023 the case in question to District Police Officer, Swabi for the fresh de novo enquiry through Superintendent of Police Investigation, Swabi.

In light of above, the Superintendent of Police Investigation, Swabi after conducting de novo enquiry submitted his report vide office letter No. 298/PA dated 10.11.2023.

**ATTESTED**

PIC  
District Police Officer, Swabi



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06.12.2023 stating therein that during enquiry allegations have been proved. But the delinquent Officer has rendered (32) years service. As the entire family is dependent upon him and recommended him that his reduction in rank from substantive rank of Sub Inspector to ASI may be converted into minor punishment.

Hence, the appellant was again summoned and heard in person in Orderly Room held in this office on 03.01.2024.

In light of fresh report (De-novo enquiry) submitted by Superintendent of Police Investigation, Swabi vide reference quoted above and poor financial back ground of the appellant, the undersigned is constrained to take a lenient view of the misconduct of appellant.

Keeping in view the above, I, Muhammad Suleman, PSP Regional Police Officer, Mardan, being the appellate authority, hereby modify major punishment of reduction in rank from substantive rank of Sub Inspector to ASI and convert the same into minor punishment of forfeiture of one year approved service. He is restored to his original rank of Sub Inspector from the date of reduction.

Order Announced.

(MUHAMMAD SULEMAN) PSP  
Regional Police Officer,  
Mardan.

No. 155-57 /ES Dated Mardan the 19 /01 /2024.

Copy forwarded for information and necessary action to the:

1. Commandant Police Training College, Hangu.
2. District Police Officer, Swabi for w/r to his office Memo: No. 85/Legal dated 07.08.2023. ~~His service record is returned herewith.~~
3. Superintendent of Police Investigation, Swabi w/r to his office Memo: No. 298/PA dated 06.12.2023.

(\*\*\*\*)




OB/Ec/Police

Pr. MC

ATTESTED

PIO   
District Police Officer, Swabi.

  
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1379/ES  
21/5/24

OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
PESHAWAR.

(12) (24)

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police, Rule-1975 (amended 2014) submitted by SI Gohar Ali Shah No. 292/MR (hereinafter referred to as petitioner).

DPO/Swabi awarded the petitioner major punishment of reduction in rank from substantive rank of SI to ASI vide O/B No. 676, dated 23.05.2023 on the allegations that he while posted to PS Zaida held nakabandi/snap checking at Kunda Mor alongwith other police officials. During nakabandi, he stopped a motorcar wherein Fayaz and Nawaz Ali Shah R/O Zaida were boarded. During search huge quantity of charas was recovered from possession of Fayaz, but instead of legal action, he received illegal gratification of Rs. 90,000/- PKR and set them free.

RPO/Mardan ordered De-novo enquiry. In light of De-novo enquiry & by taking a lenient view, the Appellate Authority i.e. RPO/Mardan converted the major punishment of rank reversion into minor punishment of forfeiture of one year approved service.

A meeting of Appellate Board was held on 10.05.2024 in CPO under the chairmanship of DIG Headquarters. SI Gohar Ali Shah No. 292/MR was present.

The petitioner was heard in person. The Board rejected his revision petition.

Sd/-

AWAL KHAN, PSP

Additional Inspector General of Police,  
HQs: Khyber Pakhtunkhwa, Peshawar.

No. SI 1151-56/24, dated Peshawar, the 17-05-2024.

Copy of the above is forwarded to the:

1. Regional Police Officer, Mardan. Service Roll alongwith Fauji Missal received vide letter No. 918/ES, dated 15.04.2024 is returned for your office record.
2. District Police Officer, Swabi
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-III, CPO Peshawar.

4335  
23.05.24

**ATTESTED**

PIO  
District Police Officer, Swabi.

EC  
for action

(SONIA SHAMROZE KHAN)  
PSP  
AIG/Establishment,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

DPO Swabi  
23.05.2024

entered.