OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE LEGAL, SPECIAL SECURITY UNIT (CPEC), KHYBER PAKHTUNKHWA PESHAWAR.

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No: <u>17</u> /R/ La	egal/SSU	Dated Peshawar / / /	Khyber Pakhthkim Service Tribunal
To: The Registrar of Hon'ble Service Khyber Pakhtunkhwa, Peshar		hawar.	Diars No. 17486 Dated 01-11-24
Subject:	<u>SERVICE APPEAL NO. ⁷</u> <u>DEPARTMENT</u>	7319/2021 TITLED JAMA	L VS POLICE

| Memo:

It is submitted that in compliance of Hon'ble Service Tribunal Khyber Pakhtunkhwa Peshawar judgment in Service Appeal No.7319/2021, dated 11.07.2024, wherein the Hon'ble Service Tribunal directed the Inspector General of Police KPK to conduct de-novo inquiry as to why and how two inquiry reports were submitted by the DSP and why two different numbers were given on the same date. After proper de-novo departmental inquiry the following officials were found guilty. However, it is worth mentioning here that Seraj Hussain has already been dismissed in FIR No.395, dated 07.08.2024 u/s 419/420/468/471-PPC Police Station East Cantt. While Constable Jamal No.6655 of SSU (CPEC) has also been dismissed.

1. Stenographer Seraj Hussain of CCP Peshawar.

2. Constable Jamal No.6655 of SSU (CPEC).

Therefore, the above mentioned officials have already been dismissed from * Service by the department, please.

(Order of Hon'ble Service Tribunal & Enquiry report are attached)

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(KHYAL ROZ KHAN) DSP Legal SSU (CPEC) Khyber Pakhtunkhwa Peshawar

Service Appeal No.7319/2021 titled "Jamal Vs. Police Department"

ORDER 11th July, 2024

Aunkhi

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

Appellant's case in brief, as per averments of appeal, 2. are that he was appointed as Constable on 31.12.2019 in the Police Department; that vide order dated 08.11.2020, he was discharged from service under Rule-12.21 of Police Rules, 1934; that his departmental appeal (undated) was entertained and he was reinstated in service for the purpose of de-novo inquiry; that after submission of the de-novo inquiry report. he was again discharged on the ground of absence vide order dated 10.02.2021; that feeling aggrieved, filed he departmental appeal but the same was rejected on 12.07.2021, hence, the instant service appeal.

3. Arguments heard. Record perused.

4. There are two inquiry reports. One produced by the appellant and other by the respondents. The inquiry report produced by the appellant bearing No.80 dated 11.01.2021, wherein, recommendation was made for extending warning to the appellant, whereas, the other produced by the respondents is bearing No.79 of 11.01.2021 by the same DSP, wherein, suitable punishment was recommended.

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5. We have before us two inquiry reports of the same officer and are unable to reach a conclusion as in both the reports, there are two different recommendations.

6. Therefore, we set aside the impugned orders as well as the inquiry reports and remit the matter back to the authority for proper de-novo inquiry duly associating the appellant with the same and also providing him chance of hearing in his defense. Appellant is reinstated into service for the purpose of inquiry. The issue of back benefits shall be subject to the outcome of inquiry.

7. Before parting with, we would direct the Inspector General of Police to conduct inquiry as to why and how two inquiry reports were submitted by the DSP and why two different numbers were given? The result of inquiry be communicated to the Tribunal through its Registrar within 30 days of receipt of this order. Copy of this order be sent to the IGP for conducting inquiry. Costs shall follow the event. Consign.

8. Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 11th day of July, 2024.

ATTESTED (Kalim Arshad Khan) (Rashida Bano) Chairman Member (J) hitazem Sk Date of Presentation of Application _____ Number of Words. Copying Fee. Urgent Total Name of Cop Date of Complection of Copy



OFFICOF THE CAPITAL CITY POLICE OFFICER, <u>PESHAWAR</u> Phone No. 091-9210989 Fax: No. 091-9212597

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ORDER-

This order will dispose of the departmental enquiry against Senior Scale Stenographer, Siraj Hussain of Investigation Wing CCP, Peshawar, who was proceeded against departmentally under Efficiency & Disciplinary (E&D) Rules 2011on the following charges:-

i) That as per DIG/HQr: Khyber Pakhtunkhwa letter No. S/754, dated 04.04.2024. Preliminary enquiry, conducted by DSP Enquiry-II, Internal Accountability Branch CPO Peshawar revealed that while recruitment of the post of Junior Scale Stenographer (BPS-14), he produced fake Domicile Certificate having No. 521/EC, dated 13.07.2005 of District Khyber. In this regard, AIG Enquiries addressed to Deputy Commissioner, Khyber vide his office letter No. 424/CPO/IAB/PAS, dated 13.03.2024 for the verification of the said domicile. Verification report vide No. 949/EC/Ver, dated 14.03.2024 in the instant case revealed that Domicile Certificate having No. 521/EC, dated 13.07.2005 was actually issued to Mr. Akhtar Wali s/o Itbar Gul, Kuki Khel, Tor Khel of Tehsil Jamrud, District Khyber and not belong to him. More so, it is also strange to see that the staff of AIG Enquiries handed over another letter's copy pertains to his Domicile to the office of DC Khyber for verification, which has neither been issued by the office of DC Khyber nor signed.

 Thus, he has committed a serious crime and gross misconduct by making fake signature of officers as narrated in preliminary enquiry of (DSP Enquiry-II) internal Accountability CPO, Peshawar dated 19.03.2024.

2. He was issued Charge Sheet and Summary of Allegations by SSP/Investigation, CCP Peshawar vide No. 115-16/E/PA, dated 17.04.2024. SP/Investigation Cantt: Peshawar was appointed as Enquiry Officer to scrutinize the conduct of the accused officer. The Enquiry Officer after conducting departmental enquiry submitted his findings in which he was recommended for major punishment and registration of a criminal case against him.

After perusal of the findings of Enquiry Officer, directions were issued to 3. register a criminal case under the relevant sections of law. Subsequently, a criminal case vide FIR No. 395, dated 07.08.2024 u/s 419/420/468/471-PPC Police Station East Cantt: has been registered against him.

Foregoing in view the findings of the inquiry officer and material available on 4. record I, being competent authority hereby award him the major punishment of "dismissal from service" under Khyber Pakhtunkhwa Government Servants (Efficiency & Disciplinary) Rules 2011.

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"Order is announced"

CE OFFICER, CAPITAL PESHAWAR 08/2Ø24 16 1

No. 5013-23 /PA/CCP dated Peshawar the

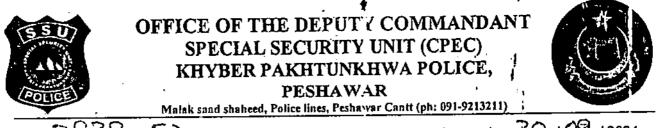
Copies for information and necessary action to the :-

1. SSsP/Operations, Coordination & Investigation Peshawar

- 2. SsP/HQr: & Security Peshawar.
- 3. AD/IT, OS, PO, EC-II along with complete/original enquiry file. - ア
- 4. Official concerned.

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638-/EC, No.

dated Peshawar the <u>30 / 09</u> / 2024.

<u>ORDER</u>

This order will dispose of the de-novo departmental inquiry initiated against Constable Jamal No. 6655 of Special Security Unit (CPEC), District Peshawar in compliance of Khyber Pakhtunkhwa Honorable service tribunal Peshawar judgement in appeal No. 7319 of 2021, dated 11.07.2024.

Brief facts of the case are that Constable Jamal No. 6655 while posted at police line Peshawar had absented himself from duty w.e.f. 06.02.2020 to 17.11.2020 (09 months & 11 days) without taking permission or leave of senior officer. He was discharge from service on 10.02.2021 and departmental appeal was also rejected by the competent authority.

In compliance of Khyber Pakhtunkhwa Honorable service tribunal Peshawar judgement in appeal No. 7319 of 2021, dated 11.07.2024, de-novo departmental proceeding was initiated against him. He was issued Charge Sheet & Summary of Allegations vide this office Endst: No. 2191/EC, dated 30.07.2024 by the competent authority and Mr. Fazal Hanif SP Admin SSU (CPEC) was nominated as enquiry officer to conduct inquiry into the matter and submit his findings report. After completion of all requisite formalities, enquiry officer submitted his findings report, wherein he reported that the charge sheet was served upon the alleged constable through local police and also repeatedly summoned through all available means to submit reply but all attempts proved futile. Additionally, the two inquiry reports of inquiry officer DSP Complaints & Enquiry were sent to SP HQrs. CCP Peshawar for verification via this office letter No. 5568-71/PA/SP Admin/SSU, dated 09.08.2024. In response, he stated that "the inquiry report issued vide DSP Complaints & Enquiry office No. 79/PA, dated 11.01.2021, where the alleged constable was recommended for suitable punishment is genuine which shows that the alleged constable had produced a fake inquiry report to Khyber Pakhtunkhwa Honorable service tribunal Peshawar to misled the court which is established by enquiry officer. Thus, the Enquiry officer recommended that ex-parte action may be taken against the above-mentioned alleged constable.

Later, he was issued / served with final Show Cause Notice vide this office No. 2573/EC, dated 29.08.2024, and summoned time & again through all available means to submit reply and appear before undersigned for personal hearing but in vain, which shows his lack of interest towards official obligations.

Keeping in view all the above facts as well as recommendation of enquiry officer & material available on record, the above-named constable is found guilty of the charges level against him. Additionally, he had committed a criminal act by producing a fake inquiry report before the Honorable Service Tribunal KP, Peshawar. Therefore, I, Deputy Commandant SSU (CPEC), being the competent authority in the exercise of powers vested to me under section 5(4) of Khyber Pakhtunkhwa, Police Rules 1975 (amended 2014) hereby award him major punishment of "Dismissal from Service" and his absence period from duty is hereby treated as leave without pay with immediate effect.

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(TARIQ IQBAL) PSP Deputy Commandant, Special Security Unit (CPEC), Khyber Pakhtunkhwa, Peshawar.

Copy of the above is forwarded for information to the: 1. Registrar Khyber Pakhtunkhwa Service Tribunal Peshawar.

- Capital City Police Officer, Peshawar.
- 3. SsP Admin and HQrs. SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
- 4. DSP Legal SSU (CPEC) at Peshawar.
- 5. PA to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
- 5. PA to Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
- 7. Accountant, SRC, RI, OASI, I/C HRMS, I/C KOT and Clothing Godown SSU (CPEC).
- 8. Official Concerned.

عنوان: انکوائری بابت سروس ایپل نمبر 7319/2021 سالة مسلستیمل جمال منام تحکمه یولیس میں دومنگف انکوائری رپورٹس عدالت میں پیش کرنا۔

جناب، AIG معا حب لیگل نے بنواند مجنفی انگریزی نمبر S550/lega مورخہ 2024 و0.04 میں دفتر کوار سال یو کسف کورہ یس میں انگوائری کرے کہ کس نے عدالت میں دو منتسب انجوائری رپورٹ پیٹر کیس میں۔ تحقیقات: نقیق میں کو معلوم کر نے سیلینے درج ذیل متعاقد باکا ران کو طلب کر سے وان سے دیوانات کئے جہ کر شامل انکوائری فائل کی شے بیں۔ ۱۔ DSP رحمت انڈ خان ، سابقہ DSP کم پیندے OCP کم پیندے OCP پیکا ور۔ ۲ سراج حسین ، سابقہ PA ٹو DSP کم پیندے OCP پیکا ور۔

<u>یمان آزاں DSP رست اللہ خان</u> انہوں نے بدریادت بیدن کیا کہ میں سمار 2021 میں DSP کم پنین واتو اتر کCCP پیشا در میں تعینات تھا۔ حسب اقتام " فسر ان بالا صد حبان کلستیں جمال نمبر 6655 متعبد یولیس لا ن پیشا در کی Denovo انکوائر کی بابت غیر غاضر ک 11، 10 دن تے سلسینہ میں باضا بطور پر کرتے جس میں بہ قاعدہ طور پر ذیل تجویز چیش کی۔

"After going through the enquiry file it was found that the alleged official deliberately absented nimself and produced private medical reciept of medical treatements. which are not acceptable according to rules. Furthermore, his absence period is also lengthy without prior permission from the senior officers. Therefore, he is recommended for permission from the senior officers. Therefore, he is recommended for is suitable punishment! (1) Suitable punishment! (1) Suitable punishment! (1) Suitable punishment! بان آ ذاں براج حسین سابقہ PA ٹو DSP کمپنینٹ CCP پیٹادر

معروض خدمت ہوں کہ FC جمال شاہ کی اکوائر کی ریورٹ بخوالہ Disptach نمبر Disptach نبر 20 دفتر بذا موصول ہوئی تھی۔ جہاں تک دوسری اکوائر کی فائنڈ تگ ریورٹ بخوالہ Dispatch نبر 80 کا تعلق ہواں سلسلے میں قطعاً لاعلم ہوں۔ بحصر میں پتہ کہ PA سرائ نے میرا تام کیوں لیا ہے۔ میں نے کوئی اکوائر کی ریورٹ بخوالہ نبر 80 بسلسلہ اکوائر ک FC جمال 26656 وصول نہیں کی۔ یہاں سے بات قابل ذکر ہے کہ ذکورہ فائنڈ تگ ریورٹ بخوالہ نبر 80 کو جب راکار ڈپر چیک کیا گیا تو پتہ چلا کی Dispatch نبر 80 پر 1HC بجاز 88 کی اکوائر کی ریورٹ بخوالہ نبر 80 کو جب راکار ڈپر جس سے سے فاہر ہوتا ہے کہ FC جال کی اکوائر کی دیورٹ بخوالہ 98 کی اکوائر کی ریورٹ بخوالہ 50 کو جب دیکار ڈپر جس سے سے فاہر ہوتا ہے کہ FC جال کی اکوائر کی دیورٹ بخوالہ 98 کی اکوائر کی ریورٹ دورج ہے جات کی ہے ہوں ہے ہو جس سے سے خاہر ہوتا ہے کہ FC جال کی اکوائر کی دیورٹ بخوالہ 98 کی دیورٹ نہیں ہے۔ یہ میرا بیان ہے جو کہ حقیقت پر

مندرجه بالاخالات و دافعات کومد نظرر کھتے ہوئے ذیل حقیقت ساسنے آئی ہے۔ الکسٹیل جمال غمبر 6655 کے غیر خاصری 090ماہ اور 11 یوم کی انکوائر کی جناب DSP انکوائر کی رحمت اللہ خان ، CCP ، مراجع کے میٹر الہ لیٹر غمبر کی 79 مور خہ 2021 11 جناب SP صا^رب ہیڈ کوارٹر پیٹا ور کو تبحویز پیش کی کہ مذکور ہ

لنسنيل كومناسب مزادي جائے۔

۲۔ بناب SP صاحب میڈکوارٹر CCP پیثاور نے بخوالہ لیٹر مجمری 370 مورخہ 2021.201.201 کو جناب SP ساحب ایڈین میٹیش سکیورٹی یونٹ ہی پیک کو تبویز پیش کی کہ سٹیم ندکورہ اکوائری رپورٹ کی روشن میں مناسب سزا دک جاوبے۔

۲۔ بناب P اساحب ایڈ من بیڈ کوارٹر، تیش سکیورٹی یونٹ، ی پیک نے بخوالہ لیٹر نمبری 40 - 636، مورعد 16.12.2020 کسٹیل ندکوردکو برخامت کیا۔

۲ - جہال تک لیٹر نمبر 800 مور محد 2021. 11.01 مجارید دفتر DSP انکوائری، CCP، پیٹادر کی بات ہے تو اس لیٹریں دفتر جناب DSP انکوائر کی، CCP پیٹادر سے HC انجاز اللہ کی انکوائر کی کیا بت، جناب SP مماحب ہیڈ کوارٹر کو لیٹر جاری ہوا۔ ۵۔ جناب DSP لیگل برادیج ، می چیک کوطلب کر کے جس نے بنایا کہ لیٹر نمبر کی 79 مور خد 11.01.2021 جس میں کنٹ میل ندکورہ کو مناسب مزا کیائے تحریر ہوا ہے، سروک ٹر یونل میں، میں نے بیش کی ہے۔

1 - سردس اپیل نمبر 7319/2021 کنشیمل مذکورہ بخوالد آرڈر، 11 جنوری سال 2024 میں با قاعدہ طور پرتج میں بواہ کہ لیٹر نمبر 80 مزرخہ 11.01.2021 کوالزام علیہ نے سروس ٹریبونل میں پیش کیا ہے، جسمیں وارننگ تحریر ہے۔ آرڈ دلف اکلوائزی ندا ہے۔ جبکہ لیٹر نمبر 79 مورخہ 11.01.2021 کوبا قاعدہ طور پر رسپانڈنٹ کی طرف سے پیش ہوا ہے، جسمیں مناسب سز اتحریر ہے۔

2-اس سلسل میں با قاعدہ طور پر کنشیل جمال کو ذاتی موبائل نمبر 43 9 9 6 88 - 1 3 30 0ادر والد کے موبائل نمبر 0318-9838006 پر بار بار مرکاری نمبر 091-921-091 سے دابطہ کر کے گرآ منیند نمیں کرتے۔ ۸- مرکاری کاغذات میں کنشیل جمال نمبر 66556، ولد شاہ گلاب ماکن گلبماد، محلّہ اسلام آباد تحریر ہے، با قاعدہ طور پ SHO سا حب تھاند گلبمار کوتر بری پر دانہ بجوا کر بغرض طلی بابت اکوائری، کر انہوں نے تحریر کیا کہ ندکورہ کنشیل بیبال دہائش پزیر

۹۔ اس سے بعد كنشيل جمال سے معانى كل جان سے موبائل نمبر 9990096 - 2000 ور مركارى ثيلى نون نمبر 1769-1901 - رابط كر سے جملايا كر بم آن كل كو بائ محدزتى ميں دہائش ريصتے ہيں كوآ كا، كيا كہ جمال كو سن كريں كہ بسلسلدا نكوائرى CPO پشاورتشريف لائے ، مكر تا حال نہيں آيا ہے۔

1000 یات اور ... کاباریک بنی سے مطالعہ کرنے کے بعد یہ نتیجہ اخذ کیا جاتا ہے کہ جعلی لیز نمبر مندرجه بالاخالات ا 80 مورن 11.01.2021 كو DSP صاحب انكوائرى ، CCP بيثا در يح زير يتخطى النك دفتر ك شينو PA مراج حسين نے اور منسمیل جمال نمبر 6655 نے آپس میں با^وی صلاح ومشورے سے بنا کر کنسمیل مذکورہ نے سروس ٹر بیونل میں این بحانی کی خاطر پیش کیا ہے۔ ہردو کے خلاف تحکمانہ کاردائی کرنے کی تجویز پیش کیا جاتا ہے۔ انکوائر کی ر پورٹ مرتب ہو کر پیش خدمت ہے۔ DSP انگوائری-۱۱

IAB ،ی پی او، پشادر 2024/10/10

