

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

**Service Appeal No.717/2024.**


Ghost/Illegal Employee Moeen Ali No.1529of CCP Peshawar..... **Appellant.**

**VERSUS**

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

**I n d e x**

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**DSP/Legal,  
CCP Peshawar.**

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**VERSUS**

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

**REPLY BY RESPONDENTS NO. 1& 2.**

**Khyber Pakhtunkhwa  
Service Tribunal**

**Respectfully Sheweth:-**

Page No. 18026  
Dated 19-11-24

**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 ghost 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 has 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 8<sup>th</sup> 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 revealed that the appellant was looking for a job in the year 2021 and approached to Haji Shahid through his villager Ifikhar and requested for recruitment as a

Constable. Haji Shahid allegedly demanded a sum of 5 lakh rupees as bribe, which the appellant paid to him. Subsequently, Haji Shahid handed over a fraudulent order and directed him to report to District Khyber without undergoing any legal proceeding required for recruitment. (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 1529 in CCP Peshawar one Muhammad Mohsin Constable is serving and presently on duty at Gate No. 02, Peshawar. Similarly, according to CRC report, the constable serving at this number has verified Service Roll and documents. During the enquiry, the appellant recorded his statement in writing 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, ghost employee. (Copy of statement is attached)
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.
5. Incorrect. The appellant, identified as belt No. 1529 and Personnel Number 985652 (Khyber), was found to be a ghost/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.
6. 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

*mention so, it is clear and obvious from the record that this was indeed the case. Further no vested right to claim continuation of service has been pleaded or shown."*

Therefore, after completing all codal procedures, the appellant was found to be an illegal/fake employee and he was rightly removed from the police records.

7. Incorrect. In fact, the appellant, being an illegal/ghost employee, has no right to file a departmental appeal under the applicable law and rules. The appellant's status as an illegal/fake employee disqualifies him from seeking any legal recourse through a departmental appeal.
8. The order dated 05.01.2024 is just, legal and has been passed in accordance with law/rules as the appellant being fake/illegal employee. Therefore, the appeal of the appellant being devoid of merits, liable to be dismissed on the following grounds.

**REPLY ON GROUNDS:-**

- A. Incorrect. The order passed by the respondent is strictly in accordance with law/rules. The appellant was found illegal/fake employee during the course of enquiry and was recruited illegally, unlawfully and was void ab-initio.
- B. Incorrect. The appellant was treated in accordance with law/rules and no violation of the law/rules has been committed by the replying respondents. As an illegal/fake employee, the appellant has no right to make any claims.
- C. Incorrect. The appellant was not a legally employed government employee; therefore, there was no need to issue a charge sheet or show cause notice. He badly violated law & rules fixed for recruitment of Constable.
- D. Incorrect. A thorough inquiry was conducted by the inquiry committee, which proved beyond any shadow of doubt that the appellant is a fake/illegal employee.
- E. Incorrect. During the course of scrutiny, it was found that the appellant was a fake/illegal employee. The inquiry committee found that neither service roll nor fauji missal was prepared or located in the record nor any recruitment order of the appellant was issued. The proceedings revealed that the appellant was enlisted illegally through fraudulent means.
- F. Incorrect. The replying respondents had completed all codal formalities and an ample opportunity of self defense was provided, but the appellant failed to rebut the charges leveled against him, hence rightly removed from police record.
- G. Incorrect. After thorough inquiry into irregularities in police department recruitment, there is a consistent pattern of fake orders, bribery, and bypassing necessary procedures like written test, medical test, training and physical check-ups in the recruitment process. Multiple individuals have confessed bribery for their appointment orders. Their service rolls and belt numbers have been found to be fraudulent. The appellant was also identified as an illegal/fake employee in course of the inquiry. The appellant remained involved in the fraudulent process. Similarly, a letter was issued to Addl: IGP (HQrs) Khyber Pakhtunkhwa, Peshawar vide No. 523-25/PA SSP-Coord, dated 05.01.2024 for disciplinary action against the Masterminds. (Copy of letter is attached)


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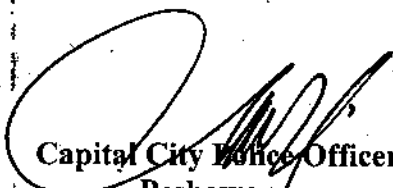
H. Incorrect as explained in details in the preceding paras. However, the appellant has no service record.

I. That the replying respondents may also be allowed to adduce additional grounds before this Hon'ble Tribunal at the time of arguments.

**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.  
(Noor Jamal)  
(Respondent No.1)  
Incumbent

  
Capital City Police Officer,  
Peshawar.  
(Qasim Ali Khan) PSP  
(Respondent No.2)  
Incumbent

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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.  
(Noor Jamal)  
(Respondent No.1)  
Incumbent**



**Capital City Police Officer,  
Peshawar.  
(Qasim Ali Khan) PSP  
(Respondent No.2)  
Incumbent**

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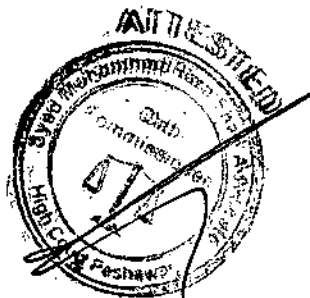
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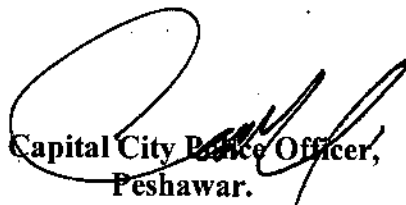
**AFFIDAVIT.**

We respondent No. 01 and 02 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.

19 NOV 2024



  
**Superintendent of Police,  
HQrs: Peshawar.  
(Noor Jamal)  
(Respondent No.1)  
Incumbent**

  
**Capital City Police Officer,  
Peshawar.  
(Qasim Ali Khan) PSP  
(Respondent No.2)  
Incumbent**

