

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 1496/2024.

Fazal Rehman..... (Appellant)

Versus

Government of Khyber Pakhtunkhwa and others..... (Respondents)

INDEX

S.NO.	DESCRIPTION OF DOCUMENTS	ANNEXURE	S. NO. OF PAGES
1	Index	-	1
2	Para Wise Comments	-	2 to 4
3	Affidavit	-	05
4	Authority Letter	-	6
5	Copy of Charge sheet and statement of allegations	A	07-08
6	Copy of Enquiry Report	B	09
7	Dismissal Order	C	10
8	Copy of rejection of appeal	D	11
#	Total	-	11

DEPONENT



DSP khyber

CNIC No # 21201-8380857-7

Mobile# 03339262626

2

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 1496-P/2024

Fazal Rehman..... (Appellant)

Versus

Capital City Police Officer & others..... (Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.01 and 02

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTION:-

Khyber Pakhtunkhwa
Service Tribunal
Dist. No. 18121
Date: 20/11/24

- a) That the Appellant has got no cause of action to file the present Appeal.
- b) That the Appeal is not based on facts.
- c) That the Appeal is not maintainable in the present form.
- d) That the Appeal is bad for non-joinder and miss-joinder of necessary parties.
- e) That the Appellant has not come to this Honorable Tribunal with clean hands
- f) That the Appellant is estopped by his own conduct to file the Appeal.
- g) That the Appeal is barred by law and limitation.
- h) That the appeal is hit by rules 24 of Service Tribunal rules 1974.

FACTS:

1. Para is pertain to record, need no comments.
2. Para is pertain to record, need no comments.
3. Correct to the extent that appellant was dismissed. However, as per learned sources, appellant while posted Additional SHO Ps Landi Kotal, has been involved in contacts with narcotics peddlers and smugglers. Appellant provided safe passage to them. In this regard a departmental inquiry was initiated against him, and SP Investigation Kamal Hussain Khan was nominated inquiry officer to dig out the real facts of the case. Hence, Charge Sheet with

3

summary of allegations was issued against the delinquent official and he was given chance to produce written documentary proof in his defense and appear before the inquiry officer. He availed both but failed to submit anything in his defense. Moreover, appellant was found guilty of the charges leveled against him, hence, dismissed from the service. Copy of Charge Sheet with summary allegations is attached as Annexure – A. Copy of enquiry report is attached as Annexure – B. Copy of dismissed order is attached as Annexure – C.

4. Correct to the extent that, departmental appeal was also turned down after he was heard in person in orderly room, during personal hearing he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Hence, his appeal was rejected. Copy of rejection of appeal is attached as Annexure – D.
5. Pertain to record, however, the appellant was legally obligated to register FIR's and take appropriate action against criminals, drug traffickers. It was the responsibility of appellant to take action, who violated the law, However, failure to fulfill responsibilities could lead to significant consequences for public safety and the rule of law.
6. Para is pertain to record.
7. Incorrect and misleading, appellant has got no cause therefore the instant appeal may kindly be dismissed on the following grounds.

GROUND:


- A. Need no comments.
- B. Need no comments.
- C. Incorrect and misleading, the order of respondents is according to law rules and regulations.
- D. Incorrect, appellant was dismissed from service after fulfillment of all codal formalities.
- E. Incorrect and misleading as already explained in the preceding paras, however after fulfillment of all codal formalities appellant was dismissed from service.


4

- F. Para is pertain to record, however, the order of respondent is legal and according to law.
- G. Pertain to record, however, the appellant was legally obligated to register FIR's and take appropriate action against criminals, drug traffickers. It was the responsibility of appellant to take action, who violated the law, however, failure to fulfill responsibilities could lead to significant consequences for public safety and the rule of law.
- H. Incorrect and misleading, appellant was posted at Police Station Landi Kotal, and was found involved in contacts with drug peddlers, and smugglers also appellant provided safe passage to them. However, for remaining para need no comments.
- I. Incorrect and misleading, both orders of respondent are according to law rules and regulations and after fulfillment of all codal formalities appellant was dismissed from service.
- J. Need no comments.
- K. Incorrect and misleading, appellant is not entitled for reinstatement.

PRAYERS:

Keeping in view the above-stated facts, and circumstances, it is the humbly prayed that the instant appeal being devoid of merits may kindly be dismissed with cost please.


DISTRICT POLICE OFFICER
KHYBER
Respondent No. 02
(MAZHAR IQBAL, PSP)
Incumbent


CAPITAL CITY POLICE OFFICER
PESHAWAR
Respondent No.01
(Qasim ALI KHAN, PSP)
Incumbent

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 1496/2024.

Fazal Rehman..... (Appellant)

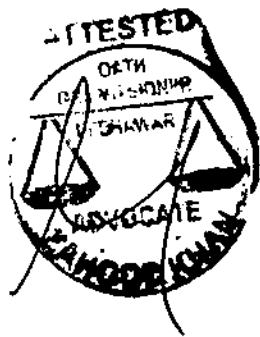
Versus

Government of Khyber Pakhtunkhwa and others..... (Respondents)

AFFIDAVIT

I, Mazher Iqbal, District Police Officer, Khyber (Respondent No. 03) do hereby solemnly affirm on oath that the contents of accompanying Reply to the instant Service Appeal are correct to the best of my knowledge and belief. Nothing has been concealed from this Hon'ble Tribunal.

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



20 NOV 2024

District Police Officer,
Khyber
Respondent No. 3
(Mazher Iqbal, PSP)
Incumbent

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,
PESHAWAR.

Service Appeal No. 1496 /2024.

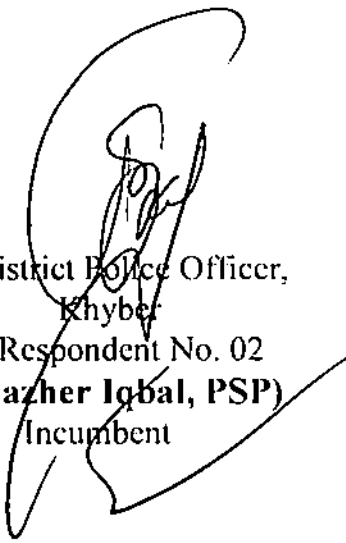
Fazal Rehman..... (Appellant)

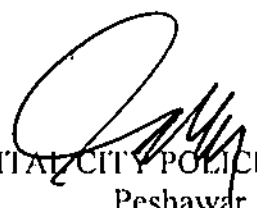
Versus

Capital City Police Officer Peshawar & others (Respondents)

AUTHORITY LETTER

Mr. Mazhar Khan DSP, Khyber is authorized to submit Para-wise comments/ reply in the instant Service Appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar and also to defend instant Service Appeal on behalf of respondent No. 01 and 02.


District Police Officer,
Khyber
Respondent No. 02
(Mazher Iqbal, PSP)
Incumbent


CAPITAL CITY POLICE OFFICER
Peshawar
Respondent No.01
(Qasim ALI KHAN, PSP)
Incumbent

Annex A, 2

OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER
Tel: 091-586



No. 7892/PA-DPO Khyber Dated: 23/10/2023

CHARGE SHEET UNDER SECTION 4(1) OF POLICE RULES 1975

1. I, Capt. @ Saleem Abbas Kulachi (PSP), District Police Officer, Khyber, as a competent authority, hereby charge FC Fazal Rehman No. 1106 of District Police Khyber as per the following allegations:

"As per learned sources, reportedly you, FC Fazal Rehman No. 1106 of District Police Khyber while posted as Addl: SHO Landi Kotal, have been involved in contacts with narcotics peddlers and smugglers. That you have provided safe passage to the narcotics smugglers in your area of jurisdiction and remained involved in contacts with them. In return, you received bribes from them. Such corrupt activities and criminal abetment come under the meaning of Misconduct."

2. By the above-mentioned reasons, you appear to be guilty of Misconduct as per Police Rules, 1975 and that you have rendered yourself liable to all or any of the penalties specified in Police Rules, 1975.

3. Therefore, you are directed to submit your written defense within 07 days of the receipt of this Charge Sheet to the Inquiry Officer, as the case may be.

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

5. State, whether you desire to be heard in person or not.

Accepted by ASP
[Signature]

1662
12-12-2023

Capt. SALEEM ABBAS KULACHI (PSP)
DISTRICT POLICE OFFICER,
KHYBER

- Copies to:
- 1- SP Inv. Khyber for information
 - 2- HRMS and Section 10 and 10-A for record/ Profile to update
 - 3- FC Fazal Rehman No. 1106 for information and compliance

8

OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER
Tel: 091-5862033



No. 7304PA-DPO Khyber

Dated: 23/10/2023

**DISCIPLINARY ACTION UNDER SECTION 5(3) OF POLICE RULES
1975**

I, Capt. @ Saleem Abbas Kulachi (PSP), District Police Officer, Khyber, as a competent authority, believe that FC Fazal Rehman No. 1106 of District Police Khyber has rendered himself liable to be proceeded against as he committed the mentioned below allegations within the meaning of Police Rules, 1975 (With Amendments – 2014).

STATEMENT OF ALLEGATIONS UNDER SECTION 6 (i (a)) OF POLICE RULES 1975

As per learned sources, reportedly FC Fazal Rehman No. 1106 of District Police Khyber while posted as Addl: SHO Landi Kotal, has been involved in contacts with narcotics peddlers and smugglers. That he had provided safe passage to the narcotics smugglers in his area of jurisdiction and remained involved in contacts with them. In return, he received bribes from them. Such corrupt activities and criminal abetment come under the meaning of Misconduct as per section 2(iii) and render him liable for punishment under section 3(b) of Khyber Pakhtunkhwa Police Rules, 1975 (With Amendments – 2014), respectively.

To probe into the above-mentioned allegations against the said accused SP Fazal Rehman is hereby nominated as the Inquiry Officer under Section 5(4) of the Khyber Pakhtunkhwa Police Rules 1975 (With Amendments – 2014).

The Inquiry Officer shall in accordance with the provision of Police Rules, 1975, provide reasonable opportunity of hearing to the delinquent official, record the findings, and make immediate recommendations whether to punish or to take other appropriate action against the delinquent official.

FC Fazal Rehman No. 1106 of District Police Khyber are directed to appear before the Inquiry Officer on the date, time and place fixed by the Inquiry Officer.

Capt. @ SALEEM ABBAS KULACHI (PSP)
DISTRICT POLICE OFFICER,
KHYBER

Handwritten notes:
Added
by ASP
Kulachi
Mazhar

Copies to:

- 1: SP Inv. Khyber for initiation of Inquiry
- 2: HRMIS and Service Record Branch for record/ Profile (s) update

Annex B, (9)



IDENT OF POLICE
ATION DISTRICT
HYBER

Phone No.0917259003

No. 114 /PA-Inv Khyber

Dated: 14/10/2024

To: The District Police Officer,
Khyber.

Subject: FINDING OF ENQUIRY AGAINST THE CONSTABLE FC FAZAL REHMAN NO. 1106

Respected Sir,

It is submitted that the matter was probed thoroughly and the following steps have been followed during the course of enquiry.

Allegations in the Order:

It is alleged in the order issued by DPO Khyber Vide No. 7893/PA-DPO Khyber dated 25/10/2023, As per learned sources, reportedly FC Fazal Rehman No. 1125 of District Police Khyber while posted Addl SHO PS Landi Kotal, has been involved in contacts with narcotics peddlers and smugglers. That he had provided safe passage to the narcotics smugglers in his area of jurisdiction and remained involved in contacts with them. In return, he received bribes from them. Such corrupt activities and criminal abetment come under the meaning of Misconduct.

Enquiry proceedings:

During the course of the enquiry, the delinquent was issued with Charge Sheet. He submitted his reply. Then he was called to appear before the inquiry officer. He was heard in person and his statement was recorded. Could not provide any solid evidence in his defense.

Conclusion:

- FC Fazal Rehman No. 1106 He is found guilty of the same miss-conduct.

Recommendation:

Keeping in the view of the above, it is kindly recommended that

- FC Fazal Rehman No. 1106 may kindly be awarded with suitable punishment.

Submitted please

Kamal H.
KAMAL HUSSAIN

Superintendent Of Police Investigation
District Khyber

Annex, C, (10)



OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER

Tel: 091-5862033 Fax: 091-5864478
Email: dpokhyber1@gmail.com



No. 1021 /PA-DPO Khyber

Dated: 04/03/2024

DISMISSAL ORDER

FC Fazal Rehman No. 1106 of District Police Khyber, while he was posted as Addl: SHO Landi Kotal was issued with Charge Sheet No. 7893/PA-DPO Khyber dated 25/10/2023 due to his alleged contacts with drug peddlers and provision of safe passages to them.

Thus, a departmental inquiry was initiated against him. During the inquiry proceedings he was given the chance to produce written documentary proof in his defense and appear before the Inquiry Officer. He availed both but failed to submit anything in his defense. Local sources revealed that he did involve in the contacts with drug peddlers and provided safe passages to smugglers through his area of jurisdiction. That, he was in contact with international smugglers who are involved in smuggling of drugs between Afghanistan and Pakistan. Thus, he was found guilty of the said misconduct and is recommended for major punishment.

The undersigned, as per the recommendation of the inquiry officer, being the competent authority is satisfied about his involvement in criminal abetment and drug peddling and in order to maintain discipline in the force hereby awards the delinquent official with Major Punishment of Dismissal from Service as per Section 4-b(iv) of Police (E&D) Rules 1975 (With Amendments - 2014).

Capt. & SALKEM ABBAS KULACHI (PSP)
DISTRICT POLICE OFFICER,
KHYBER

OB No. 313 /dated 04/03/2024
No. 1022-25 /PA - DPO Khyber
Copies to:

1. DSP HQrs, Khyber
2. OHC, DPO Khyber for Record
3. Accountant, DPO Khyber for Stoppage of Pay
4. Service Record Branch/ IIRMS for Service Record, Good/Bad Entries

Handled by
PSP Khyber
Mazid

Annex (D) (11)



OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Phone No. 091-9210989 Fax: No. 091-9212597

ORDER

This order will dispose of the departmental appeal preferred by Ex-Constable Fazal Rehman No. 1106, who was awarded the major punishment of "dismissal from service" under KP PR-1975 (amended 2014) by DPO Khyber vide order No. 1021/PA, dated 04.03.2024.

2- Brief facts leading to the instant appeal are that the defaulter Constable while posted as Additional SHO PS Landi Kotal, District Khyber was proceeded against departmentally on the charges that he was found involved in contacts with drug peddler, smuggling and collecting monthlies in his area and there were running hotspot in his area for drug activities but he failed to operate against them.

3- He was issued Charge Sheet and Summary of Allegations by DPO Khyber. SP/Investigation, Khyber was appointed as Enquiry Officer to scrutinize the conduct of the accused official. The Enquiry Officer after conducting departmental enquiry submitted his findings in which he was recommended for major punishment. The competent authority in light of the findings of the Enquiry Officer awarded him the major punishment of dismissal from service.

4- He was heard in person in Orderly Room. During personal hearing, he was given an opportunity to prove his innocence. However, he failed to submit any plausible explanation in his defense. Therefore, his appeal for setting aside the punishment awarded to him by DPO Khyber vide order No. 1021/PA, dated 04.03.2024 is hereby rejected/filed.

"Order is announced"

CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 4913-17 /PA/CCP, dated Peshawar the 16 08/2024

Copies for information and necessary action to the:-

1. District Police Officer Khyber, along with complete inquiry file.
2. DSP/HQrs Khyber.
3. Accountant & OASI Khyber.
4. Official concerned.

