

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.2317/2023.


Inspector Sajjad Ahmad No.P/407 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others..... **Respondents.**

I n d e x

S.NO	DOCUMENTS	Annexure	PAGES
1.	Reply		1 to 3
2.	Authority		4
3.	Affidavit		5
4.	Charge Sheet	A	6
5.	Statement of allegations	B	7
6.	Enquiry Report	C	8


DSP/Legal,
CCP, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.2317/2023.

Inspector Sajjad Ahmad No.P/407 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others..... **Respondents.**

REPLY BY RESPONDENTS NO. 1, 2,3 & 4.

**Khyber Pakhtunkhwa
Service Tribunal**

Respectfully Sheweth:-

Diary No. 14618

PRELIMINARY OBJECTIONS:-

Dated 31-07-2024

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 being devoid of any merit.

REPLY ON FACTS:-

1. Pertains to record.
2. Pertains to record.
3. Incorrect and misleading. Appellant during service proved himself an inefficient Police Officials and committed gross misconduct by involving himself in objectionable activities and thereby brought a bad name for the entire force.
4. Correct to the extent that the appellant was suspended on account of following charges:-
 - i) That he while posted as OII Police Station Tatara Peshawar has been reported to be morally and financially corrupt.
 - ii) That he carries a bad reputation and is infamous for exploiting innocent folks through various influences and fraudulent means.
 - iii) That he remains out of Station/absent from his place of posting which speaks volume of his indiscipline and disinterest in performance of his official duty.
5. Correct to the extent of transfer, however, appellant challenged his transfer order vide Service Appeal No. 1889/2023 which is still subjudice. The appellant while posted as OII Police Station Tatara was proceeded departmentally on the charges mentioned in para 4 above. As a result of his misconduct, Charge Sheet with Statement of Allegations vide No. 34-E/PA dated 18.04.2023 was issued to him by the competent authority and SP (Inv) HQrs; was appointed as the enquiry officer. The enquiry officer after completion of the enquiry proceedings reported that the appellant failed to interrogate the accused involved in case FIR No. 107 dated 01.03.2023 u/s 376/34 PPC PS Tatara, left him unattended and proceeded to Islamabad without prior permission from his seniors. Being a Senior/supervisor officer he was supposed to should intimate his seniors before leaving his place of duty. Consequently,

after completing all codal formalities, he was awarded minor punishment of forfeiture of 06 months approved service. (Copy of Charge sheet, Statement of Allegations, Enquiry reports and order are annexed as A,B,C).


- 6. Incorrect. The appellant filed departmental appeal and without waiting for its statutory period of disposal, the appellant filed instant Service Appeal before the Hon'ble Service Tribunal, which is premature, and misleading.
- 7. That appellant has got no cause of action to file the instant appeal, and liable to be dismissed on the following grounds.

REPLY ON GROUNDS:-

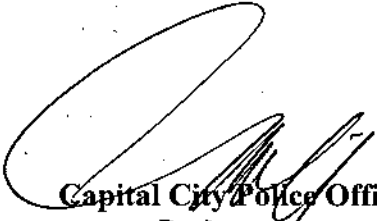
- A. Incorrect. The order passed by the repondents is in accordance with law and material available on record, is liable to be upheld.
- B. Incorrect. The appellant was associated in the enquiry proceedings by providing him full opportunity of defense, but he failed to defend himself. During the course of enquiry statement of all concerned were recorded in accordance with law/rules. After fulfilling of all codal formalities, he was found guilty of the charges, hence he was awarded minor punishment of forfeiture of 06 months approve service.
- C. Incorrect. The whole enquiry proceedings were initiated purely on merit and in accordance with law/rules. Hence the punishment order passed by the competent authority is just legal and has been passed in accordance with law/rules.
- D. Incorrect and misleading. Proper departmental enquiry was conducted against the appellant in accordance with law /rules. The enquiry officer conducted a thorough probe into the matter. Throughout the proceedings, the appellant was provided full opportunity of defense and personal hearing, but he failed to prove his innocence. After observing all codal formalities and considering the facts, the appellant was awarded punishment as per law.
- E. Incorrect. As explained above.
- F. Incorrect. The appellant availed the opportunity of hearing however, he failed to advance any plausible explanation in his defense.
- G. Incorrect. The appellant was treated as per law/rules and no discrimination whatsoever has been attributed by the respondents.
- H. Incorrect. As explained above.
- I. Incorrect. As already explained in preceding paras.
- J. Incorrect. Being member of a disciplined force, the appellant was supposed to doserve the rule.
- K. Incorrect. Proper departmental enquiry was conducted by the Enquiry Officer in accordance with law/rules.
- L. Incorrect. The punishment order passed by the competent authority is in accordance with law/rules and no fundamental right of the appellant has been violated, hence, liable to be upheld.
- M. That the 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.




**Senior Superintendent of Police,
Investigations, Peshawar.
(Sajjad Ahmad Sahibzada) PSP
(Respondent No.4)
Incumbent**



**Capital City Police Officer,
Peshawar.
(Qasim Ali Khan) PSP
(Respondent No.3)
Incumbent**



**Deputy Inspector General of Police,
HQs: Khyber Pakhtunkhwa, Peshawar,
(Rizwan Manzoor) PSP
(Respondent No.2)
Incumbent**



**DIG/Legal, CPO
For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.
(Rizwan Manzoor) PSP
(Respondent No.01)
Incumbent**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.2317/2023.

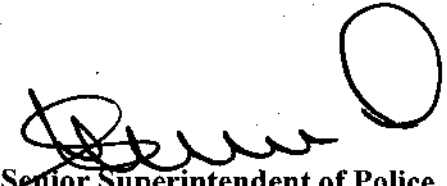
Inspector Sajjad Ahmad No.P/407 of CCP Peshawar..... **Appellant.**


VERSUS

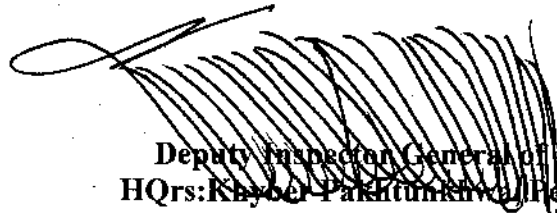
Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others..... **Respondents**

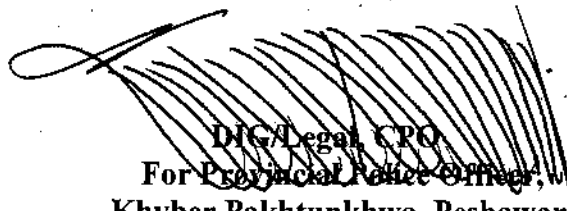
AUTHORITY.

I, Capital City Police Officer, is 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.


**Senior Superintendent of Police,
Investigations, Peshawar.
(Sajjad Ahmad Sahibzada) PSP
(Respondent No.4)
Incumbent**


**Capital City Police Officer,
Peshawar.
(Qasim Ali Khan) PSP
(Respondent No.3)
Incumbent**


**Deputy Inspector General of Police,
HQrs:Khyber Pakhtunkhwa, Peshawar,
(Rizwan Manzoor) PSP
(Respondent No.2)
Incumbent**


**DIG/Legal, CPO
For Provincial Police Officer, w
Khyber Pakhtunkhwa, Peshawar.
(Rizwan Manzoor) PSP
(Respondent No.01)
Incumbent**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.2317/2023.

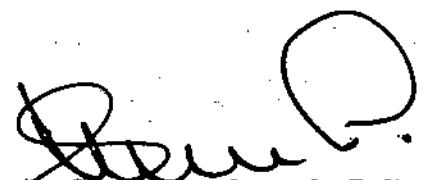
Inspector Sajjad Ahmad No.P/407 of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others..... **Respondents.**

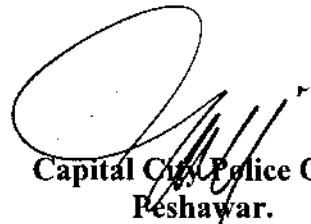
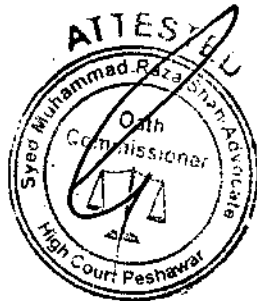
AFFIDAVIT.

We respondents No. 03 & 04 are 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.



**Senior Superintendent of Police,
Investigations, Peshawar.
(Sajjad Ahmad Sahibzada) PSP
(Respondent No.4)
Incumbent**

31 JUL 2024



**Capital City Police Officer,
Peshawar.
(Qasim Ali Khan) PSP
(Respondent No.3)
Incumbent**

6



**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 0919210989

Fax: 091-9212597

CHARGE SHEET

1. Whereas I am satisfied that a formal enquiry as contemplated by Police Rules 1975 is necessary & expedient.
2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rules 3 of the aforesaid Rules.
3. Now therefore, as required by Police Rules 6 (1) of the said Rules, I Muhammad Ijaz Khan Capital City Police Officer, Peshawar, hereby charge you Inspector Sajjad Ahmad No. P/407, OII Police Station Tatara Peshawar, under Rule 5 (4) of the Police Rules 1975 on the allegations mentioned in the enclosed Summary of Allegations:-
4. And I hereby direct you further under Rules 6 (1) of the said Rules to put a written defense within 07 days of the receipt of this Charge Sheet as to why the proposed action should not be taken against you and also stating at the same time whether you desire to be heard in person.
5. And in case your reply is not received within the specific period, it shall be presumed that you have no defense to offer and ex-parte action will be taken against you.
6. Statement of Allegation is enclosed.

(MUHAMMAD IJAZ KHAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

No. 34-E /PA, dated Peshawar the 18/04/2023.

Attested
Or



(7)

**OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR**

Phone No. 0919210989

Fax: 091-9212597

SUMMARY OF ALLEGATIONS

1. I, Muhammad Ijaz Khan, Capital City Police Officer, Peshawar as Competent authority, am of the opinion that Inspector Sajjad Ahmad has rendered himself liable to be proceeded against, as he committed the following acts/omission within the meaning of section 03 of the Police Rules 1975.

STATEMENT OF ALLEGATIONS

- i) That he while posted as OII Police Station Tatara Peshawar has been reported to be morally and financially corrupt.
- ii) That he carries a bad reputation and is infamous for exploiting innocent folks through various influences and fraudulent means.
- iii) That he remains out of station/absent from his place of posting which speaks volumes of his indiscipline and disinterest in performance of his official duties.

His misconduct is highly objectionable on his part and renders him liable for disciplinary proceedings under Police Rules 1975.

2. For the purpose of scrutinizing the conduct of said accused officer with reference to the above allegations, SP(Duw) Hqrs Peshawar is hereby nominated as enquiry officer.

3. The Enquiry Officer shall in accordance with the provision of the Police Rules (1975) provide reasonable opportunity of hearing to the accused officer and make recommendations that the officer is guilty of the charges or otherwise.

(MUHAMMAD IJAZ KHAN) PSP
CAPITAL CITY POLICE OFFICER,
PESHAWAR

Received
3001
20/04/2023

Attested
Pia
Proceed



OFFICE OF THE
SUPERINTENDENT OF POLICE, INVESTIGATION
CAPITAL CITY POLICE PESHAWAR

(8)

No. 84 /PA, Dated 24 / 05 /2023

To The Capital City Police Officer,
Peshawar.

Subject: ENQUIRY AGAINST INSPECTOR SAJJAD AHMAD OIL PS TATARA, PESHAWAR.

Memo:

Kindly refer to your office memo: No. 34-B/PA-, dated 13.02.2023.

Brief fact:-

It is submitted that that Inspector Sajjad Ahmad he while posted as OIL PS Tatara, Peshawar was charge sheeted by your good office against allegations that:-

- i. He has been reported to be morally and financially corrupt.
- ii. He he carries a bad reputation and is infamous for exploiting innocent folks through various influences and fraudulent means.
- iii. He remains out of station/absent from his place of posing which speaks volumes of his indiscipline and disinterest in performance of his official duties, which renders him liable for disciplinary proceedings under Police Rules 1975.

Proceedings:-

The alleged Inspector was called to appear before, the E.O. He appeared and submits his reply on 24.03.2023 he was also crossed examined.

Statement of alleged Inspector Sajjad Ahmad OIL PS Tatara.

The alleged Inspector appeared on 27.04.2023 and submitted his written statement which is hereby reproducing:-

Respected Sir,

Kindly refer to the subject charge sheet, received on 21.04.2023, at the very outset I respectfully submit that the alleged charges, vocalized in the summary of allegations are based on malafide and miscommunication, I am ready to swear upon oath that alleged charges bear no authenticity or veracity but based on concoction.

With due regret, it has become very common that when some differences are stirred up with criminals or relations with colleagues and subordinates become strained, complaints emerged in the shape of anonymous status with serious allegations against officer, without any solid materials/justification.

The alleged charges as per statement of allegations, are answered part-wisely as following.

- i. The charges are baseless and there is no single instance of my involvement in corruption or corrupt practices and involve in habits of habits of moral turpitude. There is no any incriminating material or evidence which could connect me with any such charge. Needless to say that corruption charge/persistent corruption requires solid materials but here on record, nothing in support is available. Rules regarding proceedings against Police Officers reported to be corrupt or involved in corrupt practices, attract

Attested

nothing in support is available. Rules regarding proceedings against Police Officers reported to be corrupt or involved in corrupt practices, attract rules 16.39 r/w 16.16 PR 1934 wherein corruption record is required to be maintained on personal file, character role or fauji missal and attested copy thereof shall be furnished to the Police officer concerned, but such record has not so far been maintained or is available against me hence the charge does not carry legal footings.

- ii. The second charge of bad reputation is also misleading and baseless rather the information is false, basing on misinterpretation and just to defame/damage my carrier.
- iii. The 3rd alleged charge is also based on mala-fide and misconception and I totally deny this charge. In fact, I had to visit my ailing wife each weekend admitted for five months in Madixy Hospital Saudi Pak Tower Islamabad with due permission from immediate high-ups. This charge, I shall explain along with record during personal hearing, if allowed.

On the face of available record, the alleged charges, seem to be anonymous, therefore, entails the barring provision, issued by Provincial Govt/Law, depicted as under

- a. S & GAD letter No. SORII (S&GAD) 5 (29)/97-II dated 20.07.1998.
- b. S & GAD letter No. SORII (S&GAD) 5 (29)/97-II dated 15.11.1999.
- c. Section 4 Federal Investigation rule 2002.
- d. SRO(I)2015 dt 6/11/2015 Section 4(5) Act 2012 (XIV)

Under the above provisions, the disciplinary proceedings are void abenitio/without jurisdiction hence not legally entertain-able.

Since, I have joined this August Force, I always performed honestly, dedicatedly and to the entire satisfaction of my superiors. I always acted beyond the call of duty at the risk of my life and never hesitated to culminate the menace of crime/drug from the area, where I remain posted. My clean service career with unblemished record can be verified from my ACRs and from the officers under whom subordination, I remain posted which clearly speaks my integrity and professional attitude. I have been rewarded on number occasinos for meritorious services/outstanding performance.

In circumstances, the alleged charges bear no authenticity, being without merit and substance, therefore, request that the charge sheet my very kindly be filed without further proceedings.

Further requests for Personal Hearing, to explain the circumstance, behind alleged charges.

Attested




Conclusion:

Keeping in view the above, and by considering all the available materials on record personal hearing and statement of accused Inspector Sajjad Ahmad OII PS Tatara, the charge of involvement in corrupt practices could not be substantiated. However, he failed to interrogate the accused involved in case FIR No. 107 dated 01.03.2023 u/s 376/34 PPC PS Tatara left him unattended and proceeded to Islamabad without prior intimation from seniors. Though he produced medical documents in respect of his spouse a ground leaving the station without permission is valid but being a senior/supervisory Police officer he should intimate his senior before leaving the station, for which he could not be spared, if approved, please.

[Signature]
 SP/INVESTIGATION HQ
 CAPITAL CITY POLICE, PESHAWAR

Attested
[Signature]