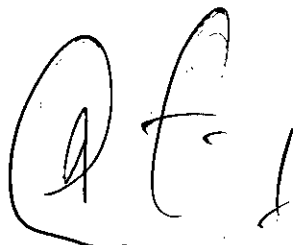


| S.No | Date of order proceedings | Order or other proceedings with signature of judge or Magistrate   |
|------|---------------------------|--|
| 1    | 2                         | 3  |
|      | 30.11.2016                | <p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u><br/><u>PESHAWAR.</u></p> <p style="text-align: center;"><b>APPEAL NO. 283/2014</b><br/>(Adeel Ahmad-vs- Deuty Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH, MEMBER:</u></p> <p>Counsel for the appellants (Mr. Arif Jan, Advocate) and Mr. Kabirullah Khattak, Assistant Advocate General alongwith Mr. Javid Iqbal, Inspector (Legal) for respondents present.</p> <p>2. Appellant herein namely Adeel Ahmad, a constable in the Elite Force of Khyber Pakhtunkhwa Police was removed from service on the ground of absence from duty vide order dated 27.11.2013 and his departmental appeal was also rejected vide order dated 30.01.2014, hence this appeal under section-4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.</p> <p>3. Arguments heard and record perused.</p> <p>4. Main contention of learned counsel for the appellants during the course of arguments was that original impugned order of removal dated 27.11.2013 and appellate order dated 30.01.2014 both have been passed by the same authority i.e Deputy Commandant. He next submitted that order dated 30.01.2014 on departmental appeal of the appellants is only in one sentence which is a non-speaking order which cannot be maintained. Next he submitted that no opportunity of defense and hearing has been provided to the appellants and further that no enquiry was conducted in the case.</p> |

5. Learned Assistant AG on behalf of official respondents submitted as that appellant remained willfully absent from duty, therefore, he was rightly removed from service. He further submitted that the appellant had not moved any application for leave. He also stated that all codal formalities were fulfilled, therefore the appeal may be dismissed.

6. After hearing pro & contra arguments of the parties and perusal of the record, it was observed that the ground taken for absence is that of illness and no enquiry has been conducted against the appellant in which the appellant could have participated in respect of this factual controversy of illness. While going through the record it was observed that the order dated 30.01.2014 passed on appeal of the appellant is a non-speaking order in which no opportunity of hearing has been provided to the appellant. The same being passed by the same authority who passed the original order dated 27.11.2013 is also illegally defective being not passed by the proper appellate authority. We in the circumstances of the case are of the view that order dated 3.01.2014 cannot be maintained. The same is therefore, set aside. The respondents are directed that departmental appeal of the appellant be decided by the proper appellate authority and further that opportunity of hearing be provided to the appellant. Departmental appeal of the appellant be decided within a period of two months after receipt of this judgment. Appeal is disposed of on the above terms. Parties are left to bear their own cost. File be consigned to the record room.

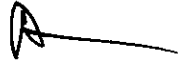
ANNOUNCED  
30.11.2016

  
(ABDUL LATIF)  
MEMBER

  
(PIR BAKHSH SHAH)  
MEMBER

20.5.2016

Counsel for the appellant and Assistant AG for respondents present. Counsel for the appellant rejoinder not submitted requested for time to file rejoinder and submitted Wakalat Nama to come up for rejoinder/arguments on 18.8.2016.



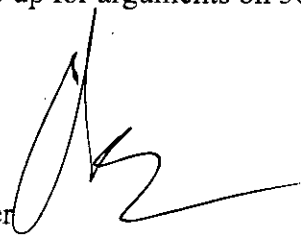
Member



Member

18.08.2016

Counsel for the appellant and Mr. Ziaullah, GP for the respondents present. Counsel for the appellant requested for adjournment. To come up for arguments on 30.11.2016.



Member



Member


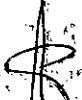
24.03.2015

Appellant in person and Mr. Javed Iqbal, Inspector for respondents alongwith Addl: A.G present. Comments submitted. The appeal is assigned to D.B for rejoinder and final hearing for 2.10.2015.

  
Chairman

02.10.2015-

None for the appellant present. Mr. Javed Iqbal, Inspector(Legal) alongwith Asst: AG for the respondents present. Arguments could not be heard due to general strike of the Bar. To come up for arguments on 29-3-16

  
Member  
Member

29.03.2016

Appellant in person and Mr. Javed Iqbal, Inspector (Legal) alongwith Asst: AG for respondents present. Arguments could not be heard due to non-availability of D.B. Therefore, the case is adjourned to 20.05.2016 for arguments.

  
Chairman

Appeal No. 283/2014  
Mr. Ahsan Ahmad


28.01.2015

Appellant with counsel and Mr. Kabirullah Khattak, Asst. Advocate General for the respondents present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. The appellant has impugned order dated 27.11.2013 vide which the major penalty of removal from service has imposed upon the appellant. Against the above referred impugned order the appellant filed departmental appeal on 30.12.2013 which was rejected on 30.01.2014, hence the instant appeal on 27.02.2014. He further contended that neither any show cause notice, charge sheet statement of allegation has been issued nor any proper enquiry has been conducted against the appellant.

The AAG while assisting the court was of the view that the instant appeal is time barred. He while relying on judgment of the Hon'ble Supreme Court of Pakistan as reported on 2012 SCMR 195 that if a Departmental Appeal filed by a Civil Servant is barred by time, no relief can be granted to him even if the appeal before the Service Tribunal is on time. He requested that the instant appeal may be dismissed in limine.

Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents. To come up for written reply/comments on 24.03.2015 before the learned bench-III.

Appellant Deposited  
Security & Process Fee  
Rs. 3000/- Bank  
Receipt is Attached with File.

  
Member

6.

Reader Note.

19.08.2014

Appellant alongwith his counsel and Mr. Ziaullah, GP for the respondents present. The Hon'able Bench is on tour to Abbottabad, therefore, case to come up for preliminary hearing on 17.09.2014.

*[Signature]*  
Reader

7.

17.09.2014

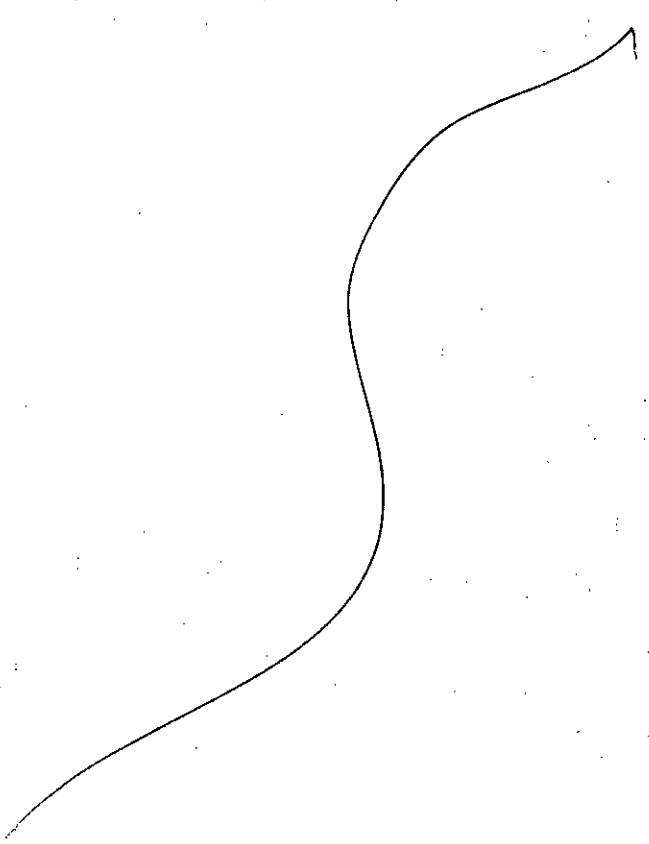
Appellant alongwith his counsel and Mr. Kabirullah Khattak, Assistant Advocate General for the respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for preliminary hearing on 17.11.2014.

Reader Note:

17.11.2014

Counsel for the appellant present. Since the Tribunal is incomplete, therefore, case is adjourned to 28.01.2015 for the same.

*[Signature]*  
Member



3.  
22.04.2014

Clerk of counsel for the appellant present and requested for adjournment due to general strike of the Bar. To come up for preliminary hearing on 19.05.2014.

  
Member

4.  
19.05.2014

Counsel for the appellant present. Preliminary arguments partly heard. Pre-admission notice be issued to the learned GP to assist the Tribunal. To come up for preliminary hearing on 03.07.2014.

  
Member

5.  
03.07.2014



No one is present on behalf of the appellant. Mr. Ziaullah, GP for the respondents present. Notices be issued to the appellant/counsel for the appellant. To come up for preliminary hearing on 19.08.2014.

  
Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 283/2014

| S.No. | Date of order Proceedings | Order or other proceedings with signature of judge or Magistrate   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1     | 27/02/2014                | <p>The appeal of Mr. Adeel Ahmad presented today by Mr. Arif Jan Advocate, may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"><br/>REGISTRAR</p> |
| 2     | 4-3-2014                  | <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>22-4-2014</u>.</p> <p style="text-align: right;"><br/>CHAIRMAN</p>   |



BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR

Service Appeal No..... 283 / ...../2014

Adeel Ahmad.....Appellant

VERSUS

Deputy Commandant Elite Force & Others.....Respondents

INDEX

| S.No | Discription of Documents                                   | Annex   | Pages |
|------|--|---------|-------|
| 1.   | Grounds of service appeal                                  |         | 1-3   |
| 2.   | Affidavit  |         | 4     |
| 3.   | Addresses of parties                                       |         | 5     |
| 4.   | Copy of medical documents                                  | 'A'     | 6     |
| 5.   | Copy of removal order dated 27/11/2013.                    | 'B'     | 7     |
| 6.   | Copy of departmental appeal <sup>order dt</sup> 30-01-2014 | 'C & D' | 8-9   |
| 7.   | Wakalatnama  |         | 10    |

  
Appellant

Through

  
M. Arif Jan & Aman Ullah Khan

Advocates Peshawar

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR

Service Appeal No... 283 / 2014

AWJ  
289  
27-2-14

Adeel Ahmad S/o Shakeel Ahmad R/o Mohallah Gula khe Behzadi  
Chikarkot, Kohat.....Appellant

VERSUS

1. Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar
2. Commandant Elite Force, Khyber Pakhtunkhwa Peshawar
3. Provincial Police Officer Khyber Pakhtunkhwa Peshawar.... Respondents

**APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 30.01.2014 OF  
RESPONDENT NO.1 WHEREBY THE APPEAL OF THE APPELLANT  
HAS BEEN DISMISSED.**

**Prayer in Appeal:**

On acceptance of the instant service appeal, the impugned  
Orders dated 30.01.2014 and 27.11.2013 passed by respondent No.1  
may graciously be set aside and the appellant may kindly be restored  
re-instate in service with all back benefits.

Any other remedy which deems fit by his Hon'ble Tribunal in the  
interest of justice, may also be granted in fever of appellant.

**Respectfully Sheweth;**

1. That the appellant was initially appointed as Constable No.3983 in Elite Force, Police Department Khyber Pakhtunkhwa.
2. That the appellant became seriously sick and as per medical advice remained under treatment and availed medical rest during which an Ex-party departmental proceedings has been initiated against the appellant in his absence.( Copy of medical documents attached as Annex "A").
3. That the respondent No 1 awarded the capital punishment to the appellant of removal from service vide order dated 27.11.2013(Copy of removal Order dated 27.11.2013 is attached as Annex "B").
4. That the appellant being aggrieved filed a departmental appeal before respondent No.2 which was dismissed by respondent No 1 vide order dated 30.1.2014 (Copy of departmental appeal and order dated 30.1.2014 are attached as Annex "C&D") respectively.
5. That the appellant is being aggrieved from the impugned orders, hence the instant appeal on the following amongst other grounds ;

**GROUND**

- A. That the orders dated 30/1/2014 and 27/11/2013 (here in after impugned) passed by the respondent No 1 are illegal, un-lawful, without lawful authority, of no legal effect hence having no value in the eyes of law thus be set aside and the appellant may be restored/reinstated in his service.

**M Arif Jan & Amanullah Khan**

**Advocates Peshawar**

(3)

1920/11

10.11



(4)

BEFORE THE HON'BLE CHAIRMAN SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA PESHAWAR

Service Appeal No...../2014

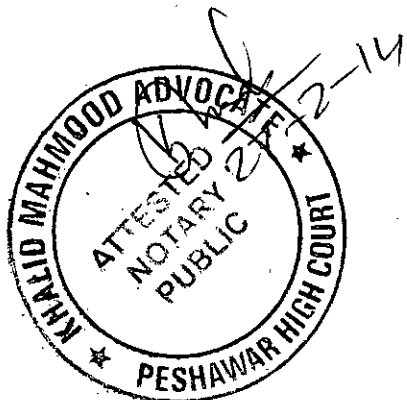
Adeel Ahmad..... **Appellant**


**VERSUS**

Deputy Commandant Elite Force & Others..... **Respondents**

**AFFIDAVIT**

I Adeel Ahmad S/O Shakeel Ahmad R/O Mohallah Gula-khel Behzadi chikarkot, Kohat do hereby solemmly affirm and declare that as per instructions of my client the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.



  
DEPONENT

(6)

(A)

# CASUALTY L.M.H KOHAT

E.No 1975

Date: 2/5/13

Pt. Name: Adi Ahmad

Age: 1989

Sex: ♂

Inc.  $\bar{e}$  rigors  
Fever  $\bar{e}$  rigors  
+ vomiting + fainting  
+ yellow discoloration  
of sclera

10% dextrose in water - 10.0  
+ 3 Hepamar  $\rightarrow$  3 + 10-30 days  
+ 3 HyCarb  $\rightarrow$  3 + 10-15 days  
+ 3 Rocphin 1g BD for 10-11 days  
3 Amp  $\rightarrow$  1m S.P.S.  
C 1000/

Attestal  
A. J.

F. Large infection

poor TDS for 5 days

3 Omega 40 mg in bottle

As examined, Mr. IV AD for 2 months

Adil Ahmad & found that he is suffering from high grade fever & vomiting. He also has difficulty in standing posture. Therefore, he is advised to be on bed rest

for at least 3-1-2 up 2 days. If not improved, then go further 2-3 days home bed rest. Give from. Today at 2/5/13

2/5/13

on world 2/5/13

7

Amma = B

ELITE

Office of the Deputy Commandant  
Elite Force Khyber Pakhtunkhwa Peshawar



No. 16034-1/L.A.F

Dated: 27/11/2013

ORDER

You Constable Adeel Ahmad No. 3963 of Elite Force Khyber Pakhtunkhwa were found guilty of gross misconduct on the following ground.

You remained absent from duty without any leave or prior permission w.e.f. from 03.05.2013 till this date.

Departmental proceeding was being initiated against you and Inspector Javed Iqbal Khan of Elite Force Peshawar was appointed as enquiry officer. you did not appear before the enquiry officer nor joined the enquiry proceedings. You were called in Orderly Room on 11/11/2013 but did not appear. It seems that you have no interest in your official job. The enquiry officer recommended you for major punishment.

Therefore, I Devar Khan Bangash, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, therefore, impose major penalty of removal from service upon you from the date of absence i.e. 03/05/2013

(DEVAR KHAN BANGASH)

Deputy Commandant  
Elite Force Khyber Pakhtunkhwa Peshawar.

Copy of the above is forwarded to the

1. Superintendent of Police, Elite Force, South
2. Deputy Superintendent of Police, Elite Force Kohat.
3. Office Superintendent Elite Force Peshawar Paktunkhwa Peshawar
4. RI Elite Force Khyber Pakhtunkhwa Peshawar
5. Inspector Javed Iqbal Khan of Elite Force Peshawar
6. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar for recovery of pay
7. SRO Elite Force Khyber Pakhtunkhwa Peshawar
8. Constable Adeel Ahmad No. 3963 through reader DSP Elite Force Kohat of the accused at his home address

Attest  
MAJ



*Better Copy*

**Office of the Deputy Commandant  
Elite Force Khyber Pakhtunkhwa Peshawar**

No. -----/EF

Dated: 27/11/2013

**ORDER**

You Constable Adeel ahmad No.3963 of Elite Force Khyber Pakhtunkhwa were found guilty of gross misconduct on the following grounds.

You remained absent from duty without any leave or prior permission w.e. from 03.05.2013 till the date.

Departmental proceeding was accordingly initiated against you and inspector Javed Iqbal Khan of Elite Force Peshawar was appointed as enquiry officer, you did not appear before the enquiry officer no joined the enquiry proceedings. You were called in Orderly Room on 21.11.2013 but did not appear. It seems that you have no interest in your official job. The enquiry officer recommended you for major punishment.

Therefore I Dilawar Khan Bangash Deputy Commander Elite Force KPK Peshawar as a competent authority therefore impose major penalty of removal from service upon you from the date of absence i.e. 03.05.2013.

**DILAWAR KHAN BANGASH**

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

Copy of the above is forwarded to the:-

1. Superintendent of Police, Elite Force South.
2. Deputy Superintendent of Police Elite Force Kohat.
3. Office superintendent, Elite Force Khyber Pakhtunkhwa Peshawar.
4. RE Elite Force Khyber Pakhtunkhwa Peshawar.
5. Inspector Javed Iqbal Khan of Elite Force Peshawar.
6. Accountant Elite Force Khyber Pakhtunkhwa of Peshawar for recovery of pay.
7. SRO Elite Force Khyber Pakhtunkhwa Peshawar.
8. FC Adeel Ahmad No. 3963 through reader DSP Elite Force Kohat at the accused constable at his home address.

*Attested*  
*M A ST*

(8)

Annex 'C'

BEFORE THE COMMANDANT ELITE FORCE,  
KHYBER PAKHTUNKHWA, PESHAWAR

Subject:- Appeal against the order of Deputy Commandant Elite Force  
Khyber Pakhtunkhwa, Peshawar vide order bearing No  
16034-41/EF dated 27-11-2013 whereby the appellant Ex-  
Constable Adeel Ahmad No 3983 was removed from service  
WEF 03-05-2013

RESPECTFULLY SIR,

The appellant with great veneration submits the following for your kind consideration

FACT:-

Briefly stated the facts are that the appellant while posted at Peshawar, became seriously sick and as per medical advice remained under treatment and availed medical rest. Ex-party departmental proceedings were initiated against the appellant which culminated in the removal of the appellant vide the impugned order (copy of the order and other documents of appellant are enclosed). Hence the instant appeal.

GROUNDS:-

1. That no show cause notice was served upon the appellant prior to the initiation of departmental proceedings against the appellant in violation of the principles of natural justice.
2. That no charge sheet was issued to the appellant by the competent authority.
3. That major penalty was imposed upon the appellant without observing the usual formalities.
4. That the appellant has four years of service to his credit in the police department.
5. That the punishment awarded to the appellant is not legally justified.

PRAYER

In light of the above, it is prayed that by accepting the instant appeal, the impugned order of the Dy Commandant Elite Force may kindly be set aside and the appellant re-instated in service WEF 03-05-2013.

It is also prayed that I may be heard in person please.

Dated: 30-12-2013

Yours obediently,

Attest

*[Signature]*

*[Signature]*  
30/12/13  
Ex-Constable Adeel Ahmad  
No. 3983 Elite Force, Peshawar

*Better copy*

**BEFORE THE COMMANDANT ELITE FORCE KHYBER PAKHTUNKHAWA PESHAWAR**

**Subject; Appeal against the order of Deputy Commandant Elite Force Khyber Pakhtunkhawa Peshawar vide order bearing No 16034-41/EF dated 27/11/2013 whereby the appellent Ex-Constable Adeel Ahmad No 3983 was removed from service WEF 03-05-2013**

**RESPECTFULLY SIR,**

The appellent with great veneration submits the following for your kind consideration.

**FACTS;**

Briefly stated the facts are that the appellent while posted at Peshawar become seriously sick and as per medical advice remained under treatment and availed medical rest. Ex-party departmental proceeding were initiated against the appellent which culminated in the removed of the appellent vide the impugned order (copy of the order dt 27/11/2013 of appellent are enclosed). Hence the instant appeal.

**GROUNDS;**

1. That no shows cause notice was served upon the appellent prior to the initiation of departmental proceedings against the appellent in violation of the principles of natural justice.
2. That no charge sheet was issued to the appellent by the competent authority.
3. That major penalty was imposed upon the appellent without observing the caudal formalities.
4. That the appellent has four years of service to his credit in the police department.
5. That the punishment awarded to the appellent is not legally justified.

**PRAYER;**

In light of above, it is prayed that by accepting the instant appeal, the impugned order of the Dy Commandant Elite Force may kindly be set-aside and the appellent re-instated in service WEF 03-05-2013.

It is also prayed that I may be heard in person please.

Yours obediently,

Ex-Constable Adeel ahmad  
No.3983 Elite Force, Peshawar.

*Attested*  
*MA*



Office of the Addl: Inspector General of Police  
Elite Force Khyber Pakhtunkhwa Peshawar




No. 1501 /EF

Dated: 30/01/2014.

To : Mr. Adeel Ahmad S/O Shakeel Ahmad  
Address : Mohallah Gulla Khel Behzadi Chakerkot PS Cantt: Distt: Kohat.  
Contact No. 0334-8292234

Subject : **APPEAL FOR RE-INSTATEMENT IN SERVICE**

Your appeal has not been accepted for re-instatement in service and Filled by the competent authority.

  
(SAJID KHAN MOHMAND)  
Deputy Commandant  
Elite Force, Khyber Pakhtunkhwa Peshawar

**WAKALATNAMA**

IN THE Before the Honble Chairman Svc, Tribunal  
KPK, Pesh

Adoel Ahmad (Petitioner)  
(Plaintiff)  
(Applicant)  
(Complainant)  
(Decree Holder)

**VERSUS**

Deputy Commissioner (Respondent)  
(Defendant)  
(Accused)  
(Judgment Debtor)

Case Svc - Appeal - 14

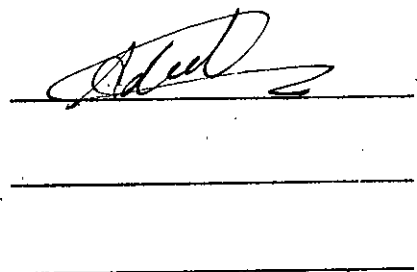
I/We, Adoel Ahmad do hereby appoint and constitute **Muhammad Arif Jan Advocate** High Court, Peshawar, to appear. Plead, act, compromise, withdraw or refer to arbitration to me/ us as my/ our Counsel in the above noted matter, without any liability for their default and with the authority to engage/ appoint any other Advocate/ Counsel at my/ our matter.

Attested & Accepted

CLIENT/S



**Muhammad Arif Jan**  
Advocate, High Court, Peshawar.  
Office No: 6, 1<sup>st</sup> Floor  
Pabbi Medical Centre, G.T. Road  
Peshawar.  
Mobile: 0333-2212213



BEFORE THE KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL PESHAWAR.

Service Appeal No. 283/2014.

Adeel Ahmed.....(Appellant)

VERSUS

Deputy Commandant Elite Force, Khyber Pakhtunkhwa,  
Peshawar and others.....(Respondents)

Subject:- COMMENTS ON BEHALF OF  
RESPONDENTS.

Respectfully Sheweth!

Preliminary Objections:-

- 9
- 0-12
- 24.03.15
- a) The appeal has not been based on facts.
  - b) The appeal is not maintainable in the present form.
  - c) The appeal is bad for joinder of un-necessary and mis-joinder of necessary parties.
  - d) The appellant is estopped by his own conduct to file the appeal.
  - e) The appeal is barred by law and limitation.
  - f) The appellant has not come to the Honorable Tribunal with clean hands.

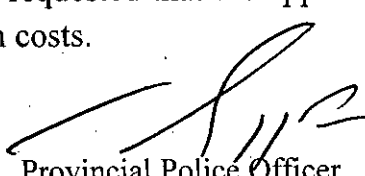
FACTS:-


1. Correct to the extent of enlistment of appellant as constable in Police department. However, he remained absent from duty with effect from 03.05.2013 and avoided defense of departmental charges of absence from duty and eventually he was removed from service vide order of Respondent No. 1 dated 27.11.2013. Copy already enclosed with original appeal.
2. Incorrect, appellant was avoiding his defense and has manipulated the pretext of illness after his dismissal from service. He was required to apply for grant of medical leave before the competent authority and he has never submitted any application for grant of medical leave.
3. Incorrect, proper enquiry was conducted and appellant avoided joining enquiry proceedings and also did not attend the orderly room for personal hearing. Therefore, the impugned order was passed.


4. Incorrect, there was no force in the departmental appeal of appellant therefore, the same was correctly filed.
5. Incorrect, the appeal of appellant on the grounds advanced by appellant is not sustainable.

GRUNDS:-

- A. Incorrect, the impugned orders are just, legal and were passed in accordance with law and rules.
- B. Incorrect, appellant was avoiding receipt of charge sheet and final show cause notice. He also avoided attending orderly room for personal hearing. Therefore, ex-parte action was taken against appellant. (Charge sheet, statement of allegation, finding report and final show cause notice are annexed as A,B,C and D respectively).
- C. Incorrect, appellant was avoiding service of charge sheet and final show cause notice. He remained absent from duty for long period i.e. with effect from 03.05.2013 till passing the impugned order of removal from service on 27.11.2013.
- D. Incorrect, appellant deliberately remained absent from duty for long period of about 7 months therefore, penalty commensurate with the charges was imposed on appellant.
- E. Incorrect, appellant was recruited in the year 2009 and he earned bad entries.
- It is therefore, requested that the appeal may be dismissed with costs.

  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 3)

  
Commandant,  
Elite Force, Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No. 2)

  
Deputy Commandant,  
Elite Force, Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No.1)

## CHARGE SHEET

I. Dilawar Khan Bangash, Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you Constable Adeel Ahmad No. 3963, (Un-train) of Elite Force as follows:

You remained absent from duty without any leave or prior permission w.e. from 03.05.2013 till this date.

2. By reason of the above, you appear to be guilty of misconduct under the Police Rules (amended vide NWFP gazette, 27<sup>th</sup> January, 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are therefore, directed to submit your defense within seven days of the receipt of this Charge Sheet to the Enquiry Officer.

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

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.

(DILAWAR KHAN BANGASH)  
Deputy Commandant  
Elite Force Khyber Pakhtunkhwa Peshawar.



## SUMMARY OF ALLEGATIONS

1. Dilawar Khan Bangash, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that Constable Adeel Ahmad No. 3963 (Un-train), has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (amended vide NWFP gazette, 27<sup>th</sup> January 1976).

## SUMMARY OF ALLEGATIONS

He remained absent from duty without any leave or prior permission w.e.from 03.05.2013 till this date.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Inspector Javed Iqbal Khan of Elite Headquarters Peshawar is appointed as Enquiry Officer.

3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.

4. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(DILAWAR KHAN BANGASH)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

No. 10/13-137 EF, dated Peshawar the 07 2013.

Copies to:

1. Office Superintendent, of Police, Elite Force Khyber Pakhtunkhwa Peshawar.
2. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
3. Inspector Javed Iqbal Khan of Elite Headquarters Peshawar.
4. SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. FC Adeel Ahmad No. 3963 of Elite Force through reader SP Elite Force Peshawar.

(DILAWAR KHAN BANGASH)

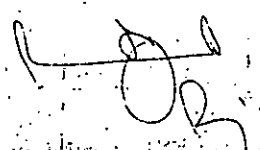
Deputy Commandant

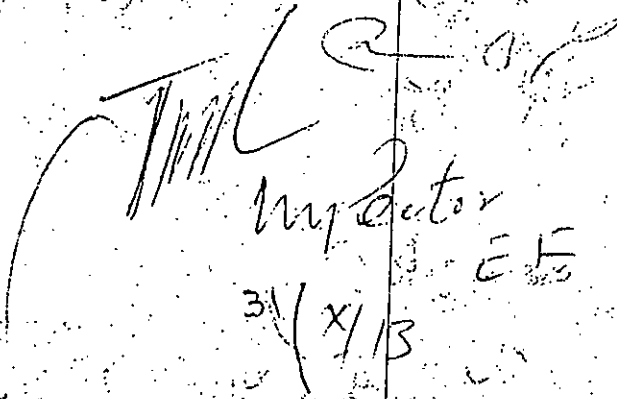
Elite Force Khyber Pakhtunkhwa Peshawar.

3963

اینجانبی در حدود لیست بعدی اقرار می‌کنم  
 که در دوره تسلیم صورت‌های مالی  
 پیوسته به تاریخ 22 در تاریخ 31/3/2013  
 به منظور ارائه گزارش به مراجع ذیصلاح  
 و اکتساب صورت‌های مالی در راستای  
 شکرگزاری از طرف صاحبان سهام  
 می‌باشد و در این خصوص هیچگونه  
 گزارش دیگری صادر نشده است و این  
 گزارش نیز صرفاً جهت اطلاع مراجع ذیصلاح  
 و اکتساب صورت‌های مالی در راستای

May be allowed to advertise  
 It in News Paper.



  
 Inspector  
 EF  
 31/3/13

FINAL SHOW CAUSE NOTICE

I, Dilawar Khan Bangash, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority under Police Rules (amended vide NWFP gazette, 27<sup>th</sup> January 1976) do hereby serve you Constable Adeel Ahmad No. 3983, (Intram) of Elite Force as follows:

You remained absent from duty without any leave or prior permission from 9.05.2013 to till this date.

That consequent upon the completion of enquiry conducted against you by Inspector Javed Iqbal Khan of Elite Force Peshawar, you were given full opportunity of hearing but failed to appear before the enquiry officer. Enquiry Officer recommended you for punishment.

On going through the finding and recommendation of the enquiry officer, the material available on record, I am satisfied that you have committed the omission commission specified in Police Rules (amended vide NWFP gazette, 27<sup>th</sup> January 1976) and charges levied against you have been established beyond any doubt.

As a result therefore, I, Dilawar Khan Bangash, Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority have tentatively decided to impose minor penalty upon you including stoppage of annual increments or recovery of pay, under Police Rules (amended vide NWFP gazette, 27<sup>th</sup> January 1976) of the said provisions.

You are therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you.

If no reply to this show cause notice is received within seven days of its delivery in the normal course of circumstances, it shall be presumed that you have no defense to put and in that case an ex-parte action shall be taken against you.

A copy of the finding of the Enquiry Officer is enclosed.

(DILAWAR KHAN BANGASH)  
Deputy Commandant

Constable Adeel Ahmad No. 3983, through reader SP Elite Force South, and  
be directed to serve this notice upon the accused Constable at his home address.

پروفیسر ڈاکٹر عبدالرزاق / ڈیپارٹمنٹ آف میڈیسن اور جراحی / ہسپتال 50 ویسٹ 21105 کے  
میں 13 مارچ 1983ء کو ایک طبی مشورہ ملا اور ان کے پاس ان کے پاس  
میں جلیب کے علاج کے لیے 1983ء میں ایک مشورہ ملا اور ان کے پاس ان کے پاس  
میں ایک مشورہ ملا اور ان کے پاس ان کے پاس

10-5-83  
تعمیراتی کاموں کے لیے  
Form

MM-EF HCO-Post  
13-6-83

صدا بخانی  
تعمیراتی کاموں کے لیے  
1983ء میں ایک مشورہ ملا اور ان کے پاس ان کے پاس  
میں ایک مشورہ ملا اور ان کے پاس ان کے پاس  
میں ایک مشورہ ملا اور ان کے پاس ان کے پاس

19/6/83

Issac C. Street +4

13

۵۰  
۱۲  
۱۳  
۱۴  
۱۵  
۱۶  
۱۷  
۱۸  
۱۹  
۲۰  
۲۱  
۲۲  
۲۳  
۲۴  
۲۵  
۲۶  
۲۷  
۲۸  
۲۹  
۳۰  
۳۱  
۳۲  
۳۳  
۳۴  
۳۵  
۳۶  
۳۷  
۳۸  
۳۹  
۴۰  
۴۱  
۴۲  
۴۳  
۴۴  
۴۵  
۴۶  
۴۷  
۴۸  
۴۹  
۵۰  
۵۱  
۵۲  
۵۳  
۵۴  
۵۵  
۵۶  
۵۷  
۵۸  
۵۹  
۶۰  
۶۱  
۶۲  
۶۳  
۶۴  
۶۵  
۶۶  
۶۷  
۶۸  
۶۹  
۷۰  
۷۱  
۷۲  
۷۳  
۷۴  
۷۵  
۷۶  
۷۷  
۷۸  
۷۹  
۸۰  
۸۱  
۸۲  
۸۳  
۸۴  
۸۵  
۸۶  
۸۷  
۸۸  
۸۹  
۹۰  
۹۱  
۹۲  
۹۳  
۹۴  
۹۵  
۹۶  
۹۷  
۹۸  
۹۹  
۱۰۰

۱۰۳۶۵-۶۶

۳۹۸۳

۱۰۳۶۵-۶۶

۳۹۸۳

۱۰۳۶۵-۶۶

۳۹۸۳

۱۰۳۶۵-۶۶

۳۹۸۳

۱۰۳۶۵-۶۶

۳۹۸۳

۱۰۳۶۵-۶۶

۳۹۸۳

۱۰۳۶۵-۶۶

## CHARGE SHEET

I, Dilawar Khan Bangash, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar, as competent authority, hereby charge you Constable Ajeel Ahmad No. 39 (detrain) of Elite Force as follows;

You remained absent from duty without any leave or prior permission w.e. from 03.05.2013 till this date.

2. By reason of the above, you appear to be guilty of misconduct under the Police Rules (amended vide NWFP gazette; 27<sup>th</sup> January 1976) and have rendered yourself liable to all or any of the penalties specified in the said rules.

3. You are therefore, directed to submit your defense within seven days of receipt of this Charge Sheet to the Enquiry Officer.

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

5. You are directed to intimate whether you desire to be heard in person.

6. A statement of allegation is enclosed.



(DILAWAR KHAN BANGASH)  
Deputy Commandant  
Elite Force Khyber Pakhtunkhwa Peshawar

## SUMMARY OF ALLEGATIONS

I, Dilawar Khan Bangas, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that Constable Adeel Ahmad No. 3963 (Un-train), has rendered himself liable to be proceeded against as he has committed following misconduct within the meaning of Police Rules (amended vide NW Regulation, 2 January 1976).

## SUMMARY OF ALLEGATIONS

He remained absent from duty without any leave or prior permission from 03.05.2013 till this date.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Inspector Javed Iqbal Khan of Elite Headquarters Peshawar is appointed Enquiry Officer.

3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (25 days) after the receipt of this order.

4. The accused shall join the proceedings on the date, time and place fixed by the Enquiry Officer.

(DILAWAR KHAN BANGAS)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

No. 10340-44/EF, dated Peshawar the 07/08/2013.

Copies to;

1. Office Superintendent, of Police, Elite Force Khyber Pakhtunkhwa Peshawar.
2. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
3. Inspector Javed Iqbal Khan of Elite Headquarters Peshawar.
4. SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. FC Adeel Ahmad No. 3963 of Elite Force through reader SP/Elite Force Peshawar.

(DILAWAR KHAN BANGAS)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar.

Office of the Deputy Commandant  
Elite Force Khyber Pakhtunkhwa Peshawar

No. 16c 34-41/EF

Dated: 27/11/2013.

**ORDER**

You Constable Adeel Ahmad No. 3965 of Elite Force Khyber Pakhtunkhwa were found guilty of gross misconduct on the following ground.

You remained absent from duty without any leave or prior permission from 05.05.2013 till this date.

Departmental proceeding was accordingly initiated against you and Inspector Javed Iqbal Khan of Elite Force Peshawar was appointed as enquiry officer. you did not appear before the enquiry officer no joined the enquiry proceedings. You were called in Orderly Room on 21.11.2013 but did not appear. It seems that you have no interest in your official job. The enquiry officer recommended you for major punishment.

Therefore, I Dilawar Khan Bangash, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, therefore, impose major penalty of removal from service upon you from the date of absence i.e. 05.05.2013.

(DILAWAR KHAN BANGASH)  
Deputy Commandant  
Elite Force Khyber Pakhtunkhwa Peshawar.

Copy of the above is forwarded to the:-

1. Superintendent of Police, Elite Force, South.
  2. Deputy Superintendent of Police, Elite Force Kohat.
  3. Office Superintendent Elite Force Khyber Pakhtunkhwa Peshawar.
  4. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
  5. Inspector Javed Iqbal Khan of Elite Force Peshawar.
  6. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar for recovery of SRG Elite Force Khyber Pakhtunkhwa Peshawar.
- FC Adeel Ahmad No. 3965 through reader DSP Elite Force Kohat at his home address.



حکومت عالی  
الگوٹری لبر خلاف کسٹبل عدیل احمد سر 3963 ال  
جمع کوہاٹ معروف صورت ہوں کے مذکورہ کسٹبل مورخہ 3  
سر دستور غیر حفریہ مذکورہ کے چارج شیٹ اور بعد ازاں  
مائل شوکار نوٹس کا جواب دینے کی وجہ سے لوٹا گیا  
الگوٹری اضربے یکطرفہ کاروائی عمل میں رکھنے کی سفارش کی  
نہ کے حکم گزار میں 2

R/EF

25-11-2013

قیمت  
10 روپے



53293

ایڈووکیٹ/ڈپٹی ایڈووکیٹ  
بار کونسل ابار ایسوسی ایشن  
رابطہ نمبر: 0333-3940567

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: غیر کثیر النسخہ میں

|                        |        |
|------------------------|--------|
| منجانب:                | دعویٰ: |
|                        |        |
| <b>باعت تحریر آنکہ</b> |        |

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ طریقہ کار کامیابی مقرر کے اقرار کیا جائے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اعتبار ہوگا انہی دلیل صاحب کو راضی نامہ کرنے و تقریر جائے و فیصلہ برطقت دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زیر مد تخلی کرنے کا اعتبار ہوگا نیز ضرورت میں پیروی یا تقریر میں مظہر یا اعمال کی برآمدگی اور منسوخی نیز دائر کرنے اعمال نگران و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بہر ضرورت مقدمہ مذکورہ کے کل یا پیروی کارروائی کے واسطے اور دلیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اعتبار ہو گا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ اعتیارات حاصل ہوں کے اور اس کا مختار بمذکورہ منظور وقبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے بجائے ہوگا وہ دلیل موصوف و تعلی کرنے کا مختار ہوگا کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو دلیل صاحب پابند نہ ہوں کے کہ پیروی مذکورہ کریں لہذا دکالت نامہ لکھ دیا تا کہ مندرجہ ہے۔

المرقوم: Adell

الع بد ————— واہ شد ————— الع بد

مقام در کے لئے منظور ہے۔

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 2037 /ST

Dated 5 / 12 / 2016

To

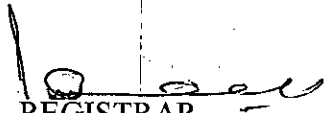
The Deputy Commandant Elite Force,  
Government of Khyber Pakhtunkhwa,  
Peshawar.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 30.11.2016 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.