


# FORM OF ORDER SHEET

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

Case No.- 282/2023

S No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07/02/2023	<p>The appeal of Syed Majid Ali Shah presented today by Mr. Muhammad Amin Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____ .Parcha Peshi is given to appellant/counsel.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

Service appeal No:- 272 / 2023

Syed Majid Ali Shah  
..... Appellant

**Versus**

Government of KPK & others  
..... Respondents

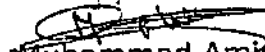

**INDEX**

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Dated:- 07/02/2023

Appellant

Through:-

  
Muhammad Amin  
&  
  
Shah Zaib Rahim  
Advocates, Peshawar.

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

Service appeal No:- 282 / 2023

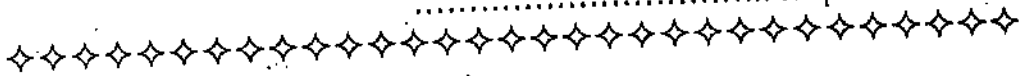
Syed Majid Ali Shah (Constable) S/O Syed Ahmad Shah, Haideri Chowk,  
Wadpaga, Tehsil & District Peshawar

..... Appellant

**Versus**

1. Government of KPK, through, Secretary Home & Tribal Affairs  
KPK, Peshawar.
2. Inspector General of Police, KPK, Peshawar.
3. Commandant Special Security Unit (SSU), Khyber Pakhtunkhwa,  
Peshawar.
4. The Superintendent of Police (Admin and Minority), Special  
Security Unit (CPEC), KPK, Peshawar.

..... Respondents



APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL ACT, 1974 AGAINST ORDER THE  
RESPONDENTS NO 2, WHEREBY THE APPELLANT'S  
DEPARTMENTAL APPEAL WAS NOT ANSWERED AND THE  
IMPUGNED ORDER DATED 22/09/2022 OF THE  
RESPONDENT NO 3 WHEREBY THE APPELLANT AWARDED  
THE MAJOR PUNISHMENT OF ~~Dismissal~~ FROM SERVICE,  
WITHOUT ANY REASONABLE AND PROBABLE CAUSE, WHICH

IS ILLEGAL, AGAINST LAW AND FACTS AND LIABLE TO BE REVERSED.

***Prayer in appeal:-***

On acceptance of this appeal the impugned order dated 22/09/2022 of the respondent No 3 may please be set-aside and the appellant position may kindly be restored with all back benefits.

***Respectfully Sheweth:-***

**Facts:-**

*The appellant submits as under:-*

1. *That the Appellant was appointed as Constable in the police department and then transferred to CPEC Special Security Unit (SSU) as Constable, the Appellant was posted in Special Security Unit (SSU). (Copy of order is attached as annexure "A")*
2. *That the Appellant performing his job as constable in the Special Security, Appellant was punctual / regular in his duties and no complaint against the appellant during service in the Special Security Unit (SSU).*
3. *That During special training the appellant facing disorder of spinal card and neck pain [Cervicalgia-P] due to which the appellant faced severe pain in backache and neck, more-so,*

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the appellant was unable to perform his duties regularly.  
(Copy of medical reports are attached as annexure B)

4. That due to severe pain in back and neck, the appellant was on medical leave around 40 days.
5. That it is pertinent to mention here that without conducting an inquiry, the respondent No. 3 issue dismissal order of the appellant on 22.09.2022.
6. That the appellant was not departmentally proceeded against the allegation contained false and concocted complaint.
7. That the respondent No 3, without informing and awarding personal hearing to appellant, without any plausible reasons awarded the major punishment of ~~removal~~<sup>dismissal</sup> from service vide impugned Order dated. 22.09.2022, which have no concern with the reality, and against law and the appellant was kept in dark that the proceedings is in process against all the official. (Copy of impugned Order is attached as annexure "C")
8. That the appellant impugns the order of respondent No. 3 dated: 22.09.2022, Appellant filed departmental appeal before the respondent No 2, without observing article 10 of the constitution of Islamic Republic of Pakistan 1973, the

(4)

respondent No. 2 not answered the departmental appeal. (Copy of the departmental appeal is attached as Annexure "D").

9. That feeling aggrieved from the impugned order of respondent No. 3 and silence of respondents No. 2, the appellant preferring this service appeal before this Hon'ble Tribunal on the following grounds inter alia:-

**Grounds:-**

- A. That the impugned orders of Respondent No. 3 dated 22/09/2022 and silence of Respondent No. 2 is against law, facts and material on record, hence liable to be set-aside.
- B. That the impugned order of awarding major punishment to the Appellant have been passed on political influence. It is evident from the impugned order which is violation of rules and legal provision and the authority did not used his mind independently but impugned orders have been passed on mala fide intention.
- C. That the impugned orders are issued without giving any opportunity of hearing to appellant and passed the impugned orders without fulfilling the regal requirements and passed the impugned orders in slipshod manner, such practice adversely effects efficiency of incumbents and also reduces their confidence and faith in public.

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- D. That the Appellant per policy of civil servant should be given an opportunity of hearing and the same has not been done, which seems to be injustice with Appellant.
- E. That the appellant belongs to very poor family and according to civil servant laws and impugned orders without fulfilling the legal requirements is nullity in the eye of law and also against all norms of natural justice.
- F. That the impugned Order dated. 22.09.2022 is totally based on political influence and mala fide intentions are illegal, malafide, without jurisdiction and without lawful authority, therefore, are liable to be set-aside.
- G. That the order of the Respondent No 3 and silence of respondent No. 2 suffers from legal and factual infirmities and mis-application of law as laid down by the August Supreme Court of Pakistan in subject.
- H. That any other grounds will be agitated at the time of hearing of instant departmental appeal.

*It is, therefore, respectively prayed that on acceptance of this appeal the impugned order dated: 22.09.2022 of the*

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*respondents No 3 may please be set-aside and the appellant may kindly be reinstated with all back benefits.*

*Any other relief as deemed appropriate in the circumstances of the case not specifically asked for may also be granted to the appellant.*


Dated:- 07/02/2023

Appellant

Through:-

  
Muhammad Amin

&

  
Shah/Zaib Rahim  
Advocates, Peshawar.



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

Service appeal No:- \_\_\_\_\_ -P/2023

Syed Majid Ali Shah  
..... Appellant

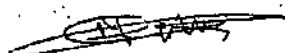
**Versus**

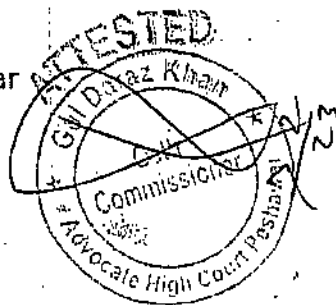
Government of KPK & others  
..... Respondents


**AFFIDAVIT**

*I, Syed Majid Ali Shah (Constable) S/O Syed Ahmad Shah,*  
*Haideri Chowk, Wadpaga, Tehsil & District Peshawar, (The*  
*appellant) do hereby solemnly affirm and declare on oath that the*  
*contents of this accompanying service appeal are true and correct*  
*to the best of my knowledge and belief and nothing has been*  
*concealed from this Honourable Court.*

Identified by

  
Muhammad Amin  
Advocate, Peshawar



  
DEPONENT  
CNIC No:- 18301-9246562-1  
Cell No:- 0318-0918694

(8)

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

Service appeal No:- \_\_\_\_\_ -P/2023

Syed Majid Ali Shah **Versus** Government of KPK & others  
..... Appellant ..... Respondents

**ADDRESSES OF PARTIES**

**APPELLANT**

Syed Majid Ali Shah (Constable) S/O Syed Ahmad Shah, Haideri Chowk,  
Wadpaga, Tehsil & District Peshawar

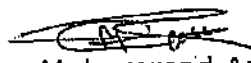
**RESPONDENTS**

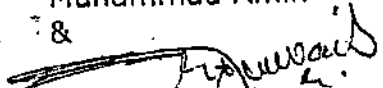
1. Government of KPK, through, Secretary Home & Tribal Affairs  
KPK, Peshawar.
2. Inspector General of Police, KPK, Peshawar.
3. Commandant Special Security Unit (SSU), Khyber Pakhtunkhwa,  
Peshawar.
4. The Superintendent of Police (Admin and Minority), Special  
Security Unit (CPEC), KPK, Peshawar.

Dated:- 07/02/2023

Appellant

Through:-

  
Muhammad Amin  
&

  
Shah Zaib Rahim  
Advocates, Peshawar.

CONSTABULARY NO. ( ) In  
 CONSTABULARY NO. ( ) in  
 CONSTABULARY NO. ( ) in

(9) (1)

DISTRICT  
 DISTRICT  
 DISTRICT A

Name	Father's Name	Tribe or Caste	Village or Town	Post and Telegraph Office	Police Station	District	Province	Date of Birth	Height	Chest Measurement	Date of Enrolment	Age on Enrolment	Distinctive Marks
Syed Masud Ali Shah	Syed Ahmad Shah		Haideri Chowk	Wazirpur	Chakrawa	Rawalpindi	P. P. 10	15-07-1996	5-11 1/2"	38 x 41"	31-12-2019		

1. Verification Roll No. \_\_\_\_\_ Dated \_\_\_\_\_ Received back and attached to the Fauji Misc.

2. Government Service prior to present employment, which is approved for pension service.

Service or Department	Rank or Grade	Pay of last appointment	From	To	Period		
					Years	Month	Days
Cause of and character of discharge from above service.			Reference to orders approving above service for pension service in the Police Department.				

I understand that I have been appointed under section 7 of the Police Act (V of 1961), and the purpose of that section and the provisions of the Act of the Rules issued under it and now in force, by which my discipline and conduct are governed have been explained to me. I agree to serve faithfully under the provisions of the said Police Act and to obey all lawful orders issued to me by my Superior Officers and undertake not to resign my appointment within three months from the date of my enrolment. I have received a certificate of appointment issued under section 8 of the Police Act (V of 1961).

10-12-2019  
 Signature

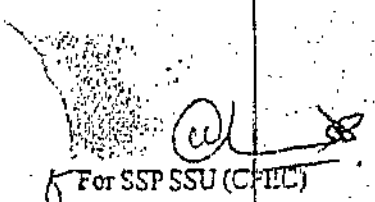
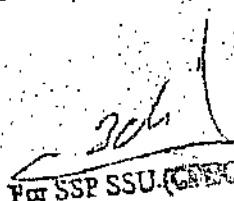
10-12-2019

Roller impression of fingers and thumb of left hand

Left Little	Left Ring	Left Middle	Left Index	Left Thumb

reduced, discharged, dismissed, resigned or died.	pay appointed, promoted or reduced.	Date	No. of District Order	Full Signature Superintendent
		(10) (9)		
<p>Appointed as (SSU) of C.P.C. in cap, further through STEA and after fixed pay at Rs 109 P.M. w.e. from 31-12-2019</p> <p>O.P. No. 3831</p> <p><del>of 31-12-2019</del></p>				
<p>TR No. 2665 Dated: 9/9/2020</p> <p>Source 12118, Verified on A/c of Pay &amp; Allowance for the month of 4/2020.</p> <p>Asstt: Accounts Officer AG Officer</p> <p>23/4</p>				
<p>TR No. 358-1735</p> <p>Drawn Rs. 81624/- ON A/C OF</p> <p>Pay &amp; Allowance</p> <p>W.O. 1/1/2020 to 31/3/2021</p> <p>2-9-2020</p> <p>11-2-2020</p>				

**7. TRANSFERS BEYOND THE DISTRICT**

1	2	3	4
Date	From	To	Authority for trans
	<p>Pl as FC @ Rs. 11600/- P.M</p> <p>W.e. from 1-12-2020</p> <p align="center">             For SSP SSU (C.P.C.)         </p>	<p>Pl as FC @ Rs. 12075/- P.M</p> <p>W.e. from 1-12-2021</p> <p align="center">             For SSP SSU (C.P.C.)         </p>	

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B  
Ames



# SERVICES HOSPITAL PESHAWAR GOVERNMENT OF KHYBER PAKHTUNKHWA

## PHYSIOTHERAPY DEPARTMENT

P. Name: Majid Ali Shah Age: \_\_\_\_\_ Sex: \_\_\_\_\_ Date: \_\_\_\_\_

C/O: Ward 10  
10/10/10  
 D/A: \_\_\_\_\_

Hand held  
10/10/10

DD: Post / Discharge

MR: Hand  
10/10/10

Ward 10  
10/10/10  
10/10/10  
10/10/10  
10/10/10

Visit: 10/10/10

1	5
2	7
3	8
4	9
5	10

 □	 □	 □	 □
 □	 □	 □	 □
 □	 □	 □	 □
 □	 □	 □	 □
 □	 □	 □	 □
 □	 □	 □	 □
 □	 □	 □	 □

Remarks: Hand held weight and light  
daily 2 weeks.

RS. 10/-  
OUT-PATIENTS DEPARTMENT

NAME Yusuf Wajid Ali

YEARLY NO 11

DATE 5-8-2022

DISEASE Bacteraemia

FACE VALUE RUPEES II

(12)

4 of Antibiotics  
2/1/10  
4 methalobol  
1/1

Admitted to hospital  
had rest for 3 days

YUSUF WAJID ALI  
PESHAWAR



SERVICES HOSPITAL PESHAWAR  
GOVERNMENT OF KPK  
OPD REGISTRATION

13

Name: SAYEED MAJID ALI SHAH Age: 25 Sex: MALE  
 Department: GENERAL OPD PESHAWAR  
 Address: 185206-22 Dated: 04-08-2022  
 Hospital Yearly No. \_\_\_\_\_

History  
 X-ray  
 Cervical spine  
 Lateral view  
 Clinical Examination  
 Full of cost  
 Provisional Diagnosis  
 Advice  
 24 hr  
 investigations

Rt.  
 Tab. MUCODIN  
 1 - 0 (3)  
 Cap. NEXUM 2 Long  
 1 - 1 - 1  
 Tab. SERENAS  
 CETA NEW 2 Long  
 1 - 0 (3)

Doctor on Duty \_\_\_\_\_ Doctor's Signature \_\_\_\_\_



**OFFICE OF THE COMMANDANT  
SPECIAL SECURITY UNIT (SSU)  
KHYBER PAKHTUNKHWA POLICE**



FEDERAL POLICE OFFICES, S.A.Q ROAD, PESHAWAR CANTT (PH: 091-521-1056)

No. 7377-25 EC/SSU,

Dated Peshawar the 22/09/2022.

Ames <sup>C</sup>

14

**ORDER**

This order will dispose the formal departmental inquiry against Constable Syed Majid Ali Shah No. 306 of Special Security Unit (CPEC), District Peshawar.

Brief facts of the case are that as reported by LO SSU HQrs: vide DD report 23, dated 22.07.2022 that Constable Syed Majid Ali Shah No. 306 had absented himself from his lawful duties w.e.f 22.07.2022 up to 24.08.2022 (34 days) and once again vide DD report No. 21, dated 26.08.2022 till date without any sanctioned leave or permission of the competent authority.

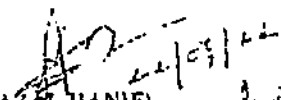
In this regard, his pay was stopped and a proper departmental inquiry was initiated against him. He was issued charge sheet along with summary of allegations vide this office order No. 5523/EC, dated 16.08.2022 and Mr. Ibrahim Khan DSP Admin SSU (CPEC) was nominated as enquiry officer to conduct inquiry into the matter. Who after fulfilling all Codal formalities submitted his findings report, wherein he reported that the charge sheet was served upon him to which he replied, wherein he has stated that he is suffering from neck pain (Cervicalgia-P) alongwith medical documents. Furthermore, the EO has stated that the constable is a habitual absentee & he has been already awarded major punishment of dismissal from service vide SP Admin & HQrs: SSU (CPLC) order No. 544-48/OHC/SSU, dated 20.01.2022 on the allegations of (243 days) absence period, but was later reinstated in service vide Worthy Commandant SSU (CPC) order No. 3653-66/OASI, dated 17.06.2022. Being habitual absentee the Enquiry Officer recommended him for suitable punishment.

Later on he was served/issued with final show cause notice vide this office No. 6782/EC, dated 13.09.2022 and was heard in OR by the undersigned but he failed to produce any cogent reasons.

Keeping in view all the above facts as well as recommendation of enquiry officer and other material available on record that the above named constable is found a habitual absentee & not taking interest in the discharge of his official obligations. I Fazal Hanif, Superintendent of Police, Admin & Minority Wing 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 in 2014) hereby awarded him major punishment of "Dismissal from Service" and his absence period is treated as leave without pay and the Accountant SSU HQrs: is directed to reckon & recover the amount of paid to him during his absence.

C 224

22/09/2022

  
(FAZAL HANIF)  
SP Admin & Minority SSU (CPEC),  
Khyber Pakhtunkhwa, Peshawar.

Copy of the above is forwarded for information to the:

1. DSPs HQrs: and Admin SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
2. PSO to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
3. Reader to Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
4. Accountant, SRC, LO, OASI, I/C HRMS, I/C KOT and I/C Clothing Godown HQrs, SSU (CPEC).





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

Service appeal No:- \_\_\_\_\_ -P/2023

Syed Majid Ali Shah **Versus** Government of KPK & others  
..... Appellant ..... Respondents

**NOTICE UNDER RULE 11 OF KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL RULES 1974 FOR FILING OF**  
**SERVICE APPEAL**

To

1. Government of KPK, through, Secretary Home & Tribal Affairs  
KPK, Peshawar.
2. Inspector General of Police, KPK, Peshawar.
3. Commandant Special Security Unit (SSU), Khyber Pakhtunkhwa,  
Peshawar.
4. The Superintendent of Police (Admin and Minority), Special  
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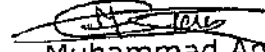
**Respected Sir**

*Please take notice that I am going to file a Service Appeal  
before the Honourable Khyber Pakhtunkhwa Services Tribunal,  
you are hereby informed regarding the filing of Service Appeal.*

Dated:- 07/02/2023

Appellant

Through:-

  
Muhammad Amin


&

  
Shah Zaib Rahim

Advocates, Peshawar.

50	4412	  
ایڈوکیٹ: سلطان زبیر محمد احمد بار کونسل ایسوسی ایشن نمبر: BC-2248-2249 رابطہ نمبر: 0346-9189142		پشاور بار ایسوسی ایشن، خیبر پختونخواہ

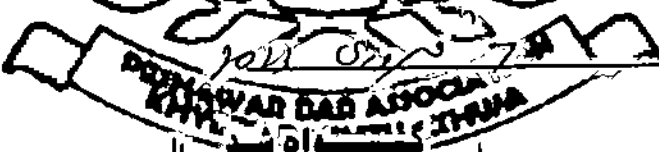
بعدالت جناب: قیصر لٹو کوٹوالہ سروسز سے سروسز کے لیے

Petitioner / مہتمم /  1KP	دعوی: _____ علت نمبر: _____ مورخہ: _____ جرم: _____ تھانہ: _____
--	--

**باعت تحریر آگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کارروائی متعلقہ خانہ  
 آن مقام پشاور ایڈووکیٹ سلطان زبیر محمد احمد سے شاہ زبیر محمد احمد کو وکیل مقرر  
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
 راضی نامہ کرنے و تقریر ثالث و فیصلہ بر حلف دینے، جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری ٹیکٹرفہ یا اپیل کی برآمدگی اور منسوخی، نیز  
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
 کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب  
 مقرر شدہ کو وہی جملہ مذکورہ اختیارات حاصل ہوں گے اور اس کا ساختہ برداشت منظور و قبول ہوگا  
 دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے  
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں بلکہ وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم:

  
 سلطان زبیر محمد احمد

Accepted & Attested  
 Will be in person

نوٹ: اس وکالت نامہ کی کوئی تا عمل قبول ہوگی۔

  
 سلطان زبیر محمد احمد

مناذیب علی خان

مقام پشاور  
 سند حاصل ہو گیا ہے