

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re:
Service Appeal No. 1160/2022


MoazamAhmad (Ex- FC Elite Force)Appellant

Versus

Inspector General of Police KPK and others..... Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Written Reply	*	1-4
2.	Affidavit	*	5
3.	Copy of Authority letter	*	6
4.	Copy of Charge Sheet	A	7
5.	Copy of Summary of allegations	B	8
6.	Copy of inquiry report	C	9-10
7.	Copy of final show cause notice	D	11
8.	Copy of FIR No. 307	E	12
9.	Copy of Dismissal Order	F	13
10.	Copy of appeal and rejection	G	14
11.	Copy of order of reinstatement	H	15


DSP Legal MianNiazMuhamad,
Elite Force, Peshawar

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWAR

In Re:

Service Appeal No. 1160/2022

Moazam Ahmed (Ex-FC Elite Force)Appellant

Versus

Inspector General of Police KPK and othersRespondent

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO. 1 TO 3

FACTS:-

S #	Para of the Facts	Reply of the Facts with Annexure
1.	That the appellant was appointed in the respondent department as constable in the year 2016 and since his appointment, the appellant has performed their duty with great devotion and honesty, whatsoever, assign to him and no complaint has been filed by his superiors regarding his performance.	Pertains to record.
2.	That the mother of the appellant was seriously ill and the appellant took his mother do different Doctors and Hospitals for treatment and due to that reason he was unable to performed his and was compel to remain absent from his duty. (Copy of medical report is attached as Annexure-A).	Incorrect, appellant remained absent from lawful duty without any leave or prior permission with effect from 07/11/2020 to 23/04/2021 (Total 119 days), however, he was issued charge sheet and summary of allegations and DSP/HQrs, Elite Force, Peshawar was nominated as inquiry officer and after inquiry proceedings the inquiry officer submitted his findings that the delinquent official failed to satisfy and was recommended for minor punishment and the absentia period be treated as leave without pay, hence, final show cause notice also served upon the appellant but his reply was not found satisfactory, also he was called in orderly room for hearing but he did not avail the opportunity. Moreover, the appellant was charged in case FIR No. 307 dated 02/06/2021 Under Section 382 PPC, Police Station Yaqoob Shaheed District Karak and was arrested by the local police vide DD No. 08, dated 05/01/2021. Hence, dismissed from service due to absentia and being involved in a criminal case. (Copy of Charge Sheet is attached as Annexure-A, Copy of Summary of allegations is attached as Annexure-B, Copy of inquiry report is attached as Annexure-C, Copy of final show cause notice is attached as Annexure-D, Copy of FIR No. 307 is attached as Annexure-E, Copy of Dismissal Order is attached as Annexure-F)
3.	That the charge sheet was issued to the appellant which was replied by the appellant in which he mentioned that his mother was ill and he was engaged in the treatment of her mother, therefore, he was compel to remain absent from his duty. (Copies of charge sheet and reply to charge sheet are attached as Annexure-B&C)	Incorrect, the appellant manipulated the false story of his mother's illness. The facts are explained as above.

4. That inquiry was conducted against the appellant in which the inquiry officer recommended that the appellant was absent by the virtue of illness of his mother, therefore his absence period from 07.11.2020 to 27.01.2021 (total 80 days) may be treated as leave with pay and stoppage of annual increment without accumulative. (Copy of inquiry report is attached as Annexure-D).	Incorrect, as already explained in Para No.2.
5. That show cause notice was issued to the appellant in which it was mentioned that the appellant was remained absent w.e from 07.11.2020 to 27.01.2021 and again absent himself from w.e.from 25.02.2021 to till date, however absence period was mentioned in the impugned dismissal order dated 07.06.2021 in which the appellant was shown absent from duty w.e.from 07.11.2020 to 27.01.2021 and again absent himself from w.e.from 25.02.2021 to 26.03.2021, 12.04.2021 to 23.04.2021 (total 119 days). The appellant submitted reply to show cause in which mentioned that his mother was ill and was engaged in the treatment of her mother, therefore, he was compel to remain absent from his duty. (Copies of show cause and reply to show cause notice are attached as Annexure-E&F).	Incorrect, absentia of appellant from lawful duty without permission is a gross misconduct as well as involved in a criminal case, hence liable to dismiss from service as explained above.
6. That appellant was falsely implicated in criminal case vide FIR No. 307 dated 02.06.2021 u/s 382 PPC Yaqoob Shaheed District Karak and was arrested on 05.06.2021, however he was released on bail on 10.06.2021 (copies of RIR and bail order dated 10.06.2021 are attached as Annexure-G&H)	Incorrect, as already explained in the preceding paras.
7. That respondent No.3 passed an order dated 07.06.2021, it was mentioned that the appellant was remain absent from lawful duty w.e.from 07.11.2020 to 27.01.2021 and again absent himself from w.e.from 25.02.2021 to 26.03.2021, 12.04.2021 to 23.04.2021 (total 119 days) and later on the appellant also charged in criminal case vide FIR No. 307, dated 02.06.2021 u/s 382 PPC Yaqoob Shaheed District Karak and was arrested by local police on 05.06.2021 vide DD No. 08 dated 05.06.2021 of the Elite HQrs Peshawar and also the report of MHC Elite HQrs has been obtained, he reported that the appellant is again absented w.e.from 17.05.2021 till date. Keeping in view the circumstances and his involvement in criminal case and other material available on record, the undersigned being the competent authority came to conclusion to take an ex-parte action against him and imposed major penalty of dismissal from service upon him from the date of absence i.e 17.05.2021 under Khyber Pakhtunkhwa Police Rules 1975 (amendment 2014) and his absence period 119 days was treated as leave without pay. (Copy of order dated 07.06.2021 is attached as Annexure-I).	Incorrect, appellant remained absent from lawful duty without any leave or prior permission with effect from 07/11/2020 to 23/04/2021 (Total 119 days), however, he was issued charge sheet and summary of allegations and DSP/HQrs, Elite Force, Peshawar was nominated as inquiry officer and after inquiry proceedings the inquiry officer submitted his findings that the delinquent official failed to satisfy and was recommended for minor punishment and the absentia period be treated as leave without pay, hence, final show cause notice also served upon the appellant but his reply was not found satisfactory, also he was called in orderly room for hearing but he did not avail the opportunity. Moreover, the appellant was charged in case FIR No. 307 dated 02/06/2021 Under Section 382 PPC, Police Station Yaqoob Shaheed District Karak and was arrested by the local police vide DD No. 08, dated 05/01/2021. Hence, dismissed from service due to absentia and being involved in a criminal case. (Copy of Charge Sheet is attached as Annexure-A, Copy of Summary of allegations is attached as Annexure-B, Copy of inquiry report is attached as Annexure-C, Copy of final show cause notice is attached as Annexure-D, Copy of FIR No. 307 is attached as Annexure-E, Copy of Dismissal Order is attached as Annexure-F)
8. That the appellant filed departmental appeal and the appellant was acquitted from criminal case on 01.10.2021 by the competent court of law and his departmental was rejected 12.10.2021. (Copies of departmental appeal, judgment/order dated 01.10.2021 and rejection order dated 12.10.2021 are attached as Annexure-J,K&L).	Pertains to record, however, his appeal for reinstatement was rejected on Cogent reasons (Copy of appeal and rejection are attached as Annexure-G)

9.	That the appellant then filed revision on 26.11.2021 on which he was reinstated in service and his penalty of dismissal from service was converted into time for a period of two years vide order dated 02.06.2022. (Copies of revision and order dated 02.06.2022 are attached as Annexure-M&N)	Correct, dismissal from service has been converted into reinstatement and absence period has of converted as leave without pay w.e.f _____ to _____.
10.	That the appellant has no other remedy except to file the instant appeal in the Honorable Tribunal for redressal of his grievance on the following grounds amongst others.	Incorrect, that the instant appeal may kindly be dismissed on the following grounds:

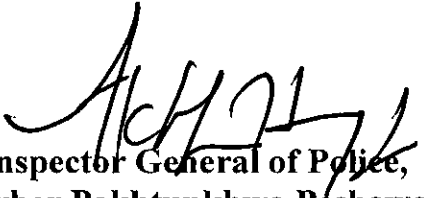
GROUND:-


S. #	Para of the Grounds	Reply of the Grounds with Annexure
A)	That the impugned orders dated 07.06.2021, 12.10.2021 and 02.06.2022 are against the law, facts norms of justice and material on record, therefore, not tenable and the order dated 07.06.2021 and 12.10.2021 are liable to be set aside and order dated 02.06.2022 is liable to be set aside to the extent of penalty of time scale for a period of 02 years.	Incorrect, the impugned orders dated 07.06.2021 and 12.10.2021 and 02.06.2022 are lawful, legal, in accordance with norms of justice, therefore, liable to be upheld.
B)	That in the impugned dismissal order 07.06.2021 it was mentioned that the appellant was remain absent from lawful duty w.e.from 07.11.2020 to 27.01.2021 and again absent himself from w.e.from 25.02.2021 to 26.03.2021, 12.04.2021 to 23.04.2021 (total 119 days) and later on the appellant also charged in criminal case vide FIR No.307 dated 02.06.2021 u/s 382 PPC Yaqoob Shaheed District Karak and was arrested by local police on 05.06.2021 vide DD No. 08 dated 05.06.2021 of the Elite HQrs Peshawar and also the report of MHC Elite HQrs has been obtained, he reported that the appellant is again absented w.e.f 17.05.2021 till date. Keeping in view the circumstances and his involvement in criminal case and other material available on record, the undersigned being the competent authority came to conclusion to take in ex-parte action against him impose major penalty of dismissal from service upon him from the date of absence i.e. 17.05.2021 under Kyber Pakhtunkhwa Police Rule 1975 (amendment 2014) and his absence period 119 days was treated as leave without pay, which means that the appellant was dismissed from service on the basis of absence w.e.from 17.05.2021 till 07.06.2021, but during that the appellant was falsely charged in criminal case and was behind the bar at the time of the impugned order of dismissal from service, which means that the appellant was punished on the basis of absence of only 20 days which is too harsh and as such impugned 07.06.2021 and 12.10.2021 are liable to be set aside and order dated 02.06.2022 is liable to be set aside to the extent of penalty of time scale for a period of 02 years.	Incorrect, major punishment of dismissal from service has been converted into reinstatement in service and his period of absence has treated as leave without pay, therefore, there is no right to file the instant case/appeal in the court of law (Copy of order of reinstatement is attached as Annexure-H) .


C)	That the appellant was falsely implicated in criminal case vide FIR No. 307 dated 02.06.2021 u/s 382 PPC Yaqoob Shaheed District Karak and was arrested by local police on 05.06.2021 and should be suspended as per Police Rules 1934, but the competent authority took ex-parte proceeding against the appellant and dismissed him service without waiting to the conclusion of criminal case pending against the appellant. Which is violation of Police Rules 1934 and as such impugned 07.06.2021 and 12.10.2021 are liable to be set aside and order dated 02.06.2022 is liable to be set aside to the extent of penalty of time scale for a period of 02 years.	Incorrect, as already explained in the proceeding paras.
D)	That inquiry was conducted against the appellant in which the inquiry officer recommended that that the appellant was absent by the virtue of illness of his mother, therefore his absence period from 07.11.2020 to 27.01.2021 (total 80 days) may be treated as leave with pay and stoppage of annual increment without accumulative, but despite that major punishment of dismissal was imposed upon the appellant without giving reason of not agreeing with recommendation of inquiry which is against the law and rules.	Incorrect, full opportunity was given to appellant according to law, rules and regulations due to absentia, involved in a criminal case, hence, dismissed from service but later on reinstated.
E)	That from the dismissal order dated 07.06.2021, it shows that no action has taken against the appellant on the absence period w.e.f 07.11.2020 to 27.01.2021, w.e.f 25.02.2021 to 26.03.2021 and 12.04.2021 to 23.04.2021 (total 119 days) as that period was treated as leave without pay only and he was unished for the absence period w.e.f 17.05.2021 till 07.06.2021, but during that the appellant was falsely charged in criminal case and was behind the bar at the time of the impugned dismissal order from service, which means that the appellant has only punished for only 20 days despite the fact that the appellant is was involved in criminal case and was behind the bar, which means that the appellant has not been treated in accordance with law and rules.	Incorrect, as already explained in the proceeding paras, however respondents are doing every act in the ambit of law, no injustice or illegality has been done with the appellant.
F)	That the appellant was not intentionally remain absent from his duty, but he was engaged in the treatment of his mother and later on he was falsely implicated in criminal case and due to these reason he was compel to remain absent from his duty and did not perform his duty.	Incorrect, as already explained in the proceeding paras.
G)	That the appellant was punished for period w.e.f 17.05.2021 till 07.06.2021, but he was behind the bar at the time of the impugned dismissal order from service, but later on the appellant was acquitted from that criminal case and therefore there remain no ground to penalize the appellant as the absence for period w.e.f 17.05.2021 till 07.06.2021 was due to the reason of criminal case pending against him.	As already explained in the proceeding paras.
H)	That the appellant seeks permission of this Honourable Tribunal to advance others grounds and proofs at the time of hearing.	Respondents may be allowed to raise their grounds at the time of arguments.

PRAYER:

Keeping in view of the above stated facts, it is humbly prayed that the service appeal may kindly be dismissed with cost please.


**Inspector General of Police,
Khyber Pakhtunkhwa Peshawar**
(Respondent No. 1)


**Addl: IGP/Commandant,
Elite Force Khyber Pakhtunkhwa
Peshawar**
(Respondent No. 2)


**Deputy Commandant,
Elite Force Khyber
Pakhtunkhwa Peshawar**
(Respondent No. 3)

5

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

In Re:
Service Appeal No. 1160/2022

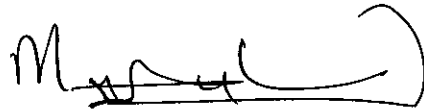
Moazam Ahmad (Ex- FC Elite Force)Appellant

Versus

Inspector General of Police KPK and others..... Respondents

AFFIDAVIT

I Mian Niaz Muhammad (ADSP Legal) Elite Force, Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm that the contents of this **Para Wise Comments on behalf of respondent No. 1, 2 & 3** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.



DEPONENT
CNIC: 17301-1519386-1
Cell # 0300-5899631


Identified by:



28.03.23

AUTHORITY LETTER.

The undersigned is hereby authorized to nominate Mr. Mian Niaz Muhammad Acting DSP/Legal Elite Force to submit the replies and attend the Honorable High Court/Supreme Court on behalf of respondents.


(ASIF IQBAL MOHMAND) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

DEPUTY COMMANDANT,
Elite Force Khyber Pakhtunkhwa
Peshawar

(7)

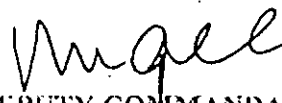
CHARGE SHEET

I, Deputy Commandant Rapid Response Force Khyber Pakhtunkhwa, Peshawar as competent authority; hereby charge you FC Muazam No. 835 RRF IIQrs: of RRF as follows:-

You are remained absent from lawful duty without any leave or prior permission w.e. from (22.03.2020 to 26.03.2020) (25.05.2020 to 31.05.2020) (25.06.2020 to 26.06.2020) (02.08.2020 to 09.08.2020) (Total 18 Days).

2. You are habitual absentee.
3. Your indiscipline attitude is against the Rules Governing Police Force.
4. Therefore, you are charged with misconduct under the Police rules 1975 (Amended 2014) and have rendered yourself liable to the penalties specified in the said rules.
5. Your written defense, if any, should reach the under signed within 07 days, failing which, it shall be presumed that you have no defense to offer and Ex-pert action shall be taken against you.

A statement of allegation is enclosed.


DEPUTY COMMANDANT
RRF Khyber Pakhtunkhwa
Peshawar.

8

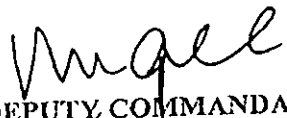
SUMMARY OF ALLEGATIONS

I, Deputy Commandant Rapid Response Force, Khyber Pakhtunkhwa, Peshawar as competent authority; serve you with the Summary of allegations. FC Muazam No. 835 RRF HQrs: of RRF has rendered yourself liable to be proceeded against as you have committed the following misconduct within the meaning of Police Rules, 1975 (Amended 2014)

SUMMARY OF ALLEGATIONS

He is remained absent from lawful duty without any leave or prior permission w.e. from (22.03.2020 to 26.03.2020) (25.05.2020 to 31.05.2020) (25.06.2020 to 26.06.2020) (02.08.2020 to 09.08.2020) (Total 18 Days).

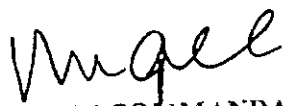
2. You are habitual absentee
3. Your indiscipline attitude is against the Rules Governing Police Force.


DEPUTY COMMANDANT
RRF, Khyber Pakhtunkhwa Peshawar.

No. SCA-102 /RRF, dated Peshawar the: 10 /08/2020.

Copy of the above is forwarded to the:-

1. A/SP RRF, HQrs Peshawar.
2. Account ant, Elite Force, Khyber Pakhtunkhwa Peshawar.
3. OASI, FMS, SARC Elite Force, Khyber Pakhtunkhwa Peshawar.
4. FC Muazam No. 835 RRF HQrs: through Reader to A/SP RRF HQrs.


DEPUTY COMMANDANT
RRF, Khyber Pakhtunkhwa Peshawar.



OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
HEADQUARTERS, ELITE FORCE, PESHAWAR.



Date: 23/02/2021.

No. 05/R, DSP/EF, HQrs

To: The Deputy Commandant,
Elite Force, Khyber Pakhtunkhwa.

Subject: **DEPARTMENTAL ENQUIRY AGAINST CONSTABLE MUAZAM KHAN
NO.835**

Memo: Kindly refer to your office Endst: Nb.15148-53/EF, dated Peshawar the
03.12.2020.

Respected Sir,

In pursuance of your kind directives, the undersigned completed enquiry in the
above cited case. Its stepwise detail is given below:

ALLEGATIONS:

It is submitted that the delinquent Constable Muazam Khan No.835 was absent
from 07.11.2020 to 27.01.2021 (total 80 days) without prior permission. Being a member of
discipline force his this act amounts to gross misconduct on his part.

PROCEEDINGS:

In this regard, the Deputy Commandant Elite Force Khyber Pakhtunkhwa
Peshawar issued Charge Sheet and Summary of Allegation to him and Deputy Superintendent of
Police Elite Force Headquarters was appointed as enquiry officer.

Charge Sheet and Summary of Allegations were served upon delinquent
Constable Muazam Khan No.835 through reader to DSP/HQrs Elite Force.

STATEMENT OF MUAZAM KHAN NO.835:

Responding to the Charge Sheet and summary of allegations the delinquent
constable appeared before the undersigned and submitted his written reply stating wherein that
the delinquent constable was remained absent due to his mother's severe illness. Owing to
serious illness he time and again took his mother properly to doctor for checking.
(Medical documents and statement attached)

FACTS:

Keeping in view all the circumstances the delinquent constable was absent for 80 days without prior permission. Hence, this act of omission of delinquent constable was committed on account of illness of his mother but he did not submit application for leave.

CONCLUSION:

Having gone through the all materials placed on record as under,

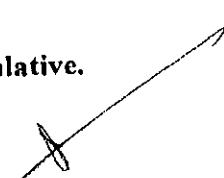
- Charge sheet and summary of allegations.
- Absence Report.
- Daily Diary Report.
- Statement of Delinquent Constable
- Medical Documents.

The undersigned has reached to conclusion that the delinquent constable was absent due to severe illness of his mother but no application was submitted for leave, by reason of which he was absented and enquiry was initiated.

RECOMMENDATIONS:

Keeping the above facts and figures in view, it is recommended that the delinquent constable Muazam Khan No.835 was absent by virtue of illness of his mother therefore he absence period from 07.11.2020 to 27.01.2021 (total 80 days) the delinquent Constable may be treated as;

1. Leave Without pay and
2. Stoppage annual increment without accumulative.


(ROZIA ALTAF)
Deputy Superintendent of Police,
Headquarters Elite Force, Peshawar.

RI
AR
2021

1002-EO-10
01-03-2021

11/7
24.2.2021

FINAL SHOW CAUSE NOTICE

I, Zaib Ullah Khan, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority under Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) do hereby serve you Constable Muazam Khan No. 835/UT, (Elite HQrs) of Elite Force as follows:-

26-3-2021
As per letter of SP Elite Force HQrs: Peshawar vide No.215/R, dated 25.11.2020, you remained absent from lawful duty without any leave or prior permission w.c.from 07.11.2020 to 27.01.2021 and again absented himself from Elite HQrs: w.c.from 25.02.2021 to till date. Being a member of discipline force, your this act amounts to gross misconduct on your part.

That consequent upon the completion of enquiry conducted against you by Mr. Rozia Altaf DSP Elite Force HQrs: Peshawar but you failed to satisfy the Enquiry Officer.

ii. Ongoing 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 and charges leveled against you have been established beyond any doubt.

2. As a result therefore, I, Zaib Ullah Khan, Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority have tentatively decided to impose major penalty upon you, under Police Rules of the said ordinance.

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

4. 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.

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

(ZAIB ULLAH KHAN)PSP

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

No. 2491 /EF, dated Peshawar the

16/03/2021

FC Mauzam Khan No. 835/UT at his home address through reader DSP Elite HQrs.

26-3-21

100



Handwritten text in a cursive script, likely Urdu or Persian, covering the upper portion of the page.

Table with multiple rows and columns containing handwritten entries, possibly a ledger or account book.



(13)

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



No. 5854-62/EF

Date: 07/06/2021

ORDER

This order will dispose of the departmental proceedings against Constable Muazam No. 835, of District Police Karak now on deputation to Elite Force Khyber Pakhtunkhwa.

He remained absent from lawful duty without any leave or prior permission from the Competent authority on different dates i.e w.e.from 07.11.2020 to 27.01.2021, 25.02.2021 to 26.03.2021, 12.04.2021 to 23.04.2021 (**Total 119 days**).

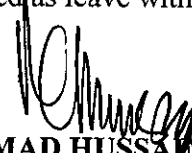
In this regard Charge Sheet along with Summary of Allegations were issued to him and DSP Elite Force HQrs was appointed as enquiry officer. The Enquiry Officer recorded all the statements but the said Constable failed to satisfy the enquiry officer. Therefore, the Enquiry Officer recommended him for minor punishment and his absence period be treated as leave without pay. Similarly Final Show Cause Notice was issued to him, which was received himself and now he submitted his reply of FSN which was found unsatisfactory. Moreover, He was called in orderly room on 22.04.2021, to appear before the undersigned and explain his position but he failed to appear.

Later on the said Constable was also charged in a criminal case FIR No. 307, dated 02.06.2021 u/s 382 PPC PS Yaqoob shaheed District Karak and arrested by the local Police vide DD No. 08, dated 05.06.2021 of Elite HQrs Peshawar and also the report of MHC Elite HQrs has been obtained, he reported that the delinquent official is again absented w.e.f **17.05.2021** till to date.

Keeping in view the circumstances and his involvement in criminal case and other material available on record, the undersigned being competent authority, came to the conclusion to take an ex-parte action against him and imposed major penalty of "**Dismissal from Service**" upon him from the date of absence i.e 17.05.2021 under the Khyber Pakhtunkhwa Police Rules, 1975 (amendment 2014).

Moreover, his absence period 119 days is hereby treated as leave without pay.

Order Announced!


(MUHAMMAD HUSSAIN)PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar

Copy of the above is forwarded to the:-

1. District Police Officer, Karak for information.
2. Superintendent of Police, Elite Force HQrs:Peshawar.
3. Deputy Superintendent of Police, Elite Force HQrs:Peshawar.
4. Supdt: Accounts, Elite Force Khyber Pakhtunkhwa Peshawar.
5. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
6. I/C Kot,OASI,SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
7. ✓ FMC, Elite Force along with complete file Encls: **(63) pages**.



(14)

**Office of the Addl: IGP/Commandant,
Elite Force Khyber Pakhtunkhwa, Peshawar**



No. 11727-34 /EF

Dated: 12/10 /2021.

ORDER

This order will dispose off the appeal submitted by Ex-Constable Muazam No.835 of this unit against his major penalty of dismissal from service awarded by Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar vide order No. 5854-62/EF, dated 07.06.2021.

Brief facts of the case are that;

He remained absent from lawful duty without any leave or prior permission w.ef. 07.11.2020 to 23.04.2021 (Total: 119 days).

He was issued **Charge Sheet & Summary of Allegations** and DSP/HQrs: Elite Force, Peshawar was nominated as enquiry officer and after going through all the proceedings the enquiry officer reported that the delinquent official failed to satisfy and was recommended for minor punishment and the absence period be treated as leave without pay.


A **Final Show Cause Notice** was also served upon him but his reply was found unsatisfactory. Later-on, he was called in orderly room by the Deputy Commandant/Elite Force Khyber Pakhtunkhwa on 22.04.2021, but he failed to appear.

Later-on the delinquent official was charged in case FIR No. 307, dated 02.06.2021 u/s 382, PPC, PS Yaqoob Shaheed, District Karak and was arrested by the local Police vide DD No. 08, dated 05.06.2021.

Hence, the Deputy Commandant/Elite Force, Khyber Pakhtunkhwa keeping in view all the facts and circumstances imposed major punishment of dismissal from service upon him.

Now, he preferred service appeal before the undersigned for re-instatement into service. The undersigned being competent authority, called him in OR on 11.10.2021, heard in person but he does not offer any cogent reason or any documental proof regarding his absence, hence his appeal is rejected.

Order announced!


(MUHAMMAD KARIM KHAN)PSP
Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar

No. 1 /EF

Copy of above is forward for information and necessary action to the:-

1. Superintendent of Police, HQrs: Elite Force, Peshawar.
2. Deputy Superintendent of Police, HQrs: Elite Force, Peshawar.
3. RI/Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
4. S.R.C/FMC/OASI, Elite Force Khyber Pakhtunkhwa Peshawar.
5. EX/FC Muazam No.835, through Reader DSP/ HQrs Elite Force Peshawar.



(15)

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.**

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1973 (amended 2014) submitted by **Ex-FC Muazam No. 835**. The petitioner was dismissed from service by Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar vide order No. 5854-62/EF, dated 07.06.2021 on the allegations that he while posted to Elite Force remained absent from lawful duty w.e.f 07.11.2020 to 23.04.2021 (119-days). Later on he was charged in a criminal case vide FIR No. 307, dated 02.06.2021 u/s 382 PPC Police Station Yaqoob Shaheed District Karak and was arrested by the local police vide DD No. 08, dated 05.06.2021 of Elite HQrs; Peshawar. A report of MHC Elite HQrs: was obtained. he reported that the appellant again absented w.e.f 17.05.2021 till date of dismissal from service i.e. 07.06.2021. His appeal was rejected by Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar vide order No. 11727-34/EF, dated 12.10.2021.

Meeting of Appellate Board was held on 19.05.2022 wherein petitioner was heard in person. Petitioner contended that he was falsely implicated in the case and the court acquitted him of the charges. Petitioner further contended that his absence was not deliberate but his mother was ill.

The petitioner was acquitted u/s 249-A Cr.P.C by the court of Judicial Magistrate-II, Takhat-e-Nasrati, Karak vide order dated 01.10.2021. Therefore, the Board decide that the petitioner is hereby re-instated in service and his penalty of dismissal from service is converted into time scale for a period of two years. However, the absence period as well as intervening period to be treated as without pay.

Sd/-

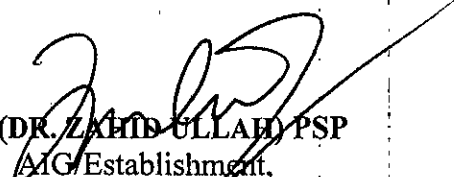
SABIR AHMED, PSP

Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 1212-18 /22, dated Peshawar, the 2/6 /2022.

Copy of the above is forwarded to the:

1. Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar. One Service Roll, one Fauji Missal and one enquiry file (69-pages) of the above named FC received vide your office Memo: No. 14954/EF, dated 16.12.2021 is returned herewith for your office record.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.


(DR. ZAHID ULLAH) PSP
AIG Establishment,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.