

09.11.2022

Since 9th November has been declared as Public holiday, case is adjourned to 23.12.2022 for the same as before.


Reader


23.12.2022

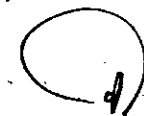
Counsel for the appellant present.

Muhammad Riaz Khan Paindakhel learned Assistant Advocate General for respondents present.

SCANNED
KPST
Peshawar

Former made a request for adjournment in order further prepare the brief. Adjourned. To come up for arguments on 22.03.2023 before D.B.


(Fareeha Paul)
Member (E)

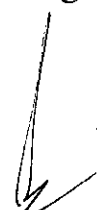

(Rozina Rehman)
Member (J)

22.03.2023

Learned counsel for appellant present.

Mr. Asif Masood Ali Shah learned Deputy District Attorney for respondents present.

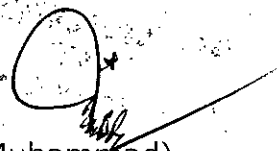
Learned Member Judicial (Mrs. Rozina Rehman) is on leave, therefore, case is adjourned to 07.06.2023 for arguments before D.B. Parcha Peshi given to the parties.


(Muhammad Akbar Khan)
Member (E)

16:05.2022

Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl. AG alongwith Mr. Gul Zad Khan, SI (Legal) for the respondents present.

Written reply/comments on behalf of respondents submitted which is placed on file. Copy of the same is handed over to the learned counsel for the appellant. To come up for rejoinder if any, and arguments on 21.07.2022 before D.B.


(Mian Muhammad)
Member (E)

21-7-22


Proctor DB not available the case is adjourned to 19-10-22

*Muhammad
Rechner*

19th Oct., 2022

Junior to counsel for the appellant present. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Appellant seeks adjournment due to engagement of his learned counsel before the Hon'ble Peshawar High Court.. Last opportunity is granted To come up for arguments on 09.11.2022 before the D.B.


(Fareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

17.12.2021

counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. M. Bilal, HC for respondent No.2 present.

Learned counsel for the appellant submitted amended appeal which is placed on file. A copy of the same is handed over to representative of respondent No.2. Notices alongwith amended appeal be issued to respondents No. 1 and 3 for submission of written reply/comments. Adjourned. To come up for written reply/comments on 01.03.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

1-3-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 16-5-2022

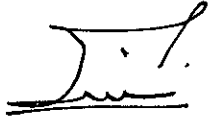

Reader

S.A No. 819/2020

06.10.2021

Mr. Taimur Ali Khan, Advocate, for the appellant present.
Mr. Wajid Khan, ASI alongwith Mr. Kabirullah Khattak, Additional
Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment for
submission of amended memo of appeal. Adjourned. To come up
for submission of amended memo of appeal before the S.B on
02.12.2021.


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

02.12.2021

Counsel for the appellant present. Mr. Muhammad Adeel
Butt, Addl: AG alongwith Mr. Gulzad ASI, for respondents present.

Learned counsel for the appellant seeks adjournment to
submit amended memo of appeal. Adjourned. To come up for
amended appeal on 17/12/21 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

14.06.2021

Appellant in person and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Appellant has submitted an application for permission to allow him to amend the instant appeal by impugning the order dated 17.03.2021, whereby his revision was rejected. Application is allowed. The appellant is required to do the needful on or before next date of hearing. Adjourned to 05.08.2021 before S.B.


Chairman

05.08.2021

Counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG alongwith Gulzad Khan, ASI for the respondents present.

Counsel for the appellant seeks time to submit amended memo. of appeal. Request accorded. Appellant is required to do the needful on 06.10.2021 before S.B.


Chairman

08.03.2021

Counsel for the appellant present. Preliminary arguments heard and case file perused. The appellant was appointed as Assistant Director Research and Analysis Qualitative Expert (BS-17) in Counter Terrorism Department Khyber Pakhtunkhwa vide order dated 23.11.2016. He took over charge of the post on ~~23~~ 30.11.2016. The appellant submitted an application for extraordinary leave without pay for a period of one year with effect from 01.03.2019 to 29.02.2020. On 16.04.2019 respondent No.2 issued ^{him} show cause notice for intentional and deliberate absence, which was duly replied by the appellant. The appellant was awarded major penalty of "dismissal from service" vide impugned order dated 20.04.2020 but with effect from 22.02.2019 and the double pay he had received for three months to be recovered from him. He filed departmental appeal on ~~24~~ 07.2020 which was not responded within the stipulated statutory period of ninety days, hence, the instant service appeal on 19.11.2020.

Points urged need consideration. Service appeal is admitted subject to all legal objections. Appellant is directed to deposit security and process fee within 10 days, thereafter, notices be issued to the respondents for written reply/comments for 14.06.2020 before S.B.

Alongwith the appeal an application for restraining the respondents from recovery to the appellant of Rs. 184425/- till the decision of the instant appeal has also been submitted. Notice of this application be also issued for reply/arguments for the date fixed.

Appellant Deposited
Security & Process Fee

8/3/21


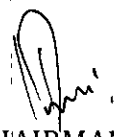

(MAIN MUHAMMAD)
MEMBER(E)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 8193 /2021 21

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/01/2021	<p>The appeal of Dr. Murad Khan resubmitted today by Mr. Taimur Ali Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>2-</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>08/03/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

AMENDED APPEAL NO. 819 /2020

Dr. Murad Khan

V/S



Police Department etc.

INDEX

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-05
2.	Application	-----	06
3.	Copies of order dated 23.11.2016 and 30.11.2016	A&B	07-08
4.	Copy of application	C	09
5.	Copies of the Show Cause Notice & reply	D&E	10-11
6.	Copy of charge sheet along with statement of allegations	F	12-13
7.	Copy of inquiry report	G	13-16
8.	Copies of order dated 20.04.2020, letter dated 16.04.2020 and review petition	H,I&J	17-22
9.	Copies of order dated 17.03.2021, application and order sheet dated 14.06.2021	K,L&M	23-28
10.	Vakalat Nama	-----	29

APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
&

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

AMENDED SERVICE APPEAL NO. 819/2020

Dr. Murad Khan, Ex-Assistant Director (Research & Analysis),
Counter Terrorism Department Khyber Pakhtunkhwa, Peshawar.

(Appellant)

VERSUS

1. The Provincial Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police CTD Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent of Police CTD Malakand Region swat.

(Respondents)

AMENDED APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 20.04.2020, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE W.E.F 22.02.2019 AND ALSO THE RECOVERY OF DOUBLE PAY FOR THREE MONTHS HAS BEEN IMPOSED UPON HIM AND AGAINST THE LETTER DATED 16.06.2020 WHEREBY "IN THE CONSEQUENCE OF ORDER DATED 20.04.2020" THE RECOVERY OF THREE MONTHS OF WORTH OF RS.184425/- HAS MENTIONED AND THE ORDERS DATED 20.04.2020 AND LETTER DATED 16.06.2020 WERE RECEIVED BY THE APPELLANT ON 06.07.2020 AND AGAINST THE ORDER DATED 17.03.2021, WHEREBY THE DEPARTMENTAL APPEAL/REVIEW OF THE APPELLANT HAS REJECTED DURING THE PENDENCY OF INSTANT APPEAL.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS AMENDED APPEAL, THE IMPUGNED ORDER DATED 20.04.2020,

16.06.2020 17.03.2021 MAY GRACIOUSLY BE SET ASIDE AND APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK & CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT THAT MAY ALSO BE AWARDED IN FAVOR OF THE APPELLANT

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as Assistant Director Research & Analysis Qualitative Expert BPS-17 in Counter Terrorism Department Khyber Pakhtunkhwa vide order dated 23.11.2016 and took over charge on the said post vide order on 30.11.2016. **(Copies of order dated 23.11.2016 and 30.11.2016 are attached as Annexure-A & B)**
2. That the appellant was selected in Project of the World Bank as Economist to prepare research based policy implications for Federal Board of Revenue, Government of Pakistan, therefore, he filed application for grant of Extra Ordinary Leave without pay for a period of one year with effect from 01.03.2019 to 29.02.2020, which was duly forwarded by the Respondent No. 3 to Respondent No. 1 for approval. **(Copy of application is attached as Annexure-C)**
3. That the appellant has presumed that his application for Extra Ordinary Leave without pay has been approved by the high-ups, therefore he joined Project Post and Show Cause notice was issued to the appellant by the respondent No. 2 on 24.04.2019 on the basis of absence, which was duly replied by the appellant in which he clearly mentioned that he has applied for Extra Ordinary Leave without pay for the period of one with from 01.03.2019 to 29.302.2020 and he hoped to be accepted of that application and may be permitted to carry out his duty with the project. **(Copies of the Show Cause Notice & reply are attached as Annexure-D&E).**
4. That the project was wind up on 31.08.2019 before completing his tenure of one year and he rejoined his parent department on 02.09.2019 and he performed his duty without salary when charge sheet was issued alongwith statement of allegations on 23.10.2019 which was

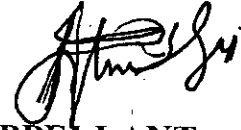
duly replied by him. However the appellant did not keep the reply to charge sheet which may be requisite from the department. **(Copy of charge sheet is attached as Annexure-F)**

5. That the inquiry was conducted against the appellant, however no proper opportunity of defence was provided to the appellant and without observing application for extra ordinary leave and reply to show cause and charge sheet, the appellant was held responsible by inquiry officer. **(Copy of inquiry report is attached as Annexure-G)**
6. That on the basis of that inquiry the show cause notice was issued to the appellant, which was replied by the appellant however he did not keep copy of that which may be requisite from the department.
7. That Respondent No. 1 passed the order dated 20.04.2020 whereby the appellant dismissed from service w.e.f 22.02.2019 and the double payment he has received for three months may be recovered from him and requested by respondent No.2 to respondent No.3 by a letter dated 16.06.2020 that the recovery of worth of Rs.184425/- of three months may be recovered from the appellant. The order dated 20.04.2020 and the letter dated 16.06.2020 were received by the appellant on 06.07.2020. The appellant filed departmental appeal/review against the dismissal order on 24.07.2020, which was not responded within the statutory period of 90-days. **(Copies of order dated 20.04.2020, letter dated 16.04.2020 and review petition are attached as Annexure-H,I&J)**
8. That after the stipulated period of ninety days, the appellant then filed the instant appeal, however, during the pendency of service appeal the departmental appeal/review of the appellant was rejected on 17.03.2021, which also needs to be challenged before this Honourable Tribunal in the instant appeal, therefore, the appellant filed application for permission to allowing him to amend the instant service appeal by impugning the order dated 17.03.2021 in the instant appeal, which was allowed by the Honourable Tribunal on 14.06.2021. **(Copies of order dated 17.03.2021, application and order sheet dated 14.06.2021 are attached as Annexure-K,L&M)**
9. That now the appellant comes to this Honorable Tribunal for redressal of his grievances in the amended service appeal on the following grounds amongst others.

GROUND:

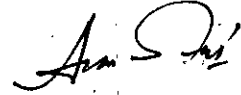
- A) That the impugned order 20.04.2020, letter dated 16.06.2020 and rejection order dated 17.03.2021 are against the law, rules, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has filed proper application for Extra Ordinary Leave without pay for a period of one year 1.03.2019 to 29.02.2020 which was duly by the respondent No. 3 to respondent No.1 for approval and the appellant also presumed that his application for Extra Ordinary Leave has approved by the competent authority and he joined Project Post in the World Bank on the basis of that presumption and as such as the appellant has fulfilled the criteria but due to lethargy of the Department action has not been taken on application in time and the appellant should not be punished for the fault of others.
- C) That the appellant has joined his parent department appellant and performed his duties for more than 6-months and after long time action has been taken against him and dismissed from service for the faults of respondent department.
- D) That no regular inquiry was conducted against the appellant and no proper chance of defence was provided to the appellant by the inquiry officer which is violation of law and rules.
- E) That the appellant did not willfully remain absent from his duty, but he joined other post in the project of World Bank after proper application for leave and as the appellant was selected by the World Project on certain terms and conditions therefore he was compel to remain absent from his duty due to that reason.
- F) That the appellant has been condemned unheard throughout and has not been treated according to law and rules.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.



APPELLANT

THROUGH:



(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,
OF PAKISTAN.



(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT,

(S. NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,

&

(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

AMENDED SERVICE APPEAL NO. 819 /2020

Dr. Murad Khan

V/S

Police Department etc.

APPLICATION FOR RESTRAINING THE RESPONDENTS FROM RECOVERY FROM THE APPELLANT OF WORTH OF RS. 184425/- TILL THE DECISION OF THE INSTANT APPEAL.



RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal against the order dated 20.04.2020, whereby the appellant was dismissed from service and recovery of worth of Rs. 184425/ of three months has been imposed upon the appellant and through letter dated 16.06.2020 recovery were to be made from the appellant.
2. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.
3. That the grounds of main appeal may also be considered as integral part of this application.

It is therefore most humbly prayed that on the acceptance of this application the respondents may kindly be restrained from the recovery from the appellant of worth of Rs.184425/- till the decision of the instant appeal.


APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
&

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,



ANNEX "A"
6

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar
Fax: 091- 9210518

Dated Peshawar the, 23 Nov, 2016

NOTIFICATION

No. 235 /SE-I. On the recommendations of Khyber Pakhtunkhwa Public Service Commission Peshawar vide letter No. PSC/SR-VI/087561 dated 15.11.2016, the following candidates are appointed as Assistant Director Research & Analysis (Qualitative Report) BS 17 in Counter Terrorism Department Khyber Pakhtunkhwa Police from the date they actually report/assume their duties subject to the medical fitness, verification of all documents/testimonials from the respective Boards/Institutions, character/antecedent and fulfillment of all other codal formalities:-

S.No	Name and Parentage of Candidates	Address
i	Ms. Meh Para Siddique daughter of Muhammad Siddiqui	H.No.7, Street No.6 Iadoon Colony, Narrian Abbottabad
ii	Mr. Fazal Hakim son of Nawab Said	Village & P/O Sherbatali Batkhela, Tatakai Malakand
iii	Mr. Ifan Ullah son of Karim Ullah	Village Haryana Bala P/O Gul Arad Tehsil & District Peshawar
iv	Mr. Jawad-Ul-Rehman son of Fazal Rehman	Amjad Shaheed Colony Thana District Malakand
v	Mr. Murad Khan son of Fazal Wahab	Village Delaj P/O Bara Bandat Tehsil Kabal District Swat
vi	Mr. Farhan Ahmad son of Munitaz Ahmad	Town & P/O Tabbi Khaywah Tehsil & District Karak
vii	Mr. Imran Khan son of Safdar Khan	Village & P/O Hattar Tehsil & District Hamir
viii	Mr. Muhammad Ilyas son of Muhammad Ali Zareen	H.No.KC-13, Rasheed Colony Sadq Abad Rawalpindi
ix	Mr. Naveed Mahmood son of Haji Khan Zareen	Fazal & Co. Main Bazar Batkhela District Malakand

2. Their services terms and conditions will be the same which have been stipulated in Khyber Pakhtunkhwa Police Department Research & Analysis Wing Service Rules 2014.

Sd/-
NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

1. Copy forwarded to the:

- Principal Secretary to Governor Khyber Pakhtunkhwa.
- Principal Secretary to Chief Minister Khyber Pakhtunkhwa
- Chief Secretary Government of Khyber Pakhtunkhwa Peshawar.
- Secretary, Govt. of Khyber Pakhtunkhwa Estt. & Admn. Deptt. Peshawar.
- Secretary, Govt. of Khyber Pakhtunkhwa Finance Deptt. Peshawar.

P.T.O

4

POLICE DEPARTMENT.

B
ANNEX

CTD PESHAWAR

charge report
8
7

CHARGE ASSUMPTION REPORT

In compliance with the orders issued by the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar over his office Notification No. 1230/SE-I dated 23.11.2016, I hereby assumed the charge as Assistant Director Research & Analysis (Qualitative Expert) BPS-17 in CTD Khyber Pakhtunkhwa, Peshawar today on the Fore Noon of 29.11.2016.


(MURAD KHAN)

Astt: Director Research & Analysis
BPS-17

**OFFICE OF THE ADDITIONAL INSPECTOR GENERAL OF POLICE, CTD
KHYBER PAKHTUNKHWA, PESHAWAR.**

84
No. 12768-IEC/CTD

Dated Peshawar, the 30-11-2016.

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

1. Principal Secretary to Governor Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar.
3. Chief Secretary Government of Khyber Pakhtunkhwa Peshawar.
4. Secretary Govt: of Khyber Pakhtunkhwa Estt: & Admn: Deptt: Peshawar.
5. Secretary Govt: of Khyber Pakhtunkhwa Home & T.As Deptt: Peshawar.
6. Secretary Govt: of Khyber Pakhtunkhwa Finance Deptt: Peshawar.
7. Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
8. Addl: Inspector General of Police, Operation, Khyber Pakhtunkhwa, Peshawar
9. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar
10. Accountant General, Khyber Pakhtunkhwa, Peshawar.
11. PSO to IGP Khyber Pakhtunkhwa.
12. Director IT, CPO Peshawar.
13. AIG, Establishment CPO Peshawar.
14. Officer concerned.
- ✓ 15. PSO/PA to Worthy Addl: IGP, CTD, Khyber Pakhtunkhwa, Peshawar.
16. Supdt: Secret, CPO, Peshawar.
17. Accountant, OASI & MTO CTD Khyber Pakhtunkhwa, Peshawar.
18. U.O.P File.


Additional Inspector General of Police
CTD, Khyber Pakhtunkhwa,
Peshawar.

POLICE DEPARTMENT

CTD PESHAWAR.

CHARGE ASSUMPTION REPORT

In compliance with the orders issued by the worthy inspector general of Police, Khyber Pakhtunkhwa, Peshawar over the charge as Assistant Director Research & Analysis (Qualitative Expert) BPS-17 in CTD Khyber Pakhtunkhwa, Peshawar today on the Fore Noon at 29.11.2016.

(MURAD KHAN)

Astt: Director Research & Analysis

OFFICE OF THE ADDITIONAL INSPECTOR GENERAL OF POLICE, CTD KHYBER PAKHTUNKHWA, PESHAWAR.

No. 12768-84/EC/CTD

dated Peshawar, the 30.11.2016

1. Principal Secretary to Governor Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar.
3. Chief Secreary Khyber Pakhtunkhwa, Peshawar.
4. Secretary Govt: of Khyber Pakhtunkhwa Estt: & Admn: Department Peshawar.
5. Secretary Govt: of Khyber Pakhtunkhwa Home & T.As Deptt Peshawar.
6. Secretary Govt: of Khyber Pakhtunkhwa Finance Deptt Peshawar.
7. Addl: Inspector General of Police, Operation, Khyber Pakhtunkhwa, Peshawar.
8. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
9. Accountant General, Khyber Pakhtunkhwa, Peshawar.
10. PSO to IGP Khyber Pakhtunkhwa.
11. Director IT, CPO Peshawar.
12. AIG, Establishment CPO Peshawar.
13. Officer Concerned.
14. PSO/PA to Worthy Addl: IGP, CTD, Khyber Pakhtunkhwa, Peshawar.
15. Supdt: Secret: CPO Peshawar.
16. Accountant, OASI & MTO CTD Khyber Pakhtunkhwa, Peshawar.
17. U.O.P File.

**ADDITIONAL INSPECTOR GENERAL OF POLICE
CTD, KHYBER PAKHTUNKHWA, PESHAWAR.**

To

THE INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA.

THROUGH PROPER CHANNEL: DEPUTY INSPECTOR GENERAL OF
POLICE, CTD KHYBER PAKHTUNKHWA

Subject: Application for Extra-ordinary Leave (Without Pay)

With profound regards, It is most humbly submitted that I have been selected for a 1 year project of the World Bank as Economist to prepare research based policy implications for Federal Board of Revenue, Government of Pakistan (Annex-A). The project aims to accelerate growth and tax reforms. It will be an honour for me to avail this amazing opportunity where I can excel in my professional field.

It is, therefore, humbly requested to kindly grant me extra-ordinary leave without pay (Annex-B) for one year period (March 1st, 2019 to Feb. 29th, 2020).

Yours obediently

(Dr. MURAD KHAN)

Assistant Director (Research and Analysis)
Research and Analysis Wing,
Counter Terrorism Department.

Dated: Feb. 21st, 2019

Forwarded R

[Handwritten signature]

DM/CTD

22/2/19

[Handwritten signature]

To,

The Inspector General of Police
Khyber Pakhtunkhwa.

**THROUGH PROPER CHANNEL DEPUTY INSPECTOR
GENERAL OF POLICE, CTD KHYBER PAKHTUNKHWA.**

Subject:- **Application for Extra-Ordinary Leave (Without Pay)**

With profound regards, it is most humbly submitted that I have been selected for a 01 year project of the World Bank as Economist to prepare research based policy implications for Federal Board of Revenue, Government of Pakistan (Annex-A). The project aims to accelerate growth and tax reforms. It will be an honour for me to avail this amazing opportunity where I can excel in my professional field.

It is therefore, humbly requested to kindly grant me extra-ordinary leave without pay (Annexure-B) for one year period (March 1st, 2019 to Feb, 29th, 2020)

(MURAD KHAN)
Astt: Director Research & Analysis

Dated Feb, 21st, 2019

Asst. Director Murad Khan
CTD, HQs: Peshawar.

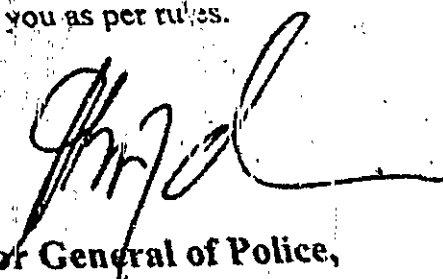
No. 5753 received
Date 16/04/2019.

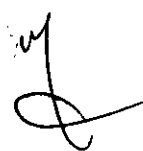
SHOW CAUSE NOTICE

1) Whereas, You Assistant Director Murad, Khan of this Unit while posted as Research & Analysis at CTD Peshawar Region have committed the following commissions / omissions on your part that:-

- i. It has been reported that you submitted an application for granting 365 days Extra Ordinary Leave as you were selected for 01 year project of the World Bank as Economics on 22.02.2019.
- ii. You did not join your lawful duties from the date of submission of the application and absented yourself intentionally and deliberately from your official duties without any kind of leave or permission from your superiors i.e w.e.f 22.02.2018.
- iii. Your this attitude clearly shows lack of interest in discharge of your official duties.
- iv. All this speaks highly adverse on your part and is against the disciplinary rules.

2). Now, I, DEPUTY INSPECTOR GENERAL OF POLICE CTD KHYBER PAKHTUNKHWA call upon you to explain your position in 03 days of the receipt of this Notice as to why departmental action should not be taken against you as per rules.


Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar



No. 5983/EC/CTD
Dated 16/4/2019

SHOW CAUSE NOTICE.

1. Whereas, you Assistant Director, Murad Khan of this Unit while Posted as Research & Analysis at CTD Peshawar Region have committed the following commissions/omissions on your part that:-

- i. It has been reported that you submitted an application for granting 365 days Extra Ordinary Leave as you were selected for 01-Year project of the world Bank as Economics on 22.02.2019.
- ii. You did not join your lawful duties from the date of submission of the application and absented yourself intentionally and deliberately from your official duties without any kind of leave or permission from your superiors i.e w.e.f 22.02.2018.
- iii. Your this attitude clearly shows lack of interest in discharge of your official duties.
- iv. All this speaks highly adverse on your part and is against the disciplinary rules.

2). **Now, I, DEPUTY INSPECTOR GENERAL OF POLICE CTD KHYBER PAKHTUNKHWA** call upon you to explain your position in 03 days of the receipt of this Notice as to why departmental action should not be taken against you as per rules.

**Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa, Peshawar.**

To


**The Deputy Inspector General
Counter Terrorism Department,
Khyber Pakhtunkhwa.**

ANNEX E
10

Subject: Show Cause Notice

In response to your letter no. 5983 dated 16-04-2018 on the subject noted above, it is stated that I have forwarded my application for extra-ordinary leave (EOL) without pay which is forwarded to Central Police Office by your good office. In the application, it is clearly requested that I may be granted one year EOL without pay for the mentioned purpose. Due to the contract signed with the World Bank, I was bound to join my duties as per the policy of the agency as Economist in Tax Reforms and Policy Unit for FBR, Pakistan. In hope of that application to be accepted as per rules and regulation which mentioned very clearly the dates starting from March 2019 to end of Feb. 2020, I joined my duties.

In light of my application forwarded by the Honorable office of the Deputy Inspector General of Counter Terrorism Department of KP, It is most humbly requested that I may be permitted to carry out my duties smoothly with World Bank for the sake of my personal growth, positive representation of the CTD at world level and for the greatest benefit of the motherland, Pakistan.



Dr. Murad Khan
Assistant Director (R&A)
Counter Terrorism Department

AW
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9501
24-10-19

No. S/ /

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar
19, Dated Peshawar the 23/10 '19

F 11

To
Mr Salman Choudhary,
Deputy Inspector General of Police,
(Crimes), Investigation, Khyber Pakhtunkhwa,
Peshawar.

Subject - **CHARGE SHEET/STATEMENT OF ALLEGATIONS**

Memo:

Enclosed please find herewith Charge Sheet/Statement of Allegations duly signed by the Competent Authority alongwith original enquiry file in respect of Dr Murad Khan, Assistant Director Reaserach & Analysis (Qualitative Expert). I am directed to request you for conducting enquiry into the allegations and furnishing report within stipulated period please.

(SADIQ BALOCH)PSP
AIG Establishment
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.

No S: 3696 /19.

Copy of above alongwith Charge Sheet/Statement of Allegations (in-duplicate) is forwarded to the Deputy Inspector General of Police, CID, Khyber Pakhtunkhwa, Peshawar with the request that duplicate copies of Charge Sheet Statement of Allegations in respect of Dr. Murad Khan, Assistant Director Reaserach & Analysis (Qualitative Expert) for signature by the officer concerned. The same may be returned to this office after signature as a token of its receipt.

SPIHQ:
EC

Handwritten signature

DIG/CD

(SADIQ BALOCH)PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Handwritten signature and date 23/10

Handwritten signature

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar**

No. S/_____/2019 dated Peshawar the 23.10.2019

To,

Mr. Salman Choudhary,
Deputy Inspector General of Police,
(Crimes), Investigations, Khyber Pakhtunkhwa,
Peshawar.

Subject:- **CHARGE SHEET/STATEMENT OF ALLEGATIONS.**

Memo:

Enclosed please find herewith Charge Sheet/Statement of Allegations duly signed by the Competent Authority alongwith original enquiry file in respect of Dr. Murad Khan, Assistant Director Research & Analysis (Qualitative Expert). I am directed to request you for conducting enquiry into the allegations and furnishing report within stipulated period please.

**(SADIQ BALOCH)PSP
AIG/Establishment
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.**

No. S/3696/19.

Copy of above alongwith Charge Sheet/Statement of Allegations (in-duplicate) is forwarded to the Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar with the request that duplicate copies of Charge Sheet/Statement of Allegations in respect of Dr. Murad Khan, Assistant Director Research & Analysis (Qualitative Expert) for signature by the officer concerned. The same may be returned to this office after signature as a token of its receipt.

**(SADIQ BALOCH)PSP
AIG/Establishment
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.**



DISCIPLINARY ACTION

I, Dr. Muhammad Naeem Khan, Inspector General of Police, Peshawar, being Competent Authority, am of the opinion that Dr. Murad Khan, Assistant Director Research & Analysis (Qualitative Expert) CID Peshawar, is hereby proceeded against, as he has committed the following acts in violation of Section 3 of the Khyber Pakhtunkhwa Government Servants (I & D) Rules, 2011

STATEMENT OF ALLEGATIONS

1. That as intimated by Dep. Insp. Gen. Police, Peshawar, Pukhtunkhwa, Peshawar, he applied for the post of Assistant Director Research & Analysis (Qualitative Expert) CID Peshawar because he was selected for the post of Assistant Director as Economics on 22.02.2019. Application was forwarded to CPO for the grant of the post.
2. That Prior to approval of the post, he absented himself from his lawful duties of the concerned Authority.
3. That he was issued Show Cause Notice by the Pukhtunkhwa to this effect. In response to the notice, he submitted his reply with the contention that he was permitted to carry out his duties in the absence of the World Bank from March, 2019 and that the growth.
4. That he being a member of discipline, he has a professional attitude which has degraded the discipline of the department in the eyes of police force and the public.

His said act of negligence depicts his lack of professional attitude and lack of professionalism which amounts to grave misconduct and hence disciplinary action against him.

For the purpose of scrutinizing the conduct of the said officer with reference to the allegations, an Enquiry Officer/Enquiry Committee of following officers of Khyber Pakhtunkhwa hereby constituted under Section-4 of the said Rules:-

- i. Mr. Salman Choudhary, DIG Crimes, Investigation, Peshawar, Pukhtunkhwa

The Inquiry officer shall, in accordance with the provisions of the said Rules, afford reasonable opportunity of hearing to the accused officer, record and submit his findings within 30 days of the receipt of this order, recommendations to be submitted to the concerned officer.

Dr. Murad Khan

MUHAMMAD NAEEM KHAN, DR. PSP
Inspector General of Police

y

**DEPUTY INSPECTOR GENERAL OF POLICE
CRIMES INVESTIGATION AT CPO PESHAWAR**

206

9 (13)

The Deputy Inspector of Police,
Khyber Pakhtunkhwa, Peshawar

**CHARGE SHEET / STATEMENT OF ALLEGATIONS
DEPARTMENTAL ENQUIRY AGAINST DR. MURAD KHAN
ASSISTANT DIRECTOR CTD KHYBER PAKHTUNKHWA**

Memorandum

Reference letter No 1695, dated 23/10/2019 issued by Assistant Director
Office of W.I.O.P., Khyber Pakhtunkhwa regarding the above mentioned officer.

1. It is submitted that Dr. Murad Khan Asst. Director (Qualification) CTD
Khyber Pakhtunkhwa vide CPO Peshawar No. 1230 St-1 dated 23/10/2019 on the following commission:

Charge Sheet under the Khyber Pakhtunkhwa Government Service (Disciplinary) Rules 2011

- a. That as sanctioned by Deputy Inspector General (CPD) CTD KP for one year Extra Ordinary Leave because he was awarded the position of Economist at the World Bank in Islamabad on 22.02.2019. The leave forwarded to CPO Peshawar for the grant of such leave.
- b. That prior to approval of leave by the competent authority from his last held duties without any permission by concerned authority.
- c. That he was issued Show Cause Notice by the D.I.G. CTD KP in response to the show cause notice submitted his reply that he has posted his duty at World Bank from March 2019 and he was permitted to carry out duties in the sphere of economic growth.
- d. That he being member of discipline force had adopted an attitude which has degraded the image of the Police force and also general.

FACTS:

2. The aforesaid officer was appointed as Asst. Director BS-17 CTD Khyber Pakhtunkhwa through notification No 1230 St-1 on 23 November 2019 under Khyber Pakhtunkhwa (Research and Analysis Wing) Service Rules 2014 in grade "A" and has been serving since then.
3. During his service at CTD, KP, he applied for Extra Ordinary Leave (EOL) on 04.03.2019 to work as an Economist in World Bank. Copy attached at Annex-B.
4. He applied for the said post without getting a proper NOC from the competent authority.

To

The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject:- CHARGE SHEET/STATEMENT OF ALLEGATIONS.

DEPARTMENTAL ENQUIRY AGAINST DR. MURAD
KHAN ASSISTANT DIRECTOR CTD KHYBER
PAKHTUNKHWA.

Memo

Reference letter No. 3695 dated 23.10.2019 issued by
AIG/Establishment from the office of W/IGP, Khyber Pakhtunkhwa
regarding the subject quoted above.

1. It is submitted that Dr. Murad Khan Assistant Director Qualitative expert of CTD Khyber Pakhtunkhwa vide CPO, Peshawar office Memo No. 1694/19 dated 23.10.2019 on the following commissions / omissions was given the following charge sheet under the Khyber Pakhtunkhwa Government Servants Efficiency and Disciplinary Rules ,2011.
 - a. That as intimated by Deputy Inspector General of Police CTD KP, he applied for one year Extra Ordinary Leave because he was selected for One Year period project of the World Bank as Economics on 22.02.2019. application of the some leave forwarded to CPO, Peshawar for the grant of such leave.
 - b. That prior to approval of leave by the competent authority absence from his lawful duties without any permission by concerned authority.
 - c. That he was issued Show Cause Notice by the DIG, CTD KP to this office, he response, to the show cause notice submitted his reply with the contention he has joined his duty at World Bank from March, 2019, and also requested that he may permitted to carry out duties in the aforesaid Bank for his personal growth.
 - d. That he being member of discipline force has adopted a very professional attitude which has degraded the image and moral of department in the eyes of police force and amongst general.

FACTS:-

2. The aforesaid officer was appointed as Assistant Director BPS-17 in CTD Khyber Pakhtunkhwa through notification No. 1230/SE-I on 23 November, 2016 under Khyber Pakhtunkhwa (Research and Analysis Wing) Services Rules, 2014 Annexure-A and has been serving since then.

2. During his service at CTD, KP, he applied for Extra Ordinary Leave EOL on 04.03.2019 to work as an Economist in World Bank (Copy attached at Annex-B).
3. He applied for the said post without getting proper NOC from the competent authority.
4. SP CTD Peshawar Region reported on 07.04.2019 that he was absence from duty 22.02.2019 Annexure-C.
5. In consequence issued him the Show Cause Notice on 14.04.2019 and he submitted his reply within the stipulated time (Annexure-D).
6. He reported back for duty on 2.09.2019 where performing duty for 4-Months and 10-days.
7. That Absent report was forwarded to CPO Peshawar for obtaining guideline to initiated necessary departmental action against him vide this office memo No. 313/EC dated 07.06.2019 (copy enclosed as annexure-E).
8. He also received salary three months (March, April & May 2019) while he was absented from duty (copy of salary slip is attached as Annexure-E). AC also was getting handsome salary from World Bank.
9. All the relevant record submitted by the quarter concerned and reply to the charge sheet issued to him was perused

INTERVIEW WITH DR. MURAD ASSISTANT DIRECTOR.

10. He submitted reply to charge sheet issued to him (Annex-F) "With profoundly record it is most humbly submitted that I request to the concerned authority through proper channel to kindly grant extra ordinary leave without pay for one year period from march 2019 to February, 2019. I followed my application several time and then hope of that worthy Inspector General of Police would grant me leave. I joined my assignment due to the 15-days time for joining period for that the greatest benefit of the country, Pakistan positive appreciation of my parent department at national and international level and personal growth.
11. He was put the following question
 - Q1. Did you Apply NOC for the said post at the World Bank.
Ans: No.
 - Q:2 why did you leave place of posting without prior approval.
Ans: He had no answer and
 - Q:3 When you were serve the show cause notice from DIG CTD did you report back at your place of duty.
Ans: No.
 - Q:4 Did you drawn your salary from the police Department charges during your absence while performing your duties for the World Bank.
Yes.

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12/10/19

1. ...
 14. ...
 19. ...
 14. ...

PROCEEDINGS

1. ...
 16. ...
 4. ...

M. H.

(SALMAN CHUGHDIARY) PSP
 Deputy Inspector General of Police
 Crimes Investigator, CPO Peshawar.

O/C

2016

Dated Peshawar the 01/11/2019

- 1. ...
- 2. ...
- 3. ...
- 4. ...

M. H.

(SALMAN CHUGHDIARY) PSP
 Deputy Inspector General of Police,
 Crimes Investigator, CPO Peshawar.

O/C

y

Q:5. Have you any other relevant document / evidence to provide before the undersigned.

Ans: No.

FINDINGS

Better copy - (15)

13. The delinquent officer did not obtained any NOC to apply for the position at the world bank.
14. The delinquent officer left his duties on 22.02.2019 without waiting for any action on his leave request.
15. The delinquent officer also availed three months pay (March, April & May-2019) While he was working at the World Bank.
16. He was unable to provide any possible and cogent reason for his action.

RECOMMENDATIONS:-

17. He meets the criterion laid down in Khyber Pakhtunkhwa, Government Servants (Efficiency and Disciplinary) Rules, 2011 Section 2, clauses 1(i), (iii), and (iv).

18. In the light of the above mentioned findings it transpires that Dr. Murad Khan has committed serious and gross misconduct liable for departmental action. It is submitted that he may be dismissed from service as Section 4 (b) (iv) and the availed pay may be recovered from him.

(SALMAN CHOUDHRY) PSP
Deputy Inspector General of Police
Crimes Investigation, CPO Peshawar

No. 206/PA/Crime/Inv:

Dated Peshawar the 01.11.2019

Copy of above is forwarded for information to the:-

1. Addl. Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police CTD, Khyber Pakhtunkhwa.
3. Assistant Inspector General of police, Establishment Khyber Pakhtunkhwa, CPO Peshawar.

(SALMAN CHOUDHRY) PSP
Deputy Inspector General of Police
Crimes Investigation, CPO Peshawar



ORDER

The order was issued by the Deputy Director General, Khyber Pakhtunkhwa, Peshawar, who was charged under Civil Service of Khyber Pakhtunkhwa under Section 10 of the Civil Service Act, 1973 dated 23.11.2019. He was charged on the 8th of the month of the year 2019.

1. That as intimated by Deputy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, you applied for Ordinary Leave because you were selected for a project of the World Bank which commenced on 22.02.2019. A copy of the same leave was forwarded to CID for the approval of the same.
2. That Prior to approval of the leave by the Competent Authority you absented yourself from your lawful duty without any permission from the concerned Authority.
3. That you were issued Show Cause Notice by the DIO, CID, Khyber Pakhtunkhwa to this effect. In response to the Show Cause Notice you submitted your reply with the contention that you have joined your duties at World Bank from March, 2019 and also requested that you may be permitted to carry out duties at the CID and Bank for your personal growth.
4. That you being a member of discipline force have adopted a very un-professional attitude which has degraded the image and prestige of the department in the eyes of police force and among a general public.

An enquiry was conducted by the Additional IGPIAB, Khyber Pakhtunkhwa, Peshawar (Mr. Salim Choudhry) against the delinquent officer (Dr. Murad Khan) Assistant Director Research & Analysis (Qualitative Expert) of CID Peshawar.

The delinquent officer did not obtain any NOC to apply for the position at the World Bank. The delinquent officer left his duties on 22.02.2019 without waiting for any action on his leave request. The delinquent officer also availed three (03) months pay (March, April & May-2019, while he was working at the World Bank. He was unable to provide any plausible and cogent reason for his action.

The delinquent officer (Dr. Murad Khan) was appointed as Assistant Director BS-17 in CID Khyber Pakhtunkhwa through Notification No. 1230 SP-I dated 23.11.2016 under Khyber Pakhtunkhwa (Research and Analysis Wing) Service Rules 2014.

He was issued Final Show Cause Notice which he replied to. He was given an opportunity for personal hearing but he had no plausible explanation for the allegations leveled against him.

The delinquent officer was called to Order, reprimanded and questioned regarding his conduct but could not give any explanation for the gross irregularities as clear from the enquiry report.

NOTIFICATION

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Handwritten notes at the bottom left: '102/A', '103/A', '104/A'.

Handwritten signature at the bottom center.

To

This order will dispose off the Departmental Enquiry initiated against Dr. Murad Khan, Assistant Director Research and Analysis Qualitative Expert of CTD Peshawar who was charge sheeted with statement of allegation issued by the Worthy IGP, Khyber Pakhtunkhwa under civil servants (E &D) Rules, 2011 vide No. S/3695/19 dated 23.10.2019. He was charged on the basis of the following allegations, which reads:

1. That as intimated by Deputy Inspector General of Police CTD KP, you applied for one year Extra Ordinary Leave because you were selected for One Year period project of the World Bank as Economics on 22.02.2019. Application of the same leave was forwarded to CPO, Peshawar for the grant of such leave.
2. That prior to approval of leave by the competent authority, you absented yourself from your lawful duties without any permission by concerned authority.
3. That you were issued Show Cause Notice by the DIG, CTD KP to this effect, in response to the show cause notice you submitted your reply with the contention your reply that you have joined your duties at World Bank from March, 2019, and also requested that you may permitted to carry out duties in the aforesaid Bank for your personal growth.
- e. That you being member of discipline force have adopted a very professional attitude which have degraded the image and moral of department in the eyes of police force and amongst general public.

FACTS:-

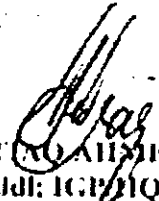
An enquiry was conducted by the Additional IGP/IAB, Khyber Pakhtunkhwa, Peshawar (Mr. Salman Choudhry) against the delinquent officer Dr. Murad Khan Assistant Director Research and Analysis Qualitative Expert of CTD Peshawar.

The delinquent officer did not obtain any NOC to apply for the position at the World Bank. The delinquent officer left his duties on 22.02.2019 without waiting for any action on his leave request. The delinquent officer also availed three months pay (March, April & May-2019) While he was working at the World Bank. He was unable to provide any plausible and cogent reason for his action.

The delinquent officer was appointed as Assistant Director BPS-17 in CTD Khyber Pakhtunkhwa through notification No. 1230/SE-I on 23 November, 2016 under Khyber Pakhtunkhwa (Research and Analysis Wing) Services Rules, 2014

Keeping in view the findings of the Inquiry Officer and material in record and finding of the enquiry officer, as well as giving him personal hearing, I found that the officer Dr. Murad Khan, Assistant Director Research & Analysis (Qualitative Experts) of CTD Peshawar guilty of the allegations/charges which are very serious in nature. He is guilty of gross misconduct, morale degradation and bluffing the department hence he is dismissed from service 22/02/2019 and also, the double pay he has received for three months may be recovered from him.

Order announced


 (DR. ISHTAQ AHMED) PSE/PPM
 Addl: IGP/HQs:
 For Inspector General of Police,
 Khyber Pakhtunkhwa, Peshawar

Encls: No. & date even.

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

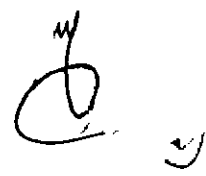
1. Accountant General, Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa Peshawar with the direction that the double pay he received for three months i.e (March, April & May 2019) may be recovered from him.
3. COS to IGP/Khyber Pakhtunkhwa, Peshawar
4. PA to Addl. IGP/HQs, Khyber Pakhtunkhwa, Peshawar
5. PA to DIG/HQs, Khyber Pakhtunkhwa, Peshawar
6. PA to AIG/Establishment, CPO Peshawar
7. Registrar, CPO Peshawar
8. Office Supdt. CP Branch (CPO) Peshawar
9. Office Supdt. I-V S-1, CPO
10. IGP File

Name _____

Signature _____

Dated _____

SHOTON OPPO



He was issued final show cause Notice which he replied. He was given an opportunity for personal hearing but he had no plausible explanation with regard in allegation leveled against him.

The delinquent officer was called to orderly Room. He was listened in detail and questions regarding his conduct but could not satisfy the undersigned regarding gross irregularities as clear from the enquiry report.

Keeping in view the findings of the Enquiry Officer and material on record and finding of the enquiry officer, as well as giving him personal hearing. I found accused officer Dr. Murad Khan, Assistant Director Research and Analysis Qualitative Expert of CTD Peshawar guilty of the allegations/charges which are very serious nature. He is guilty of gross misconduct, morale degradation and bluffing the department hence he is dismissed from service 22.02.2019 and also, the double pay he has receive for three months maybe recovered from him.

Order announced.

DR. ISHTIAQ AHMED)PSP/PPM

Addl: IGP/HQrs:

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa Peshawar with the direction that the double pay he received for three months i.e March, April and May, 2019 may be recovered from him.
3. COS to IGP/Khyber Pakhtunkhwa, Peshawar.
4. PA to Additional IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Establishment COP Peshawar.
7. Registrar, CPO Peshawar.
8. Office Supdt CP Branch CPO Peshawar.
9. Office Supd to E-V E-1, CPO.
10. UOP File.



OFFICE OF THE,
DEPUTY INSPECTOR GENERAL OF POLICE,
CTD, KHYBER PAKHTUNKHWA,
PESHAWAR.

No. 5750 /Acct/CTD Dated Peshawar the 16 /06/2020

To: The Superintendent of Police,
CTD Malakand Region Swat.

SUBJECT: OVERPAYMENT OF PAY AND ALLOWANCES ✓

MEMO:


Please refer to Worthy IGP, Khyber Pakhtunkhwa orders issued under Budget No S/1541-50/2020 dated 29.04.2020 (copy enclosed for ready reference).

The departmental enquiry initiated against Dr. Murad Khan Assistant Director BS 17 of this Unit has been disposed off and awarded "Major Punishment" dismissal from service w.e.f 22.02.2019 and also the double pay he has received for three months may be recovered from him in the above quoted reference.

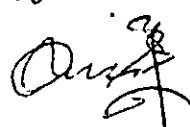
The total amount of recovery for the three month is Rs; 184425/- needs to be recovered / deposited in this office from the aforesaid officer. His detail is as under:

Name: ✓	Dr. Murad Khan
Father Name:	Fazal Rehman
CNIC No:	15602-9462116-5
Home Address:	Village Delai P/O Bara Banda Tehsil Kabal District Swat
Contact No:	0345-3970491

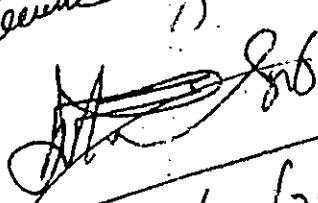
In view of the above, it is therefore, requested that the above mentioned amount may be recovered from the said officer and deposited in this office at the earliest, please.


Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.

AD Jawad sab.
For N. action.


Superintendent of Police
C.T.D. MKD
at Swat. 22 /06/2020

Copy Received


06/07/2020



To

The Superintendent of Police,
CTD Malakand Region Swat.

Subject:- OVERPAYMENT OF PAY AND ALLOWANCES.

Memo

Please refer to Worthy IGP, Khyber Pakhtunkhwa orders issued under Endst: No. S/1541-50/2020 dated 20.04.2020 (copy enclosed for ready reference)

The departmental enquiry initiated against Dr. Murad Khan Assistant Director BS-17 of this Unit has been disposed off and awarded "Major Punishment" dismissal from service w.e.f 22.02.2019 and also the double pay he has received for three months may be recovered from him in the above quoted reference.

The total amount of recovery for the three month is Rs. 184425/- needs to be recovered/deposited in this office from the aforesaid officer. His details is as under:

Name Dr. Murad Khan
Father Name Fazal Rehman
CNIC No.: 15602-9462116-5
Home Address Village Delai P/O Bara Banda Tehsil Kabal
District Swat
Contact No.: 0345-3970491

In view of the above, it is therefore, requested that the above mentioned amount may be recovered from the said officer and deposited in this office at the earliest, please.

Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.

Inspector General of Police,
Khyber Pakhtunkhwa

Dated: 15-07-2020

J (19)

DEPARTMENTAL APPEAL AGAINST THE DISMISSAL ORDER
DATED: 20-04-2020

Respected Sir,

Appellant submits as under.

24

1. That in the light of the Notification No. 1230/SE-I the Appellant / undersigned has assumed the charge of the post of Assistant Director (Qualitative Expert) Research and Analysis Wing, Counter Terrorism Department.
(Copy of the Notification and charge assumption report are attached as Annexure: A, A/1)
2. That the period of initial probation i.e. one year as prescribed rules for the post i.e. Rule 7(2) of the Khyber Pakhtunkhwa Police department (Research and Analysis Wing) Service Rules, 2014 was successfully stand completed on 22-11-2017 and till the end of Feb. 2019, the Appellant / Undersigned served as Assistant Director Research & Analysis in CTD Head Quarter and Peshawar Region and also performed duties as Assistant Director Countering Financing of Terrorism (CFT).
3. That the Appellant / Undersigned was selected for one year project of the world bank as Economist to prepare research based policy implications for Federal Board of Revenue, Government of Pakistan, therefore, the Appellant / undersigned moved an application and requested the competent authority through proper channel to kindly grant extra-ordinary leave without pay for one year period from March 1st, 2019 to Feb. 29th, 2020 to the Appellant.
(Copy of the Application is attached as Annexure: B)
4. That Appellant / Undersigned application was kept pending for some unknown reasons. With a hope that the worthy Inspector General of Police will grant leave without pay to the Appellant under Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, section 12.

Section 12 is reproduced for easy reference

" (1) Extraordinary leave may be granted on any ground up to a maximum period of five years at a time; provided that the civil servant to

PO Tracking No.
6192/SB
27/7/2020

Received by
General Branch
CPO, Peshawar

mf
21/07/2020
Time 12:45

up
20/07/2020

Better Copy# 19
Dated 15.07.2020

**Inspector General of Police,
Khyber Pakhtunkhwa.**

**DEPARTMENTAL APPEAL AGAINST THE DISMISSAL
ORDER DATED 20.04.2020.**

Respected Sir,

Appellant submits as under,

1. That in the light of the Notification No. 1230/SE-I - the appellant/undersigned has assumed the charge of the post of Assistant Director (Qualitative Expert) Research and Analysis Wing, Counter Terrorism Department.

Copy of the Notification and charge assumption report are attached as Annexure-A, A/1.

2. That the period of initial probation i.e one year as prescribed rules for the post i.e Rules 7_2) of the Khyber Pakhtunkhwa Police Department (Research and Analysis Wing) Service Rules, 2014 was successfully stand completed on 22.11.2017 and till the end of Feb. 2019, the appellant/ undersigned served as Assistant Director Research & Analysis in CTD Head Quarter and Peshawar Region and also performed duties as Assistant Director Countering Financing of Terrorism.
3. That the appellant / Undersigned was selected for one year project of the world bank as Economist to prepared research based policy implications for Federal Board of Revenue, Government of Pakistan, therefore the appellant/undersigned moved an application and requested the competent authority through proper channel to kindly grant extra-ordinary leave without pay for one year period from March 1st, 2019 to February, 29th, 2020 to the appellant.

Copy of the application is attached as Annexure; B

4. That appellant / undersigned application was kept pending for some unknown reasons. With a hope that the worthy Inspector General of Police will grant leave without pay to the Appellant under Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981 Section 12. Section 12 is reproduced for easy reference.

“(1) extraordinary leave may be granted on any ground up to a maximum period of five years at a time; provided that the civil servant to whom such leave is granted has been in continuous service for a period of not less than ten years. In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority. This leave can

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whom such leave is granted has been in continuous service for a period of not less than ten years. In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority. This leave can be granted irrespective of the fact whether a civil servant is a permanent or temporary employee.

(2) The maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e. the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and leave on half pay so combined.

(3) Extraordinary leave may be granted retrospectively in lieu of absence without leave.]”

5. That the Appellant / Undersigned joined the World Bank project and the application moved by the Appellant / undersigned for annual leave was pending in the department and no response was received to the Appellant regarding its approval or dismissal. It is pertinent to mention here that the Appellant received show cause notice no. 5983 dated 16-04-2019 regarding absence from the duty which was duly replied by the Appellant / Undersigned.

(Copy of the Show cause notice and reply are attached as Annexure: C, D)

6. That on 02-09-2019, the Appellant / Undersigned rejoined / resumed his duties in the parent Department but amazingly the Appellant / undersigned application was forwarded to competent authority with show cause notice / charge sheet for disciplinary action which is marked to DIG Crimes and Investigation for inquiry through letter No. S/ 1/ 19, dated 23-10-2019.

(Copy of the Charge Sheet/Statement of allegations, Disciplinary action etc are attached as Annexure: E, E/1)

7. That in light of the letter letter No. S/ 1/ 19, dated 23-10-2019 from the office of the DIG Crimes and Investigation, the Appellant / Undersigned appeared in person for inquiry and submitted / requested that the Appellant / Undersigned has assumed / rejoined duties from the last three months and further requested that Appellant salary has been stopped due to the inquiry and the charge sheet and the same inquiry may kindly be closed against the Appellant.

(Copy of the reply is attached as Annexure: F)

A. J. SINGH

be granted irrespective of the fact whether a civil servant is a permanent employee.

(2) the maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of less than 10-years shall be 5-years less than period of leave on full pay and leave on half pay so combined.

(3) Extraordinary leave may be granted retrospectively in lieu of absence without leave?"

5. That the appellant/undersigned joined the World Bank project and the application moved by the appellant / undersigned for annual leave was pending in the department and no response was received to the appellant regarding its approval or dismissal. It is pertinent to mention here that the Appellant received show cause notice No. 5983 dated 16.04.2019 regarding absence from the duty which was duly replied by the appellant / Undersigned.

Copy of the Show Cause Notice and reply are attached as Annexure-C & D.

6. That on 02.09.2019, the appellant / undersigned rejoined / resumed his duties in the parent Department but amazingly the Appellant / Undersigned application was forwarded to competent authority with show cause notice / charge sheet for disciplinary action which is marked to DIG Crimes and investigation for inquiry through letter No. S/1/19, dated 23.10.2019.

Copy of the Charge Sheet/Statement of Allegations, Disciplinary Action etc are attached as Annexure-E, E/1).

7. That in light of the letter No. S/1/19, dated 23.10.2019 from the office of the DIG Crimes and Investigation, the Appellant / Undersigned appeared in person for inquiry and submitted/requested that the appellant/undersigned has assumed / rejoined duties from the last three months and further requested that appellant salary has been stopped due to the inquiry and the charge sheet and the same inquiry may kindly be closed against the appellant.

Copy of the reply is attached as Annexure-F.

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8. That thereafter, final show cause notice no. 3930 dated 13-11-2019 was issued from the office of the Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, Peshawar in the light of inquiry conducted by DIG Crime, Investigation, Khyber Pakhtunkhwa Peshawar.

(Copy of the Final Show Cause notice is attached as Annexure: G)

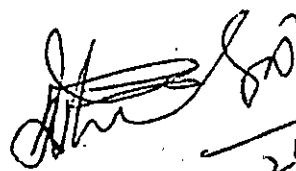
9. That in response to the letter No. S/ 1/ 19, dated 23-10-2019 with enclosed copy of the charge sheet from the worthy office of the Inspector General of Police, KP. A humble request was made in response to the final show cause notice to consider the humble submissions with an apology of the Appellant. Furthermore, With regard to the final show cause notice, the Appellant was called in orderly room and appeared before the worthy Additional Inspector General of Police Headquarter, KP Peshawar with the same submissions and apology.

(Copy of reply to the Final Show Cause Notice and Orderly Room are attached as Annexure: H, I)

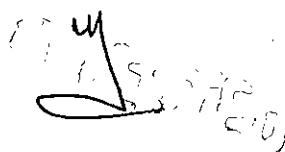
10. That the worthy Additional Inspector General of Police Headquarter, KP Peshawar issued the Appellant / Undersigned dismissal order No. S/ 1541-50/ 2020 dated 20/04/2020 effective from 22/02/2019. The same is dispatched to the Appellant with a recovery letter which is received by the Appellant / undersigned on 06/07/2020.

(Copy of the Dismissal and Recovery letter are attached as Annexure: J, K)

It is, therefore, most humbly requested to the Honourable Inspector General of Police, to passionately consider the Appellant appeal for reinstatement with an apology and the dismissal order dated: 20-04-2020 may kindly be set-aside / recalled as the absence of the Appellant was not wilful but due to the reason stated above and major penalty of dismissal which has been awarded to the Appellant is also need merit consideration. Furthermore, the Appellant availed the opportunity to enhance professional growth and capacity for the larger benefit of the organization i.e. CTD.


24/07/2020

(Dr. MURAD KHAN)
Assistant Director (Research and Analysis)
Research and Analysis Wing, CTD



8. That thereafter, final show cause notice No. 3930 dated 13.11.2019 was issued from the office of the Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, Peshawar in the light of inquiry conducted by DIG Crime, Investigation, Khyber Pakhtunkhwa, Peshawar.

Copy of the final show cause notice is attached as Annexure-G.

9. That in response to the letter No. S/1/19, dated 23.10.2019 with enclosed copy of the charge sheet from the worthy office of the Inspector General of Police, Khyber Pakhtunkhwa. A humbly request was made in response to the final show cause notice to consider the humbly submissions with an apology of the appellant. Furthermore, with regard to the final show cause notice, the appellant was called in orderly room and appeared before the worthy Additional Inspector General of Police headquarter.

Copy of reply to the Final Show Cause Notice and Orderly Room are attached as Annexure-H, I.

11. That the worthy Additional Inspector General of Police Headquarter, Khyber Pakhtunkhwa Peshawar issued the appellant / Undersigned dismissal order No. S/1541-50/2020 dated 20.04.2020 effective from 22.02.2019. the same is dispatched to the appellant with a recovery letter which is received by the appellant / undersigned on 06.07.2020.

It is, therefore, most humbly requested to the Honorable Inspector General of Police, to passionately consider the appellant appeal for reinstatement with an apology and the dismissal order dated 20.04.2020 may kindly be set-aside/ recalled as the absence of the appellant was not willful but due to the reason stated above and major penalty of dismissal which has been awarded to the appellant is also need merit consideration. Furthermore, the appellant availed the opportunity to enhance professional growth and capacity for the larger benefit of the organization i.e CTD.

DR. MURAD KHAN
ASSISTANT DIRECTOR
Research and Analysis Qualitative
Expert of CTD Peshawar



Annex-K (23)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

No. SI/1200/21, Dated Peshawar the 17/03/2021.

ORDER

This order is passed on Review Petition preferred by Dr. Murad Khan Assistant Director Research & Analysis (Qualitative Expert) of CTD Peshawar against the dismissal order issued vide No. S/1541-50/20, dated 20.01.2020.

Brief facts are that appellant Dr. Murad Khan was awarded punishment of Dismissal from service on the following allegations, after proper departmental enquiry proceedings:-

1. That as intimated by Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar, you applied for one year Extra Ordinary Leave because you were selected for one (1) year period project of the World Bank as Economics on 22.02.2019. Application of the same leave was forwarded to CTD for the grant of such leave.
2. That Prior to approval of the leave by the Competent Authority you absented yourself from your lawful duty without any permission by the concerned Authority.
3. That you were issued Show Cause Notice by the DIG/CTD Khyber Pakhtunkhwa to this effect. In response to the Show Cause Notice, you submitted your reply with the contention that you have joined your duties at World Bank from March, 2019 and also requested that you may be permitted to carry out duties in the aforesaid Bank for your personal growth.
4. That you being a member of disciplined force have adopted a very un-professional attitude which has degraded the image and morale of department in the eyes of police force and amongst general public.

An enquiry was conducted by the Additional IGP/IAB, Khyber Pakhtunkhwa, Peshawar (Mr. Salman Choudhry) against the delinquent officer (Dr. Murad Khan) Assistant Director Research & Analysis (Qualitative Expert) of CTD Peshawar.

The delinquent officer did not obtain any NOC to apply for the position at the World Bank. The delinquent officer left his duties on 22.02.2019 without waiting for any action on his leave request. The delinquent officer also availed three (03) months pay (March, April & May-2019, while he was working at the World Bank. He was unable to provide any plausible and cogent reason for his action. He was issued Final Show Cause Notice which he replied. He was given an opportunity for personal hearing but he had no plausible explanation with regard to allegations leveled against him.

The inquiry paper, finding of inquiry officer and relevant record perused. The competent authority has passed order of dismissal of the petitioner in accordance with law of rules after proper departmental inquiry. The undersigned seems no force in this petition hence filed.

Sd/-

(DR. SANAUJLAH ABBASI) PSP
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

RECEIVED


No. SI/201-10/21

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

1. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
2. PA to Addl: IGP/IQ, Khyber Pakhtunkhwa, Peshawar.
3. PSO to IGP/Khyber Pakhtunkhwa, Peshawar.
4. PA to DIG/HQ, Khyber Pakhtunkhwa, Peshawar.

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5. PA to AIG/Establishment CPO Peshawar.
6. Registrar, CPO Peshawar.
7. Office Supdt: E-V, CPO Peshawar.
8. Office Supdt: E-I CPO Peshawar.
9. UOP File.
10. Dr. Murad Khan Ex-Assistant Director Research & Analysis (Qualitative Expert) of CTD Peshawar.


(RAI BABAR SAEED) PSP
DIG/HQrs
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

TESTED

Annexure 25

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____/2020

Dr. Murad Khan

VS

Police Deptt:

SUBJECT: APPLICATION FOR PERMISSION TO ALLOW THE APPELLANT TO AMEND THE INSTANT APPEAL BY IMPUGNING THE ORDER DATED 17.03.2021, WHEREBY THE REVISION OF THE APPELLANT WAS REJECTED.

RESPECTED SHEWITH:-

1. That the appellant has filed the instant appeal in this Honourable Tribunal against the order dated 20.04.2020, whereby the appellant was dismissed from service w.e.f 22.0.2019 and against the letter dated 16.06.2020, whereby in consequence of order dated 20.04.20250, recovery of three months of worth of Rs.184425/- has been imposed upon the appellant and against not taking action on the departmental appeal/review within the statutory period of ninety days.
2. That the instant appeal is pending before this Honourable Tribunal and during the pendency of this appeal, respondent No.1 rejected/field decide the departmental appeal/review of the appellant on 17.03.2021, which is necessary to be challenged before this Honourable Tribunal. (Copy of order dated 17.03.2021 is attached as Annexure-A)
3. That as departmental appeal/review of the appellant was rejected on 17.03.2021 during the pendency of this appeal, therefore the appellant wants to challenge the order dated 17.03.2021 before this Honourable Tribunal by amending the instant appeal.
4. It will be in the interest of justice to allow the appellant to amend the instant appeal by challenging the order dated 17.03.2021 before this Honourable Tribunal.

ATTESTED

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It is therefore most humbly prayed that on acceptance of this application, the appellant may kindly be allowed to challenge the order dated 17.03.2021 before this Honourable Tribunal by amending the instant appeal.

APPELLANT
Dr. Murad Khan

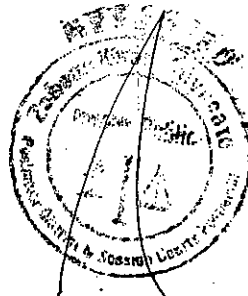
THROUGH:

M. Asif Yousafzad
(M. ASIF YOUSAFZAD)
ADVOCATE SUPREME COURT
&
Taimur Ali Khan
(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

AFFIDAVIT

It is affirmed and declared that the contents of Application are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Tribunal.

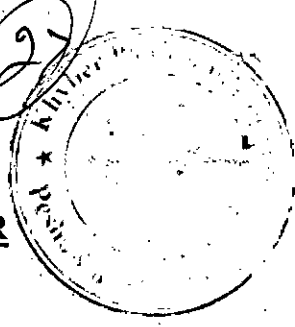
[Signature]
DEPONENT



[Signature]
ATTESTED

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Amru M 2



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 819 /2020 **Khyber Pakhtunkhwa Service Tribunal**

Dr. Murad Khan, Ex-Assistant Director (Research & Analysis),
Counter Terrorism Department Khyber Pakhtunkhwa, Peshawar **Diary No. 15092**
Dated 19/11/2020

(Appellant)

VERSUS

1. The Provincial Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police CTD Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent of Police CTD Malakand Region swat.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 20.04.2020, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE W.E.F 22.02.2019 AND ALSO THE RECOVERY OF DOUBLE PAY FOR THREE MONTHS HAS BEEN IMPOSED UPON HIM AND AGAINST THE LETTER DATED 16.06.2020 WHEREBY "IN THE CONSEQUENCE OF ORDER DATED 20.04.2020" THE RECOVERY OF THREE MONTHS OF WORTH OF RS.184425/- HAS MENTIONED AND THE ORDERS DATED 20.04.2020 AND LETTER DATED 16.06.2020 WERE RECEIVED BY THE APPELLANT ON 06.07.2020 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEALS/REVIEW WITHIN THE STIPULATED PERIOD OF 90-DAYS.

Filed to-day
Registrar
19/11/2020

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 20.04.2020 and 16.06.2020 MAY GRACIOUSLY BE SET ASIDE AND APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK & CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT THAT MAY ALSO BE AWARDED IN FAVOR OF THE APPELLANT.

Re-submitted to-day and filed.

Registrar

19/11/2020

copy
Khyber Pakhtunkhwa Service Tribunal Peshawar

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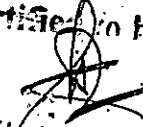
14.06.2021

Appellant in person and Mr. Muhammad Adeel Butt,
Addl. AG for the respondents present.

Appellant has submitted an application for permission
to allow him to amend the instant appeal by impugning
the order dated 17.03.2021, whereby his revision was
rejected. Application is allowed. The appellant is required
to do the needful on or before next date of hearing.
Adjourned to 05.08.2021 before S.B.


Chairman

Certificate to be true copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 02/12/21
Number of Books 800
Copy 10/-
Cost 10/-
Date of Collection of Copy 03/12/21
Date of Delivery of Copy 03/12/21

VAKALAT NAMA

NO. _____/2020

IN THE COURT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Dr. Murad Khan

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Government of KP and others

(Respondent)
(Defendant)

I/We, Dr. Murad Khan


Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.


Dated _____/2020



(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate Supreme Court Peshawar.


(TAIMUR ALI KHAN)
Advocate High Court Peshawar


(SYED NOMAN ALI BUKHARI)
Advocate High Court Peshawar


(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR

OFFICE:


Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Call: (0322) 0102240

The appeal of Dr. Murad Khan Ex- Assistant Director Counter Terrorism Department Khyber Pakhtunkhwa Peshawar received today i.e. on 19.11.2020 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal may be got signed by the appellant.
- 2- Annexures of the appeal may be attested.
- 3- Annexures of the appeal may be flagged.
- 4- Page no. 3 of the memo of appeal is missing.
- 5- All the annexures of the appeal are illegible which may be replaced by legible/better one.
- 6- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 3873 /S.T.

Dt. 20/11 /2020.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Taimur Khan Adv. Pesh.

Respected Sir.

1- Removed.

2- Removed

3- Removed

4- Removed

5- ~~at~~ Better copy of all annexures were made.

6- Removed

Resubmitted after compliance.



12/01/2021.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2020

Dr. Murad Khan

V/S

Police Department etc.

INDEX

S.NO.	Documents	Annexure	Page No.
1.	Memo of appeal	-----	01-04
2.	Copy of application	-----	05
3.	Copies of order dated 23.11.2016 and 30.11.2016	A&B	06-07
4.	Copy of application	C	08
5.	Copies of the Show Cause Notice & reply	D&E	09-10
6.	Copy of charge sheet along with statement of allegations	F	11-12
7.	Copy of inquiry report	G	13-15
8.	Copies of order dated 20.04.2020, letter dated 16.04.2020 and review petition	H,I&J	16-21
9.	Wakalat Nama	-----	

APPELLANT

THROUGH:



(M. ASIF YOUSAFZAI)

ADVOCATE SUPREME COURT,


(TAIMUR ALI KHAN)

ADVOCATE HIGH COURT,


(S. NOMAN ALI BUKHARI)

ADVOCATE HIGH COURT,

&

(SHAHKAR KHAN YOUSAFZAI)

ADVOCATE PESHAWAR

①

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

SERVICE APPEAL NO. 8793 /2020 **Khyber Pakhtunkhwa Service Tribunal**

Dr. Murad Khan, Ex-Assistant Director (Research & Analysis),
Counter Terrorism Department Khyber Pakhtunkhwa, Peshawar **Diary No. 15092**
Dated 19/11/2020

(Appellant)

VERSUS

1. The Provincial Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police CTD Khyber Pakhtunkhwa, Peshawar.
3. The Superintendent of Police CTD Malakand Region swat.

(Respondents)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 20.04.2020, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE W.E.F 22.02.2019 AND ALSO THE RECOVERY OF DOUBLE PAY FOR THREE MONTHS HAS BEEN IMPOSED UPON HIM AND AGAINST THE LETTER DATED 16.06.2020 WHEREBY "IN THE CONSEQUENCE OF ORDER DATED 20.04.2020" THE RECOVERY OF THREE MONTHS OF WORTH OF RS.184425/- HAS MENTIONED AND THE ORDERS DATED 20.04.2020 AND LETTER DATED 16.06.2020 WERE RECEIVED BY THE APPELLANT ON 06.07.2020 AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEALS/REVIEW WITHIN THE STIPULATED PERIOD OF 90-DAYS.

Filed to-day
Registrar
19/11/2020

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 20.04.2020 and 16.06.2020 MAY GRACIOUSLY BE SET ASIDE AND APPELLANT MAY BE REINSTATED INTO SERVICE WITH ALL BACK & CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT THAT MAY ALSO BE AWARDED IN FAVOR OF THE APPELLANT

Re-Submitted to -day and Mod.
Registrar
17/11/2020

2

RESPECTFULLY SHEWETH:

FACTS:

1. That the appellant was appointed as Assistant Director Research & Analysis Qualitative Expert BPS-17 in Counter Terrorism Department Khyber Pakhtunkhwa vide order dated 23.11.2016 and took over charge on the said post vide order on 30.11.2016. **(Copies of order dated 23.11.2016 and 30.11.2016 are attached as Annexure-A & B)**
2. That the appellant was selected in Project of the World Bank as Economist to prepare research based policy implications for Federal Board of Revenue, Government of Pakistan, therefore, he filed application for grant of Extra Ordinary Leave without pay for a period of one year with effect from 01.03.2019 to 29.02.2020, which was duly forwarded by the Respondent No. 3 to Respondent No. 1 for approval. **(Copy of application is attached as Annexure-C)**
3. That the appellant has presumed that his application for Extra Ordinary Leave without pay has been approved by the high-ups, therefore he joined Project Post and Show Cause notice was issued to the appellant by the respondent No. 2 on 24.04.2019 on the basis of absence, which was duly replied by the appellant in which he clearly mentioned that he has applied for Extra Ordinary Leave without pay for the period of one with from 01.03.2019 to 29.302.2020 and he hoped to be accepted of that application and may be permitted to carry out his duty with the project. **(Copies of the Show Cause Notice & reply are attached as Annexure-D&E).**
4. That the project was wind up on 31.08.2019 before completing his tenure of one year and he rejoined his parent department on 02.09.2019 and he performed his duty without salary when charge sheet was issued alongwith statement of allegations on 23.10.2019 which was duly replied by him. However the appellant did not keep the reply to charge sheet which may be requisite from the department. **(Copy of charge sheet is attached as Annexure-F)**
5. That the inquiry was conducted against the appellant, however no proper opportunity of defence was provided to the appellant and without observing application for extra ordinary leave and reply to show cause and charge sheet, the appellant was held responsible by inquiry officer. **(Copy of inquiry report is attached as Annexure-G)**

6. That on the basis of that inquiry the show cause notice was issued to the appellant, which was replied by the appellant however he did not keep copy of that which may be requisite from the department.
7. That Respondent No. 1 passed the order dated 20.04.2020 whereby the appellant dismissed from service w.e.f 22.02.2019 and the double payment he has received for three months may be recovered from him and requested by respondent No.2 to respondent No.3 by a letter dated 16.06.2020 that the recovery of worth of Rs.184425/- of three months may be recovered from the appellant. The order dated 20.04.2020 and the letter dated 16.06.2020 were received by the appellant on 06.07.2020. The appellant filed departmental appeal/review against the dismissal order on 24.07.2020, which was not responded within the statutory period of 90-days. **(Copies of order dated 20.04.2020, letter dated 16.04.2020 and review petition are attached as Annexure-H,I&J)**
8. That now the appellant comes to this Honorable Tribunal for redressal of his grievances on the following grounds.

GROUND:

- A) That not taking action on the departmental appeal of the appellant and the impugned order 20.04.2020 and letter dated 16.06.2020 are against the law, rules, norms of justice and material on record, therefore not tenable and liable to be set aside.
- B) That the appellant has filed proper application for Extra Ordinary Leave without pay for a period of one year 1.03.2019 to 29.02.2020 which was duly by the respondent No. 3 to 1 for approval and the appellant also presumed that his application for Extra Ordinary Leave has approved by the competent authority and he joined new Project Post in the World Bank on the basis of that presumption and as such as the appellant has fulfilled the criteria but due to lethargy of the Department action has not been taken on application in time and the appellant should not be punished for the fault of others.
- C) That the appellant has joined his parent department appellant and performed his duties for more than 6-months and after long time

action has been taken against him and dismissed from service for the faults of respondent department.

- D) That no regular inquiry was conducted against the appellant and no proper chance of defence was provided to the appellant by the inquiry officer which is violation of law and rules.
- E) That the appellant did not willfully remain absent from his duty, but he joined other post in the project of World Bank after proper application for leave and as the appellant was selected by the World Project on certain terms and conditions therefore he was compelled to remain absent from his duty due to that reason.
- F) That the appellant has been condemned unheard throughout and has not been treated according to law and rules.
- G) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore most humbly prayed that the appeal of the appellant may be accepted as prayed for.

APPELLANT

THROUGH:

**(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
OF PAKISTAN.**

**(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,**

**(S. NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,**

&

**(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR**

5

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

APPEAL NO. _____/2020

Dr. Murad Khan

V/S

Police Department etc.

APPLICATION FOR RESTRAINING THE RESPONDENTS FROM RECOVERY FROM THE APPELLANT OF WORTH OF RS. 184425/- TILL THE DECISION OF THE INSTANT APPEAL.



RESPECTFULLY SHEWETH:

1. That the appellant has filed the instant appeal against the order dated 20.04.2020, whereby the appellant was dismissed from service and recovery of worth of Rs. 184425/ of three months has been imposed upon the appellant and through letter dated 16.06.2020 recovery were to be made from the appellant.
2. That the appellant has a good prima facie case and all the three ingredients are in favour of the appellant.
3. That the grounds of main appeal may also be considered as integral part of this application.

It is therefore most humbly prayed that on the acceptance of this application the respondents may kindly be restrained from the recovery from the appellant of worth of Rs.184425/- till the decision of the instant appeal.

APPELLANT

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
&

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT,



ANNEX "A"
6

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA**
Central Police Office, Peshawar
Fax: 091- 9210518

Dated Peshawar the, 23 Nov, 2016

NOTIFICATION

No. 1235 /SE-I, On the recommendations of Khyber Pakhtunkhwa Public Service Commission Peshawar vide letter No. PSC/SR-VI/087561 dated 15.11.2016, the following candidates are appointed as Assistant Director Research & Analysis (Qualification BS 17 in Counter Terrorism Department Khyber Pakhtunkhwa Police from the date they actually report/assume their duties subject to the medical fitness, verification of all documents/testimonials from the respective Boards/Institutions, character/antecedent and fulfillment of all other code formalities:-

S.No	Name and Parentage of Candidates	Address
✓	Ms Meh Para Siddiqui daughter of Muhammad Siddiqui	H.No.7 Street No.6 Jadoor Colony, Narriar Abbottabad
i	Mr Fazal Hakim son of Nawab Said	Village & P/O: Sherbata Batakela, Tatakara Malakand
ii	Mr Irfan Ullah son of Karim Ullah	Village Haryana, Bala P/O Gul Abad Tehsil & District Peshawar
iii	Mr Jawad-Ul Rehman son of Fazal Rehman	Amad Shaheed Colony Thana District Malakand
iv	Mr Murad Khan son of Fazal Wahab	Village Delaj P/O Bara Bandai Tehsil Kabala District Swat
v	Mr Farhan Ahmad son of Amanaz Ahmad	Town & P/O Tabbi Khawan Tehsil & District Karak
vi	Mr Imran Khan son of Saidu Khan	Village & P/O Attar Tehsil & District Haripur
vii	Mr Muhammad Ilyas son of Muhammad Ali	H.No.RC-13, Rasheed Colony Sadq Abad Rawalpindi
viii	Mr Naveed Mahmood son of Haji Khan Zareen	Fazal & Co. Main Bazar Batakela District Malakand

Their services terms and conditions will be the same which have been laid in Khyber Pakhtunkhwa Police Department Research & Analysis Wing Service Rules.

Sd/-
NASIR KHAN DURRANI
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

This notification is published in the official gazette of Khyber Pakhtunkhwa, Peshawar on 23 Nov 2016.
Copy of this notification will be sent to the Ministry of Police, Government of Khyber Pakhtunkhwa, Peshawar.
For information of the Inspector General of Police, Khyber Pakhtunkhwa & Admin. Deptt. Peshawar.
For information of the Inspector General of Police, Khyber Pakhtunkhwa & Admin. Deptt. Peshawar.
For information of the Inspector General of Police, Khyber Pakhtunkhwa & Admin. Deptt. Peshawar.

POLICE DEPARTMENT.

^B
ANNEX

CTD PESHAWAR

Charge Report

7

CHARGE ASSUMPTION REPORT

In compliance with the orders issued by the Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar over his office Notification No. 1230/SE-I dated 23.11.2016, I hereby assumed the charge as Assistant Director Research & Analysis (Qualitative Expert) BPS-17 in CTD Khyber Pakhtunkhwa, Peshawar today on the Fore Noon of 29.11.2016.


(MURAD KHAN)

Astt: Director Research & Analysis
BPS-17

**OFFICE OF THE ADDITIONAL INSPECTOR GENERAL OF POLICE, CTD
KHYBER PAKHTUNKHWA, PESHAWAR.**

⁸⁴
No. 2768-IEC/CTD

Dated Peshawar, the 30-11-2016.

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

1. Principal Secretary to Governor Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa Peshawar.
3. Chief Secretary Government of Khyber Pakhtunkhwa Peshawar.
4. Secretary Govt: of Khyber Pakhtunkhwa Estt: & Admn: Deptt: Peshawar.
5. Secretary Govt: of Khyber Pakhtunkhwa Home & T.As Deptt: Peshawar.
6. Secretary Govt: of Khyber Pakhtunkhwa Finance Deptt: Peshawar.
7. Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
8. Addl: Inspector General of Police, Operation, Khyber Pakhtunkhwa, Peshawar
9. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar
10. Accountant General, Khyber Pakhtunkhwa, Peshawar.
11. PSO to IGP Khyber Pakhtunkhwa.
12. Director IT, CPO Peshawar.
13. A/G, Establishment CPO Peshawar.
14. Officer concerned.
- ✓ 15. PSO/PA to Worthy Adcl. IGP, CTD, Khyber Pakhtunkhwa, Peshawar.
16. Supat: Secret, CPO, Peshawar.
17. Accountant. OASI & MTD CTD Khyber Pakhtunkhwa, Peshawar.
18. U.O.F File.


Additional Inspector General of Police
CTD, Khyber Pakhtunkhwa,
Peshawar.

POLICE DEPARTMENT

CTD PESHAWAR.

CHARGE ASSUMPTION REPORT

In compliance with the orders issued by the worthy inspector general of Police, Khyber Pakhtunkhwa, Peshawar over the charge as Assistant Director Research & Analysis (Qualitative Expert) BPS-17 in CTD Khyber Pakhtunkhwa, Peshawar today on the Fore Noon at 29.11.2016.

(MURAD KHAN)

Astt: Director Research & Analysis

OFFICE OF THE ADDITIONAL INSPECTOR GENERAL OF POLICE, CTD KHYBER PAKHTUNKHWA, PESHAWAR.

No. 12768-84/EC/CTD

dated Peshawar, the 30.11.2016

1. Principal Secretary to Governor Khyber Pakhtunkhwa, Peshawar.
2. Principal Secretary to Chief Minister Khyber Pakhtunkhwa, Peshawar.
3. Chief Secreary Khyber Pakhtunkhwa, Peshawar.
4. Secretary Govt: of Khyber Pakhtunkhwa Estt: & Admn: Department Peshawar.
5. Secretary Govt: of Khyber Pakhtunkhwa Home & T.As Deptt Peshawar.
6. Secretary Govt: of Khyber Pakhtunkhwa Finance Deptt Peshawar.
7. Addl: Inspector General of Police, Operation, Khyber Pakhtunkhwa, Peshawar.
8. Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
9. Accountant General, Khyber Pakhtunkhwa, Peshawar.
10. PSO to IGP Khyber Pakhtunkhwa.
11. Director IT, CPO Peshawar.
12. AIG, Establishment CPO Peshawar.
13. Officer Concerned.
14. PSO/PA to Worthy Addl: IGP, CTD, Khyber Pakhtunkhwa, Peshawar.
15. Supdt: Secret: CPO Peshawar.
16. Accountant, OASI & MTO CTD Khyber Pakhtunkhwa, Peshawar.
17. U.O.P File.

**ADDITIONAL INSPECTOR GENERAL OF POLICE
CTD, KHYBER PAKHTUNKHWA, PESHAWAR.**


Attested

To

THE INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA.

THROUGH PROPER CHANNEL: DEPUTY INSPECTOR GENERAL OF
POLICE, CTD KHYBER PAKHTUNKHWA

Subject: Application for Extra-ordinary Leave (Without Pay)

With profound regards, It is most humbly submitted that I have been selected for a 1 year project of the World Bank as Economist to prepare research based policy implications for Federal Board of Revenue, Government of Pakistan (Annex-A). The project aims to accelerate growth and tax reforms. It will be an honour for me to avail this amazing opportunity where I can excel in my professional field.

It is, therefore, humbly requested to kindly grant me extra-ordinary leave without pay (Annex-B) for one year period (March 1st, 2019 to Feb. 29th, 2020).

Yours obediently

(Dr. MURAD KHAN)

Assistant Director (Research and Analysis)
Research and Analysis Wing,
Counter Terrorism Department.

Dated: Feb. 21st, 2019

Forwarded R

JMD

DK/CTD

22/2/19

Better Copy - Page 8

To,

The Inspector General of Police
Khyber Pakhtunkhwa.

**THROUGH PROPER CHANNEL DEPUTY INSPECTOR
GENERAL OF POLICE, CTD KHYBER PAKHTUNKHWA.**

Subject:- **Application for Extra-Ordinary Leave (Without Pay)**

With profound regards, it is most humbly submitted that I have been selected for a 01 year project of the World Bank as Economist to prepare research based policy implications for Federal Board of Revenue, Government of Pakistan (Annex-A). The project aims to accelerate growth and tax reforms. It will be an honour for me to avail this amazing opportunity where I can excel in my professional field.

It is therefore, humbly requested to kindly grant me extra-ordinary leave without pay (Annexure-B) for one year period (March 1st, 2019 to Feb, 29th, 2020)

(MURAD KHAN)

Astt: Director Research & Analysis

Dated Feb, 21st, 2019


Attested

Asst. Director Murad Khan
CTD, HQra: Peshawar.

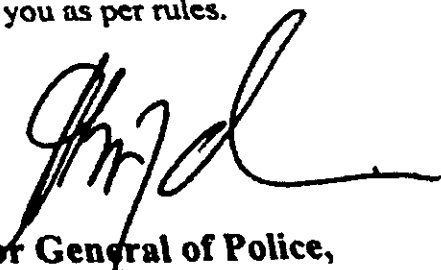
No 5983 (P.C. CTD)
Dated 16/04/2019.

SHOW CAUSE NOTICE

1) Whereas, You Assistant Director Murad Khan of this Unit while posted to Research & Analysis at CTD Peshawar Region have committed the following commissions & omissions on your part that:-

- i. It has been reported that you submitted an application for granting 365 days Extra Ordinary Leave as you were selected for 01 year project of the World Bank as Economics on 22.02.2019.
- ii. You did not join your lawful duties from the date of submission of the application and absented yourself intentionally and deliberately from your official duties without any kind of leave or permission from your superiors Le w.e.f 22.02.2018.
- iii. Your this attitude clearly shows lack of interest in discharge of your official duties.
- iv. All this speaks highly adverse on your part and is against the disciplinary rules.

2). Now, I, DEPUTY INSPECTOR GENERAL OF POLICE CTD KHYBER PAKHTUNKHWA call upon you to explain your position in 03 days of the receipt of this Notice as to why departmental action should not be taken against you as per rules.


Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar

Attest:

No. 5983/EC/CTD

Dated 16/4/2019

SHOW CAUSE NOTICE.

1. Whereas, you Assistant Director, Murad Khan of this Unit while Posted as Research & Analysis at CTD Peshawar Region have committed the following commissions/omissions on your part that:-

- i. It has been reported that you submitted an application for granting 365 days Extra Ordinary Leave as you were selected for 01-Year project of the world Bank as Economics on 22.02.2019.
- ii. You did not join your lawful duties from the date of submission of the application and absented yourself intentionally and deliberately from your official duties without any kind of leave or permission from your superiors i.e w.e.f 22.02.2018.
- iii. Your this attitude clearly shows lack of interest in discharge of your official duties.
- iv. All this speaks highly adverse on your part and is against the disciplinary rules.

2). **Now, I, DEPUTY INSPECTOR GENERAL OF POLICE CTD KHYBER PAKHTUNKHWA** call upon you to explain your position in 03 days of the receipt of this Notice as to why departmental action should not be taken against you as per rules.

**Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa, Peshawar.**


Attested

To

**The Deputy Inspector General
Counter Terrorism Department,
Khyber Pakhtunkhwa.**

ANNEX E
10

Subject: Show Cause Notice

In response to your letter no. 5983 dated 16-04-2018 on the subject noted above, it is stated that I have forwarded my application for extra-ordinary leave (EOL) without pay which is forwarded to Central Police Office by your good office. In the application, it is clearly requested that I may be granted one year EOL without pay for the mentioned purpose. Due to the contract signed with the World Bank, I was bound to join my duties as per the policy of the agency as Economist in Tax Reforms and Policy Unit for FBR, Pakistan. In hope of that application to be accepted as per rules and regulation which mentioned very clearly the dates starting from March 2019 to end of Feb. 2020, I joined my duties.

In light of my application forwarded by the Honorable office of the Deputy Inspector General of Counter Terrorism Department of KP, It is most humbly requested that I may be permitted to carry out my duties smoothly with World Bank for the sake of my personal growth, positive representation of the CTD at world level and for the greatest benefit of the motherland, Pakistan.



Dr. Murad Khan
Assistant Director (R&A)
Counter Terrorism Department


Attested



9501
24-10-19

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

F-11

No. S/

/19, Dated Peshawar the 23/10/2019

To: Mr. Salman Choudhary,
Deputy Inspector General of Police,
(Crimes), Investigation, Khyber Pukhtunkhwa,
Peshawar.

Subject:- **CHARGE SHEET/STATEMENT OF ALLEGATIONS**

Memo:

Enclosed please find herewith Charge Sheet/Statement of Allegations duly signed by the Competent Authority alongwith original enquiry file in respect of Dr. Murad Khan, Assistant Director Reaserach & Analysis (Qualitative Expert). I am directed to request you for conducting enquiry into the allegations and furnishing report within stipulated period please.

(SADIQ BALOCH)PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. S/ 3696 /19.

Copy of above alongwith Charge Sheet/Statement of Allegations (in-duplicate) is forwarded to the Deputy Inspector General of Police, CID, Khyber Pukhtunkhwa, Peshawar with the request that duplicate copies of Charge Sheet/Statement of Allegations in respect of Dr. Murad Khan, Assistant Director Reaserach & Analysis (Qualitative Expert) for signature by the officer concerned. The same may be returned to this office after signature as a token of its receipt.

SPIHQ:
EC

(SADIQ BALOCH)PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

23/10

DIG/CID

Better copy page - 11

**OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar**

No. S/_____/2019 dated Peshawar the 23.10.2019

To,

Mr. Salman Choudhary,
Deputy Inspector General of Police,
(Crimes), Investigations, Khyber Pakhtunkhwa,
Peshawar.

Subject:- **CHARGE SHEET/STATEMENT OF ALLEGATIONS.**

Memo:

Enclosed please find herewith Charge Sheet/Statement of Allegations duly signed by the Competent Authority alongwith original enquiry file in respect of Dr. Murad Khan, Assistant Director Research & Analysis (Qualitative Expert). I am directed to request you for conducting enquiry into the allegations and furnishing report within stipulated period please.

**(SADIQ BALOCH)PSP
AIG/Establishment
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.**

No. S/3696/19.

Copy of above alongwith Charge Sheet/Statement of Allegations (in-duplicate) is forwarded to the Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar with the request that duplicate copies of Charge Sheet/Statement of Allegations in respect of Dr. Murad Khan, Assistant Director Research & Analysis (Qualitative Expert) for signature by the officer concerned. The same may be returned to this office after signature as a token of its receipt.

**(SADIQ BALOCH)PSP
AIG/Establishment
For Inspector General of Police
Khyber Pakhtunkhwa, Peshawar.**


Attested



12

DISCIPLINARY ACTION

I, Dr. Muhammad Naeem Khan, Inspector General of Police, Peshawar being Competent Authority, am of the opinion that Dr. Murad Khan, Assistant Director Research & Analysis (Qualitative Expert) CID Peshawar, is hereby proceeded against, as he has committed the following acts of omission under Section-3 of the Khyber Pakhtunkhwa Government Servants (B & D) Rules, 2011.

STATEMENT OF ALLEGATIONS

1. That as intimated by Deputy Inspector General of Police, Peshawar, he applied for leave because he was selected for one (1) year paid job as Economics on 22.02.2019. Application was forwarded to CPO for the grant of such leave by.
2. That Prior to approval of the leave by the concerned Authority, he absented himself from his lawful duty without the concerned Authority.
3. That he was issued Show Cause Notice by the Inspector General of Police, Pukhtunkhwa to this effect. In response to the said notice, he submitted his reply with the contention that he is working for World Bank from March, 2019 and this request was permitted to carry out his duties in the interest of growth.
4. That he being a member of discipline committee of the department has shown a professional attitude which has degraded the reputation of the department in the eyes of police force and the public.

His said act of negligence depicts height of inefficiency and lack of professional attitude and lack of professionalism which amounts to grave misconduct and warrants disciplinary action against him.

For the purpose of scrutinizing the content of the said allegations with reference to the facts and circumstances, an Inquiry Officer/Inquiry Committee of following composition of Khyber Pakhtunkhwa is hereby constituted under Section-4 of the said Rules:-

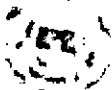
1. Mr. Salman Choudhary, DIG Crims, Investigation, Peshawar

The Inquiry officer shall, in accordance with the provisions of the said Rules, provide reasonable opportunity of hearing to the accused officer, and submit his findings within 30 days of the receipt of this order, recommendations to be submitted to the concerned Authority for the disposal of the accused officer.

Dr. Murad Khan

MUHAMMAD NAEEM KHAN, DR. IGP
Inspector General of Police

A-25/2019



DEPUTY INSPECTOR GENERAL OF POLICE
CRIMES INVESTIGATION, AT CPO PESHAWAR
 No. 206/PA Dated Peshawar, the 21/10/2019

9 (13)

To The Inspector General of Police,
 Khyber Pakhtunkhwa, Peshawar

Subject: CHARGE SHEET/STATEMENT OF ALLEGATIONS
DEPARTMENTAL ENQUIRY AGAINST DR. MURAD KHAN
ASSISTANT DIRECTOR CTD KHYBER PAKHTUNKHWA.

Memo
 Reference letter No. 2695, dated 23.10.2019 issued by AIG Peshawar to the
 the office of W/CP, Khyber Pakhtunkhwa regarding the subject quoted above

1. It is submitted that Dr. Murad Khan Asst. Director (Qualitative Expert) CTD
 Khyber Pakhtunkhwa vide CPO, Peshawar office Memo No. 2695 dated
 23.10.2019 on the following commissions - CHARGE SHEET under the
 Charge Sheet under the Khyber Pakhtunkhwa Government Service (Khyber Pakhtunkhwa
 Disciplinary) Rules 2011

- a. That as intimated by Deputy Inspector General of Police CTD KP to the
 for one year Extra Ordinary Leave because he was selected for the
 project of the World Bank as Economist on 22.03.2019. Application for leave
 leave forwarded to CPO, Peshawar for the grant of such leave.
- b. That prior to approval of leave by the competent authority, he
 from his lawful duties without any permission by concerned authority.
- c. That he was issued Show Cause Notice by the DDL CTD KP to the effect that
 response, to the show cause notice submitted his reply with the content that
 he has joined his duty at World Bank from March 2019, and also requested that
 he may be permitted to carry out duties in the Government Bank for the period
 growth.
- d. That he being member of discipline force has adopted a very professional
 attitude which has degraded the image and moral of discipline force of the
 Police force and amongst general.

FACTS:

1. The aforesaid officer was appointed as Asst. Director BS-17 in CTD Khyber
 Pakhtunkhwa through notification No 1230 SE-I of 23 November 2014 under
 Khyber Pakhtunkhwa (Research and Analysis Wing) Service Rules 2014 (Amended
 "A") and has been serving since then.
3. During his service at CTD, KP, he applied for Extra Ordinary Leave
 04.03.2019 to work as an Economist in World Bank (Copy attached at Annexure
 1).
4. He applied for the said post without getting proper NOC from the
 authority.

Attested

To

The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject:- CHARGE SHEET/STATEMENT OF ALLEGATIONS.

DEPARTMENTAL ENQUIRY AGAINST DR. MURAD
KHAN ASSISTANT DIRECTOR CTD KHYBER
PAKHTUNKHWA.

Memo

Reference letter No. 3695 dated 23.10.2019 issued by
AIG/Establishment from the office of W/IGP, Khyber Pakhtunkhwa
regarding the subject quoted above.

1. It is submitted that Dr. Murad Khan Assistant Director Qualitative expert of CTD Khyber Pakhtunkhwa vide CPO, Peshawar office Memo No. 1694/19 dated 23.10.2019 on the following commissions / omissions was given the following charge sheet under the Khyber Pakhtunkhwa Government Servants Efficiency and Disciplinary Rules ,2011.
 - a. That as intimated by Deputy Inspector General of Police CTD KP, he applied for one year Extra Ordinary Leave because he was selected for One Year period project of the World Bank as Economics on 22.02.2019. application of the some leave forwarded to CPO, Peshawar for the grant of such leave.
 - b. That prior to approval of leave by the competent authority absence from his lawful duties without any permission by concerned authority.
 - c. That he was issued Show Cause Notice by the DIG, CTD KP to this office, he response, to the show cause notice submitted his reply with the contention he has joined his duty at World Bank from March, 2019, and also requested that he may permitted to carry out duties in the aforesaid Bank for his personal growth.
 - d. That he being member of discipline force has adopted a very professional attitude which has degraded the image and moral of department in the eyes of police force and amongst general.

FACTS:-

2. The aforesaid officer was appointed as Assistant Director BPS-17 in CTD Khyber Pakhtunkhwa through notification No. 1230/SE-I on 23 November, 2016 under Khyber Pakhtunkhwa (Research and Analysis Wing) Services Rules, 2014 Annexure-A and has been serving since then.


Attested

2. During his service at CTD, KP, he applied for Extra Ordinary Leave EOL on 04.03.2019 to work as an Economist in World Bank (Copy attached at Annex-B).
3. He applied for the said post without getting proper NOC from the competent authority.
4. SP CTD Peshawar Region reported on 07.04.2019 that he was absence from duty 22.02.2019 Annexure-C.
5. In consequence issued him the Show Cause Notice on 14.04.2019 and he submitted his reply within the stipulated time (Annexure-D).
6. He reported back for duty on 2.09.2019 where performing duty for 4-Months and 10-days.
7. That Absent report was forwarded to CPO Peshawar for obtaining guideline to initiated necessary departmental action against him vide this office memo No. 313/EC dated 07.06.2019 (copy enclosed as annexure-E).
8. He also received salary three months (March, April & May 2019) while he was absented from duty (copy of salary slip is attached as Annexure-E). AC also was getting handsome salary from World Bank.
9. All the relevant record submitted by the quarter concerned and reply to the charge sheet issued to him was perused

INTERVIEW WITH DR. MURAD ASSISTANT DIRECTOR.

10. He submitted reply to charge sheet issued to him (Annex-F) "With profoundly record it is most humbly submitted that I request to the concerned authority through proper channel to kindly grant extra ordinary leave without pay for one year period from march 2019 to February, 2019. I followed my application several time and then hope of that worthy Inspector General of Police would grant me leave. I joined my assignment due to the 15-days time for joining period for that the greatest benefit of the country, Pakistan positive appreciation of my parent department at national and international level and personal growth.

11. He was put the following question

Q1. Did you Apply NOC for the said post at the World Bank.

Ans: No.

Q:2 why did you leave place of posting without prior approval.

Ans: He had no answer and

Q:3 When you were serve the show cause notice from DIG CTD did you report back at your place of duty.

Ans: No.

Q:4 Did you drawn your salary from the police Department charges during your absence while performing your duties for the World Bank.

Yes.


Attested

15

On 10/04/2019, the undersigned was directed by the Director of Police, Peshawar to investigate the case of a missing person, Mr. Muhammad Ali Khan, who was reported missing on 04/04/2019. The case was registered as a missing person case at the Peshawar Police Station. The undersigned conducted a thorough investigation and found that Mr. Khan had left his home in Peshawar on 04/04/2019 and had not been seen since. The undersigned has been unable to trace Mr. Khan and has therefore submitted this report for the attention of the Director of Police, Peshawar.

RECOMMENDATIONS:

- 1. The undersigned officer is directed to apply for the position of the World Bank.
- 2. The undersigned officer is directed to apply for the position of the World Bank.
- 3. The undersigned officer is directed to apply for the position of the World Bank.
- 4. The undersigned officer is directed to apply for the position of the World Bank.
- 5. The undersigned officer is directed to apply for the position of the World Bank.

RECOMMENDATIONS:

- 1. The undersigned officer is directed to apply for the position of the World Bank.
- 2. The undersigned officer is directed to apply for the position of the World Bank.
- 3. The undersigned officer is directed to apply for the position of the World Bank.
- 4. The undersigned officer is directed to apply for the position of the World Bank.
- 5. The undersigned officer is directed to apply for the position of the World Bank.

M/11

(SALMAN CHOUDHRY) PSP
Deputy Inspector General of Police
Crimes Investigation, CPO Peshawar

O/C

206 P/1/2019

Dated Peshawar the 01/11/2019

- 1. The undersigned officer is directed to apply for the position of the World Bank.
- 2. The undersigned officer is directed to apply for the position of the World Bank.
- 3. The undersigned officer is directed to apply for the position of the World Bank.
- 4. The undersigned officer is directed to apply for the position of the World Bank.
- 5. The undersigned officer is directed to apply for the position of the World Bank.

M/11

(SALMAN CHOUDHRY) PSP
Deputy Inspector General of Police
Crimes Investigation, CPO Peshawar

O/C

A

Attestation

Q:5. Have you any other relevant document / evidence to provide before the undersigned.

Ans: No.

FINDINGS

Better copy - (15)

13. The delinquent officer did not obtained any NOC to apply for the position at the world bank.
14. The delinquent officer left his duties on 22.02.2019 without waiting for any action on his leave request.
15. The delinquent officer also availed three months pay (March, April & May-2019) While he was working at the World Bank.
16. He was unable to provide any possible and cogent reason for his action.

RECOMMENDATIONS:-

17. He meets the criterion laid down in Khyber Pakhtunkhwa, Government Servants (Efficiency and Disciplinary) Rules, 2011 Section 2, clauses 1(i), (iii), and (iv).

18. In the light of the above mentioned findings it transpires that Dr. Murad Khan has committed serious and gross misconduct liable for departmental action. It is submitted that he may be dismissed from service as Section 4 (b) (iv) and the availed pay may be recovered from him.

(SALMAN CHOUDHRY) PSP
Deputy Inspector General of Police
Crimes Investigation, CPO Peshawar

No. 206/PA/Crime/Inv:

Dated Peshawar the 01.11.2019

Copy of above is forwarded for information to the:-

1. Addl. Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police CTD, Khyber Pakhtunkhwa.
3. Assistant Inspector General of police, Establishment Khyber Pakhtunkhwa, CPO Peshawar.

(SALMAN CHOUDHRY) PSP
Deputy Inspector General of Police
Crimes Investigation, CPO Peshawar

[Signature]
Attested

To

This order will dispose off the Departmental Enquiry initiated against Dr. Murad Khan, Assistant Director Research and Analysis Qualitative Expert of CTD Peshawar who was charge sheeted with statement of allegation issued by the Worthy IGP, Khyber Pakhtunkhwa under civil servants (E &D) Rules, 2011 vide No. S/3695/19 dated 23.10.2019. He was charged on the basis of the following allegations, which reads:

1. That as intimated by Deputy Inspector General of Police CTD KP, you applied for one year Extra Ordinary Leave because you were selected for One Year period project of the World Bank as Economics on 22.02.2019. Application of the same leave was forwarded to CPO, Peshawar for the grant of such leave.
2. That prior to approval of leave by the competent authority, you absented yourself from your lawful duties without any permission by concerned authority.
3. That you were issued Show Cause Notice by the DIG, CTD KP to this effect, in response to the show cause notice you submitted your reply with the contention your reply that you have joined your duties at World Bank from March, 2019, and also requested that you may permitted to carry out duties in the aforesaid Bank for your personal growth.
- e. That you being member of discipline force have adopted a very professional attitude which have degraded the image and moral of department in the eyes of police force and amongst general public.

FACTS:-

An enquiry was conducted by the Additional IGP/IAB, Khyber Pakhtunkhwa, Peshawar (Mr. Salman Choudhry) against the delinquent officer Dr. Murad Khan Assistant Director Research and Analysis Qualitative Expert of CTD Peshawar.

The delinquent officer did not obtain any NOC to apply for the position at the World Bank. The delinquent officer left his duties on 22.02.2019 without waiting for any action on his leave request. The delinquent officer also availed three months pay (March, April & May-2019) While he was working at the World Bank. He was unable to provide any plausible and cogent reason for his action.

The delinquent officer was appointed as Assistant Director BPS-17 in CTD Khyber Pakhtunkhwa through notification No. 1230/SE-I on 23 November, 2016 under Khyber Pakhtunkhwa (Research and Analysis Wing) Services Rules, 2014



Keeping in view the findings of the Enquiry Officer as a matter of fact and conduct of the enquiry officer as well as having taken into consideration the conduct of the officer Dr. Mured Khan, Assistant Director Research & Analysis, CID, Peshawar guilty of the allegations which are of a serious nature. He is guilty of gross misconduct, meretricious deception and blurring of the truth. He is dismissed from service 22.03.2019 and also the double pay he received for three months may be recovered from him.

Order announced



(DR. ISHTIAQ AHMED) PSP-PPM

Addr: IGP/HQrs:

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Endst: No. & date even.

Copy of above is forwarded for information and necessary action to the

1. Accountant General, Khyber Pakhtunkhwa Peshawar
2. Deputy Inspector General of Police, CID, Khyber Pakhtunkhwa Peshawar with the direction that the double pay he received for three months i.e (March, April & May 2019) may be recovered from him.
3. COS to IGP/Khyber Pakhtunkhwa, Peshawar.
4. PA to Addr: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar
5. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Establishment CPO Peshawar.
7. Registrar, CPO Peshawar.
8. Office Supdt: CP Branch CPO Peshawar.
9. Office Supdts: E-V, E-1, CPO.
10. UOP File.

Name: _____

Signature: _____

Dated: _____

Best Copy page - (17)

He was issued final show cause Notice which he replied. He was given an opportunity for personal hearing but he had no plausible explanation with regard in allegation leveled against him.

The delinquent officer was called to orderly Room. He was listened in detail and questions regarding his conduct but could not satisfy the undersigned regarding gross irregularities as clear from the enquiry report.

Keeping in view the findings of the Enquiry Officer and material on record and finding of the enquiry officer, as well as giving him personal hearing. I found accused officer Dr. Murad Khan, Assistant Director Research and Analysis Qualitative Expert of CTD Peshawar guilty of the allegations/charges which are very serious nature. He is guilty of gross misconduct, morale degradation and bluffing the department hence he is dismissed from service 22.02.2019 and also, the double pay he has receive for three months maybe recovered from him.

Order announced.

DR. ISHTIAQ AHMED)PSP/PPM

Add: IGP/HQrs:

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

1. Accountant General, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa Peshawar with the direction that the double pay he received for three months i.e March, April and May, 2019 may be recovered from him.
3. COS to IGP/Khyber Pakhtunkhwa, Peshawar.
4. PA to Additional IGP/HQrs Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQrs Khyber Pakhtunkhwa, Peshawar.
6. PA to AIG/Establishment COP Peshawar.
7. Registrar, CPO Peshawar.
8. Office Supdt CP Branch CPO Peshawar.
9. Office Supd to E-V E-1, CPO.
10. UOP File.


Attested

OFFICE OF THE,
 DEPUTY INSPECTOR GENERAL OF POLICE,
 CTD, KHYBER PAKHTUNKHWA,
 PESHAWAR.



No. 5750 / Assst/CTD Dated Peshawar the 16/06/2020

To: The Superintendent of Police,
 CTD Matakand Region Swat.

SUBJECT: OVERPAYMENT OF PAY AND ALLOWANCES

MEMO:

Please refer to Worthy IGP, Khyber Pakhtunkhwa orders issued under Encl: No S/1541-50/2020 dated 26.04.2020 (copy enclosed for ready reference).

The departmental enquiry initiated against Dr. Murad Khan Assistant Director BS-17 of this Unit has been disposed off and awarded "Major Punishment" dismissal from services w.e.f 22.02.2019 and also the double pay he has received for three months may be recovered from him in the above quoted reference.

The total amount of recovery for the three month is Rs: 184425/- needs to be recovered / deposited in this office from the aforesaid officer. His detail is as under:

Name: Dr. Murad Khan
 Father Name: Fazal Rehman
 CNIC No: 15602-9462116-5
 Home Address: Village Delai P/O Bara Banda Tehsil Kabal District Swat
 Contact No: 0345-3970491

In view of the above, it is therefore, requested that the above mentioned amount may be recovered from the said officer and deposited in this office at the earliest, please.

[Signature]
 Deputy Inspector General of Police,
 CTD, Khyber Pakhtunkhwa,
 Peshawar.

[Signature]
 Ad. Javed Sab
 For N. Action.

Supintendent of Police
 CTD, MKD
 at Swat, 22/6/2020

[Signature]
 06/07/2020

17

To

The Superintendent of Police,
CTD Malakand Region Swat.

Subject:- **OVERPAYMENT OF PAY AND ALLOWANCES.**

Memo

Please refer to Worthy IGP, Khyber Pakhtunkhwa orders issued under Endst: No. S/1541-50/2020 dated 20.04.2020 (copy enclosed for ready reference)

The departmental enquiry initiated against Dr. Murad Khan Assistant Director BS-17 of this Unit has been disposed off and awarded "Major Punishment" dismissal from service w.e.f 22.02.2019 and also the double pay he has received for three months may be recovered from him in the above quoted reference.

The total amount of recovery for the three month is Rs. 184425/- needs to be recovered/deposited in this office from the aforesaid officer. His details is as under:

Name Dr. Murad Khan
Father Name Fazal Rehman
CNIC No.: 15602-9462116-5
Home Address Village Delai P/O Bara Banda Tehsil Kabal
District Swat
Contact No.: 0345-3970491

In view of the above, it is therefore, requested that the above mentioned amount may be recovered from the said officer and deposited in this office at the earliest, please.

Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar.


Attested

Inspector General of Police,
Khyber Pakhtunkhwa

Dated: 15-07-2020

DEPARTMENTAL APPEAL AGAINST THE DISMISSAL ORDER
DATED: 20-04-2020

Respected Sir

Appellant submits as under

1. That in the light of the Notification No. 1230/SE-I the Appellant / undersigned has assumed the charge of the post of Assistant Director (Qualitative Expert) Research and Analysis Wing, Counter Terrorism Department.
(Copy of the Notification and charge assumption report are attached as Annexure: A, A/1)
2. That the period of initial probation i.e. one year as prescribed rules for the post i.e. Rule 7(2) of the Khyber Pakhtunkhwa Police department (Research and Analysis Wing) Service Rules, 2014 was successfully and completed on 22-11-2017 and till the end of Feb. 2019, the Appellant / Undersigned served as Assistant Director Research & Analysis in CTD Head Quarter and Peshawar Region and also performed duties as Assistant Director Countering Financing of Terrorism (CFT).
3. That the Appellant / Undersigned was selected for one year project of the world bank as Economist to prepare research based policy implications for Federal Board of Revenue, Government of Pakistan, therefore, the Appellant / undersigned moved an application and requested the competent authority through proper channel to kindly grant extra-ordinary leave without pay for one year period from March 1st, 2019 to Feb. 29th, 2020 to the Appellant.
(Copy of the Application is attached as Annexure: B)
4. That Appellant / Undersigned application was kept pending for some unknown reasons. With a hope that the worthy Inspector General of Police will grant leave without pay to the Appellant under Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, section 12.

Section 12 is reproduced for easy reference

" (1) Extraordinary leave may be granted on any ground up to a maximum period of five years at a time; provided that the civil servant to

CPO Tracking No.
6192/SB
27/7/2020

Received by
General Branch
CPO, Peshawar
27/07/2020
Time 12:45

Better Copy# (19)
Dated 15.07.2020

**Inspector General of Police,
Khyber Pakhtunkhwa.**

**DEPARTMENTAL APPEAL AGAINST THE DISMISSAL
ORDER DATED 20.04.2020.**

Respected Sir,

Appellant submits as under,

1. That in the light of the Notification No. 1230/SE-I the appellant/undersigned has assumed the charge of the post of Assistant Director (Qualitative Expert) Research and Analysis Wing, Counter Terrorism Department.

Copy of the Notification and charge assumption report are attached as Annexure-A, A/1.

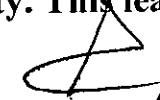
2. That the period of initial probation i.e one year as prescribed rules for the post i.e Rules 7_2) of the Khyber Pakhtunkhwa Police Department (Research and Analysis Wing) Service Rules, 2014 was successfully stand completed on 22.11.2017 and till the end of Feb. 2019, the appellant/ undersigned served as Assistant Director Research & Analysis in CTD Head Quarter and Peshawar Region and also performed duties as Assistant Director Countering Financing of Terrorism.

3. That the appellant / Undersigned was selected for one year project of the world bank as Economist to prepared research based policy implications for Federal Board of Revenue, Government of Pakistan, therefore the appellant/undersigned moved an application and requested the competent authority through proper channel to kindly grant extra-ordinary leave without pay for one year period from March 1st, 2019 to February, 29th, 2020 to the appellant.

Copy of the application is attached as Annexure; B

4. That appellant / undersigned application was kept pending for some unknown reasons. With a hope that the worthy Inspector General of Police will grant leave without pay to the Appellant under Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981 Section 12. Section 12 is reproduced for easy reference.

“(1) extraordinary leave may be granted on any ground up to a maximum period of five years at a time; provided that the civil servant to whom such leave is granted has been in continuous service for a period of not less than ten years. In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority. This leave can


Attested

whom such leave is granted has been in continuous service for a period of not less than ten years. In case a civil servant has not completed ten years of continuous service, extraordinary leave without pay for a maximum period of two years may be granted at the discretion of the leave sanctioning authority. This leave can be granted irrespective of the fact whether a civil servant is a permanent or temporary employee.

(2) The maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e. the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of not less than 10 years shall be 5 years less the period of leave on full pay and leave on half pay so combined.

(3) Extraordinary leave may be granted retrospectively in lieu of absence without leave.]”

- 5 That the Appellant / Undersigned joined the World Bank project and the application moved by the Appellant / undersigned for annual leave was pending in the department and no response was received to the Appellant regarding its approval or dismissal. It is pertinent to mention here that the Appellant received show cause notice no. 5983 dated 16-04-2019 regarding absence from the duty which was duly replied by the Appellant / Undersigned.

(Copy of the Show cause notice and reply are attached as Annexure: C, D)

6. That on 02-09-2019, the Appellant / Undersigned rejoined / resumed his duties in the parent Department but amazingly the Appellant / undersigned application was forwarded to competent authority with show cause notice / charge sheet for disciplinary action which is marked to DIG Crimes and Investigation for inquiry through letter No. S/ 1/ 19, dated 23-10-2019.

(Copy of the Charge Sheet/Statement of allegations, Disciplinary action etc are attached as Annexure: E, E/1)

7. That in light of the letter letter No. S/ 1/ 19, dated 23-10-2019 from the office of the DIG Crimes and Investigation, the Appellant / Undersigned appeared in person for inquiry and submitted / requested that the Appellant / Undersigned has assumed / rejoined duties from the last three months and further requested that Appellant salary has been stopped due to the inquiry and the charge sheet and the same inquiry may kindly be closed against the Appellant.

(Copy of the reply is attached as Annexure: F)



be granted irrespective of the fact whether a civil servant is a permanent employee.

(2) the maximum period of extraordinary leave without pay combined with leave on full pay and leave on half pay shall be subject to the limit of 5 years prescribed in FR-18, i.e the maximum period of extraordinary leave without pay that would be admissible to a civil servant who has rendered continuous service for a period of less than 10-years shall be 5-years less than period of leave on full pay and leave on half pay so combined.

(3) Extraordinary leave may be granted retrospectively in lieu of absence without leave/”

5. That the appellant/undersigned joined the World Bank project and the application moved by the appellant / undersigned for annual leave was pending in the department and no response was received to the appellant regarding its approval or dismissal. It is pertinent to mention here that the Appellant received show cause notice No. 5983 dated 16.04.2019 regarding absence from the duty which was duly replied by the appellant / Undersigned.

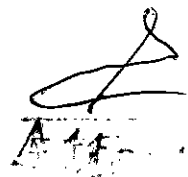
Copy of the Show Cause Notice and reply are attached as Annexure-C & D.

6. That on 02.09.2019, the appellant / undersigned rejoined / resumed his duties in the parent Department but amazingly the Appellant / Undersigned application was forwarded to competent authority with show cause notice / charge sheet for disciplinary action which is marked to DIG Crimes and investigation for inquiry through letter No. S/1/19, dated 23.10.2019.

Copy of the Charge Sheet/Statement of Allegations, Disciplinary Action etc are attached as Annexure-E, E/1).

7. That in light of the letter No. S/1/19, dated 23.10.2019 from the office of the DIG Crimes and Investigation, the Appellant / Undersigned appeared in person for inquiry and submitted/requested that the appellant/undersigned has assumed / rejoined duties from the last three months and further requested that appellant salary has been stopped due to the inquiry and the charge sheet and the same inquiry may kindly be closed against the appellant.

Copy of the reply is attached as Annexure-F.



A 11

- 21
8. That thereafter, final show cause notice no. 3930 dated 13-11-2019 was issued from the office of the Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, Peshawar in the light of inquiry conducted by DIG Crime, Investigation, Khyber Pakhtunkhwa Peshawar.

(Copy of the Final Show Cause notice is attached as Annexure: G)


9. That in response to the letter No. S/ 1/ 19, dated 23-10-2019 with enclosed copy of the charge sheet from the worthy office of the Inspector General of Police, KP A humble request was made in response to the final show cause notice to consider the humble submissions with an apology of the Appellant. Furthermore, With regard to the final show cause notice, the Appellant was called in orderly room and appeared before the worthy Additional Inspector General of Police Headquarter, KP Peshawar with the same submissions and apology

(Copy of reply to the Final Show Cause Notice and Orderly Room are attached as Annexure: H, I)

10. That the worthy Additional Inspector General of Police Headquarter, KP Peshawar issued the Appellant / Undersigned dismissal order No. S/ 1541-50/ 2020 dated 20/04/2020 effective from 22/02/2019. The same is dispatched to the Appellant with a recovery letter which is received by the Appellant / undersigned on 06/07/2020.

(Copy of the Dismissal and Recovery letter are attached as Annexure: J, K)

It is, therefore, most humbly requested to the Honourable Inspector General of Police, to passionately consider the Appellant appeal for reinstatement with an apology and the dismissal order dated: 20-04-2020 may kindly be set-aside / recalled as the absence of the Appellant was not wilful but due to the reason stated above and major penalty of dismissal which has been awarded to the Appellant is also need merit consideration. Furthermore, the Appellant availed the opportunity to enhance professional growth and capacity for the larger benefit of the organization i.e. CTD.


24/07/2020

(Dr. MURAD KHAN)
Assistant Director (Research and Analysis)
Research and Analysis Wing

8. That thereafter, final show cause notice No. 3930 dated 13.11.2019 was issued from the office of the Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, Peshawar in the light of inquiry conducted by DIG Crime, Investigation, Khyber Pakhtunkhwa, Peshawar.

Copy of the final show cause notice is attached as Annexure-G.

9. That in response to the letter No. S/1/19, dated 23.10.2019 with enclosed copy of the charge sheet from the worthy office of the Inspector General of Police, Khyber Pakhtunkhwa. A humbly request was made in response to the final show cause notice to consider the humbly submissions with an apology of the appellant. Furthermore, with regard to the final show cause notice, the appellant was called in orderly room and appeared before the worthy Additional Inspector General of Police headquarter.

Copy of reply to the Final Show Cause Notice and Orderly Room are attached as Annexure-H, I.

11. That the worthy Additional Inspector General of Police Headquarter, Khyber Pakhtunkhwa Peshawar issued the appellant / Undersigned dismissal order No. S/1541-50/2020 dated 20.04.2020 effective from 22.02.2019. the same is dispatched to the appellant with a recovery letter which is received by the appellant / undersigned on 06.07.2020.

It is, therefore, most humbly requested to the Honorable Inspector General of Police, to passionately consider the appellant appeal for reinstatement with an apology and the dismissal order dated 20.04.2020 may kindly be set-aside/ recalled as the absence of the appellant was not willful but due to the reason stated above and major penalty of dismissal which has been awarded to the appellant is also need merit consideration. Furthermore, the appellant availed the opportunity to enhance professional growth and capacity for the larger benefit of the organization i.e CTD.

DR. MURAD KHAN
ASSISTANT DIRECTOR
Research and Analysis Qualitative
Expert of CTD Peshawar


Attested

VAKALAT NAMA

NO. _____/2020

IN THE COURT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Dr. Murad Khan

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Government of KP and others

(Respondent)
(Defendant)

I/We, Dr. Murad Khan

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2020

[Signature]
(CLIENT)

ACCEPTED

[Signature]
M. ASIF YOUSAFZAI
Advocate Supreme Court Peshawar.

[Signature]
(TAIMUR ALI KHAN)
Advocate High Court Peshawar

[Signature]
(SYED NOMAN ALI BUKHARI)
Advocate High Court Peshawar

[Signature]
(SHAHKAR KHAN YOUSAFZAI)
ADVOCATE PESHAWAR

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9103240)

06/10
8/10/2020
BEFORE KHYBER PAKHTUNKHWA THE SERVICE TRIBUNAL PESHAWAR

INDEX IN Service Appeal No. 819/2020 TITLED

“Dr. Murad Khan

VERSUS

Provincial Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

Deputy Inspector General of Police, CTD, Peshawar &

The Superintendent of Police, CTD Malakand Region, Swat.

S.No	Documents Reply	Page No:(From-To)
1	Comments	1-3
2	Affidavit	4
3	Show Cause Notice dated 16.04.2019 Annexure “A”	5
4	Charge Sheet/Statement of allegation Annexure “B”	6-8
5	Departmental Enquiry. Annexure “C”	9-11
6	Final Show Cause Notice. Annexure “D”	12
7	Reply to Final Show Cause Notice. Annexure “E”	13
8	Leave Application. Annexure “F”	14

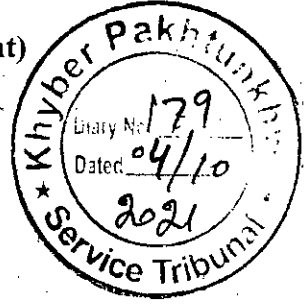
BEFORE KHYBER PAKHTUNKHWA THE SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 819/2020.

Dr. Murad Khan.....(Appellant)

VERSUS

1. Provincial Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, CTD, Peshawar.
3. The Superintendent of Police, CTD Malakand Region, Swat.



.....(Respondents)

REPLY BY RESPONDENTS.

Preliminary Objections:-

- a) The appellant has no cause of action and locus standi.
- b) The appeal is not maintainable in the present form.
- c) The appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- d) The appellant is estopped to file the appeal by his own conduct.
- e) The appeal is barred by law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

REPLY ON FACTS:-

1. Pertains to record.
2. Correct to the extent that the Appellant submitted application for grant of extra ordinary leave without pay for a period of one year but he did not obtain any NOC to apply for the position at World Bank and left his duties on 22.02.2019 without waiting for approval on his leave request. Moreover, the appellant also received three months pay (March, April and May 2019) while he was working at the World Bank and received salaries there too.
3. The appellant accepted his guilt in this para that he never waited for the approval of his leave application and joined project post. Moreover, he also accepted that show cause notice was issued to him on 16.04.2019 (**Annexure "A"**) on the basis of absence but he never bothered to join his duties in CTD but willfully remained absent from his duties.
4. Incorrect, the appellant failed to join his duties in Police Department besides the fact that a show cause notice was issued to him regarding his absence. Accordingly, he was issued charge sheet/ statement of allegation (**Annexure "B"**). Proper departmental enquiry (**Annexure "C"**) was carried out, the appellant was provided full chance to defend himself, He was also provided a chance of personal hearing but he had no plausible explanation with regard to allegation levelled against him. He was issued final show cause notice (**Annexure "D"**) to which he submitted his reply

(Annexure "E") but failed to convince his high ups regarding the allegation levelled against him.

5. Incorrect, the appellant was provided full chance to defend himself, he was also personally heard but failed to convince his officers. Moreover, he never applied for granting NOC to apply for the mentioned post nor waited for approval of his leave application (Annexure "F") and willfully absented himself from his lawful duties. He was recommended for awarding major punishment i.e dismissal from Service, He was then issued final show cause notice but once again failed to forward any plausible grounds. All the codal formalities of departmental enquiry were adopted and followed.
6. Reply to this para has already been explained in previous paras.
7. Incorrect, and pertains to record. Moreover, the departmental appeal is time barred.
8. Incorrect, appellant has no right to file appeal as he willfully joined another post and remained absent from his lawful duties in CTD KP.


REPLY ON GROUNDS:-


- a. Incorrect: All the orders passed against appellant are as per prevailing law and rules. Moreover, he received double salaries for three months (March, April and May 2019) while remained absent from duty. Similarly, appellant was also getting a handsome salary from the World Bank and willfully provided financial loss to provincial treasury and department, hence bound to refund the above mentioned amount/salary.
- b. Incorrect, the appellant never applied for granting of NOC to apply for any post. Moreover, he never waited for any action on his application for leave and remained absent from his lawful duties from 22.02.2019 and willfully joined World Bank without approval of competent authority.
- c. Incorrect: Appellant was charge sheeted and proper enquiry was carried out. All the formalities of departmental enquiry were adopted and followed. He was provided full chance to defend himself but failed to convince his senior officers regarding his willful absence. He was also personally heard by competent authority.
- d. Incorrect, as explained earlier, proper departmental enquiry was held and show cause notice, charge sheet/ statement of allegation and final show cause Notice was issued to him. He was personally heard in orderly room (Copies enclosed).
- e. Appellant once again accepted his misconduct/absence in this para, on this point it is humbly requested that his service appeal may kindly be dismissed, please.


- f. Incorrect: appellant was heard personally by competent authority, moreover, enquiry officer also provided him full chance to explain his position but failed to convince his high ups regarding his willful absence.
- g. That respondents also seek permission to raise additional grounds at the time of arguments.

Prayer:

It is therefore, prayed that the appeal of appellant may be dismissed being meritless and badly time barred, please.


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


Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar
(Respondent No. 2)


Superintendent of Police,
CTD, Malakand Region,
Swat.
(Respondent No. 3)

BEFORE KHYBER PAKHTUNKHWA THE SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 819/2020.

Dr. Murad Khan.....(Appellant)


VERSUS

1. Provincial Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, DCT Now CTD, Peshawar.
3. The Superintendent of Police, CTD Malakand Region, Swat

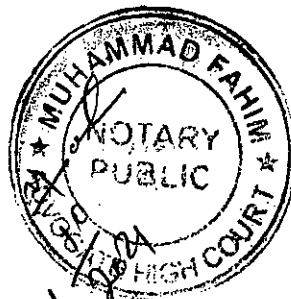
.....(Respondents)

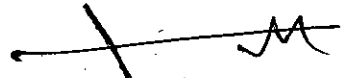
AFFIDAVIT


We, the undersigned, do here by solemnly affirm and declare on oath that the contents of reply submitted are correct and true to the best of our knowledge and belief and that nothing has been kept concealed from this Honorable Court.


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

ATTESTED




Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar
(Respondent No. 2)


Superintendent of Police,
CTD, Malakand Region,
Swat.
(Respondent No. 3)

Annex "A" 99.

(u)

Asst: Director Murad Khan
CTD, HQrs: Peshawar.

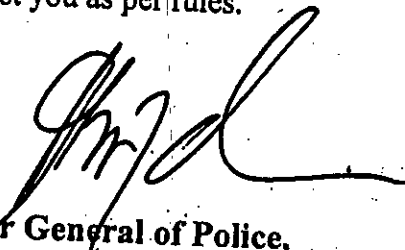
No. 5983 /EC/CTD
Dated 16/04 /2019.

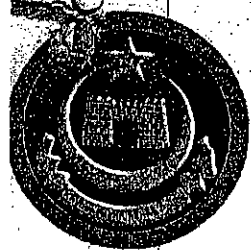
SHOW CAUSE NOTICE

1) Whereas, You Assistant Director Murad Khan of this Unit while posted as Research & Analysis at CTD Peshawar Region have committed the following commissions / omissions on your part that:-

- i. It has been reported that you submitted an application for granting 365 days Extra Ordinary Leave as you were selected for 01 year project of the World Bank as Economics on 22.02.2019.
- ii. You did not join your lawful duties from the date of submission of the application and absented yourself intentionally and deliberately from your official duties without any kind of leave or permission from your superiors i.e w.e.f 22.02.2018.
- iii. Your this attitude clearly shows lack of interest in discharge of your official duties.
- iv. All this speaks highly adverse on your part and is against the disciplinary rules.

2). Now, I, DEPUTY INSPECTOR GENERAL OF POLICE CTD KHYBER PAKHTUNKHWA call upon you to explain your position in 03 days of the receipt of this Notice as to why departmental action should not be taken against you as per rules.


Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa,
Peshawar 011



Annex -
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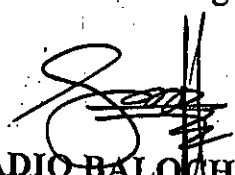
OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

No. S/ 3695 /19, Dated Peshawar the 23/10 /2019.

To: Mr. Salman Choudhary,
Deputy Inspector General of Police,
(Crimes), Investigation, Khyber Pukhtunkhwa,
Peshawar.

Subject:- CHARGE SHEET/STATEMENT OF ALLEGATIONS


Memo:
Enclosed please find herewith Charge Sheet/Statement of Allegations duly signed by the Competent Authority alongwith original enquiry file in respect of Dr. Murad Khan, Assistant Director Reaserach & Analysis (Qualitative Expert). I am directed to request you for conducting enquiry into the allegations and furnishing report within stipulated period please.

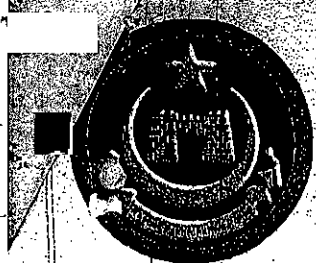

(SADIQ BALOCH)PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. S/ /19,

Copy of above alongwith Charge Sheet/Statement of Allegations (in-duplicate) is forwarded to the Deputy Inspector General of Police, CTD, Khyber Pukhtunkhwa, Peshawar with the request that duplicate copies of Charge Sheet/Statement of Allegations in respect of Dr. Murad Khan, Assistant Director Reaserach & Analysis (Qualitative Expert) for signature by the officer concerned. The same may be returned to this office after signature as a token of its receipt.

23/10


(SADIQ BALOCH)PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

CHARGE SHEET

I, Dr. Muhammad Naeem Khan, Inspector General of Police, Khyber Pakhtunkhwa Peshawar as Competent Authority hereby charge you, Dr. Murad Khan, Assistant Director Research & Analysis (Qualitative Expert) CTD Peshawar, of the following misconduct:-

1. That as intimated by Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar, you applied for one year Extra Ordinary Leave because you were selected for one (1) year period project of the World Bank as Economics on 22.02.2019. Application of the same leave was forwarded to CPO for the grant of such leave. .
2. That Prior to approval of the leave by the Competent Authority you absented yourself from your lawful duty without any permission by the concerned Authority.
3. That you were issued Show Cause Notice by the DIG/CTD Khyber Pukhtunkhwa to this effect. In response to the Show Cause Notice, you submitted your reply with the contention that you have joined your duties at World Bank from March, 2019 and also requested that you may be permitted to carry out duties in the aforesaid Bank for your personal growth.
4. That you being a member of discipline force have adopted a very un-professional attitude which has degraded the image and moral of department in the eyes of police force and amongst general public.

For the above reasons, you appear to be guilty of misconduct under Section-3 of Khyber Pakhtunkhwa Government Servant (E &D) Rules, 2011 and have rendered yourself liable to all or any of the penalties specified in Section-4 of the Rules ibid.

You are therefore, required to submit your written defense within seven (07) days of the receipt of this Charge Sheet to the Enquiry Officer.

Your written defense, if any should, reaches to the Enquiry Officer within the specified period. Failing which it shall be presumed that you have no defense to put in and exparte action shall be taken against you.

Intimate whether you desire to be heard in person or otherwise.

A statement of allegation is enclosed.

dc

MUHAMMAD NAEEM KHAN, DR, PSP
Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

DISCIPLINARY ACTION

I, Dr. Muhammad Naeem Khan, Inspector General of Police, Khyber Pakhtunkhwa Peshawar being Competent Authority, am of the opinion that Dr. Murad Khan, Assistant Director Research & Analysis (Qualitative Expert) CTD Peshawar, have rendered himself liable to be proceeded against, as he has committed the following acts of omissions/commissions within the meaning of Section-3 of the Khyber Pakhtunkhwa Government Servants (E & D) Rules, 2011.

STATEMENT OF ALLEGATIONS

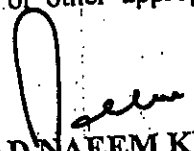
1. That as intimated by Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar/he applied for one year Extra Ordinary Leave because he was selected for one (1) year period project of the World Bank as Economics on 22.02.2019. Application of the same leave was forwarded to CPO for the grant of such leave by him.
2. That Prior to approval of sthe leave by the Competent Authority he absented himself from his lawful duty without any permission by the concerned Authority.
3. That he was issued Show Cause Notice by the DIG/CTD Khyber Pukhtunkhwa to this effect. In response to the Show Cause Notice, he submitted his reply with the contention that he has joined his duties at World Bank from March, 2019 and also requested that he may be permitted to carry out his duties in the aforesaid Bank for his personal growth. /
4. That he being a member of discipline force has adopted a very un-professional attitude which has degraded the image and moral of department in the eyes of police force and amongst general public.

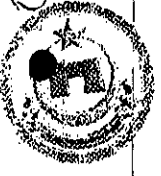
His said act of negligence depicts height of inefficiency, disobedience indiscipline attitude and lack of professionalism which amounts to grave misconduct on his part warranting stern disciplinary action against him.

For the purpose of scrutinizing the conduct of the said officer with reference to the above allegations, an Enquiry Officer/Enquiry Committee of following officer (s) of Khyber Pakhtunkhwa is hereby constituted under Section-4 of the said Rules:-

- i. Mr. Salman Choudhary, DIG Crimes, Investigation, Khyber Pukhtunkhwa

The Inquiry officer shall, in accordance with the provision of the said Rules, provide reasonable opportunity of hearing to the accused officer, record and submit its finding within 25 days of the receipt of this order, recommendations as to punishment or other appropriate action against the accused officer.


MUHAMMAD NAEEM KHAN, DR, PSP
Inspector General of Police,
Khyber Pakhtunkhwa
, Peshawar



DEPUTY INSPECTOR GENERAL
CRIMES INVESTIGATION, AT CPO PESHAWAR

Phone: (091) 9212760 | Email: invhazara@gmail.com

No. 206 /PA

Dated Peshawar, the 01/11/2019

Annexure 'C'

To: The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject:

CHARGE SHEET / STATEMENT OF ALLEGATIONS
DEPARTMENTAL ENQUIRY AGAINST DR. MURAD KHAN
ASSISTANT DIRECTOR CTD KHYBER PAKHTUNKHWA.

Memo:

Reference letter No.3695, dated 23.10.2019 issued by AIG/Establishment from the office of W/IGP, Khyber Pakhtunkhwa regarding the subject quoted above.

1. It is submitted that Dr. Murad Khan Asst: Director (Qualitative Expert) of CTD Khyber Pakhtunkhwa vide CPO, Peshawar office Memo No S/3696/19 dated 23.10.2019 on the following commissions / omissions was given the following Charge Sheet under the Khyber Pakhtunkhwa Government Servants (Efficiency and Disciplinary) Rules 2011.
 - a. That as intimated by Deputy Inspector General of Police, CTD KP, he applied for one year Extra Ordinary Leave because he was selected for One Year period project of the World Bank as Economics on 22.02.2019. Application of the same leave forwarded to CPO, Peshawar for the grant of such leave.
 - b. That prior to approval of leave by the competent authority, absented himself from his lawful duties without any permission by concerned authority.
 - c. That he was issued Show Cause Notice by the DIG, CTD KP to this effect. In response, to the show cause notice submitted his reply with the contention that he has joined his duty at World Bank from March 2019, and also requested that he may permitted to carry out duties in the aforesaid Bank for his personal growth.
 - d. That he being member of discipline force has adopted a very professional attitude which has degraded the image and moral of department in the eyes of Police force and amongst general

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11/11/2019

FACTS:

2. The aforesaid officer was appointed as Asstt: Director BS-17 in CTD Khyber Pakhtunkhwa through notification No 1230/SE-1 on 23 November 2016 under Khyber Pakhtunkhwa (Research and Analysis Wing) Service Rules 2014 (Annexure "A") and has been serving since then.
3. During his service at CTD, KP, he applied for Extra Ordinary Leave (EOL) 04.03.2019 to work as an Economist in World Bank. (Copy attached at Annexure "F")
4. He applied for the said post without getting proper NOC from the competent authority.

He resigned *already*

3. SP, CTD Peshawar Region reported on 03.04.2019 that he was absent from duty since 22.02.2019 (Annex-"C").

6. In consequence, DIG, CTD KP issued him a Show Cause Notice on 16.04.2019 and he submitted his reply to the S.C.N via WhatsApp on an unspecified date. (Annex-"D")

7. He reported back for duty on 02.09.2019 after remaining absent for 06 months and 10 days.

8. The absence report was forwarded to CPO, Peshawar for obtaining guidelines to initiate necessary departmental action against him vide his office Memo No 8136/EC dated 03.06.2019 (Copy attached at Annex-"E"). This resulted in the instant inquiry.

9. He also availed salary of three months (March, April & May-2019) while he was absent from duty (Copy of Salary Slips are attached at Annex-"G"). At that time he was getting a handsome salary from the World Bank.

10. All the relevant record submitted by the quarter concerned and his reply to the charge sheet issued to him was perused. Hence, he was called for a personal appearance before the undersigned to provide his written statement.

INTERVIEW WITH DR. MURAD ASTI: DIRECTOR:

11. He submitted his reply to the charge sheet issued to him (Annex-"F").

"With profound regards, it is most humbly submitted that I requested the competent authority through proper channel to kindly grant me extra ordinary leave without pay for one year period from March 1st, 2019 to Feb: 29th, 2019. I followed my application several times and then in hope of that the worthy Inspector General of Police would grant me leave, I joined my assignment due to the 15 days limit for joining period for the greatest benefit of the country (Pakistan), positive representation of my parent department at notional and international level and personal growth."

(Partial Extract)

12. He was put the following questions:

Q1: Did you apply for NOC for the said post at the World Bank?

Ans: No

Q2: Why did you leave your place of posting without prior permission?

He had no answer and kept silent.

Q3: when you were served a Show Cause Notice from DIG CTD, did you report back at your place of duty?

Ans: No

Q4: Did you draw your salary from the Police Department during your absence while performing your duties for the World Bank?

Ans: Yes

Q5: Have you any other relevant document / evidence to provide before the undersigned:


Ans: No

FINDINGS:

13. The delinquent officer did not obtain any NOC to apply for the position at the World Bank.
14. The delinquent officer left his duties on 22.02.2019 without waiting for any action on his leave request.
15. The delinquent officer also availed three (3) months pay (March, April & May-2019), while he was working at the World Bank.
16. He was unable to provide any plausible and cogent reason for his action. (6) months

RECOMMENDATIONS:

17. He meets the criterion laid down in Khyber Pakhtunkhwa, Government Servants (Efficiency and Disciplinary) Rules 2011 Section 2, clauses 1 (i), (iii), and (iv).
18. In the light of the above mentioned findings it transpires that Dr. Murad Khan has committed serious and gross misconduct liable for departmental action. It is submitted that he may be dismissed from service as Section 4 (b) (iv) and the availed pay may be recovered from him.



(SALMAN CHOUDHRY) PSP
Deputy Inspector General of Police,
Crimes Investigation, CPO Peshawar.

Dated Peshawar the _____ / _____ / 2019

No. _____ /PA/Crime/Inv:

Copy of above is forwarded for information to the:-

1. Addl: Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police CTD, Khyber Pakhtunkhwa.
3. Assistant Inspector General of Police, (Establishment), Khyber Pakhtunkhwa, CPO Peshawar.


(SALMAN CHOUDHRY) PSP
Deputy Inspector General of Police,
Crimes Investigation, CPO Peshawar.

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INSPECTOR
KH
Central Police Office, Peshawar

THE
RAJ OF POLICE
PESHAWAR

No. S/ 3930 / 19, Dated Peshawar the 13/11 /2019.

FINAL SHOW CAUSE NOTICE

1. WHEREAS, you Dr. Murad Khan, while posted as Assistant Director Research & Analysis (Qualitative Expert) CTD Khyber Pukhtunkhwa Peshawar committed gross misconduct as defined in Section-3 of Khyber Pakhtunkhwa, Government Servant (E & D) Rules, 2011, resultantly you were Charge Sheeted and served with the statement of allegations, Mr. Salman Choudhary, DIG/Crime, Investigation, Khyber Pukhtunkhwa Peshawar was appointed to conduct enquiry.

2. WHEREAS, the Enquiry Officers finalized the Enquiry proceedings, giving you full opportunities of defense i.e personal hearing as well as cross examination to the statements recorded in your presence besides audience of relevant record. Consequent upon the completion of Enquiry proceeding, the Enquiry Officer does not agree with the plea of accused officer (Dr. Muard Khan) and held responsible for negligence/blunder. As per Enquiry Officer Report charges leveled against you mentioned Charge Sheet is proved. A copy of the finding is enclosed.

3. AND WHEREAS, on going through the finding and recommendation of Inquiry Officer, the material placed on record and other connected papers including your defense before the said Enquiry Officer, I am satisfied that you have committed gross misconduct and are guilty of the charges leveled against you as per statement of allegations conveyed to you vide No. S/3695/19, dated 23.10.2019 which stands proved and recommended to be awarded punishment under the said rules.

4. NOW THEREFORE, I, Muhammad Naeem Khan, Dr, PSP Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, as Competent Authority have tentatively decided to impose upon you, any one or more penalties including the penalty of "Dismissal from Service" under Section-3 of the said Rules.

You are therefore, required to Show Cause within seven (07) days of the receipt of this Notice, as to why the aforesaid penalty should not be imposed upon you, failing which it shall be presumed that you have no defense to offer and ex-parte action shall be taken against you. Meanwhile also intimate whether you desire to be heard in person or otherwise.

o/c
Muhammad Naeem Khan, Dr, PSP
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Dr. Murad Khan,
Assistant Director Research & Analysis
(Qualitative Expert) CTD
Khyber Pukhtunkhwa Peshawar
c/o
DIG/CTD, Khyber Pukhtunkhwa,
Peshawar

Annexure "E"

Subject: Final Cause Notice (Defense/ Explanation)

Reference to the final show cause notice no. 3930 dated 13-11-2019 from the office of the Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, Peshawar in the light of inquiry conducted by Mr. Salman Chaudhary, DIG Crime, Investigation, Khyber Pakhtunkhwa Peshawar in response to the letter No. S/ 1/ 19, dated 23-10-2019 with enclosed copy of the charge sheet from the worthy office of the Inspector General of Police, KP that prior to approval of the competent authority, you remain absent from duty.

With profound regards, It is most humbly submitted that I requested the competent authority through proper channel to kindly grant me extra-ordinary leave without pay for one year period from March 1st, 2019 to Feb. 29th, 2020. I followed my application several times and then In hope of that the worthy Inspector General of Police would grant me leave, I joined my parent department at national and international level and capacity building to benefit my parent department in the long run because since I joined police department in BPS-17 through public service commission, no training or any other skill development and capacity building opportunity is provided as given by other departments to their officers/employees about the rules regulation, acts, codes, organizational culture, job related trainings etc. To bridge that gap, I decided to get one year leave and spent that time in a dynamic environment for future benefit of my parent department (Police Department).

Due to some unanticipated delays, unawareness on my part about the policy and most prominently the hope for grant of leave which created some unexpected outcome in case of charge sheet which further resulted to inquiry and final show cause notice.

Since I have assumed my duties from the last three months without any salary which blocked/not opened due to the inquiry. It is, therefore, most humbly requested to the Honourable Inspector General of Police, **Muhammad Naeem Khan, Dr, PSP** to file the final show cause notice/inquiry/charge sheet in the light of above mentioned scenario for the sake of my professional career and greatest benefit of the organization.



(Dr. MURAD KHAN)
Assistant Director (Research and Analysis)
Research and Analysis Wing,
Counter Terrorism Department.

Dated: Nov. 20th, 2019

(f)
(g)

Annexure "F"

Better Copy - Page 2

To,

The Inspector General of Police
Khyber Pakhtunkhwa.

**THROUGH PROPER CHANNEL DEPUTY INSPECTOR
GENERAL OF POLICE, CTD KHYBER PAKHTUNKHWA.**

Subject:- **Application for Extra-Ordinary Leave (Without Pay)**

With profound regards, it is most humbly submitted that I have been selected for a 01 year project of the World Bank as Economist to prepare research based policy implications for Federal Board of Revenue, Government of Pakistan (Annex-A). The project aims to accelerate growth and tax reforms. It will be an honour for me to avail this amazing opportunity where I can excel in my professional field.

It is therefore, humbly requested to kindly grant me extra-ordinary leave without pay (Annexure-B) for one year period (March 1st, 2019 to Feb, 29th, 2020)

(MURAD KHAN)

Astt: Director Research & Analysis

Dated Feb, 21st, 2019