

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWAR

Khyber Pakhtunkhwa
Service Tribunal

Service Appeal No. 350/2023

Diary No. **7346**

Sana Ullah Ex-FC Elite Force

Dated **5/9/2023**

Appellant

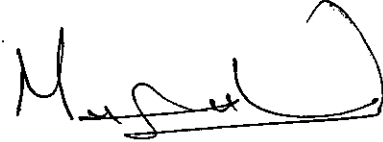
Versus

Inspector General of Police Khyber Pakhtunkhwa etc Respondent

INDEX

S No.	Description of Documents	Annexure	Pages
1.	Para wise comments		1-3
2.	Affidavit		4
3.	Copy of Authority letter		5
4.	Copy of FIR No. 180, Charge Sheet, Summary of Allegations, Copy of Order No. 9383-89/EF dated 15.07.2016, Enquiry Report, Final Show Cause Notice, Ajj Newspaper	A	6-11
5.	Copy of Order No. 16372-80/EF, dated 09.11.2016.	B	12
6.	Copy of Order dated 06.04.2022.	C	13
7.	Copy of Order dated 09.02.2023.	D	14

DEPONENT



(MIAN NIAZ MUHAMMAD)

DSP Legal
Elite Force, Peshawar

①

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 350/2023

Sana Ullah Ex-FC No. 4152 Elite Force..... (Appellant)
VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa
.....(Respondents)

REPLY BY RESPONDENTS NO. 1 TO 4

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

- a) That the appeal is not based on facts.
- b) That the appeal is barred by law and limitation.
- c) That the appeal is not maintainable in the present form.
- d) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- e) That the appellant is estopped to file the instant appeal by his own conduct.
- f) That the instant Service Appeal is badly time barred.
- g) That the appellant has not come to this Honorable Tribunal with clean hands.
- h) That the appellant has got no cause of action and locus standi to file the instant Service Appeal.

FACTS

1. Pertains to service record of the appellant hence no comments.
2. Incorrect, the appellant involved himself in criminal case vide FIR No. 180, dated 06.07.2016 u/s 302/324/148-149 PPC PS Sardheri District Charsadda.
3. Incorrect and misleading, the appellant absented himself from lawful duties without prior permission of competent authority therefore, he was proceeded against departmentally. Charge sheet & summary of allegation was issued to him vide No. 9390-95/EF, dated 15.07.2016 (Annexure "A") and SP Elite Force, Mardan was appointed as enquiry officer but the appellant badly failed to appear before the enquiry officer, similarly a Final Show Cause Notice was issued to the appellant but his reply was not found. To ensure his appearance, a notice was issued to him through daily newspaper "Aaj" dated 18.10.2016 and was directed to join the enquiry within 15 days after the publication of notice, but he neither joined the enquiry proceedings conducted against him, nor appeared for duty. Therefore, at last the appellant was awarded with major punishment of removal from service vide Order No. 16372-80/EF, dated 09.11.2016 (Annexure "B").
4. Incorrect, the criminal case proceedings and departmental proceedings are distinct in nature and both can run side by side.
5. Incorrect, departmental appeal of the appellant was rejected on time barred vide Order dated 06.04.2022 (Annexure "C"). It is pertinent to mention here that when appeal before departmental authority is time barred, service appeal before the Service Tribunal is incompetent. Reliance has already been placed on 2017 SCMR 965, 2006 SCMR 453, 2007 SCMR 513, 2011 SCMR 1429 & 2021 SCMR 144.

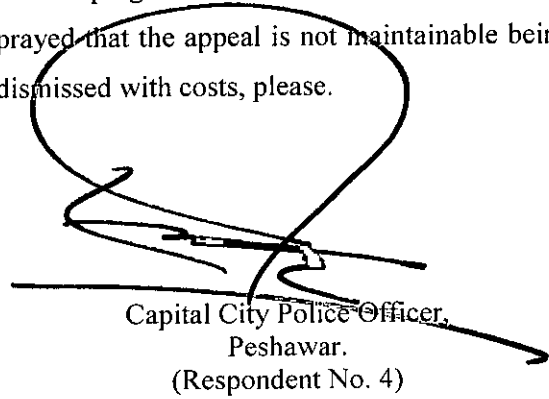
6. Incorrect, the appellant was heard in person in meeting of Appellate Board dated 19.01.2023 wherein the appellant badly failed to advance any plausible explanation in rebuttal of the charges. The Board did not see any ground and reasons for acceptance of his petition, Therefore, the revision petition of the appellant was rejected vide Order dated 09.02.2023. (Annexure "D").
7. That the instant service appeal is badly time barred and not maintainable may kindly be dismissed on the following Grounds.

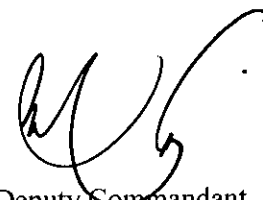
GROUND


- A. Incorrect, orders are in accordance with law/ rules/ facts and with lawful authority.
- B. Incorrect, the answering respondents neither commit any violation of law/ rules nor violated any Article of Constitution of Islamic Republic of Pakistan.
- C. Incorrect, as already explained above in detail in Paras No.3,5 & 6.
- D. Incorrect, as already explained above in Para No. 3 that appellant did not bother to attend the enquiry proceedings not he submitted his written reply while departmental appeal of the appellant was found badly time barred. The appellant was heard in person in appellate board meeting but the appellant badly failed to advance any plausible explanation in his self defense.
- E. Incorrect, misleading and misconceived, as already explained above in Para NO. 3.
- F. Incorrect, orders are in accordance with lawful authority and under jurisdiction. The stance taken by the appellant in this Para is totally baseless.
- G. Incorrect, as already explained above, criminal case proceedings and departmental proceedings are parallel to each other, distinct in nature and both can run side by side. Acquittal from criminal case cannot absolve the appellant from the liability.
- H. Incorrect, as already explained above in detail in Para No. 3.
- I. Incorrect, misleading and misconceived, let the appellant to prove this.
- J. Incorrect, the punishment awarded to the appellant is on account of gross misconduct. Police is a discipline force and misconduct is strictly prohibited in Police Department.
- K. Incorrect, no violation of natural justice has been committed by the answering respondents.
- L. Incorrect, as already explained above in Para No. 3 that appellant did not bother to attend the enquiry proceedings not he submitted his written reply while departmental appeal of the appellant was found badly time barred. The appellant was heard in person in appellate board meeting but the appellant badly failed to advance any plausible explanation in his self defense.
- M. Incorrect, no illegality exists in removal of the appellant from service.
- N. The answering respondents may also be allowed to raise additional grounds at time of hearing of instant Service Appeal.

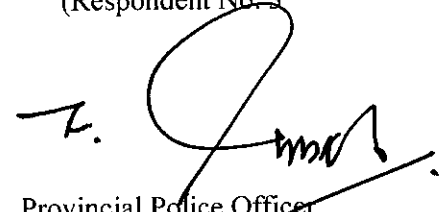
PRAYER:-

Keeping in view the above stated facts and circumstances, it is therefore humbly prayed that the appeal is not maintainable being devoid of merits hence, may kindly be dismissed with costs, please.


Capital City Police Officer,
Peshawar.
(Respondent No. 4)


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


Additional Inspector General of Police,
Commandant,
Elite Force, Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 2)


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 1)

IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWAR

Service Appeal No. 350/2023

Sana Ullah Ex-FC Elite ForceAppellant

Versus

Inspector General of Police Khyber Pakhtunkhwa etcRespondent

AFFIDAVIT

I, **Mian Niaz Muhammad (DSP Legal Elite Force Khyber Pakhtunkhwa Peshawar)** do hereby solemnly affirmed that the contents of these joint parawise comments on behalf of Respondents No. 1 to 4 are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

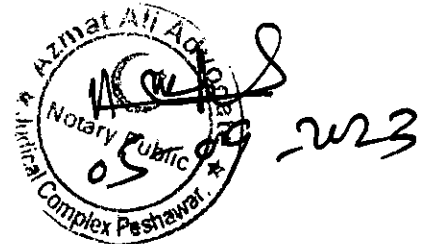


DEPONENT
CNIC No. 17301-1519386-1
Cell # 0300-5899631

Identified by:

It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off. *cost*

ATTESTED







Office of the Deputy Commandant,
Elite Force Khyber Pakhtunkhwa Peshawar

5



AUTHORITY LETTER

Mian Niaz Muhammad Acting DSP/Legal Elite Force Khyber Pakhtunkhwa is hereby authorized / nominated to submit comments / replies and attend the Honorable High Court / Supreme Court on behalf of respondents.


DEPUTY COMMANDANT
Elite Force Khyber Pakhtunkhwa
Peshawar 

ابتدائی اطلاعی رپورٹ

ابتدائی اطلاع نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ ۱۵۴ مجموعہ ضابطہ فوجداری

تھانہ سر ڈھیری ضلع چارسدہ

علت نمبر 180 تاریخ و وقت وقوعہ 6.7.16 وقت 07:06 بجے

۱	تاریخ و وقت رپورٹ 6.7.16 وقت 18:40 بجے	چاکیدگی پرچہ 6.7.16 وقت 10:20 بجے
۲	نام و سکونت اطلاع دہندہ مستغیث	مظہر علیشاہ ساکن پٹواری کلع
۳	مختصر کیفیت جرم (معد دفعہ) حال اگر کچھ لیا گیا ہو	PPC 302-324-148-149
۴	جائے وقوعہ فاصلہ تھانہ سے اور سمت	حجرہ ازاں مدعی واقع پٹواری کلع دوسرہ
۵	نام و سکونت ملزم	کاشف، ضیاء اللہ، رضاء اللہ، ثناء اللہ پسران عنایت اللہ ولد نامعلوم ساکن پٹواری کلع سر ڈھیری
۶	کاروائی جو تفتیش کے متعلق کی گئی اگر اطلاع درج کرنے میں توقف ہوا ہو تو وجہ بیان	برسدگی تحریر مراسلہ پر مقدمہ قائم کیا جاتا ہے۔
۷	تھانہ سے روانگی کی تاریخ و وقت	بطور پیش رپورٹ

ابتدائی اطلاع نیچے درج کرو:

بوقت صدر بجے ایک تحریری مراسلہ منجانب قادر شاہ ASI کچولٹی ہسپتال LRH سے موصول ہو کر جو کہ بہ مضمون ذیل ہے۔

بخدمت انچارج SHO صاحب تھانہ سر ڈھیری مجروحین (۱) مظہر شاہ (۲) مدثر شاہ (۳) مظہر شاہ پسران انور شاہ ساکنان پٹواری کلع سر ڈھیری (۴) سلمان ولد نصیر شاہ سکنہ سیدان (۵) مقتول انور انور شاہ (۶) حاجی اکبر سکنہ پٹواری کلع، سر ڈھیری کورٹ مارا روم LRH پشاور لایا مجروحین میں انمیر شاہ، رپورٹ کے قابل نہیں ہے۔ مدعی مقدمہ مظہر شاہ درست ہوش و حواس میں یوں رپورٹ کرتا ہے کہ میں معہ بالا مجروحین اور والد ام مقتول انور شاہ بوقت وقوعہ بالا پر موجود تھے کہ (sic) مسیمان (۱) کاشف (۲) ضیاء اللہ (۳) رضاء اللہ (۴) ثناء اللہ پسران عنایت اللہ ولد نامعلوم ساکنان پٹواری کلع سے اور تین کسان اسم و مسکن نامعلوم آکر یکدم ہم پر اسلحہ آتشین سے بہ ارادہ قتل فائرنگ کر کے جنگے فائرنگ سے ہم لگ کر زخمی ہوئے اور والد ام جان بحق ہووا واقع ہذا میرے علاوہ بالا مجروحین اور دیگر موجودگان کا چشم دید ہے۔ ہمیں علاج معالجہ کیلئے رشتہ داران نے ہسپتال LRH پہنچایا۔ میں اپنے (sic) مجروحیت اور بالا مجروحین کو مجروحیت اور الدام کی قتل کرنے کا برخلاف بالا کسان جھیشیدہ و عویدار ہوں۔ العبد مسمی (sic) نے رپورٹ بالا کی تائیدی۔ العبد حسب گفتہ سائل رپورٹ درج بالا ہو کر پڑھ کر سنایا جا کر درستی کا انگوٹھا اور تائیدی دستخط ثبت کر کے جسکی میں تصدیق کرتا ہوں۔ مقتول انور شاہ ولد حاجی اکبر کے کاغذات مرگ LRH ٹراما روم میں مرتب کر کے جکو بغرض پوسٹ مارٹم زیر حفاظت کنسٹیبل نیاز عمر 1260 KMC پشاور بھجوا یا گیا۔ مجروحین کے نقشہ ضرر مرتب کر کے حوالہ ASI صاحب کیا گیا ہے جناب ڈاکٹر صاحب نے مجروح مظہر شاہ کی زخم پر KMC پشاور سے رائے لینے کا تحریر کر کے مضمون رپورٹ سے صورت جراثیم بالا کا پائی جا کر مراسلہ و نقشہ ضرر ہائے ارسال تھانہ ہے۔ کسی تفتیشی آفیسر کو مامور تفتیش کیا جائے اور افسران بالا کو بطور پیش رپورٹ کی اطلاع دی جائے دستخط انگریزی قادر شاہ ASI کچولٹی ہسپتال LRH مورخہ 6.7.16 کاروائی تھانہ آمدہ تحریری مراسلہ حرف بہ حرف درج بالا ہو کر پرچہ مجرم بالا چاک کیا جا کر نقول FIR معہ مراسلہ و نقشہ ضرر ہائے بغرض تفتیش حوالہ کنسٹیبل کئے جاتے ہیں۔ SHO افسران بالا کو بطور پیش رپورٹ اطلاع دی جاتی ہے۔ پرچہ بطور پیش رپورٹ گزارش ہے۔

Amr A - (7)

CHARGE SHEET

I, Jehanzeb Khan, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you Constable Sana Ullah No. 4152, (untrain) of Elite Force as follows;

You are involved in case FIR No. 180, dated 06.07.2016 u/s 302-324/148-149 PPC Police Station Sardhairi, district charsadda and also remained absent from duty w.e. from 04.07.2016 till date.

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

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

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

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

6. A statement of allegation is enclosed.

Attested
M. S. Khan
D.S.A.C.

(JEHANZEB KHAN) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar

SUMMARY OF ALLEGATIONS

1. Jehanzeb Khan, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that Constable Sana Ullah No. 4132 (untrain) has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules (amended vide NWFP gazette, 27th January 1976).

SUMMARY OF ALLEGATIONS

He is involved in case FIR No. 180, dated 06.07.2016 u/s 302-324/148-149 PPC Police Station Sardhairsi, district charsadda and also remained absent from duty w.e.from 04.07.2016 till date

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, Mr. Javed Iqbal Khan SP/Elite Force Mardan is appointed as Enquiry Officer.

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

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

[Signature]
(JEHANZEB KHAN)PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar.

No. 9390-95/EF, dated Peshawar the 15/07/2016.

Copy of the above is forwarded to the:-

- 1. ✓ Superintendent of Police, Elite Force Mardan.
- 2. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
- 3. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar to stop pay.
- 4. SRC/FMC, Elite Force Khyber Pakhtunkhwa Peshawar.
- 5. FC Sanaullah No. 4125, of Elite Force through reader SP Elite Mardan.

Attested
[Signature]
D.S.P. Legal

[Signature]
(JEHANZEB KHAN)PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar.

DSP Elite Force, Khyber Pakhtunkhwa Work Change Sheet/Change Sheet for Case FIR No. 180

1426/RI
24-8-16

[Signature]

served change sheet

[Signature]
D.S.P. ELITE
MARDAN.
21/07/2016

dy. No. 7913
dt. 24/8/16
Commandant
Elite Force (RF) Peshawar

RI
[Signature]
24/8/16

Amra A-97


Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

No. 9383-89/EF.

Dated 15/07/2016

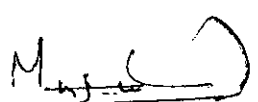
ORDER

Constable Sana Ullha No. 4152 (untrain) of Elite Force Khyber Pakhtunkhwa is hereby suspended and closed to Elite Headquarters Peshawar as he is Involved in case FIR No.180, dated 06.07.2016 u/s 302-324-148-149 PPC Police Station Sar Dhairi, district Charsadda.


(JEHANZEB KHAN)PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar.

Copy of above is forwarded to the:-

1. Principal, EPTC Hakeem Abad Nowshera.
2. ~~Acting~~ Superintendent of Police, Elite Force Headquarters *S. Mardan.*
3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
4. SRC/FMC, Elite Force Khyber Pakhtunkhwa, Peshawar.
5. OHC, Elite Force Khyber Pakhtunkhwa, Peshawar.

Attested

DSP Legal EF

انکوائری اذان کنسٹیبل ثناء اللہ نمبر 4152 انٹرنیٹ ایلینٹ فورس

جناب عالی!

بحوالہ انکوائری نمبری 9390-95/EF مورخہ 15/07/2016 اذان کنسٹیبل ثناء اللہ نمبر 4152

معروض ہوں کہ کنسٹیبل مزکورہ انٹرنیٹ ایلینٹ فورس میں تھا۔ اور جناب نوشیر خان SP صاحب سے بحیثیت سیکورٹی ڈیوٹی کر رہا تھا۔ جو بحوالہ مد 26 روزنامچہ 04/07/2016 ایلینٹ ہیڈ کوارٹر پشاور سے بدستور غیر حاضر ہے۔ جبکہ خلاف مقدمہ علت 180 مورخہ 06/07/2016 جرم PPC302/324/148/149 تھانہ بگلرام چارسدہ میں درج رجسٹر ہوا ہے۔ جس پر جناب ڈپٹی کمانڈنٹ صاحب ایلینٹ نے سمری آف الیکشن و چارٹیٹ تقسیم کر کے من SP کو انکوائری افسر مقرر کیا۔ جس پر چارٹیٹ جاری تقسیم کرانے کے لئے جہانگیر HC ایلینٹ فورس چارسدہ کو حوالہ لگی۔ جو تعین کے لئے اُس کے گاؤں جا کر گھر پر کوئی فرد موجود نہیں تھا۔ اور گھر بند تھا۔ پھر چارٹیٹ اُس کے ماموں کے بیٹے مسیحی معاذ علی ولد حامد علی سکندہ دوسرہ کو حوالہ کی تاکہ جب بھی کنسٹیبل مزکورہ آئے اُس کو حوالہ کریں۔

انکوائری ہذا میں اُس کے ماموں حامد علی ولد نذیر الحق سکندہ دوسرہ چارسدہ نے بیان دیا۔ کہ مزکورہ کنسٹیبل ایلینٹ

فورس میں تعینات ہے۔ اور اُن کے خلاف FIR درج رجسٹر ہے۔ جبکہ اُس واقعہ کے بعد کنسٹیبل ثناء اللہ وغیرہ عدم پتہ ہے۔ اور مزکورہ کے گھر پر کوئی نہیں ہوتا اگر اُس سے کوئی رابطہ ہوا تو چارٹیٹ حوالہ کرونگا۔ (بیان ہمراہ لف ہے)

اسی طرح انکوائری میں مقدمہ علت 180 مورخہ 06/07/2016 جرم PPC 302/324/148/149

کے تفتیشی افسر فضل محمود خان SI/OI سے بیان لیا کہ مزکورہ کے خلاف مقدمہ ہذا میں دعویداری ہوئی اور اُنکے خلاف محکمانہ کارروائی کے لئے درخواست تحریر ہے۔ مزکورہ کے خلاف چالان مکمل زیر دفعہ 512 ض ف بمورخہ 18/07/2016 کو بھجوائی گئی ہے۔ اور مجرم اشتہاری گردانہ گیا ہے۔ (بیان ہمراہ لف ہے)

انکوائری ہذا میں معلوم ہوا ہے۔ کہ کنسٹیبل ثناء اللہ نمبر 4152 وقوعہ ہذا میں شامل ہے۔ کیونکہ مزکورہ ہذا سے دو دن

پہلے ڈیوٹی سے غیر حاضر تھا۔ اور پھر وقوعہ کے بعد روپوش ہو چکا ہے۔ جبکہ اُس کے خلاف زیر دفعہ 512 ض ف چالان مکمل دیا گیا ہے۔ لہذا مزکورہ کنسٹیبل کو MAJOR PUNISHMENT دینے کی سفارس کی جاتی ہے۔

رجا ویدیا قبال

ایس۔ پی ایلینٹ فورس/RRF

مردان ریجن

نمبر:- 273

مورخہ:- 17-08-2016

پیش صفحات:- (17)

RI

16

File No 7789
dt 22-8-16

Commandant
Cite Force KPI
Peshawar

M. S. J. S.
Dsp. Legal

No. 1851 Ri
22-8-16

FINAL SHOW CAUSE NOTICE

I, Dilawar Khan Bangash, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority under Police Rules (amended vide NWFP gazette, 27th January 1976), do hereby serve you Constable Sana Ullah No. 4152, (untrain) of Elite Force as follows;

You are involved in case FIR No. 180, dated 06.07.2016 u/s 302-324 PPC Police Station Sardhairi, district Charsadda and also remained absent from duty without any prior permission w.e. from 04.07.2016 till this date.

i. That consequent upon the completion of enquiry conducted against you by SP/Elite Force Mardan, you were given full opportunity of hearing but failed to appear before the Enquiry Officer.


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

3. As a result therefore I, Dilawar Khan Bangash, Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority have tentatively decided to impose major penalty upon you including removal from service, under Police Rules (amended vide NWFP gazette, 27th January 1976) of the said ordinance.

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

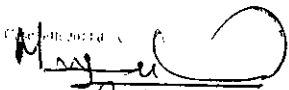
5. If no reply to this show cause notice is received within seven days of its delivery, in the normal course of circumstances, it shall be presumed that you have no defense to put and in that case an ex-parte action shall be taken against you.

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


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

No. 12659 /EF, dated Peshawar the 25/08/2016.

Constable Sana Ullah No. 4152 of Elite at his home address through reader SP Elite Mardan.


 DSP Legal

آخری نوٹس

آپ کنسٹیبل ثناء اللہ نمبر 4152 ضلع چارسدہ حال تعینات ایلٹ فورس خیبر پختونخوا سرکاری ڈیوٹی سے بغیر کسی اجازت مورخہ 04-07-2016 سے بدستور غیر حاضر چلے آ رہے ہیں آپ کے خلاف محکمانہ کارروائی جاری ہے اس لئے آپ کو بذریعہ اشتہار ہذا مطلع کیا جاتا ہے کہ آپ اس اشتہار کے مشہور ہونے کے 15 دن کے اندر اندر مجاز آفسر کے سامنے پیش ہوں بصورت دیگر آپ کے خلاف یکطرفہ محکمانہ کارروائی کی جائیگی۔



محمد حسین ڈپٹی کمانڈنٹ ایلٹ فورس خیبر پختونخوا پشاور

INF 5965 www.khyberpakhtunkhwa.gov.pk

اعتراف آج

18-10-16 Attested

M. J. J. J.
D.S.P. Deval EF

Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



No. 16372-80 /EF

Dated 09/11/2016.

ORDER

This order will dispose the departmental proceedings against Constable Sana Ullah No. 4152 of Elite Force, on deputation from Capital City Police Peshawar.

He has been charged in case FIR No. 180, dated 06.07.2016 u/s 302-324/148-149 PPC Police Station Sardhairi district Charsadda and remained absent from duty without any leave or prior permission w.e. from 04.07.2016 till this date. In this regard Charge Sheet & Summary of Allegation was issued to him by this office vide No. 9390-95/EF, dated 15.07.2016 and SP Elite Force Mardan was appointed as enquiry officer but he failed to appear before the enquiry officer. Similarly A Final Show Cause Notice was issued to him but his reply was not found. To ensure his appearance, a notice was issued to him in daily newspaper "Aaj" dated 18.10.2016 and was directed to join the enquiry within 15 days after the publication of notice, but he neither joined the enquiry proceedings conducted against him, nor appeared for duty. It seems that he has no interest in his current job. Enquiry Officer recommended him for major punishment.

Therefore, I, Muhammad Hussain, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, keeping in view the above facts and recommendations of enquiry officer impose major penalty of removal from service upon him from the date of absence i.e 04.07.2016.

(MUHAMMAD HUSSAIN) DSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa
Peshawar.

Copy of the above is forwarded to the:-

1. Capital City Police Officer, Peshawar for information.
2. Superintendent of Police, Elite Force Mardan.
3. Office Superintendent, Elite Force Khyber Pakhtunkhwa Peshawar.
4. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
5. Incharge Kot, Elite Force Khyber Pakhtunkhwa Peshawar.
6. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
7. SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
8. **PMC**, along with complete enquiry file encl: 27 pages.
9. OHC, Elite Force Khyber Pakhtunkhwa Peshawar.

Attested

DSP. Legal



Office of the Addl: IGP
Elite Force Khyber Pakhtunkhwa Peshawar



No. _____/EF

Dated: 06/04/2022

ORDER

This is departmental appeal submitted by Ex-Constable Sana Ullah No. 4152 against the punishment of dismissal from service awarded to him by Deputy Commandant Elite Force vide order No. 16372-80/EF, dated 09.11.2016 charged in case FIR No. 180, dated 06.07.2016 u/s 302/324/148/149, PPC PS Sardhairi District Charsadda.

Consequently, the competent authority on the perusal of the appeal and on the grounds of time limitation i.e: time barred filed the appeal.

Order Announced!

-Sd-

(MUHAMMAD WISAL FAKHAR SULTAN)PSP

Addl: Inspector General of Police,
Elite Force, Khyber Pakhtunkhwa, Peshawar

No. 3748-52/EF,

Copy of above is forwarded:-

1. Superintendent of Police, HQrs: Elite Force, Peshawar.
2. OASI /SRC/FMC, Elite Force, Khyber Pakhtunkhwa, Peshawar.
3. Ex-Constable Sana Ullah No. 4152, through Reader SP Elite Force Peshawar.

(ASIF IQBAL MOHMAND)PSP

Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

Attested

DSP Legal EF

R.M. File



D. No. 990
Date 9-2-23
Commandant Elite Force

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR.

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-FC Sana Ullah No. 4152. The petition was dismissed from service by Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar vide order No. 16372-80/EF, dated 09.11.2016 on the allegations that he was charged in case vide FIR No. 180 dated 06.07.2016 u/s 302/324/148/149 PPC PS Sardhairi district Charsadda and remained absent from duty w.e.f 04.07.2016 till date of dismissal from service i.e 09.11.2016 for total period of 04-months & 05-days. His appeal was filed by Addl: IGP/Elite Force, KP vide order Endst: No. 3748-52/EF, dated 06.04.2022.

Meeting of Appellate Board was held on 19.01.2023 wherein petitioner was heard in person. Petitioner contended that he was acquitted by the court of Addl: Session Judge-II/Judge MCTC, Charsadda vide judgment dated 26.02.2022.

Perusal of enquiry papers reveals that the allegations leveled against the petitioner has been proved. During hearing, petitioner failed to advance any plausible explanation in rebuttal of the charges. The acquittal from the court does not absolve the petitioner from the liability. The Board see no ground and reasons for acceptance of his petition, therefore, the Board decided that his petition is hereby rejected.

Sd/-

SABIR AHMED, PSP

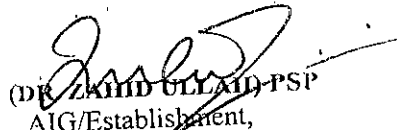
Additional Inspector General of Police,
HQrs: Khyber Pakhtunkhwa, Peshawar.


No. S/ 297-303 /23, dated Peshawar, the 9-2 /2023.

Copy of the above is forwarded to the:

1. Addl: IGP/Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar. One Service Roll, on Fauji Missal and one enquiry file (49 pages) of the above named Ex-FC received vide your office Memo: No. EF/SRC/S.Record:4464, dated 29.04.2022 is returned herewith for your office record.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

Attested
M. J. J.
AIG-Legal EP


DR. ZAHID ULLAH PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.


ATTESTED

In copy
2023/2/9