


FORM OF ORDER SHEET

Court of _____

Appeal No. _____

2024/2023

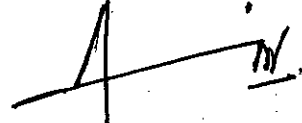
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	05/10/2023	<p>The appeal of Mr. Nijad Khan resubmitted today by Mr. Wahced Durrani Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>09-10-23</u> Parcha Peshai is given to the counsel for the appellant.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Nijad Khan son of Dost Muhammad Khan r/o village and post office Ouch Dir Lower received today i.e on 26.09.2023 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 is not signed by the appellant.
- 2- The law under which appeal is filed is wrong.
- 3- Annexures of the appeal are not in sequence.
- 4- Annexures of the appeal are unattested.
- 5- Page nos. 12, 15, 18, 21 & 28 of the appeal are illegible which may be replaced by legible better one.

No. 3303/S.T.

Dt. 27/9/2023.



REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Waheed Durrani Adv.
High Court at Peshawar

File, resubmitted after objection removed.

Q. A. A.

05.10.2023

BEFORE THE LEARNED SERVICE TRIBUNAL KPK PESHAWAR

A - No. 2024/2023

Nijad Khan

VS

Inspector General of Police KPK. Etc

Index

S. No	Documents	Annexure	Page No
1.	Service Appeal		1-6
2.	Copies of CNIC, Service card, Posting Order & Appreciation letter.	A, B, C, D	7-10
3.	Application for Transfer, References for consideration to Deputy Commandant Elite Force & Registrar for Inspector General of Police KPK, No Objection Certificates.	E, F, G, H & I	11-15
4.	Transfer Order of Appellant & Inspector Zarshad Ali Adjustment order as Substitute of the Appellant	J & K	16-17
5.	Charge Relinquish Report, Charge Assumption Reports	L, M & N	18-20
6.	Suspension Order of Appellant, Summary of Allegations, Departmental Inquiry & Impugned Order.	O, P, Q, R & S	21-25
7.	Departmental Appeal.	T, U & V	26-28
9	Affidavit & Certificate.		29
10	Addresses of the Parties		30
11	Wakalat Nama		31

Date : 26/092023


Advocate

BEFORE THE HONOEABLE SERVICE TRIBUNAL KPK PESHAWAR

A. No. 2024/2023

1. Nijad khan S/O Dost Muhammad khan R/O village and post office Ouch Tehsil Adenzai and District Dir lower Khyber Pakhtunkhwa.

....Appellant

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar
2. Additional Inspector General of Police/ Commandant Elite Force Khyber Pakhtunkhwa Peshawar.
3. Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar.

....Respondents

SERVICE APPEAL UNDER SECTION 4 OF KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT 1974 ALONG WITH OTHER ENABLING LAWS FOR THE TIME BEING ENFORCED AGAINST THE ORDER DATED 23/05/2023 WHEREBY AWARDED MAJOR PENALTY DISMISSED THE APPELLANT FROM HIS SERVICE.

PRAYER

ON ACCEPTANCE OF THIS SERVICE APPEAL THE IMPUGNED ORDER DATED 23/05/2023 OF THE RESPONDENT NO 3 MAY KINDLY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED WITH ALL BENEFITS.

RESPECTFULLY SHEWETH,

FACTS OF THE CASE ARE SUBMITTED AS UNDER.

That the appellant was appointed as Constable in Khyber Pakhtunkhwa Police department in Shuhada package and thereafter promoted to

rank of inspector, then posted as District Commander Rapid Response Force Swat through office order No 5934-45/EF dated 31/03/2017, wherein he served the department with zest and zeal and to the entire satisfaction of their concerned Head of the ibid Department, due to which he got appreciation certificate from the Additional Inspector General of Police, Elite Force Khyber Pakhtunkhwa Peshawar as well from other heads of the ibid department.

(Copies Are Attached As Annexure A, B, C, D Herein)

2. That as per amended Police rules 2017 one year service in other unit of the ibid department is eligibility criteria for further promotion, due to which the appellant filed application dated 03/01/2023 to their competent authority for transfer from Elite Force Unit to CTD/Special Branch and the same was forwarded through office letter No 1540/R,EF dated 10/01/2023 to Respondent No 3 for consideration and thereupon the Respondent No 3 through office letter No 1018-19/EF & office order number 1072 dated 26/01/2023 of the Senior Superintendent of Police Admn For Dy Inspector General of Police Special Branch Khyber Pakhtunkhwa Peshawar issued No objection certificate subject to provision of suitable substitute.

(Copies Are Attached As Annexure E, F, G, H & I Herein)

3. That the Appellant was transferred from Elite Force Khyber Pakhtunkhwa to Special Branch Khyber Pakhtunkhwa with immediate effect through transfer order No. 07/CPO/E-II/transfer/posting dated 07/03/2023 and thereafter through office letter No.CPO/E-II/ 196 dated 31/03/2023 Inspector Zarshad Ali No.3 28/M is adjusted as substitute of the appellant.

(Copies Are Attached As Annexure J & K Herein)

3

4. That in pursuance of transfer order No.107/CPO/E-II/transfer/posting Dated 07/03/2023 the appellant relieved the charge of District commander Elite Force Bunir on 02/04/2023 and assumed charge as Inspector in Special Branch Khyber Pakhtunkhwa Peshawar on 04/04/2023, in this regard Charge Relinquish Report and Charge Assumption Report were duly communicated to the competent authorities.

(Copies Are Attached As Annexure L, M & N Herein)

5. That the appellant was serving as Inspector in Special Branch Khyber Pakhtunkhwa Peshawar but in the meanwhile he was suspended from service on the basis of absentia by the Respondent No 2 and the said fact came to knowledge of appellant when he applied for his LPC, thereafter on the basis of so called inquiry the appellant is dismissed from his service through office order No. 6982-87/EF on 23/05/2023 by the Respondent No 3.

(Copies Are Attached As Annexure O, P, Q, R & S Herein)

6. That the appellant feeling aggrieved submitted departmental Appeal before the competent authority within time against his dismissal order dated 23/05/2023, but the same is still lying undecided despite of expiry of statutory period of ninety days, hence the instant service appeal on the followings grounds amongst other.

(Copies are attached as Annexure T, U & V Herein)

GROUNDS

1. That after the transfer of appellant from Elite Force Khyber Pakhtunkhwa to Special Branch Khyber Pakhtunkhwa Peshawar by the competent authority, he complied the orders in accordance with the law, rules and regulations of the ibid department and has never violated any law, rule and regulation on subject in any manner whatsoever.

2. That the impugned order dated 23/05/2023 is illegal and void ab initio, hence needs the interference of this honorable tribunal.
3. That mandatory provisions of law, rules and regulations on subject have been violated by the Respondents and the appellant has not been treated in accordance with law, hence the impugned order is against the law, which is liable to be set aside.
4. That the impugned order/decision is also not speaking one, as per section 24A (2) of General clause act 1897, thus the same is liable to be set aside.
5. That the appellant is subjected to major penalty, whereby he is dismissed from his service without any lawful justification, due to which he is suffering from heavy financial loss for no legal reason.
6. That no show cause notice was served upon the appellant, whereby the Respondents have violated the law, rules and regulations on subject, therefore the impugned order is liable to be set aside.
7. That the Respondents have failed to point out any law, rule and regulation which they have alleged to be violated by the appellant, nor mentioned any specific act/conduct of the appellant, which tantamount to misconduct, hence the impugned order has no force of law, which is liable to be set aside.
8. That no proper inquiry has been conducted into the matter for the purpose to dig out the real facts and in a hasty manner while awarding major penalty dismissed the appellant from his service, hence the impugned order is not tenable in the eye of law.
9. That the Respondents dismissed the appellant from his service on the ground of absentia, but it is pertinent to mention here that

6

after assuming charge the appellant was on duty as Inspector in Special Branch Khyber Pakhtunkhwa Peshawar and this very fact has already been communicated to the Respondents, therefore the impugned order is based on miss conception of Law and legal infirmity, hence is liable to be set aside.

10. That as per materials available on case file, it is very much clear that there is nothing from which it could be suggested that the appellant did any act which amount to misconduct, therefore the impugned order is not sustainable in eye of law, which is liable to be set aside.
11. That any other grounds may be agitated with prior permission of this honorable tribunal at the time of arguments on the instant service appeal.

It is therefore, very humbly prayed that on acceptance of the instant service appeal the impugned order dated 23/05/2023 of the respondent No 3 may graciously be set aside and the appellant may kindly be reinstated with all benefit.

Dated 26/09/2023

Appellant

Through



Waheed Durrrani

Advocate Peshawar High Court Peshawar

Annexure A

(7)



حکومت پاکستان
قومی شناختی کارڈ
15307-2273068-1
اسٹیٹ بینک پاکستان
15/03/1984

T4J43C شناختی نمبر: 15307-2273068-1

سولہ مارچ 2014ء کو لاہور، پاکستان میں جاری شدہ اور 10 مارچ 2024ء کو دوبارہ جاری کیا گیا۔

سیکنڈ ہینڈ


تاریخ اجراء: 10/03/2014

تاریخ سرحد: 10/03/2024




Khyber Pakhtunkhwa Police

Annexure B Card No.0064575



NIJAD KHAN
Inspector



[Signature]
Issuing Authority

Rapid Response Force Peshawar

CNIC # 1530722730681

Date of Birth 15-03-1984

Date of Issue 14-10-2023

Date of Expiry 13-10-2024

Emergency Contact# 03469316005

Address Village & P/O Ouch Tehsil Aduzai Dir Lower



1. In the event of loss (the card holder should report to the nearest police station.
 2. Fund, please drop into the nearest letter box.
- Contact us: 891-8210487

Annexure C (9)



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



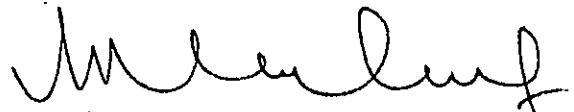
No. 5934-45/EF

Dated: 31/03/2017.

ORDER

The following Inspectors of Elite Force Khyber Pakhtunkhwa are hereby transferred & posted as noted against their names with immediate effect:-

S.No	Names	From	To
1.	Fazal Elahi No.38/M	Elite HQrs: Peshawar	Incharge Elite Force Battagram
2.	Gohar Zaman No.41/M	Elite HQrs: Peshawar	District Commander RRF Mardan
3.	Muhammad Rehman No. 138/M	Elite HQrs: Peshawar	Incharge Elite Force Buner
4.	Sajjad Khan No. 109/K	Elite HQrs: Peshawar	District Commander RRF Hangu
5.	Nijad Khan No. 119/M	Elite HQrs: Peshawar	District Commander RRF Swat
6.	Sardar Nawaz No. 478/M	Elite HQrs: Peshawar	Incharge Elite Force Chitral
7.	Khan Nazar No. 545/M	Elite HQrs: Peshawar	District Commander RRF Dir Lower


(MUHAMMAD ASHRAF NOOR) PSP
Additional Inspector General of Police,
Elite Force Khyber Pakhtunkhwa Peshawar

Copy to the:-

1. Dy: Commandant RRF Khyber Pakhtunkhwa Peshawar.
2. Dy: Commandant Elite Force Khyber Pakhtunkhwa Peshawar.
3. Principal Elite Police Training Centre, Nowshera.
4. Superintendent of Police HQrs: Elite Force Peshawar.
5. Superintendents of Police Elite Force Mardan, Swat, Kohat & Hazara.
6. Accountant/Elite Force Khyber Pakhtunkhwa Peshawar.
7. RI/Elite Force Khyber Pakhtunkhwa Peshawar.
8. EC/SRC/OHC Elite Force Khyber Pakhtunkhwa Peshawar.



ANNEXURE D

10

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



No. 2740 /EF

Dated: 10. 03/2022

LETTER OF APPRECIATION

This letter is issued in response to your reply to the explanation. The undersigned highly appreciates your good performance of deployment / supervision of strength of Elite Force as District Commander and truthfulness attitude in performance proforma.

This letter of appreciation is issued in recognition of your courage and great zeal in official duty.

(MUHAMMAD WISAL FAKHAR SULTAN)PSP

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

Mr. Nijad Khan,
District Commander,
Elite Force/RRF, Buner.

No. 2741-SS /EF. dated 10 /03/2022

Copy to all Regional/District Commanders for keep up their performance of duty as above.

Annexure E

(11)

جناب عالی!

گزارش سیکرٹری سائیکل انسپکٹرز پر موٹ ہونے کے بعد مورخہ 30-03-2017 کو بصورت تیار۔
ایلیٹ فورس میں آیا اور بحال ایلیٹ فورس میں ڈیپوٹی سرانجام دے رہا ہوں۔
سائیکل کے لئے انسپکٹرز کے عہدہ پر رہتے ہوئے ڈیپوٹی انسپکٹر میں ایک سال کا پریڈ گزارنا انتہائی ضروری ہے۔
سائیکل ایلیٹ فورس سے GTD/SPECIAL BRANCH میں تبادلہ کرنے کی خواہش رکھتا ہے۔
بذریعہ درخواست استدعا ہے کہ سائیکل کا تبادلہ ایلیٹ فورس سے GTD/SPECIAL BRANCH میں
کرنے کے احکامات صادر فرمائیں۔

العارض

المرقوم 03-01-2023

NIJAD KHAN
District Commissioner
119/M
ایکٹر نیجاد خان
ایلیٹ فورس ضلع یونینہ

Sir

Forwarded
DSP.L.:- Buner
03/01/2023

Forwarded to D.C
for consideration
9/1/2023

Annexure F

17



OFFICE OF THE SUPERINTENDENT OF POLICE,
ELITE FORCE, MALAKAND REGION, SWAT
TELEPHONE No: 0946-755331.



No. 1540 /R, EF

Dated 16/1/2023

To The Deputy Commandant Elite Force
Khyber Pakhtunkhwa, Peshawar.

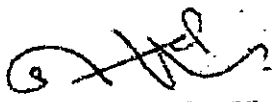
Subject: APPLICATION FOR TRANSFER/POSTING

Memo:

Kindly find an enclosed application submitted by Inspector Nijad Khan 119/RA District
Commander Elite Force Bannir, for transferring/Posting to Counter Terrorism Department (CTD)
/ Special Branch (SB) Khyber Pakhtunkhwa.

Submitted for Kind Consideration. Please

Encl: (Application)


(CAPT SAJID MEHMOOD SHAH)
Superintendent of Police,
Elite Force/RRF Malakand Region, Swat

Better Copy No. 12

**OFFICE OF THE SUPERINTENDENT OF POLICE,
ELITE FORCE, MALAKAND REGION, SWAT
TELEPHONE No: 0946-755331**

No. 1540 /R, EF

Dated: 10/01/2023

To,

The Deputy Commandant Elite Force
Khyber Pakhtunkhwa, Peshawar

Subject:

APPLICATION FOR TRANSFER / POSTING

Memo:

Kindly find an enclosed application submitted by
Inspector Nijad Khan 119/M District Commander Elite Force Bunnir, for
transferring / Posting to Counter Terrorism Department (CTD) Special
Branch (SB) Khyber Pakhtunkhwa.

Submitted for Kind Consideration, Please.

Encl: (Application)

**(CAPT ® SAJID MEHMOOD SHAH)
Superintendent of Police,
Elite Force/ RRF Malakand Region, Swat**

Annexure 51 (13)

**OFFICE OF THE INSPECTOR GENERAL OF POLICE KHYBER
PAKHTUKHWA, CENTRAL POLICE OFFICE PESHAWAR.**

No./CPO/E-III/CPO/ 40

Dated, Peshawar the 23 January, 2023.

Copy of overleaf letter No.1018-19/EF received from Deputy
Commandant Elite Force, Khyber Pakhtunkhwa is forwarded for concurrence to the:-

1. Deputy Inspector General of Police, Special Branch, Khyber
Pakhtunkhwa
2. Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa

HA Jaha
23/1/23
(AFSAR JAN)

Registrar
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar. *(A.S.)*

114



OFFICE OF THE
DEPUTY INSPECTOR GENERAL OF POLICE,
SPECIAL BRANCH KHYBER PAKHTUNKHWA,
PESHAWAR

Annexure H

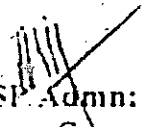

No. 107^a EB. Dated Peshawar, the 26 01 2023

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

Subject: - APPLICATION.

Memo:
Please refer to your office endst: No. 40 E-II, dated 23-01-2023 on the subject noted above.

This office has no objection on the transfer of Inspector Nijad Khan No. 119 NI from Region Malakand to this unit, please.

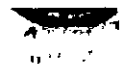

SSP Admin:
For Dy Inspector General of Police
Spl: Branch Khyber Pakhtunkhwa
Peshawar. 

Annexure I

15



Office of the
Elite Force Khyber Pakhtunkhwa Peshawar



No. 1018--18.01

Date:

5/1/23

To: The Deputy Inspector General of Police
Headquarters, Khyber Pakhtunkhwa Peshawar

Subject: APPLICATION

Memo: Enclosed kindly find herewith an application submitted by Inspector Siraj Fiaz
No.119/M of Malakand Region on deputation to this unit requesting them for transfer to CID
Special Branch

This office has no objection on his transfer from this establishment to CID Special
Branch subject to provision of his suitable substitute, please.

(TARIQ IQBAL) S.P. 11/2023

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

Copy of above is forwarded to the Superintendent of Police Elite Force Malakand
Region w.r to his letter No. 1540/R, EF, dated 10.01.2023

8E-II

19-10-23
22/1/23

Better Copy No. 15

OFFICE OF THE -----
Elite Force Khyber Pakhtunkhwa Peshawar

No. 1018-19/EF

Dated: ___ / ___ /2023?

To,

The Deputy Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa, Peshawar.

Subject: **APPLICATION**

Memo:

Enclosed kindly find herewith an application by Inspector Nijad Khan No. 119/M of Malakand Region on deputation to this unit requesting therein for transfer to CTD/ Special Branch.

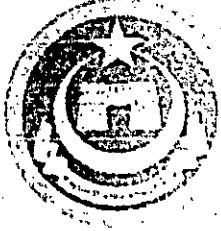
This office has no objection on his transfer from this establishment to CTD/ Special Branch subject to provision of his suitable substitute, please.

(TARIQ IQBAL)

Deputy Commandant

Elite Force Khyber Pakhtunkhwa, Peshawar

Copy of above is forwarded to the Superintendent of Police Elite Force Malakand Region w/r to his letter No. 1540/R, EF, dated 10.01.2023.



Amended J 16

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR. PH: 091-9210239
Fax: 0919210239

No. 107 /CPO/E-II/transfer/posting

dated 07.03.2023

ORDER.

Inspector Nijal Khan No.119/M, presently posted at Elite Force Khyber Pakhtunkhwa is hereby transferred and posted to Special Branch Khyber Pakhtunkhwa, with immediate effect.

Sd/-

(SABIR AHMED) PSP

Addl: Inspector General of Police HQrs
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Endst: No. & date even.

Copy forwarded to the:-

1. Commandant Elite Force Khyber Pakhtunkhwa w/r to his letter No.1018-19/RF, dated 18.03.2023.
2. DIG of Police Special Branch Khyber Pakhtunkhwa.
3. Regional Election Commissioner Khyber Pakhtunkhwa.
4. PA to the Addl: Inspector General of Police HQr Khyber Pakhtunkhwa.
5. OS/Secret Branch, CPO.
6. U.O.P File.

Afsar Jan
7/03/23
(AFSAR JAN)
Registrar

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Afsar Jan

Annexure K (17)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.
PI: 091-9210239 Fax: 091-9210239

No. CPO/E-II/ 196

dated Peshawar the 31 /03/2023.

To
The Commandant,
Elite Force, Khyber Pakhtunkhwa,
Peshawar.

Subject: ORDER.

Memo:-

Please refer to your office letter No.3111-14/EC/EF, dated 13.03.2023 and
letter No.3735-12/EC/EF, dated 21.03.2023 on the subject cited above.

In this regard it is submitted that Inspector Zarshad Ali No.328/M who
have been adjusted in your establishment as mentioned in above quoted reference letter
may be considered as substitute of Inspector Nijad Khan No.119/M, please.

[Signature]
31/3/23

(AFSAR JAN)

Registrar

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

[Signature]

Annexure L

(18)

CHARGE RELINQUISH REPORT

In accordance of the Addl Inspector General of Police Khyber Pakhtunkhwa Peshawar Notification No 107/CPO/E-II/transfer/posting dated 11/03/2023 and No 107/198 dated 11/03/2023, I, Nijad Khan Inspector, District Commander, RRF / Elite Force, Buner, have hereby relinquish my charge of District Commander, RRF / Elite Force, Buner on 11/03/2023 A.M.

NIJAD KHAN No. 119/M
District Commander,
RRF / Elite Force, Buner

Endst: No. & Date even.

Copies forwarded to the

1. Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar
2. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar
3. SP Elite Force, Malekand Region
4. PA to Adl. Insp. Khyber Pakhtunkhwa, Peshawar
5. Office Supdt: RRF, Khyber Pakhtunkhwa, Peshawar
6. Office Supdt: E-II CPO Peshawar
7. Accountant, RRF Khyber Pakhtunkhwa, Peshawar

(ABDUL SAMAD KHAN)
Deputy Commandant, RRF,
Khyber Pakhtunkhwa, Peshawar.

CHARGE RELINGQUISH REPORT

In pursuance of the Addl. Inspector General of Police, Hqrs: Khyber Pakhtunkhwa, Peshawar Notification No. 107/CPO/E-II/transfer/posting dated 07/03/2023 and No. CPO/E-II/196 dated 31/03/2023, I, **Nijad Khan Inspector No. 119/M** hereby relinquish the charge of District Commander, RRF/ Elite Force Buner today on 02/04/2023 A.N

NIJAD KHAN No. 119/M
District Commander,
RRF/ Elite Force, Buner

Endst No. & Date even.

Copy forwarded to the:

1. Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
3. SP Elite Force, Malakand Region.
4. PA to Addl: IGP Hqrs: Khyber Pakhtunkhwa, Peshawar.
5. Office Supdt: RRF, Khyber Pakhtunkhwa Peshawar.
6. Office Supdt: E-II CPO, Peshawar.
7. Accountant, RRF Khyber Pakhtunkhwa, Peshawar.

Amended M (19)

CHARGE ASSUMPTION REPORT

In compliance with the order issued by the Inspector General of Police, Khyber Pakhtunkhwa Peshawar, vide order No 1070 P/04 II/transfer/posting, dated 07-03-2023, I, have assumed the charge as Inspector in Special Branch Khyber Pakhtunkhwa Peshawar, today on 04-04-2023 (F.N).

(Nijad Khan)
Inspector No. 119/M

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

No. 3266-75 /EB. Dated Peshawar, the 11/04/2023.

Copy forwarded for information and necessary action to the

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Addl: Inspector General of Police, HQrs, KP, Peshawar.
3. Commandant Elite Force Khyber Pakhtunkhwa, Peshawar.
4. Establishment-II section
5. Accountant General Khyber Pakhtunkhwa Peshawar.
6. Accountant/SRC/CC/SB.
7. Office Supdt: Secret Branch CPO Peshawar.
8. Officer concerned.
9. EA/SB.

114
Addl: Inspector General of Police
Special Branch Khyber Pakhtunkhwa c/c
Peshawar.



ADDITIONAL INSPECTOR GENERAL OF POLICE,
SPECIAL BRANCH KHYBER PAKHTUNKHWA,
PESHAWAR

Phone No.091-9218014
Fax No.091-9218073

Annexure N (20)

ORDER

Having been received on transfer from Elite Force Khyber Pakhtunkhwa to this establishment vide CPO order No.107/E-II, dated 07-03-2023, Inspector Nijad Khan, No.119/M assumed the charge as Inspector in SB/Hqrs on 04-04-2023 vide No.3266-75/EB, dated 11-04-2023.

He is hereby posted to Security Section SB/Hqrs, with immediate effect.

SSP/Admn:
For Addl: Inspector General of Police
Special Branch Khyber Pakhtunkhwa
Peshawar

No. 3447-25 /ED, dated Peshawar the 19 / 04 / 2023

Copy to the:-

1. SP Security/SB
2. DSP/HQrs
3. PA to DIG & SSP/Admn
4. LO/SB
5. SRC & Account/SB
6. EA/SB

Annexure 2

(21)

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

10/10/2023

Dated: 04/04/2023

ORDER

Inspector Nijad Khan No. 119/M is hereby placed under suspension with immediate effect as he is still at the charge of Elite Force and cannot relinquish the charge of his post without obtaining approval permission from the undersigned. He shall stand absent from duty w.e. from 02.04.2023.

Departmental proceedings will be initiated against him separately. Deputy Commandant Rapid Response Force Khyber Pakhtunkhwa is appointed as enquiry officer who has to complete enquiry within 14 days after issuance of this order.

(MUHAMMAD AWISAL FAKTIAR SULTAN) PSP
Addl. Inspector General of Police,
Elite Force Khyber Pakhtunkhwa Peshawar

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

1. Deputy Commandant Rapid Response Force Khyber Pakhtunkhwa Peshawar.
2. Superintendent of Police Elite Force Malakand Region Swat.
3. Office Superintendents Elite Force/RRF Peshawar.
4. Accountant RRF Peshawar with the directions not to issue his LPC.

BETTER COPY 21

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

No. 0026-30/EF

Dated: 04/05/2023

ORDER

Inspector Nijad Khan No. 119/M is hereby placed under supervision with immediate effect as he is still at the charge of Elite Force and cannot relinquish the charge of his office without obtaining approval / permission from the undersigned. He shall stand absent from duty w.e.from 02.04.2023.

Departmental proceedings will be initiated against him separately. Deputy Commandant Rapid Response Force Khyber Pakhtunkhwa is appointed as enquiry officer who should complete enquiry within 14 days after issuance of this order.

(MUHAMMAD WISAL FAKHAR SULTAN) PSP
Addl: Inspector General of Police,
Elite Force Khyber Pakhtunkhwa, Peshawar

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

1. Deputy Commandant Rapid Response Force Khyber Pakhtunkhwa, Peshawar
2. Superintendent of Police Elite Force Malakand Region Swat.
3. Office Superintendent Elite Force/ RRF Peshawar.
4. Accountant RRF Peshawar with the directions not to issue his LPC.

Annexure P (22)

SUMMARY OF ALLEGATIONS

1. Irfan Tariq, Deputy Commandant, Elite Force Khyber Pakhtunkhwa, Peshawar as competent authority, in the opinion that Inspector Nijad Khan No. 119/M while posted as District Commander Elite Force Buner has rendered himself liable to be proceeded against departmentally as he has committed the following misconduct within the meaning of Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014).

On 07.03.2023 his transfer order from Elite Force to Special Branch was issued by CPO vide NO. 107/CPO/E-II/transfer, but he instead to follow the proper channel and get prior permission of Elite HQs Peshawar, at his own behest taking law in hands, on 02.04.2023 (Sunday) left charge in Elite Force and reported arrival in Special Branch 04.04.2023 as it evident from his mercy petition submitted to Additional IGP Elite Force for relieving, thus, he was considered absent from duty w.e. from 02.04.2023 as member of disciplined force he has deliberately not followed the rules and regulations.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations, Mr. Abdus Samad Deputy Commandant RRF Khyber Pakhtunkhwa Peshawar is appointed as Enquiry Officer.

The Enquiry Officer shall provide reasonable opportunity of hearing to the accused official, record statements etc and submit findings within (14 days) of the receipt of this order.

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

(IRFAN TARIQ) PSP
Deputy Commandant.

Elite Force, Khyber Pakhtunkhwa Peshawar

No. 88-6200/EF dated Peshawar the: 08 05 2023

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

1. Deputy Commandant, RRF, Khyber Pakhtunkhwa Peshawar.
2. Inspector Nijad Khan No. 119/M District Commander Elite Force Buner with the direction to attend the enquiry proceedings on the date, time and place fixed by the Enquiry Officer.

Annexure 2.

(23)

CHARGE SHEET

Irfan Tariq, Deputy Commandant, Elite Force Khyber Pakhtunkhwa, Peshawar as competent authority hereby charge you Inspector Nijad Khan No. 119/M while posted as District Commander Elite Force Buner as follows:-

On 07.03.2023 your transfer order from Elite Force to Special Branch was issued by CPO vide NO. 107/CPO/E-II/transfer, but you instead to follow the proper channel and get prior permission of Elite HQrs Peshawar, at your own behest taking law in hands, on 02.04.2023 (Sunday) left charge in Elite Force and reported arrival in Special Branch 04.04.2023 as it evident from your mercy petition submitted to Additional IGP Elite Force for relieving, thus, you were considered absent from duty w.e. from 02.04.2023 as member of disciplined force you have deliberately not followed the rules and regulations.

By reason of the above you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014) and have rendered yourself liable to all or any of the penalties specified in the rule.

3. You should submit your written report, if any, to the Enquiry Officer within 10 days of the receipt of this notice, failing which it shall be presumed that you have no defense to offer and ex-parte action shall be initiated against you.

4. You are at liberty, if desire to be heard in person.

5. A statement of allegations is enclosed.

(IRFAN TARIQ) PSP
Deputy Commandant,

Elite Force, Khyber Pakhtunkhwa Peshawar

450
11/01/23
Annexure R (24)

DEPARTMENTAL ENQUIRY AGAINST INSPECTOR NIJAD KHAN NO. 119/M
DISTRICT COMMANDER ELITE FORCE BUNER

BRIEF FACTS:

On 07.03.2023 his transfer order from Elite Force to Special Branch was issued by CPO vide No. 107/CPO/E-II/transfer, but he instead to follow the proper channel and get prior permission of Elite HQrs Peshawar, at his own behest taking law in hands, on 02.04.2023 he left charge in Elite Force and reported arrival in Special Branch on 04.04.2023 as it evident from the mercy petition submitted to Additional IGP Elite Force for relieving, thus, he was considered absent from duty w.e. from 02.04.2023 as member of disciplined force he has deliberately not followed the rules and regulations.

2. The Deputy Commandant, Elite Force, Khyber Pakhtunkhwa Peshawar issued Charge Sheet & Summary of Allegations to the delinquent official vide letter No. 319-C200/EF, dated 08.05.2023 and the undersigned appointed as Enquiry Officer to conduct facts finding enquiry into the matter and submit report within 14 days.
3. In this connection the undersigned recorded statement of Insp Nijad Khan District Commander Elite Force Buner.
4. He in his statement stated that he has been appointed as PASI in Shaheed Quota in 2009. In 2017, he was promoted as Inspector and transferred to Elite Force. For promotion to the rank of DSP one year mandatory period in other unit is pre-requisite.
5. In this connection, on 10.01.2023 SP Elite Force/RRF Malakand Region has sent his application for transfer from Elite Force to Special Branch to Deputy Commandant Elite Force vide No. 1540/R. EF. On 07.03.2023 Adtl IGP HQrs CPO Peshawar has issued his transfer order vide No. 107/CPO/E-II/Transfer/Posting. On 02.04.2023 he has submitted his charge relinquish report to Deputy Commandant RRF Malakand Peshawar and reported arrival in Special Branch on 04.04.2023.
6. He further stated that he at his own behest, failed to follow the proper procedure, relinquished charge without prior permission of the high ups of Elite Force was the result of miss-understanding.
7. He was provided opportunity of personal hearing and random questions were asked. In the question/answer session, he confessed his guilt that his charge relinquish report was neither accepted by the high ups nor he was granted permission to report arrival in Special Branch.

Conclusion:

From the perusal of the narration of the above statement and material placed on record, I noticed that the delinquent officer, being senior most and skilled delinquent did not follow the prescribed procedure of relieving/assuming charges, thus, guilty of mis-conduct, therefore, he is recommended to be awarded appropriate punishment. Submitted please.

(ABDUS SAMAD) PSE
Deputy Commandant,
RRF Malakand, Khyber Pakhtunkhwa, Peshawar



Dated: 23/05/2023

ORDER

This order will dispose of the departmental proceedings against Inspector Nijad Khan No. 119 M of Elite Force Khyber Pakhtunkhwa.

He was transferred from Elite Force to Special Branch by CPO on 07.03.2023, but he instead to following the proper channel and getting prior permission from Elite HQs: Peshawar, left charge on 02.04.2023. He was marked absent from duty w.e. from 02.04.2023 being member of a disciplined force, he has deliberately avoided the rules / regulations.

In this connection he was suspended by Addl: IGP Elite Force, Khyber Pakhtunkhwa Peshawar vide No. 6026-30/EF, dated 04.05.2023 and issued Charge Sheet along with Summary of Allegations vide No. 6199-6200/EF, dated 08.05.2023 and Deputy Commandant RRF was appointed as Enquiry Officer to conduct through departmental enquiry and submit report within 14 days.

Enquiry Officer conducted enquiry and reported that the delinquent officer, being senior most and skilled, deliberately did not follow the prescribed procedure of relieving / assuming charges, thus, guilty of mis-conduct. Therefore, recommended to be awarded appropriate punishment. In this connection he was called in orderly room on 23.05.2023 to appear before the undersigned, heard in person but he failed to satisfy on the contentions leveled against him.

Therefore, I, Irfan Tariq, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, keeping in view the above facts / circumstances and recommendations of the enquiry officer, impose major penalty of "DISMISSAL" from service upon him from the date of absence i.e 02.04.2023 under Police Rules 1975 (amended 2014).

(Order announced)!

(IRFAN TARIQ) PSP
Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

Copy of the above is forwarded to the:-

1. Deputy Commandant, RRF Khyber Pakhtunkhwa Peshawar.
2. Superintendent of Police, Elite Force HQ: Peshawar.
3. Superintendent of Police, Elite Force Malakand Region.
4. Accountant / EC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. OASI, Elite Force Khyber Pakhtunkhwa Peshawar.

Annexure T (26)

بخدمت جناب ایڈیشنل انسپکٹر جنرل آف پولیس / کمانڈنٹ صاحب ایلیٹ فورس خیبر پختونخواہ

حکمانہ اپیل برخلاف حکم برخواستگی نمبر 6982-87/EF Date 23-05-2023

مجاریہ ڈپٹی کمانڈنٹ صاحب ایلیٹ فورس خیبر پختونخواہ

جناب عالی!

گزارش ہے کہ سائل کو بحوالہ حکم نمبر 6982-87/EF Date 23-05-2023 مجاریہ ڈپٹی کمانڈنٹ صاحب ایلیٹ فورس خیبر پختونخواہ ملازمت سے برخاست کیا گیا ہے۔ سائل ذیل گزارشات / معروضات برائے ہمدردانہ غور پیش خدمت کرتا ہے۔

1- یہ کہ سائل نے دوران ملازمت ہمیشہ اپنے فرائض منصبی نہایت ایمانداری-جانفشانی اور نیک نیتی سے سرانجام دیے ہیں۔ کبھی آفسران بالا کو شکایت کا موقع نہیں دیا ہے۔

2- یہ کہ سائل کا تبادلہ Through proper channel پیشل براچ ہوا ہے۔ اور ساتھ ہی سائل کا substitute بھی ہوا ہے۔ نقل حکم موصول ہونے پر سائل نے نیک نیتی سے بصورت تبادلہ روانگی کر کے پیشل براچ میں حاضری کی ہے۔

3- یہ کہ سائل نے مورخہ 03-04-2023 کو باقاعدہ چارج چھوڑنے کا رپورٹ بدست کانسٹیبل نظام خان نمبر 3870 دفتر جناب ڈپٹی کمانڈنٹ صاحب RRF کو حسب قاعدہ ارسال کی ہے جس پر کسی قسم کا اعتراض موصول نہیں ہوا۔

4- یہ کہ سائل بعد حاضری پیشل براچ باقاعدگی سے ڈیوٹی / فرائض سرانجام دے رہا ہے۔

5- یہ کہ سائل کے charge assumption report کی کاپی نمبر 3266-75/EB Dated 11/04/2023 پیشل براچ سے کمانڈنٹ ایلیٹ فورس خیبر پختونخواہ بھجوائی گئی جس پر بھی کسی قسم کا اعتراض موصول نہیں ہوا۔

6- یہ کہ سائل نے کوئی Misconduct نہیں کیا۔ اور نہ ہی کسی روز کی خلاف ورزی کی ہے اگر سہو طریقہ کار کی کوئی خلاف ورزی ہوئی ہے۔ تو اس کیلئے اتنی بڑی سزا برخاستگی انصاف کے تقاضوں کے برعکس ہے۔

8- یہ کہ بعد انکوائری کوئی فائنل شو کاز نوٹس جاری نہیں کیا گیا ہے۔

9- یہ کہ سائل بہ عہدہ کنفرم انسپکٹر ہے سائیل کیلئے Further promotion کیلئے بمطابق ترمیمی پولیس رولز 2017 دیگر پونٹ کا پیریڈ مکمل کرنا لازمی ہے۔ جسکی وجہ سے سائیل نے حسب قاعدہ بعد حصول NOC تبادلہ پیشل براچ کیا ہے۔ کیونکہ سائیل 6 سال ایلیٹ فورس یونٹ میں گزار چکا ہے۔

(27)

(۹)

10- یہ کہ سائیل پر غیر حاضری کا الزام لگانا بھی قرین انصاف نہیں ہے۔ بلکہ حقائق کے بالکل برعکس ہے کیونکہ سائیل مورخہ 04/04/2023 سے سیشن برانچ ہیڈ کوارٹر میں ڈیوٹی پر موجود تھا۔

11- یہ کہ سائیل کی جگہ متبادل انسپکٹر کے آرڈر کے بعد سائیل نے چارج چھوڑا ہے۔ جس کے بعد الزام مذکورہ اور سائیل کو اتنی بڑی سزا تمام رولز، قواعد، انصاف کے تقاضوں اور عدالت عالیہ کے فیصلوں کی نفی کرتا ہے۔ پھر بھی سن سائیل معافی کا طلب گار ہوں۔ استدعا ہے کہ درج بالا حالات و واقعات کو مد نظر رکھ کر سائیل کی اپیل منظور فرما کر سائیل کو تاریخ غیر حاضری سے ملازمت پر بحال فرمایا جاوے۔

مورخہ 01/06/2023

Received by
Atsra Jan N/Qasim
EX انسپکٹر نجاد خان 119/M سکوری سیکشن سیشن برانچ خیبر پختونخواہ پشاور
0346-2338080
5/6/23

Office of the Deputy Commandant,
Elite Force Khyber Pakhtunkhwa Peshawar

28

Subject: APPEAL FOR RE-INSTATEMENT

R/Sir,

It is submitted that Ex-Inspector Nijad Khan No. 119/M who was awarded the major punishment of Dismissal from service by Deputy Commandant Elite Force Khyber Pakhtunkhwa vide order No. 6982-87/EF, dated 23.05.2023, as he was transferred from Elite Force to Special Branch by C/O on 07.03.2023, but he on his own departed from Elite Force by ignoring the rules & regulations. He was marked absent from duty w.e. from 02.04.2023.

He was placed under suspension by Addl: IGP Elite Force, Khyber Pakhtunkhwa Peshawar vide No. 6026-30/EF, dated 04.05.2023 and issued Charge Sheet along with Summary of Allegations was issued to him by Deputy Commandant Elite Force. The Deputy Commandant RRF was appointed as Enquiry Officer who conducted enquiry and submitted that the delinquent officer, being a former most and skilled, has deliberately failed to follow the prescribed procedure of relieving / assisting charges, thus, found guilty of misconduct. He was recommended to be awarded appropriate punishment. He was also called in orderly room on 23.05.2023 but he failed to explain.

Consequently, the Deputy Commandant, Elite Force imposed upon him the major punishment of dismissal from service.

Now, he has preferred the instant appeal for re-instatement in service before the Addl: IGP, Elite Force, Khyber Pakhtunkhwa.

Submitted for perusal & kind orders, please.

[Signature]
Establishment Officer

Office Sanad: EF

Adt:EF

Submitted please

19/06/23

Adt: IGP/EF

Better Copy No. 28

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

Subject: **APPEAL FOR RE-INSTATEMENT**

It is submitted that Ex-Inspector Nijad Khan No. 119/M who was awarded the major punishment of Dismissal from service by Deputy Commandant Elite Force Khyber Pakhtunkhwa vide order No. 6982-87/EF, dated 23.05.2023, as he was transferred from Elite Force to Special Branch by CPO on 07.03.2023, but he on his own departed from Elite Force by ignoring the rules and regulations. He was marked absent from duty w.e. from 02.04.2023.

He was placed under suspension by Addl: IGP Elite Force, Khyber Pakhtunkhwa Peshawar vide No. 6026-30/EF, dated 04.05.2023 and issued Charge Sheet along with Summary of Allegations was issued to him by Deputy Commandant Elite Force. The Deputy Commandant RRF was appointed as Enquiry Officer who conducted enquiry and submitted that the delinquent officer, being senior most and skilled, has deliberately failed to follow the prescribed procedure of relieving/assuming charges, thus, found guilty of misconduct. He was recommended to be awarded appropriate punishment. He was also called in orderly room on 23.05.2023 but he failed to explain.

Consequently, the Deputy Commandant, Elite Force imposed upon him the major punishment of dismissal from service.

Now, he has preferred the instant appeal for re-instatement in service before the Addl: IGP, Elite Force, Khyber Pakhtunkhwa.

Submitted for perusal & kind orders, please.

Estab: Clerk

Office Supdt: EF

mdt: EF

Addl: IGP/EF

BEFORE THE LEARNED SERVICE TRIBUNAL KPK PESHAWAR

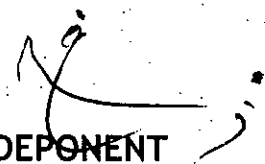
Nijad khan

VS

Inspector General of Police Khyber Pakhtunkhwa Peshawar Etc

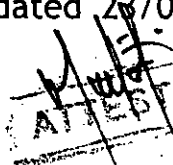
AFFIDAVIT


Stated on oath that the contents of the instant service appeal are correct to the best of my knowledge and believe and nothing has been concealed from this honorable tribunal.


DEPONENT

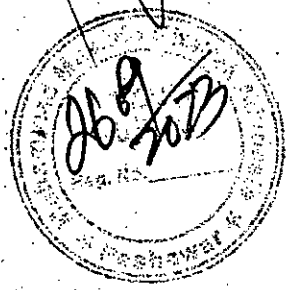
C E R T I F I C A T E

Certified that, no other such like petition has earlier been filed against the impugned order dated 23/05/2023 before any competent court of law.


ATTESTED


DEPONENT

Dated: 26/09/2023.



BEFORE THE HONOEABLE SERVICE TRIBUNAL KPK PESHAWAR

In Re S.A _____/2020

Nijad Khan

VERSUS

Inspector General of Police and Others

ADDRESSES OF PARTIES

APPELLANT:

Nijad Khan S/o Dost Muhammad Khan R/o village and post office Ouch Tehsil Adenzai and District Dir lower Khyber Pakhtunkhwa.

RESPONDENTS:

- 1. Inspector General of Police Khyber Pakhtunkhwa Peshawar
- 2. Additional Inspector General of Police/ Commandant Elite Force Khyber Pakhtunkhwa Peshawar.
- 3. Deputy Commandant Elite Force Khyber Pakhtunkhwa swat.

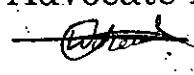
Dated: 26/09/2023



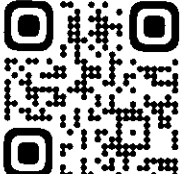

Appellant

Through

Waheed Durrani

Advocate High Court Peshawar.



قیمت 50 روپے	11406	پشاور بار ایسوسی ایشن، خیبر پختونخوا
ایڈویکیٹ: <u>وعید درانی</u>	بار کونسل ایسوسی ایشن نمبر <u>BC-13 42 37</u>	PESHAWAR BAR ASSOCIATION
رابطہ نمبر: <u>0333-9796888</u>		
		
		

بعدالت جناب: سروس ٹرانسپونل جی بی جی کٹوٹوٹو پشاور

مخانب: <u>ایبیلانٹ</u>	دعویٰ: <u>سروس ایبیل</u>
	علت نمبر: <u>-</u>
	مورخہ: <u>-</u>
	جرم: <u>-</u>
	تھانہ: <u>-</u>

بنام آئی جی، جی پولیس کٹوٹوٹو وغیرہ

نجاہ خان

باعت تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ آن مقام کٹوٹوٹو کیلئے وعید درانی کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کالہ اختیار ہوگا، نیز وکیل صاحب کو رضی نامہ کرنے و تقرر حالت و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا ایپل کی برآمدگی اور منسوخی، نیز دائر کرنے ایپل نگزانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ پر داختر منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا کوئی تازن پیش مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں۔ لکن ذرا کالت نامہ لکھ دیا تاکہ سند رہے

المرقوم: 26/09/20

مقام ڈسٹرکٹ کورٹ / سروس ٹرانسپونل جی بی جی کٹوٹوٹو کے لیے منظور ہے۔

Waheeddurrani5858
@ Gmail.com

Attested and Accepted
by Waheed

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔