

22.11.2022

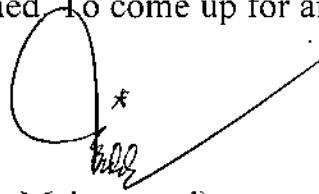
Appellant alongwith his counsel present. Mr. Asif Masood Ali

Shah, Deputy District Attorney for the respondents present.

Arguments could not be heard due to paucity of time.

Adjourned. To come up for arguments on 27.12.2022 before the D.B.

SCANNED
KPST
Peshawar



(Mian Muhammad)
Member (E)



(Salah-Ud-Din)
Member (J)

27-12-22

Due to winter location,

the case is adjourned to 4-4-23

Q
Reader

05.01.2022

Counsel for the appellant present. Preliminary arguments have been heard.

Points raised need consideration. The appeal is admitted for regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be

Appellant Deposited
Security & Process Fee

5/1/22

issued to the respondents for submission of written reply/comments on 14.03.2022 before S.B.

(Rozina Rehman)
Member (J)

14.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 02.06.2022 for the same as before.

Reader.

2nd June, 2022

Clerk of counsel for appellant present. Mr. Kabcerullah Khattak, Addl. AG alongwith Mian Niaz Muhammad DSP (Legal) for respondents present.

Respondents have submitted reply/comments which is placed on file. To come up for arguments on 9.08.2022 before D.B.

Chairman

9-8-2022

Due to the Public holiday the case is adjourned to 22-11-2022


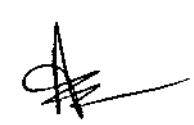
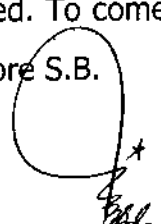
Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- 7397 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	09/09/2021	<p>The appeal of Mr. Farid Ullah resubmitted today by Mr. Mian Afrasiab Khan Kakekhel 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>
2-		<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>01/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	01.11.2021	<p>Appellant in person present.</p> <p>Appellant requested for adjournment on the ground that his counsel is not available today. Granted. To come up for preliminary hearing on 05.01.2022 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member(E)</p>


The appeal of Mr. Faridullah son-of-Asmatullah r/o Nar Raza Khan Adam Zai Nourang Distt. Lakki Marwat received today i.e. on 06.09.2021 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Certificate be given to the effect that the appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.
- 2- Appeal may be supported with by an affidavit duly attested by the Oath Commissioner.
- 3- Check list is not attached with the appeal

No. 1777 /S.T,

Dt. 07/09 /2021

Mian Afrasiab Khan Kakakhel Adv.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Note: Objection No. 1, 2, 3 are removed,
Hence re-submitted today 9/9/2021.



**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR**

In Re: Service Appeal No. _____/2021

FaridUllah S/O AsmatUllah

R/O Nar Raza Khan Adam zai, Nourang, Tehsil and District LakkiMarwat.

..... *Appellant*

Versus

Inspector General of Police & others

..... *Respondents*

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Mian Afrasiab Gul Kakakhel
AHC
MAK

Law offices
Liberty Mall, University Road, Peshawar
Mobile: 0333 9215562

Handwritten notes:
AHC
MAK
2021

①

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR**

In Re: Service Appeal No. _____/2021

FaridUllah S/O AsmatUllah

R/O Nar Raza Khan Adam zai, Nourang, Tehsil and District LakkiMarwat.

..... *Appellant*

Versus

1. **Inspector General of Police**
Khyber Pakhtunkhwa, Peshawar.
2. **Deputy Commandant,**
Elite Force, Khyber Pakhtunkhwa, Peshawar.
3. **The Superintendent of Police,**
Elite Force, Bannureigon, Khyber Pakhtunkhwa.

..... *Respondents*

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974
AGAINST THE IMPUGNED ORDER DATED
20.06.2018 & 05.08.2020 PASSED BY THE
RESPONDENT NO.02, ORDER DATED 06. 08. 2021
PASSED BY RESPONDENT NO.01, WHEREBY REVISION
PETITION, OF THE APPELLANT WAS DISMISSED.

Prayer: on acceptance of this appeal the Honourable
Tribunal may kindly direct the followings:

- i. Set-aside the impugned order of dismissal
from service dated 20.06.2018 & order of

2

dismissal of departmental appeal dated 05.08.2020, passed by Respondent No.02

- ii. Set-aside the dismissal order of revision petition dated 06.08.2021 passed by the Respondent No.01
- iii. Grant/allow all back benefits of total absence /out of service period of the appellant.

Respectfully Sheweth,

1. That the Petitioner is a respectable citizen of Pakistan and is entitled to all the rights enshrined in the Constitution. The Appellant had unblemished of 15 years of service in the respondent's department.

2. That the Respondents are the administering staff and authority responsible for supervision, operation and management of Police in the entire Province. The department is also responsible for appointment, promotion transfer and actualization etc of the Civil servant in the department.

3. That brief facts of the case are that the appellant was on earned leave for 60 days i.e. from 13.02.2018 to 13.04.2018. During this time the appellant was suddenly disappear on 20.03.2018. The appellant family looked everywhere but the appellant was not traced anywhere, therefore the appellant's brother registered daily diary report No.19 dated 09.04.2018 in police station Norang..

Copy of the daily diary report No.19 dated 09.04.2018

at Annexure- A

3

4. That in order to trace the appellant, the local police started investigation and in this respect the District Police Officer Lakki Marwat wrote a letter dated 24.04.2018 to the Regional Police Officer, Bannu Region, Bannu for providing CDR of the appellants mobile numbers.

Copy of the letter dated 24.04.2018 at Annexure-B

5. That when the appellant was not found anywhere, brother of the appellant namely Aman Ullah s/o Asmatullah submitted applications to the Ministry of Interior, Government of Pakistan for recovery of his missing brother. The said applications were responded by the Ministry of Interior vide letter dated, 07.09.2018 & 26.10.2018.

Copy of the letter dated 07.09.2018 & letter dated 26.10.2018 at Annexure-C & D

6. That the appellant's family knocked every door, searched everywhere, submitted applications to all concern departments, but the appellant was not found. In such a miserable and anguish circumstances the appellant's brother submitted another application for recovery of the appellant to Respondent No.01, which was responded vide letter dated 11.11.2019.

Copy of letter dated 11.11.2019 at Annexure-E

7. That finally the appellant was traced by the International Committee of the Red Cross "ICRC" and it was found that the appellant is in Afghanistan jail. After hectic efforts finally the appellant was recovered and released on 24.03.2020. It is also worth mentioning that after release order of the appellant, the whole process of release took three and half months and the appellant reached home on 08.07.2021.

4

Copy of the letter issued by the Afghanistan government at Annexure-F

Copy of the letter issued by the ICRC at Annexure-G

8. That when the appellant reached home, soon the appellant visited respondents department to join but the appellant was shocked to know that he has been dismissed from the service vide impugned order dated 20.06.2018. The respondent No. 02, has dismissed the appellant from the service by conducting so called inquiry whereby the whole process has been conducted ex-parte.

Copy of the charge sheet at Annexure-H

Copy of Summary of allegation at Annexure-I

Copy of inquiry report at Annexure-J

Copy of final show cause at Annexure-K

Copy of the impugned order dated 20.06.2018 at Annexure-L

9. That feeling aggrieved from the order dated: 06-08-2018, the appellant filed appeal to Respondent No.02, whereby appellant appeal was rejected vide order dated 05.08.2018.

Copy of Appeal at Annexure-M

Copy of the order dated 05.08.2018 at Annexure-N

10. That feeling dissatisfied from the order dated: 05-08-2018 of respondent No.02, the appellant filed revision petition before Respondent No.01. The revision petition was noticed to Respondent No.02 who submitted written comments. Opportunity of hearing was provided to the appellant but he failed to convince the respondent No.01, hence his revision was dismissed vide order dated 06.08.2021.

Copy of revision petition at Annexure-O

5

Copy of the comments submitted by the Respondent
No.02 at Annexure-P

Copy of the order dated 06.08.2021 at Annexure-Q

11. That feeling aggrieved and dissatisfied from the orders of Respondent No.01 & Respondent No.02, the appellant having no other efficacious remedy to avail except to approach this Honourable Court, *inter alia*, on the following:

Grounds:

- I. That the appellant is a civil servant belonging to Police department and is aggrieved of the respondent's order of dismissal, despite the fact that appellant has all the evidence of his absence but the respondent has not consider the said evidence and passed the impugned order, which is illegal and against the law.
- II. That right of fair trial is the fundamental right of every citizen duly protected by the constitution which means that opportunity of hearing to both the parties must be given, their evidence should properly be taken note of, rather than dealing the genuine reasons and plausible evidence with technicality.
- III. That in all the impugned orders single finding over the appellant evidence has not been taken into consideration and for this sole reason the impugned orders of the respondents needs to be set-aside.
- IV. That appellant has been rendering meritorious services having illustrious career, spreading over many years and have earned respect from his seniors in various moments, similarly the integrity of the appellant has never been called into question by anyone in the entire department.

6

- V. That the impugned action is violative of law laid down by the apex courts wherein it has been categorically held that awarding major penalty must be based on some undeniable facts and strong evidence but in the instant case the whole process of inquiry is based on presumption, the major punishment is also to be based on some tangible material relating to merit and eligibility which could be lawfully taken note of. It is the duty of competent Authority to consider all the material of candidate involved in the incidents while putting them in juxtaposition, to find out the actual facts of the case.
- VI. That authority is to be exercised according to rational reasons which means that there be finding of primary facts based on good evidence, decisions about facts be made for reasons which serve the purpose of statute in an intelligent and reasonable manner. Actions which do not meet these threshold requirements are considered arbitrary and mis-use of power. It is further submitted that the object of good governance cannot be achieved without application of mind. Such objectives cannot be achieved by exercising discretionary powers unreasonably, arbitrarily and without application of mind. Rather it can be achieved by following rules of justness, fairness and openness in consonance with command of Constitution.
- VII. That the impugned action of the official Respondents is also repugnant to Articles 04, 25, 27 and 38 of the Constitution of the Islamic Republic of Pakistan 1973 as the appellant has been treated discriminately by the official Respondents and similarly appellant has been deprived of his lawful right, hence the impugned action of the Respondents is liable to be interfered with on the basis of law laid down by the Superior courts of Pakistan.

7

grievance of their subordinates with application of independent judicial mind, fairly, justly and with reasons and those reasons must be communicated to the concerned, whereas in the instant matter the official Respondents have acted in sheer violation of natural justice and prescribe law.

VIII. That further assistance shall be made at the time of arguments after due permission of the court.

Prayer: It is therefore, respectfully prayed that, on acceptance of this appeal the Honourable Tribunal may kindly direct.

- i. Set-aside the impugned order of dismissal from service dated 20.06.2018 & order of dismissal of departmental appeal dated 05.08.2020, passed by Respondent No.02
- ii. Set-aside the dismissal order of revision petition dated 06.08.2021 passed by the Respondent No.01
- iii. Grant/allow all back benefits of total absence /out of service period of the appellant.

iv. Cost

v.

Appellant
Through

Handwritten signature

Handwritten signature and date: 6.9.2021

Mian Afrasiab Gul Kakakhel
AHC

MAK
Law offices
Liberty Mall, University Road, Peshawar
Mobile: 0333 9215562
Email: afrasvyab.advocate@gmail.com

7-A

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

In Re: Service Appeal No. _____/2021

Faridullah S/o Asmat Ullah

R/o Nar Raza Khan Adamzai, Nourang, Tehsil and District Lakki
Marwat

.....Petitioner

V E R S U S

Inspector General of Police

Khyber Pakhtunkhwa, Peshawar

.....Respondents

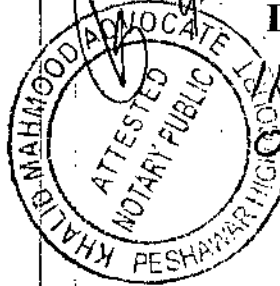
AFFIDAVIT

I, Mr. FARIDULLAH S/o Asmat Ullah (Appellant), do hereby solemnly affirm on Oath that the contents of Appeal are true and correct according to the best of my knowledge and that nothing has been concealed intentionally from this Honorable Court.

Deponent

Identified by:

Mian Afrasyab Gul Kakakhel
Advocate, High Court, Peshawar



201-5521523.3
0344-8767260

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7-B

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR**

In Re: service Appeal No. _____/2021

Faridullah S/O AsmatUllah

R/O Nar Raza Khan Adamzai, Nourang, Tehsil and District Lakki Marwat.

..... *Appellant*

Versus

**Inspector General of Police and Others
Khyber Pakhtunkhwa Peshawar.**

..... *Respondents*

Certificate

As per information furnished by my client no such appeal has earlier been filed before this court.

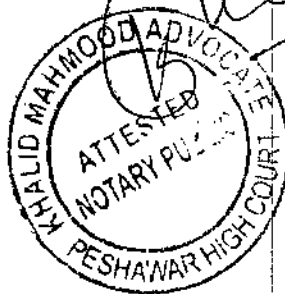
Appellant:

Faridullah

Through

Afrasiab Gul Kakakhel
Mian Afrasiab Gul Kakakhel

Advocate High Court



Law offices

Liberty Mall, University Road, Peshawar

Mobile: 0333-9215562

Email: afrasiab.advocate@gmail.com



OFFICE OF THE
DISTRICT POLICE OFFICER

LAKKI MARIWAT.

Ph. 099-558240 Fax. 099-558241

کراچی پولیس ایجنسی

No. 2243 / R Dated Lakki Marwat 26-04-2018

Annex - 09

09

To:

The Regional Police Officer,
Bannu Region, Bannu.

Subject: PROVISION OF CDR VIDE DDNO. 19 DATED 09.04.2018 PS NAURANG.

Memo:

It is submitted that Constable Faridullah No. 215/ EF s/o Asmatullah r/o Nar Raza Khan Adamzai has missing since 20.03.2018, in this regard a report vide DD No. 19 dated 09.04.2018 PS Naurang was registered in PS Naurang.

It is therefore requested that CDR of the following mobile number from 20.03.2018 to till date may please be provided for tracing out the missing constable please.

1. 03405270298.
2. 03365489613.

Enclosed 02 pages.

ATTESTED
to be true copy
Advocate

District Police Officer,
Lakki Marwat

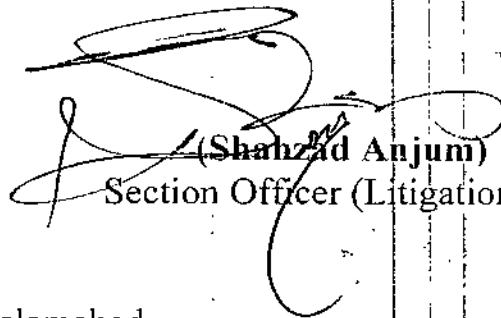
MOST IMMEDIATE

GOVERNMENT OF PAKISTAN
MINISTRY OF INTERIOR *Annex*
(Litigation-III Section, Law Wing)

Subject: **APPLICATION REGARDING RECOVERY OF MISSING PERSON FROM AFGHANISTAN**

Enclosed please find an Application, on the subject noted above. The contents of the application are self-explanatory.

2. It is, therefore, requested to take necessary action, accordingly.


(Shahzad Anjum)
Section Officer (Litigation-III)

The Secretary, Ministry of Foreign Affairs, Islamabad
The Secretary, Ministry of Human Rights, Islamabad
M/o Interior's U.O. No.3/264/2018 (Lit-III), dated 07-09-2018

Copy to: -

1. Director to Minister for Interior, Ministry of Interior, Islamabad.
2. PS to Secretary, Ministry of Interior, Islamabad.
3. PS to Additional Secretary (III), Ministry of Interior, Islamabad.
- ✓ 4. Applicant (Mr. Amanullah Khan S/o Asmatullah Khan) R/o Nar Raza Khan, Adamzai, Tehsil Sarai Naurang, District Lucky Marwat.

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Advocate

MOST IMMEDIATE/REMINDER

Government of Pakistan
Ministry of interior


Annex - D

(11)

Subject: **APPLICATION REGARDING RECOVERY OF MISSING PERSON FROM AFGHANISTAN.**

Reference Ministry of Interior U.O of even number dated 07.09.2018 on the subject noted above.

2. Report is still awaited. It is requested that action taken in the matter may kindly be intimated to this Ministry at the earliest.


(Matee Ullah)
Section Officer (Litigation-III)

The Secretary, Ministry of Foreign Affairs, Islamabad.
M/o Interior's U.O. No.3/264/2018 (Lit-III), dated 26-10-2018

Copy to: -

1. Director to Minister for interior, Ministry of Interior, Islamabad.
2. PS to Secretary, Ministry of Interior, Islamabad.
3. Applicant (Mr. Amanullah Khan S/o Asmatullah Khan) R/o Nar Raza Khan, Adamzai, Tehsil Sarai Naurang, District Lucky Marwat.

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to be true copy
Advocate



BY FAXED

Annex - E (12)

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

No 5016-17 /CPO/LAB/PAS dated Peshawar the 11 November/2019

To: The Regional Police Officer,
Bannu.

Subject: REQUEST FOR RECOVERY OF BROTHER

Memor-

Respected Sir,

Enclosed please find herewith an application/complaint submitted by Amanullah from Lakki Marwat. After perusal of application, the competent authority has passed the following remarks thereon:

"RPO/Bannu:
Immediate report."

It is therefore, requested that order of competent authority may please be complied with under intimation to this office for onward submission to Worthy IGP Khyber Pakhtunkhwa.

(DSP/PAS)

For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

11/11/19

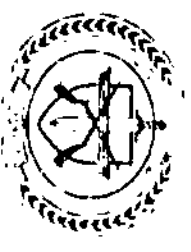
C.C.

The PSO to Worthy Inspector General Dy No. 5164/PPO dated 11.11.2019
AIG C & E for the favour of information please

ATTESTED

to be true copy
Advocate

نامه (13)



دلوی او بختیونکی خدای په نامه

علاهی ژوند ته د بیرته راگرځیدلو تصدیق نامه

نېټه: (الربیع الثانی) ۱۳۹۷ شمیره ۱۹۰۶۷۷۸ (توقف په اسم: (الربیع الله نصرت الله نسرته کبیره، ۹۰۶۷۷۸) نېټه ۱۳۹۹/۰۱/۰۵ ورکول کېږي.

افغانی ټولنی ته په سمولیز ټول ستاسو بیا راگرځیدل استمرار صلح آمیز شما را په جامعه افغانی، پرگشت شما را په ستاسو نړی کوری او د لاریت خلکو ته نوره له کوری میښوای. دا امضاء شوی ژمنه ستاسو په توکی اخلاقی د لاریت کوری او د افغانستان د اساسی قانون په نساکي د اسلامی جمهوری دولت له سولیز او ویاړ څخه یکه ژوند په کلکه تنگه کوی.

قوماندانی فرقه پولیس نظامی

پوهنمل توزنجنرال نو. الله (قادی)

ATTESTED
1397/01/05
Kandahar

Annex G

9/1/19



TO WHOM IT MAY CONCERN

The International Committee of the Red Cross (ICRC) certifies hereby that,

Mr. Farid Ullah s/o Asmat Ullah
Born in 1986 in Khyber Pakhtun Khwa Pakistan.
ICRC reg. nr. AFK-507514-01, and ASN-906778

Was visited and registered by the ICRC on 17/01/2019 at PDF-P (ANA) Military Prison
Bagram, Parwan Province, Afghanistan.

According to the Authority, he was released on 24/03/2020 from this facility.

ICRC Kabul, Afghanistan
Kabul, 23 Feb 2021



ICRC رپورٹ قید دورانہ

ATTESTED

to be true copy
Advocate

CHARGE SHEET

1. Muhammad Hussain, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, hereby charge you Constable Farid Ullah No. 215, Platoon No. 87 of Elite Force as follows:

As per information report of SP EF Bannu, you were on 60 days E/Leave w.e.from 13.02.2018 to 13.04.2018 but you did not report after leave and remained absent himself without any prior permission of the competent authority w.e.from 13.04.2018 till this date.


2. By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) 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.


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

ATTESTED

to be true copy
Advocate

10/10/2018

آئی فریڈا 15/10/2018 (2018)
کے خیالی، ان کے خیالیوں اور ان کے خیالیوں
آدم زلی کے خیالیوں، خیالیوں اور

3803818201-1201، خیالیوں اور 1189505
خیالیوں اور 145 کے خیالیوں میں خیالیوں اور

خیالیوں اور 145 کے خیالیوں اور خیالیوں اور

18/9/2018 کے خیالیوں اور خیالیوں اور

خیالیوں اور خیالیوں اور خیالیوں اور

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10/10/2018

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10/10/2018

10/10/2018

Annex- I (16)

128
263-18

SUMMARY OF ALLEGATIONS

I, Muhammad Hussain, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, am of the opinion that Constable Farid Ullah No. 215, (Platoon No. 87) of Elite Force Khyber Pakhtunkhwa has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Police Rules Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014).

SUMMARY OF ALLEGATIONS

As per letter report of DPO Lakki Marwat vide No. 1337-38/EC dated 09.03.2018, he was found involved in use of unfair means i.e use of cell phones, books and other cheating material during B-I Examination conducted through ETEA and his answer paper was cancelled on the spot which shows a great misconduct on his part.

2. For the purpose of scrutinizing the conduct of the said accused with reference to the above allegations Mr. Muhammad Arif A/SP Elite Force Bannu, is appointed as Enquiry Officer.

3. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused, record statements etc and findings within (07 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.

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

No. 4072-77 /EF, dated Peshawar the 19/03 /2018.

Copy of the above is forwarded to the:-

1. Acting Superintendent of Police, Elite Force Bannu.
2. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
3. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
4. EC/SRC/FMC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. FC Farid Ullah No. 215, of Elite through reader A/SP Elite Bannu.

ATTESTED

to be true copy
Advocate

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



Annex - J (17)

**OFFICE OF THE
SUPERINTENDENT OF POLICE,
ELITE FORCE/RRF BANNU.**



Phone No: 0928-9270290

Fax No: 0928-9270290

(INQUIRY REPORT)

It is submitted that Constable Farid Ullah No.215 platoon No.87/EF Bannu region was charge sheeted based upon summery of allegations of the following charges and the undersigned was appointed as inquiry officer in the said inquiry proceedings by the Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar vide Endst: No.6529-34/EF Dated: 08/05/2018.

Alligations/Charges:

As per information report of SP Elite Force Bannu, he was on 60 days earned leave with effect from 13.02.2018 to 13.04.2018 he did not report after leave and remained absentee himself without any prior permission of the competent authority with effect from 13.04.2018 till this date.

Proper departmental inquiry proceedings were initiated. To service charge sheet upon him, the said Constable was traced but not found and his missing /not finding report was submitted to Dy: Commandant Elite Force, KPK, Peshawar vide this office Memo: No. 183/EF Bu Dated.11.04.2018. After this, Final Show Cause Notice was issued by the Dy: Commandant Elite Force, KPK, Peshawar and was served upon his brother Constable/FRP Amanullah, who stated in his statement that his brother had still been missing.

Findings:

Report is submitted for favour of kind perusa and further orders/proceedings, please.

[Signature]
Superintendent of Police
Elite Force Bannu Region

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to be true copy
Advocate

FINAL SHOW CAUSE NOTICE

1. Muhammad Hussain, Deputy Commandant Elite Force Khyber Pakhtunkhwa Peshawar as competent authority under Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014) do hereby serve you Constable Farid Ullah No. 215, Platoon No. 87 of Elite Force as follows:

2. As per letter report of DPO Lakki Marwat vide No. 1317-38 FC dated 09.03.2018 you were found involved in use of unfair means i.e use of cell phones, books and other cheating material during B-I Examination conducted through B.I.T. and your answer paper was cancelled on the spot which shows a great misconduct on your part. Also you remained absent from duty without any leave or prior permission w.e.from 20.03.2018 till this date

3. That consequent upon the completion of enquiry conducted against you by Mr. Muhammad Saif SP Elite Force Banna you were given full opportunity of hearing but you failed to appear before the enquiry officer

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

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

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

7. If no reply to the show cause notice is received within seven days of its delivery, in the absence of any circumstances, it shall be presumed that you have no defense to put and in that case the penalty which shall be taken against you.

8. Copy of the finding of the Enquiry Officer is enclosed

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to be true copy
Advocate

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

No. 177/18 Elite Force Peshawar the 30/03/2018

Farid Ullah No. 215, of EF at his home address through reader SP Elite Force Banna.



Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



No. 8035-42/EF

Dated 20/06/2018.

ORDER


This order will dispose the departmental proceedings against Constable Fareed Ullah No. 215 of Elite Force, on deputation from District Police Lakki Marwat.

As per letter of DPO Lakki Marwat vide No. 1337-38/EC, dated 09.03.2018, he was found involved in use of unfair means i.e use of cell phones, books and other cheating material during B-I Examination conducted through ETEA and his answer paper was cancelled on the spot which shows a great misconduct on his part.

Charge Sheet and Summary of Allegations were issued to him vide No. 4072-77/EF, dated 19.03.2018 and SP Elite Force Bannu was appointed as Enquiry Officer but the said official failed to appear before the Enquiry Officer nor submitted any reply. Besides he also remained absent from duty without any leave or prior permission w.e.from 13.04.2018 till this date. Charge Sheet and summary of allegations were again issued to him vide No. 6529-34/EF, dated 08.05.2018 and SP Elite Force Bannu was appointed as Enquiry Officer but he failed to appear before the Enquiry Officer nor submitted any reply. His previous record was also perused and it is on record that he was awarded major penalties i.e. dismissal from service and time scale. Enquiry Officer in his findings found him guilty. Furthermore, A Final Show Cause Notice was also issued to him but he failed to reply nor reported for duty, which seems that he has no interest in his current job.

Therefore, I, Muhammad Hussain, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, keeping in view the above circumstances impose major penalty of dismissal From Service upon him from the date of his absence i.e. 13.04.2018.

Order announced.


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

Copy of the above is forwarded to the:-

1. District Police Officer, Lakki Marwat for information.
2. Superintendent of Police, Elite Force Bannu.
3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
4. Incharge Kot, Elite Force Khyber Pakhtunkhwa Peshawar.
5. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
6. FMC, Elite Force along with complete enquiry files i.e. 27 pages.
7. SRC/ OHC, Elite Force Khyber Pakhtunkhwa Peshawar.

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to be true copy
Advocate



جناب ڈپٹی کمشنر ایسٹ فورس فیڈرل پبلیک ایجوکیشن اتھارٹی
Hameed M20

درخواست برائے رخصت ایسٹ فورس
جناب عالی -

رض کی ہائی ہے کم سائل فریڈ اسٹیشن من 215 EF
لوٹی B-1 کا امتحان نزدیک آگیا۔ سائل کو امتحان سے تعلق، اور سائل کو جس سے B-1 کا
پریم کٹس کر دیا گیا، جس کی وجہ سے سائل کو چارہ شیٹ دیا گیا اور 50P ایسٹ فورس ہون
کو انکوٹری انٹر فوٹا کیا گیا۔ سائل کو چارہ شیٹ کا جواب نہ دینے پر کوالم اڈر من 42-3035
مردم 20-6-18 کو نوٹری سے برخواستہ کیا گیا
اصل بمورم 13-2 سے دو ماہ رخصت طلب کرنا۔ اور سائل کی والدی 13-4 کو نوٹری سے
اصل کے عیاشی احسان شرفان 9-4 کو نوٹری سے رخصت طلب کرنا۔ اور سائل کی والدی 13-4 کو نوٹری سے

من لیا اور آ رہا تھا اور جاہل لاہور سے جو سائل اغوا ہو گیا اور برادر من کی طرف سے مورم 26-18
کو نوٹری سے من لیا اور آ رہا تھا اور جاہل لاہور سے جو سائل اغوا ہو گیا اور برادر من کی طرف سے مورم 26-18
0093794368760 اطلاع موصول ہوئی کہ مذکورہ کا بھائی اہل تارا
جیل میں قیدی ہے سائل کا قحام ریکارڈ ریپورٹ + REP
وجود ہے تمام ریکارڈ گائڈنس ہمراہ من ہے جو من سائل کی بہت عزیز گواہ سے تعلق رکھتا ہے
اور سائل کے عیاشی نے رضی کے لئے کافی رقم فروخت کی ہے اور سائل کافی قرض دار ہیں جو قحام
لہذا آپ صاحبان سے استریا کی جاتی ہے کہ سائل کو واپس جانے کی تفصیلی درخواستیں ارسال کرنے کا
اصح ہمارے فرماویں
سائل کی ماحولیات وغیرہ کا

المنار
فریڈ اسٹیشن خان من 215 اور من 87 صفحہ ہون
0336-5489618
انکا بلڈر

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Advocate

MOST IMMEDIATE

Annex (N) (21)



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



No. 8667-72/EF

Dated: 05/08/2020.

ORDER

This is departmental appeal submitted by Ex-HC Fareed Ullah No. 215 of this Establishment against his order of dismissal from service passed by Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar vide No. 8035-42/EF, dated 20.06.2018, which was perused by the Competent Authority and filed his appeal on the ground of time limitation.

(Signature)

(ZAIBULLAH KHAN) PSP

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

Copy to the:-

1. Superintendent of Police, HQrs: Elite Force Peshawar.
2. Superintendent of Police, Elite Force Bannu Region.
3. Accountant Elite Force Khyber Pakhtunkhwa Peshawar.
4. RI Elite Force Khyber Pakhtunkhwa Peshawar.
5. OASI Elite Force Khyber Pakhtunkhwa Peshawar.
6. Ex-HC Fareed Ullah No. 215 through SP/Elite Force, Bannu Region.

7. SRC/FMC Elite Force K.P.K. Pol.

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to be true copy
Advocate

2.12/Full
Brid

بخدمت جناب IGP صاحب خیبر پختونخوا

جناب عالی!

عنوان: سروس بحالی رحم اپیل

مودبانہ گزارش کی جاتی ہے کہ سائل ایلیٹ فورس نمبر 215 پلاٹون نمبر 87 بنوں میں ڈیوٹی سرانجام دے رہا تھا۔ سائل 2 ماہ رخصت کلاں پر تھا۔ سائل کو دھوکہ دہی سے گرفتار کیا گیا۔ تمام تر کاغذات جیل و دوران قید ایلیٹ فورس ہیڈ کوارٹر EPTC نوشہرہ میں موجود ہے۔ سائل چونکہ ایک غریب خاندان سے تعلق رکھتا ہے سائل نے اپنی رہائی کیلئے کافی رقم خرچ کر چکا ہے اور سائل نے نیشنل بینک سے ایڈوانس سیلری لون بھی لی ہے اور سائل کا نوکری کے علاوہ کوئی اور ذریعہ معاش نہیں ہے سائل 15 سال سے ایلیٹ فورس میں ڈیوٹی سرانجام دے رہا ہے۔ سائل کو آج مورخہ 2020-11-30 بروز سوموار چارج شیٹ No. 8667-72/EF ایلیٹ ہیڈ کوارٹر EPTC نوشہرہ سے وصول ہوا ہے۔ اس سے پہلے سائل کو چارج شیٹ کا کوئی علم نہیں تھا۔ تمام تر کاغذات درخواست ہمراہ لف ہے۔ سائل کے چھوٹے چھوٹے بچے ہیں سائل پر رحم کر کے سروس بحالی کا حکم صادر فرمائیں۔

العارض

[Signature]
30-11-20

فرید اللہ خان 215 / EX-HC ایلیٹ فورس بنوں 0344-8767260

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Advocate



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



3
P1
Annex

No. 6825 /EF.

Dated 16/06/2021

To: The Registrar,
CPO, Khyber Pakhtunkhwa, Peshawar.

Subject: REVISION PETITION.

Memo:

7894/SB

Please refer to your office Memo: No. 2334/21, dated 07.06.2021 on the subject cited above.

The requisite para-wise comments are appended below:-

1. As per information report of SP/Elite Force, Bannu region Ex-Const: Farid Ullah No. 115 after availing 60 days leave w.e.f 13.02.2018 to 13.04.2018 he remained absent from duty without prior permission from the competent authority till issuance of his dismissal.

2. He was issued Charge Sheet with Summary of Allegations vide No. 6529-34/EF, dated 08.05.2018 and SP Elite Force Bannu region was nominated as enquiry officer. The enquiry officer reported that his brother was contacted on 20.03.2018 and he stated that he has gone to Peshawar and missing since then and the enquiry officer further reported that the record/background of the delinquent Constable is blemish and he was dismissed from government service 02/03 times and he found him guilty into the matter.

3. Consequently, he was issued Final Show Cause Notice vide No. 6171/EF, dated 10.07.2018 but he failed to reply nor reported for duty.

4. Hence, the Deputy Commandant/Elite Force, Khyber Pakhtunkhwa imposed major punishment of dismissal from service upon him from the date of his absence vide this office order Endst: No. 8035-42/EF, dated 20.06.2018.

5. Then, he preferred service appeal before the Commandant/Elite Force, Khyber Pakhtunkhwa on 27.07.2020 which was filed on the grounds of time limitation vide this office order Enst: No. 8667-72/EF, dated 05.08.2020.

However, the enquiry file of the aforementioned Ex-official is sent herewith for further necessary action at your end. The same may be returned when no longer required, please.

Encl: 04 Enquiry File (185Page)

01 Fauji Missal

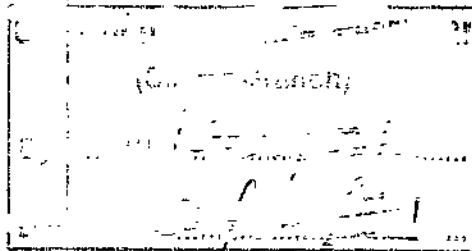
01 Service Roll

For DEPUTY COMMANDANT
Elite Force Khyber Pakhtunkhwa Peshawar

F. Missal
S. Roll
File
Link

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Advocate



25-1
Siy/EST para 19 21 Approved 26/11

PTO





(24)
Amir R 1

**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 Fareed Ullah No. 215**. The petitioner was dismissed from service by Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar vide order No. 8035-42/EF, dated 20.06.2018 on the allegations that as per letter of DPO Lakki Marwat vide No. 1337-38/EC, dated 09.03.2018, he was found involved in use of unfair means i.e. use of cell phones, books and other cheating material during B-1 examination conducted through ETEA and his answer paper was cancelled on the spot. Besides he also remained absent from duty w.e. from 13.04.2018 till date of dismissal from service i.e. 20.06.2018 for a period of 02 months & 07 days. His appeal was filed by Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar vide order No. 8667-72/EF, dated 05.08.2020.

Meeting of Appellate Board was held on 15.07.2021 wherein petitioner was heard in person. Petitioner contended that he was arrested by Afghan Police in Afghanistan.

Perusal of records reveals that the petitioner was earlier removed from service vide order dated 06.01.2016 on the allegations of absence from duty which establishes that he is habitual absentee and there is no prospects of mending his ways. During the proceedings, he could not submit solid evidence of his innocence. His revision petition is also badly time barred. Therefore, the Board decided that his petition is hereby rejected.

Sd/-

KASHIF ALAM, PSP

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

No. S/ 3257-65/21, dt: 06/08/2021

Copy of the above is forwarded to the:

1. Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar. One Service Roll, one Fauji Missal and four (04) enquiry files (185-pages) of the above named Ex-FC received vide your office Memo: No. 6225/EF, dated 16.06.2021 is returned herewith for your office record.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

ATTESTED
to be ~~by~~ Advocate

(IRFAN ULLAH KHAN) PSP
AIW Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

11.11.2021

81 257

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR**

In Re: Service Appeal No. _____/2019

MEMO OF ADDRESSES

APPELLANT:

FaridUllah S/O AsmatUllah

R/O Nar Raza Khan Adam zai, Nourang, Tehsil and District LakkiMarwat.

..... *Appellant*

Versus

RESPONDENTS

1. **Inspector Genral of Police**
Khyber Pakhtunkhwa, Peshawar.
2. **Deputy Commandant,**
Elite Force, Khyber Pakhtunkhwa, Peshawar.
3. **The Superintendent of Police,**
Elite Force, Bannureigon, Khyber Pakhtunkhwa.

..... *Respondents*

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Advocate

AP
Advocate
6.7.2021

بعد الکتب خانہ سروس ٹریڈنگ

BC 110: 09-1599
0333-9215562

فید اللہ

پیام انجیل
2024

باعث خرید یا نکل

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے رائے پیروی و جواب دہی و اس کا روای منساقہ
 آن مقام مجلس اور مساجد کے صاحب و مسوف کو مقدمہ کی کٹل کاروائی کا کامل اختیار دینا۔
 وکیل صاحب کو رائی نامہ کرنے و تقرر رائی و فیصلہ بر حلف دینے جواب دہی اور تباہ دعویٰ اور
 بسورت ڈگری کرنے اجراء اور وصولی چیک دور پیا عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز مدت عدم پیروی یا ڈگری کیلبر نہ یا اپیل کی براندگی اور
 نیز دائر کرنے اپیل ٹرائی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بسورت ضرورت مقدمہ مذکور
 کے کٹل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقریر کا
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساتھ
 پر داخست منظور قبول ہوگا۔ دوران مقدمہ میں ہر چیز چہ ہر جانہ التوائے مقدمہ کے سبب سے دور
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند رہا گے۔ کہ پیروی
 مانگو کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند رہے۔

وکیل صاحب
طلوع صبح اللہ تعالیٰ
سند سند سند

11201-55245233

المرقوم 6
ماہ ستمبر 2024

ان کے لئے منظور ہے
نیلو
2024

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

Service Appeal No. 7397/2021

Farid Ullah

.....Petitioner

V E R S U S

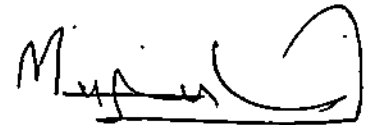
Govt. of KPK and others

.....Respondents

INDEX

S#.	Description of the Documents	Annex	Pages
1.	<i>Parawise Comments</i>		1-3
2.	<i>Affidavit</i>		4
3.	<i>Authority Letter</i>		5
4.	<i>Copy of Order dated 20.06.2018</i>	A	6
5.	<i>Copy of Order dated 05.08.2020</i>	B	7
6.	<i>Copy of Order dated 06.08.2021</i>	C	8

Deponent



DSP/Legal,
Elite Fore, Peshawar
0341-9094099

(D)

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

Service Appeal No. 7397/2021

Farid Ullah Ex-FC Elite Force..... (Appellant)
VERSUS

IGP, KP etc.....(Respondents)

REPLY BY RESPONDENTS NO. 1 TO 3

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 129
Dated 2/6/22

- 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 stopped to file the instant appeal by his own conduct.
- f) That the appellant has not come to this Honorable Tribunal with clean hands.
- g) That the appellant has got no cause of action and locus standi to file the instant service appeal.

FACTS:-

1. Pertains to personal information and service record of the appellant needs no comments.
2. Correct to the extent that respondents are administering staff and authority responsible for supervision, operation and management of Police in the entire province.
3. Incorrect. The appellant was found involved in use of unfair means i.e. use of cell phones, books and other cheating material during B-I examination conducted through ETEA and his answer paper was cancelled on the spot which shows a great misconduct on his part. Charge sheet with Summary of allegations were issued to the appellant vide No. 4072-77/EF, dated 19.03.2018. SP/ Elite Force, Bannu was appointed as enquiry officers but the appellant badly failed to appear before the enquiry officer nor he submitted his written reply. Besides he also remained absent from duty without any leave or prior permission w.e.f 13.04.2018 till date of dismissal from service. His previous record

also revealed that he was awarded major penalties i.e. dismissal from service and time scale. Enquiry officer in his finding found him guilty. Final show cause notice was issued to the appellant but he failed to reply nor reported for duty therefore, he was dismissed from service by the Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar vide order dated 20.06.2018. (Copy annexed as "A").

4. Correct to the extent of District Police Officer, Lakki Marwat Letter dated 24.04.2018, wherein the District Police Officer, Lakki Marwat had requisitioned CDR of the two mobile numbers of the appellant for the purpose of tracing out the appellant.
5. Incorrect. The appellant absented himself from lawful duties prior to his departure to Afghanistan. Furthermore, the appellant badly failed to bring his departure in the notice of competent authority.
6. Incorrect and misleading one. The appellant went to Afghanistan without prior permission of competent authority wherein, he was arrested. In-fact, the appellant badly failed to brought his departure in the notice of competent authority. Further worth to add here that the appellant was absented himself from lawful duties prior to his departure to Afghanistan. Therefore, he was treated in accordance with law/ rules.
7. As already explained in Para No. 6 of Facts.
8. Incorrect. As already explained in Para No. 3 of Facts.
9. Incorrect. The departmental appeal of the appellant against dismissal order was rejected being time barred vide order dated 05.08.2020. (Copy annexed as "B").
10. Incorrect. The appellant was heard in meeting of Appellate Board on 15.07.2021, petitioner contended that he was arrested by Afghan Police in Afghanistan. Perusal of record revealed that the petitioner was earlier removed from service vide order dated 06.01.2016 on the allegations of absence from duty which established that he is habitual absentee and there is no prospects of mending his ways. He was badly failed to submit solid evidence of his innocence furthermore, his appeal was badly time barred therefore, it was rejected vide order dated 06.08.2021. (Copy annexed as "C").
11. The instant Service Appeal of the appellant is not maintainable on the following Grounds.

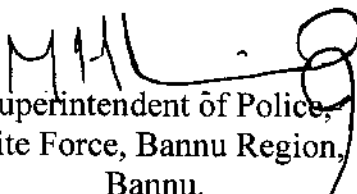
GROUND:-

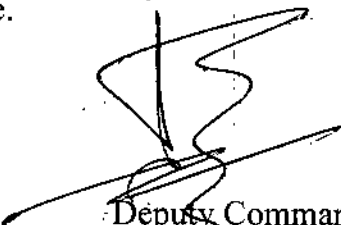
- I. Incorrect. As already explained above in Para No. 3 of Facts.

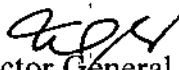
- II. Incorrect. All codal formalities were adopted by the answering respondents and no fundamental right of the appellant has been violated by the answering respondents.
- III. Incorrect. The orders of the answering respondents are quite in accordance with law/ rules, therefore, no need to be set aside.
- IV. Incorrect. As already explained in Para No. 3 & 10 of Facts.
- V. Incorrect. The appellant did attend the enquiry proceedings nor he submitted his written reply therefore, he was dismissed rightly in accordance with law/ rules and on the basis of sufficient material.
- VI. Incorrect. No discrimination has been done by the answering respondents to the appellant. Furthermore, the answering respondents acted in accordance with law/ rules.
- VII. Incorrect. No Article of Constitution of Islamic Republic of Pakistan, 1973 has been violated by the answering respondents.
- VIII. The answering respondents seek additional permission to advance other Grounds at the time of hearing.

PRAYER:-

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


 Superintendent of Police,
 Elite Force, Bannu Region,
 Bannu.
 (Respondent No. 3)


 Deputy Commandant,
 Elite Force, Khyber Pakhtunkhwa,
 Peshawar.
 (Respondent No. 2)


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

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

Service Appeal No. 7397/2021

Farid Ullah

.....Petitioner

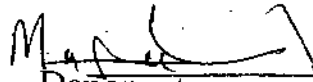
VERSUS

Govt. of KPK and others

.....Respondents

AFFIDAVIT

I, Mian Niaz Muhammad, DSP/Legal, Elite Force, Peshawar, do hereby solemnly affirm and declare on oath that the contents of the **Bail Parawise Comments** are true and correct to the best of my knowledge and belief and nothing has been kept concealed from this Hon'ble Court.


Deponent

CNIC No. 17301-1519386-1

Cell No. 0341-9094099

ATTESTED



02-06-2022

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AUTHORITY LETTER

I the undersigned do hereby authorized Mr. Mian Niāz Muhammad Inspector/ADsp Legal to submit the replies and attend the Honorable High Court on behalf of respondents.


COMMANDANT

Elite Force, Khyber Pakhtunkhwa,
Peshawar.



Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

No. 8035-42/EF

Dated 20/06/2018.

ORDER

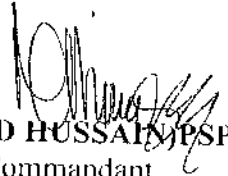
This order will dispose the departmental proceedings against Constable Fareed Ullah No. 215 of Elite Force, on deputation from District Police Lakki Marwat.

As per letter of DPO Lakki Marwat vide No. 1337-38/EC, dated 09.03.2018, he was found involved in use of unfair means i.e use of cell phones, books and other cheating material during B-I Examination conducted through ETEA and his answer paper was cancelled on the spot which shows a great misconduct on his part.

Charge Sheet and Summary of Allegations were issued to him vide No. 4072-77/EF, dated 19.03.2018 and SP Elite Force Bannu was appointed as Enquiry Officer but the said official failed to appear before the Enquiry Officer nor submitted any reply. Besides he also remained absent from duty without any leave or prior permission w.e.from 13.04.2018 till this date. Charge Sheet and summary of allegations were again issued to him vide No. 6529-34/EF, dated 08.05.2018 and SP Elite Force Bannu was appointed as Enquiry Officer but he failed to appear before the Enquiry Officer nor submitted any reply. His previous record was also perused and it is on record that he was awarded major penalties i.e. dismissal from service and time scale. Enquiry Officer in his findings found him guilty. Furthermore, A Final Show Cause Notice was also issued to him but he failed to reply nor reported for duty, which seems that he has no interest in his current job.

Therefore, I, Muhammad Hussain, Deputy Commandant, Elite Force Khyber Pakhtunkhwa Peshawar as competent authority, keeping in view the above circumstances impose major penalty of dismissal From Service upon him from the date of his absence i.e. 13.04.2018.

Order announced.


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

Copy of the above is forwarded to the:-

1. District Police Officer, Lakki Marwat for information.
2. Superintendent of Police, Elite Force Bannu.
3. RI, Elite Force Khyber Pakhtunkhwa Peshawar.
4. Incharge Kot, Elite Force Khyber Pakhtunkhwa Peshawar.
5. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
6. FMC, Elite Force along with complete enquiry files i.e. 27 pages.
7. SRC/ OHC, Elite Force Khyber Pakhtunkhwa Peshawar.

Annex-B

MOST IMMEDIATE

Annex (1) (2)



Office of the Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar



No. 8667-72/EF

Dated: 28/12/2020.

ORDER

This is departmental appeal submitted by Ex-HC Fareed Ullah No. 215 of the Establishment against his order of dismissal from service passed by Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar vide No. 8035-42/EF, dated 20.06.2018, which was perused by the Competent Authority and filed his appeal on the ground of time limitation.

(Signature)

(ZAIBULLAH KHAN) PSP

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

Copy to the:-

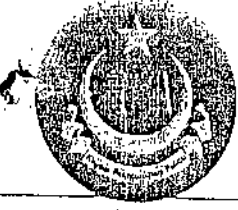
1. Superintendent of Police, HQrs: Elite Force Peshawar.
2. Superintendent of Police, Elite Force Bannu Region.
3. Accountant Elite Force Khyber Pakhtunkhwa Peshawar.
4. RI Elite Force Khyber Pakhtunkhwa Peshawar.
5. OASI Elite Force Khyber Pakhtunkhwa Peshawar.
6. Ex-HC Fareed Ullah No. 215 through SP/Elite Force, Bannu Region.

✓ SRC/EF/ Elite Force K.P.K. Pesh.

ATTESTED

to be true copy
Advocate

valled



Am-6
(25)

Am-6

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 Fareed Ullah No. 215. The petitioner was dismissed from service by Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar vide order No. 8035-42/EF, dated 20.06.2018 on the allegations that as per letter of DPO Lakki Marwat vide No. 1337-38/EC, dated 09.03.2018, he was found involved in use of unfair means i.e. use of cell phones, books and other cheating material during B-1 examination conducted through ETEA and his answer paper was cancelled on the spot. Besides he also remained absent from duty w.e. from 13.04.2018 till date of dismissal from service i.e. 20.06.2018 for a period of 02 months & 07 days. His appeal was filed by Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar vide order No. 8667-72/EF, dated 05.08.2020.

Meeting of Appellate Board was held on 15.07.2021 wherein petitioner was heard in person. Petitioner contended that he was arrested by Afghan Police in Afghanistan.

Perusal of records reveals that the petitioner was earlier removed from service vide order dated 06.01.2016 on the allegations of absence from duty which establishes that he is habitual absentee and there is no prospects of mending his ways. During the proceedings, he could not submit solid evidence of his innocence. His revision petition is also badly time barred. Therefore, the Board decided that his petition is hereby rejected.

Sd/-

KASHIF ALAM, PSP

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

No. S/ 3257-65/21, dt: 06/08/2021.

Copy of the above is forwarded to the:

1. Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar. One Service Roll, one Fauji Missal and four (04) enquiry files (185-pages) of the above named Ex-FC received vide your office Memo: No. 6225/EF, dated 16.06.2021 is returned herewith for your office record.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
5. PA to Addl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV CPO Peshawar.

ATTESTED
to be correct
Advocate

(IRFAN ULLAH KHAN) PSP

Advocate
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.