

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWAR**

Service Appeal No. 1670/2023

Tariq Aziz Ex-FC Elite Force .....Appellant

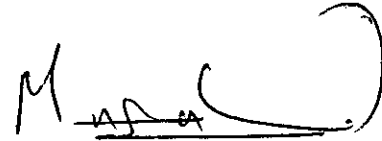
Versus

Commandant Elite Force etc .....Respondent

**INDEX**

S No.	Description of Documents	Annexure	Pages
1.	Para wise comments		1-2
2.	Affidavit		3
3.	Copy of Authority letter		4
4.	Copy of Charge Sheet & Summary of Allegations	A	5-8
5.	Dismissal Order	B	9

DEPONENT

  
(MIAN NIAZ MUHAMMAD)  
DSP Legal  
Elite Force, Peshawar

19-12-23

Peshawar.

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

**Khyber Pakhtunkhwa  
Service Tribunal**

Service Appeal No. 1670/2023

Tariq Aziz.....(Appellant)

Diary No. 9641

Dated 1-12-23

Versus

Commandant, Elite Force, Khyber Pakhtunkhwa etc..... (Respondents)

**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS**

That the respondent s submits as under:-

Respectfully She-weth:-

**PRELIMINARY OBJECTIONS:-**

- i. That, the appellant has got no cause of action or locus standi to file the present Service Appeal.
- ii. That, the appeal is bad for mis-joinder and non-joinder of necessary parties.
- iii. That, the appeal is barred by law & limitations.
- iv. That, the appellant is concealing real facts from this Hon'ble Tribunal.
- v. That, the appellant is estopped by his own conduct to file the petition.
- vi. That, the appellant has not come to this Honorable Tribunal with clean hands.

**FACTS:-**

1. Pertains to service record of the appellant.
2. Incorrect, misleading and misconceived, the appellant is concealing real facts from this Hon'ble Tribunal.
3. Incorrect, the appellant while posted in Platoon NO. 57 of Elite Force, was issued charge sheet together with summary of allegations (Copy attached as Annexure 'A') therein the following charges were framed;-
  - i. *He alleged the nature of explosion in CTD Police lines, Tehsil Kabal, District Swat was fabricated by officers/ officials.*
  - ii. *He also stated that facts were tarnished and twisted as there is no electricity in Armoury/ Kot.*
  - iii. *He stated about the treatment meted out to constabulary and alleged this disbursement of national census amount was not appropriate as give the government/ department.*
  - iv. *He stated the rights of constabulary and forfeited by the senior commenced without about any material facts and putting same before your chain of command.*

In this respect, Mr. Abdus Samad Deputy Commandant, RRF, Khyber Pakhtunkhwa appointed as Enquiry Officer with direction to conduct proper departmental enquiry in accordance with law/ rules. The enquiry officer conducted fair and impartial enquiry into the matter and submitted findings of enquiry wherein the appellant was found guilty of gross misconduct. The Competent Authority on receipt of enquiry findings, heard the appellant in person wherein the appellant badly failed to advance any plausible defense in

punishment of dismissal from service vide order dated 03.05.2023. (Copy attached as Annexure 'B').


4. Incorrect and misleading, the appellant without wait for decision on his departmental appeal filed the instant Service Appeal.
5. The instant Service Appeal is not maintainable and is liable to be dismissed on following Grounds.

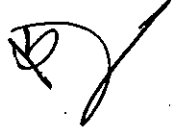
#### GROUNDS

- A. Incorrect, as already explained above in Para No. 3 of Facts. All codal formalities in accordance with law/ rules adopted by the respondent department.
- B. Incorrect, as already explained above in Para No. 3. The Competent Authority heard the appellant in person after receipt of enquiry findings wherein the appellant badly failed to advance any plausible defense in rebuttal of charges. Therefore, he was awarded with major punishment of dismissal from service.
- C. Incorrect, misleading and misconceived, the appellant is concealing real facts from this Hon'ble Tribunal. The acts of the appellant were found gross misconduct therefore, he is not entitled to be reinstatement in service.
- D. As already explained above in detail.
- E. Incorrect, as already explained above in detail in Para No. 3 of Facts.
- F. Incorrect, misleading and misconceived, the appellant is concealing real facts from this Hon'ble Tribunal.
- G. Incorrect, the order dated 03.05.2023 is based on prove and evidence. The appellant punished on gross misconduct.
- H. The respondents department also seeks permission to raise additional grounds at the time of arguments.

#### PRAYERS

Keeping in view above narrated facts, circumstances, the instant Service Appeal may kindly be dismissed, being devoid of merits, not maintainable and barred by law, with costs, please.

  
(ABDUS SAMAD) PSP  
Deputy Commandant,  
Elite Force, Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 01)

  
(MUHAMMAD WISAL FAKHAR SULTAN) PSP  
Addl: IGP/Commandant,  
Elite Force, Khyber Pakhtunkhwa,  
Peshawar  
(Respondent No. 02)

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWAR**

In Re:

Service Appeal No. 1670/2023

Tariq Aziz Ex-FC Elite Force.....Appellant

Versus

1. Deputy Commandant Elite Force
2. Addl: IGP / Commandant Elite Force.....Respondent

**AFFIDAVIT**

We Respondents 1, Mr. Abdus Samad PSP Deputy Commandant Elite Force and Respondent No. 2, Muhammad Wisal Fakhar Sultan PSP, QPM Addl: IGP / Commandant Elite Force Khyber Pakhtunkhwa do hereby solemnly affirm on oath and declare that the contents of these joint parawise comments on behalf of Respondents No. 1 to 2 are true and correct to the best of our knowledge and belief and nothing has been concealed from this Honorabel Tribnunal.

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



9/12/23

(ABDUS SAMAD) PSP  
Deputy Commandant,  
Elite Force, Khyber Pakhtunkhwa  
Peshawar  
(Respondent No. 1)

(MUHAMMAD WISAL FAKHAR SULTAN) PSP, QPM  
Addl: Inspector General of Police / Commandant  
Elite Force Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 2)

**IN THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHWAR**

In Re:

Service Appeal No. 1670/2023


Tariq Aziz Ex-FC Elite Force.....Appellant


Versus

1. Deputy Commandant Elite Force .....
2. Addl: IGP / Commandant Elite Force.....Respondent

**AUTHORITY LETTER**

Mian Niaz Muhammad DSP/Legal Elite Force Khyber Pakhtunkhwa is hereby authorized / nominated to submit para-wise comments and to attend Honorable Tribunal in above mentioned Service Appeal on behalf of Respondents No. 1 & 2.

  
**(ABDUS SAMAD) PSP**  
Deputy Commandant,  
Elite Force, Khyber Pakhtunkhwa  
Peshawar  
(Respondent No. 1)

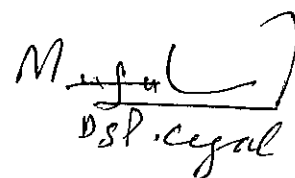
  
**(MUHAMMAD WISAL FAKHAR SULTAN) PSP, QPM**  
Addl: Inspector General of Police / Commandant  
Elite Force Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 2)

SUMMARY OF ALLEGATIONS

1. Irfan Tariq, Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority, is of the opinion that Constable Tariq Aziz No. 4886 of Platoon No. 57 has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014).

SUMMARY OF ALLEGATIONS

- a. That it was circulated vide this office letter No. 9509-20/EF dated 13.09.2022 & 91-108/EF dated 04.01.2023 that no member of Khyber Pakhtunkhwa Police will upload and viral any sort of unauthentic and unauthorized information on social /electronic media and shall not be a member of any Whatsapp groups. Still in violation of social media policy of KP Police under prohibition section 4,7 & 16 read with relevant section of Police Rules 1975, you proceeded with the use of social media with false and frivolous allegation against the department.
- b. You alleged that nature of explosion in CTD PS Swat was fabricated by officers/officials.
- c. You also stated that facts were tarnished and twisted as there is no electricity in armoury/kote.
- d. You also stated about the treatment meted out to constabulary and alleged that the disbursement of national census amount was not appropriate as given by the government/department.
- e. You also stated that rights of constabulary are forfeited by the senior command without any material facts and putting same before your chain of command.
- f. That you in share violation of above directives/instructions committed a gross misconduct and without showing any justification and source unlawfully spreading an audio message on social media which created disturbances and doubts amongst the members of the Police Force of Khyber Pakhtunkhwa.
- g. Your act is highly objectionable, against the norms of the Police disciplinary Rules 1975 as well as Khyber Pakhtunkhwa Police Social Media Policy as already circulated vide No. 2737/IAB dated 26.11.2021.
- h. That your act amounts to gross misconduct and liable to be proceeded against departmentally.

  
DSP. cejal

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

2. The Enquiry Officer shall provide reasonable opportunity of hearing to the accused official; record statements; etc and submit findings within (07 days) of the receipt of this order.

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

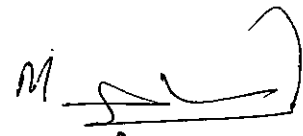


(IRFAN TARIQ) PSP  
Deputy Commandant,  
Elite Force Khyber Pakhtunkhwa  
Peshawar.

No. 5164-71/EF, dated Peshawar the: 26/04/2023.

Copy of the above is forwarded to the:-

1. Superintendent of Police Elite Force Malakand Region, Swat.
2. District Commander Elite Force Dir Lower.
3. Accountant Elite Force Khyber Pakhtunkhwa Peshawar.
4. OASI/EC/SRC, Elite Force Khyber Pakhtunkhwa Peshawar.
5. This charge sheet and summary of allegation to be served upon the accused Constable Tariq Aziz No. 4886 EF of Platoon No. 57 through reader to Elite Force, Malakand.



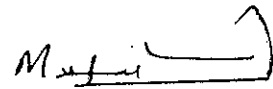
DSP Legal EF



### CHARGE SHEET

I, Irfan Tariq, Deputy Commandant, Elite Force Khyber Pakhtunkhwa, Peshawar as competent authority hereby charge you Constable Tariq Aziz No. 4886 of Platoon No. 57.

- a. That it was circulated vide this office letter No. 9509-20/EF dated 13.09.2022 & 91-108/EF dated 04.01.2023 that no member of Khyber Pakhtunkhwa Police will upload and viral any sort of unauthentic and unauthorized information on social/Electronic media and shall not be a member of any Whatsapp groups. Still in violation of social media policy of KP Police under prohibition section 4, & 10 read with relevant section of Police Rules 1975, you proceeded with the use of social media with false and frivolous allegation against the department.
- b. You alleged that nature of explosion in CTD PS Swat was fabricated by officers/officials.
- c. You also stated that facts were tarnished and twisted as there is no electricity in armoury/kote.
- d. You also stated about the treatment meted out to constabulary and alleged that the disbursement of national census amount was not appropriate as given by the government/department.
- e. You also stated that rights of constabulary are forfeited by the senior command without any material facts and putting same before your chain of command.
- f. That you in share violation of above directives/instructions committed a gross misconduct and without showing any justification and source unlawfully spreading an audio message on social media which created disturbances and doubts amongst the members of the Police Force of Khyber Pakhtunkhwa.
- g. Your act is highly objectionable, against the norms of the Police disciplinary Rules 1975 as well as Khyber Pakhtunkhwa Police Social Media Policy as already circulated vide No. 2737/IAB dated 16.11.2021.
- h. That your act amounts to gross misconduct and liable to be proceeded against departmentally.

  
D.S. Legal EF



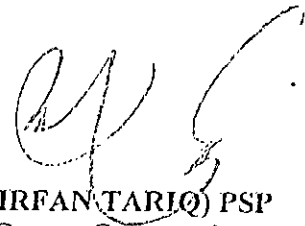
1. By reason of the above, you appear to be guilty of misconduct under the Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014) and have rendered yourself liable to all or any of the penalties specified in the rules.

2. You are therefore, directed to submit your defence within 07 days of the receipt of this charge sheet to the enquiry officer.

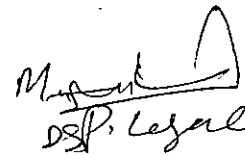
3. Your written defense, if any, should reach the enquiry officer within the specified period failing which, it shall be presumed that you have no defense to put in and in that case ex-parte action shall be taken against you.

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

5. A statement of allegations is enclosed.



(IRFAN TARIQ) PSP  
Deputy Commandant,  
Elite Force Khyber Pakhtunkhwa  
Peshawar.



DSP, Legal



Office of the Deputy Commandant  
Elite Force Khyber Pakhtunkhwa Peshawar



No. 5822-29 /EF

Date: 03/05/2023


ORDER

This order will dispose of the departmental proceedings against Constable Tariq Aziz No. 4886, Platoon No. 57 of Elite Force who was issued charge sheet together with Summary of Allegations wherein the following charges were framed:-

- i. He alleged that nature of explosion in CTD Police Lines, Kabal District Swat was fabricated by officers/officials.
- ii. He also stated that facts were furnished and twisted as there is no electricity in Armoury/Kot.
- iii. He stated about the treatment meted out to constabulary and alleged that the disbursement of national census amount was not appropriate as given by the government/department.
- iv. He stated that rights of constabulary were forfeited by the senior command without any material facts and putting same before your chain of command.

Mr. Abdul Samad Khan Deputy Commandant RRF Peshawar was appointed as Enquiry officer to conduct proper departmental enquiry into the charges. He after conducting enquiry recommended the accused constable for awarding major punishment under Police Rule 1975.

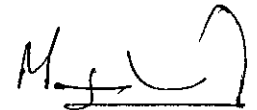
All the relevant record was thoroughly examined and the accused constable was also heard in person. The accused constable failed to advance any plausible grounds in his support of his defense. As such the undersigned being competent authority have decided to impose major penalty in view of aforesaid serious nature of allegation. Therefore, Constable Tariq Aziz No. 4886 is found guilty of the charges hence awarded him the major punishment of "DISMISSAL" from service under the Police Disciplinary Rules 1975.

  
03/05/23.  
(IRFAN TARIQ) PSP  
Deputy Commandant  
Elite Force Khyber Pakhtunkhwa  
Peshawar.

Copy of the above is forwarded to the:-

1. District Police Officer, Mardan for information.
2. Deputy Commandant RRF Khyber Pakhtunkhwa Peshawar.
3. Superintendent of Police, Elite Force Malakand Region.
4. Accountant, Elite Force Khyber Pakhtunkhwa Peshawar.
5. Incharge Kot / OASI / SRC, Elite Force Khyber Pakhtunkhwa Peshawar.

6. FMC. Elite Force along with complete enquiry file Enls: (28) pages. USB

  
DSP. Legal