

Service Appeal No. 1415/2022 titled "Sami ullah Versus Commandant Elite Force Khyber Pakhtunkhwa, Peshawar and others"

ORDER

10.11.2023


MUHAMMAD AKBAR KHAN, MEMBER (E):- Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Arguments heard and record perused.

02. During the course of arguments it came to limelight that the appellant basically borne on the cadre strength of CCPO Peshawar and was on deputation basis to Elite Force and as such action against him was required to be taken by the authorities of his parent cadre as per Police Rules. Rule 9 of the Police Rules provides procedure of inquiry against officers/officials working in other borrowing organization. In case the borrowing authority is of the opinion that the officers/officials on deputation deserve punishment it shall transmit the case to the lending authority alongwith record of the proceedings and the lending authority shall take action as prescribed in these rules. As the appellant was on deputation to Elite Force, therefore, the major punishment of removal from service does not fall within the domain of the borrowing Elite Force. As such the case was required to be transmitted to the landing authority for lawful order. We, therefore, deem it appropriate to remit the case back to the respondent department for proceedings against the appellant in accordance with law.

03. The instant appeal is disposed of on the above terms. Consign.

04. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal on this 10th day of November, 2023.*


(Rashida Bano)
Member (J)


(Muhammad Akbar Khan)
Member (E)