

BEFORE THE HON'BLE, KHYBER PAKHTUNKHWA, SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 1798/2023

Azhar Ud Din No:293 _____ Appellant.

Versus

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar etc _____ Respondents.

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXTURE	PAGE
1.	Para wise comments		01-03
2.	Authority letter		04
3.	Affidavit		05
4.	Copy of enlistment order	A	06
5.	Copy of DD No 43 dated 06.10.22 and DD No:40 dated 05.12.22	B&C	07-08
6.	charge sheet and statement of allegation with statement of the appellant, finding report and dismissal order	D,E,F,G&H	09-13
7.	DD No:05 dated 26.10.22 and dismissal order dated 02.01.23	I&J	14-15
8.	Rejection Order dated 15.06.23 and Revision petition (time barred) dated 19.07.23	K&L	16-17

Through Respondent


(Khyal Roz Khan)
DSP/Legal, SSU (CPEC),
Peshawar.
17301-2507764-1
0315-9867946

22-12-2023

Peshawar.

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 1798/2023

Azhar ud Din.....No 293..... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa etc(Respondents)

REPLY BY RESPONDENTS NO. 1 TO 3

RESPECTFULLY SHEWETH:

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 9868

Dated 13-12-2023

PRELIMINARY OBJECTIONS:-

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

FACTS

1. Incorrect, the appellant enlisted in police department as constable on 31.12.2019, his service is less than three years and he concealed the fact from the honorable court. **(Copy of enlistment order) is attached as annexure "A"**.
2. Incorrect, brief facts of the case are that as reported by LO SSU line vide DD Report NO 43 Dated 06.10.2022 that the appellant (constable Azhar uddin no 293 was nominated for basic Elite course 2022 at EPTC commencing from 30.09.2022 by concern authority but he failed to join the said course and absented himself from his lawful duties w.e.f 30.09.2022 upto 05.12.2022 (66 days) and once again from 05.12.2022 to till 02.01.2023 without any sanctioned leave or intimation. **Copies of DD No 43 dated 06.10.2022 and No 40 dated 05.12.2022 are attached as Annexure "B,C"**

In this regard, the appellant's pay was stopped and proper departmental inquiry was initiated, charge sheet and summary of allegation vide office endst No 7818/EC dated 03.10.2022 have been issued to the appellant and Mr. Bashir Gul DSP SSU (CPEC) had been nominated as inquiry officer. After fulfilling the codal formalities the EO submitted his findings report, wherein he reported that the appellant was summoned to receive charge sheet and submit reply to the same but the appellant failed to do so. The EO further added that the appellant is a habitual absentee and had already been awarded minor punishment of (200 days as leave without pay, Rs200/ fine per day and stoppage of (03) annual increments with

cumulative effect vide SP Admin order no 191-97/OHC/SSU, dated 11. 01.2022. thus the EO recommended for suitable punishment.

Later on the appellant was issued show cause notice on 30.11.2022, to which he replied that he was suffering from kidney diseases and also produced medical prescription duly issued by the private doctor. His reply of final show cause notice was also unsatisfactory. He was heard in orderly room in person but he failed to prove himself innocent.

In the light of the above facts as well as recommendation of the EO and material on the record It has been found the appellant guilty, habitual absentee and was not taking interest in the discharge of his official duties. Therefore, under section 5 (4) of kpk police rules 1975 (amended in 2014), the competent authority awarded him major punishment of "dismissal from service" and the appellant absence period was treated as without pay. **(copies of charge sheet with statement of allegations and statement of the appellant, finding report and dismissal order are attached as annexure "D,E,F,G&H"**

3. Incorrect, a regular departmental inquiry has been conducted against the appellant and he was informed through his mobile number "0332.9948988" about the inquiry but the appellant did not come to follow the inquiry and he failed to submit his statement and reply of the charge sheet as well. **(Daily dairy report no 5 dated 26.10.2022 and copy of dismissal order dated 02.01.2023) are attached as annexure "I&J"**.
4. Correct, the department appeal was rejected by the respondent department, because the same was badly time barred and meritless. His revision petition was also meritless, hence was filed accordingly (In this connection the orders copies) are attached as annexure "K&L"
5. Incorrect, the appellant is not aggrieved in fact the appellant is awarded punishment on his absence from lawful duties. Furthermore, the instant Service Appeal is liable to be dismissed on the following Grounds.

GROUNDS

- A. Incorrect, the dismissal order dated 02.01.2023, rejection order; 15.06.2023 and rejection of revision petition dated 19.07.2023 were issued accordance with law and rules, hence tenable before law & liable to be upheld.
- B. Incorrect, during proceeding the appellant was informed time & again and directed to follow the inquiry but he did not attend the enquiry officer to submit his statement and intentionally remained absent.
- C. Incorrect, charge sheet along with a statement of allegation dated 19.10.2022 were issued and the appellant was informed to follow procedures but he did not attend the inquiry officer and failed to reply the charge sheet and statement of allegation in this connection a report of daily dairy dated 26.10.2022 has been filed and copy of the

same is attached for perusal. Later on final show cause notice was served upon the appellant, to which, he submitted written reply but the same was unsatisfactory.

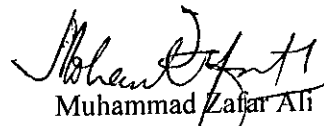
- D. Incorrect, the appellant intentionally remained absent without informing his officers/ high ups nor he got any sanctioned leave from the responsible officer.
- E. Incorrect, the dismissal order was issued in accordance with law and rules.
- F. Incorrect, the absent period of the appellant was already treated as leave without pay but under police rules 12(21) of 1934, if the service of any individual is less than three years so the competent authority can dismissed the servant without issuing any notice to the individual.
- G. Incorrect, during enquiry proceedings the appellant was informed but he intentionally remained absent and failed to face the inquiry officer despite time & again call up, after completion of all legal formalities/procedures the appellant was dismissed.
- H. The respondents seek leave to raise additional grounds at the time of arguments.

PRAYER:-

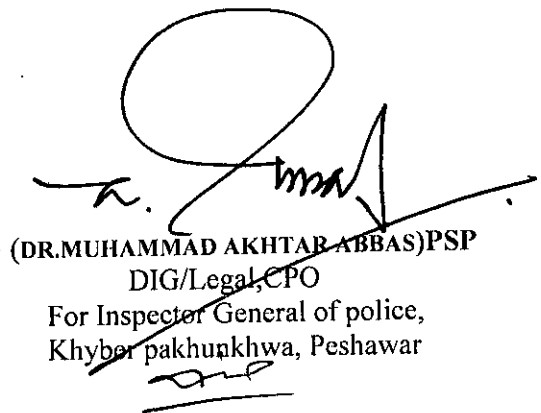
Keeping in view the above stated facts and circumstances, it is therefore humbly prayed that the appeal is not maintainable being devoid of merits hence, may kindly be dismissed with costs, please.



Fazal Hanif
The Superintendent of Police,
Admin & Minority, SSU (CPEC)
Khyber pakhtunkhwa ,
Peshawar.
(Respondent No.3)



Muhammad Zafar Ali
Commandant,
SSU (CPEC), Khyber Pakhtunkhwa,
Peshawar.
(Respondent No.2)



(DR.MUHAMMAD AKHTAR ABBAS)PSP
DIG/Legal,CPO
For Inspector General of police,
Khyber pakhunkhwa, Peshawar

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

Service Appeal No. 1798/2023

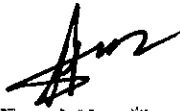
Azhar Ud Din No:293 (Appellant)

Versus

Inspector General of Police, Khyber Pakhtunkhwa etc..... (Respondents)

AUTHORITY LETTER

Mr. Khyal Roz DSP/Legal. SSU (CPEC), Khyber Pakhtunkhwa, Peshawar is authorized to submit Para-wise Comments/reply in above captioned Service Appeal on behalf of respondents in Hon'ble Service Tribunal Khyber Pakhtunkhwa, Peshawar.



Fazal Hanif

SP/admin/SSU.CPEC

KPK/POLICE/PESHAWAR

Respondent No.3

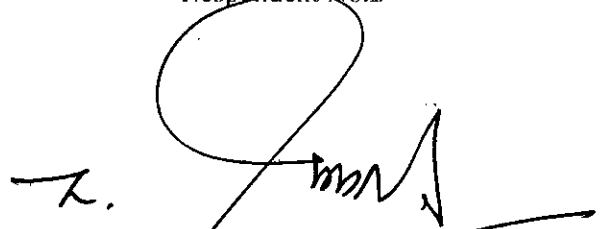


(Muhammad Zafar Ali) PSP

Commandant SSU (CPEC)

KPK Peshawar

Respondent No.2



(DR. MUHAMMAD AKTHAR ABBAS)^{PSP}

DIG/Legal CPO

For inspector General of police

Khyber Pakhtunkhwa Peshawar

Respondent No.1

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

Service appeal No.1798/2023

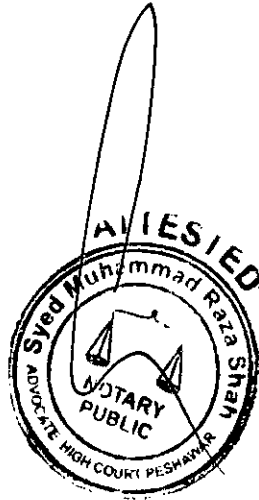
Azhar Ud Din No: 293------(Appellant)

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa Peshawar------(Respondent)

AFFIDAVIT

I, Fazal Hanif SP/Admin SSU (CPEC) do hereby solemnly affirm on oath that the content of writ petition on behalf of Inspector General of Police, Khyber Pakhtunkhwa, Peshawar are correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable court. It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off/cost.



(Fazal Hanif)

SP/Admin SSU, CPEC,
KPK/Police/Peshawar.
(Respondent No: 03)

12 DEC 2023

**OFFICE OF THE CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

No. _____ /OASI, dated _____ / 2019.

ENLISTEMENT ORDER

The following Candidates have qualified Physical and Written test for recruitment as Constable in Police Department through Education Testing Evaluation Agency (ETEA). After Psychological Evaluation and Physical Measurement they are hereby appointed in Special Security Unit (SSU) of CPEC as recruit Constables in CCP, Peshawar with immediate effect from Merit list as per instruction vide W/GP letter No.12749-91/E-IV, dated 26.12.2019 subject to the Medical fitness, local verification and Special Branch Verification. Their seniority will be maintained on the ETEA merit list.

Their services are purely on temporary basis, and liable for termination at any time without any notice.

S NO.	ETEA MERIT #	Name	Father Name	Address	Home PS
1	50	MUHAMMAD YASEEN	SALEEM KHAN	GULOZAI	CHAMKANI
2	51	MUHAMMAD MUJIB <i>MUHAMMAD MUJIB</i>	MUHAMMAD RAFIQ	BAZID KHIEL	BADABER
3	52	FAWAD ALI	AHMAD NAZIR	JALA BELA	DALOZAI
4	53	ZIADULLAH	RAZ MUHAMMAD	BHUDNI	CHAMKANI
5	55	JEHANGIR KHAN	SYED AKBAR SHAH	BAKHSU PULL	KHAZANA
6	56	MUHAMMAD HAMZA	NIGAH HUSSAIN	DALAZAK ROAD MOMIN TOWN	PANARPUKA
7	57	KALEEM ULLAH SHAH	SHER SHAH	GHARI BALOCH MOH:SAIDAN PAKHA GHULAM	FACRABAD
8	58	ZOHAIB UR RAHMAN	UMARA KHAN	AFTZAI	REGI
9	59	MUHAMMAD USMAN	MUHAIYUDDIN	TARNAB FORM MOH: JOGIYAN	CHAMKANI
10	60	MUHAMMAD GUL	WALI GUL	PASSANI BALA	MATIAN
11	61	ZUBAIR ALAM	ABDUL MAJEED	ACHINI BALA	SAREAND
12	62	ZAKIR KHAN	SHER RAHMAN	RING ROAD CAMBO ADDA	PANARPUKA
13	63	MUHAMMAD MURAD	LAKHAR KHAN	FATHO ABDUR RAHIMYA	CHAMKANI
14	64	MUHAMMAD TUFAIL	AMEER SAYAF	TARNAB FORM	CHAMKANI
15	65	RABNAWAZ KHAN	MUHAMMAD RAHIM KHAN	SHARIKERA	MATIAN
16	66	SHAH SAUD	ATTA ULLAH	WARSAK ROAD HAJI ZAI	MATIAN
17	67	SYED MAJID ALI SHAH	SYED AHMAD SHAH	HAIDERI CHOWK WADPAGA	CHAMKANI
18	68	MUHAMMAD IKRAM	ZAR KHAN	PAJAGI FAQIR KALAY	KHAZANA
19	69	HAMZA SHAKIR	SHAKIR ULLAH	MAJEED KHIEL SURIZAI	NOGLAS
20	70	MUHAMMAD IMRAN	ZEWAR KHAN	MERA KACHORI GHARI MUSAFAR	CHAMKANI
21	71	SAYED AFAQ SHAH	SAYED FAQIR SHAH	BHUDNI TEMBAR PURA	CHAMKANI
22	72	MUHAMMAD KAMAL KHAN	UMER GUL	SHAGAI HINDKIYAN	MATIAN
23	73	SAHIBZADA ABDUL MUSSAWIR	SAHIBZADA MUHAMMAD WALI	MASHAI	DALOZAI

*3831
31-12-19*

[Signature]
SP/HQRS:
FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No. 38436-45 /OASI, dated Peshawar the 31 / 12 / 2019.
Copy to the:-

1. W/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for information please.
2. Addl: Inspector General of Police, HQRS. KPK, Peshawar.
3. Dy: Inspector General of Police, HQRS: KPK, Peshawar.
4. AIG/Establishment KPK, Peshawar.
5. Capital City Police, Officer, Peshawar.
6. Dy: Superintendent of Police, HQRS: Peshawar.
7. Pay Officer, CCP, Peshawar.
8. CRC/FMC/ Asst: Director IT, CCP, Peshawar.

No - 657-R
17-10-022

رہنما قریب

نمبر 43 روزنامی 06/10/022

43 نمبر روزنامہ غیر حاضر ہے۔ وقت 07:00 بجے مورخہ 06/10/022 کو پہلے ڈراما گھنٹے کے دوران
7652-65/0847 30/9/022
سیسران المیر الدین 293 واقعہ اللہ 405 ایکٹ گورن
(EPIC) نمبر المیر ناصر دوسو چھتیس وقت۔
حاضر ہے اور ملازمہ کے نام پر مورخہ 30/09/022 کو پہلے لکھنے پر EPIC نمبر میں اپنی
لکھنے سے حاضری نہیں لیا۔ لیکن بحال مانی نظام سے باہر سیسران سے ابھی تک ایکٹ
30/09/022 سے غیر حاضر رہے ہیں۔ لہذا صبح کے خلاف روزنامی مورخہ مورخہ

صاحب عالی

Attested
M

مورخہ 30/09/022 سے لکھنے پر غیر حاضر ہے لکھنے
مورخہ 293 مورخہ
سیسران المیر الدین
مورخہ 30/09/022 سے لکھنے پر غیر حاضر ہے لکھنے
مورخہ 293 مورخہ
سیسران المیر الدین
مورخہ 30/09/022 سے لکھنے پر غیر حاضر ہے لکھنے
مورخہ 293 مورخہ
سیسران المیر الدین

DEPARTMENT OF POLICE
PESHAWAR

12/10/022
MMA/SSU/Peshawar

2. Capital City Police Officer, Peshawar
3. DSP HQrs. & Malakand Region SSU (CPEC)
4. PA to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
5. Reader to Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
6. Accountant, SRC, LO, OASI I/C HRMS, I/C KOT and I/C Clothing Godown HQrs. SSU

دہ 40: رپورٹ غیر حاضری :- سا وقت 17:55 بجے حوزہ 2022/12/05 اس وقت
کینٹنل اظہار الدین نے 293 کی ڈیوٹی، مطابق ڈیوٹی پر چم نکائی گئی تھی، جس کو بیرون
کنڈاں و احاطہ ایریا SSU میں تلاش کیا گیا، مگر یہیں نہ چلا، جس کے خلاف ایف
غیر حاضری درج روزنامے کے نقل مدلت حاضری و غیر حاضری کے لئے مناسب کارروائی
امین باہا کو ارسال ہوئی

جناب عالی :-
مذکورہ کینٹنل حوالہ دہ 43 روزنامے 2022/12/06 سے غیر حاضری
سور حوالہ دہ 14 روزنامے 2022/12/05 حاضر آیا، ادائیگی
رہ مذکورہ بالا دوبارہ حوالہ دہ 40 روزنامے
2022/12/05 سے غیر حاضری ہوا، مذکورہ کو حوالہ آرڈر نمبری
157-5GFC/2/01/2023 بدہ 013 کے 20/01/2023 نوری سے برخواست کیا

کیا رپورٹ مرض کے
9
4
11
11
2
MIR. HQ. DR.
05.12-2023

Disciplinary Action

I, Superintendent of Police, Admin & Minority, Special Security Unit (CPEC) Peshawar as a competent authority, am of the opinion that Constable Azhar Uddin No. 293 of SSU (CPEC), District Peshawar has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975.

STATEMENT OF ALLEGATION

"That Constable Azhar Uddin No. 293 was nominated for Basic Elite Course-2022 but he deliberately absented himself w.e.f. 30.09.2022 till date, failed to join the said course and disobeyed the order of High-Ups, received vide DD report No. 43, dated 06.10.2022. Being part of the Disciplined Force, this act of his is against the Police Rules & shows gross misconduct on his part."

For the purpose of scrutinizing the conduct of said accused with reference to the above allegations an enquiry is ordered and Mr. Bashir Gul DSP SSU (CPEC) is appointed as enquiry officer.

1. The Enquiry Officer shall, in accordance with the provisions of the Ordinance, provide reasonable opportunity of hearing to the accused officer, record his finding within 15 days of the receipt to this order, make recommendations as to punishment or other appropriate action against the accused.

2. The accused shall join the proceeding on the date time and place fixed by the Enquiry Officer.

Attested
M

(FAZAL HANIF)
SP Admin & Minority SSU (CPEC),
Khyber Pakhtunkhwa Peshawar.

17-10-2022

No. 8482 /EC, dated Peshawar the 19/10/2022.

1. EO is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.
2. Official Concerned.



OFFICE OF THE COMMANDANT
SPECIAL SECURITY UNIT (SSU)
KHYBER PAKHTUNKHWA POLICE

CENTRAL POLICE OFFICERS, S.A.Q ROAD, PESHAWAR CANTT. (PH: 091-9211056)

No. 151-59 EC/SSU,

Dated Peshawar the 02/01/2023

ORDER

This order will dispose the formal departmental inquiry against Constable Azhar Uddin No. 293 of Special Security Unit (CPEC), District Peshawar.

Brief facts of the case are that as reported by LO SSU lines vide DD report No. 43, dated 06.10.2022 that Constable Azhar Uddin No. 293 was nominated for Basic Elite Course-2022 at EPTC commencing from 30.09.2022 by High-Ups but he failed to join the said course & absented himself from his lawful duties w.e.f. 30.09.2022 up to 05.12.2022 (66 days) & once again from 5.12.2022 till date without any sanctioned leave or intimation.

In this regard, his pay was stopped and proper departmental proceeding was initiated against him. He was issued charge sheet & summary of allegation vide this office Endst: No. 7-18/EC, dated 03.10.2022 and Mr. Bashir Gul DSP SSU (CPEC) was nominated as enquiry officer to conduct inquiry into the matter and submit findings report. Who after fulfilling all codal formalities submitted his findings report, wherein he reported that the delinquent constable was summoned time & again to receive charge sheet and submit reply but he failed to do so. The EO further added that the constable is a habitual absentee and was awarded minor punishment of (200) days leave without pay, Rs. 200/- fine per day and stoppage of (03) annual increments with cumulative effect vide SP Admin & HQrs: order No. 191-97/OHC/SSU, dated 11.01.2022. Thus, the EO recommended him for suitable punishment.

Later on he was issued/served with final show cause notice vide office No. 11426/EC, dated 30.11.2022, to which he replied that he is suffering from kidney disease. He also produced medical prescriptions duly issued from private doctor. His reply of final show cause notice is also unsatisfactory. He was heard in orderly room in person but he baldy failed to prove himself innocent.

Keeping in view all the above facts as well as recommendation of enquiry officer & material available on record that the above named constable is a habitual absentee as he is not taking interest in the discharge of his official obligations and has disobeyed the order of High-Ups. Therefore, I, Superintendent of Police, Admin & Minority Wing SSU (CPEC), being the competent authority in the exercise of powers vested to me under section 5(4) of Khyber Pakhtunkhwa, Police Rules 1975 (amended in 2014) hereby awarded him major punishment of "Dismissal from Service" and his absence period w.e.f. 30.09.2022 up to 05.12.2022 (66 days) and 05.12.2022 till date is treated as leave without pay and the Accountant SSU HQrs: is directed to reckon & recover the amount if paid to him during his absence alongwith Basic Recruit Course charges accordingly.

Attested

[Signature]

OB No 20

Date 02/01/2023

(FAZAL HANIF)
SP Admin & Minority SSU (CPEC),
Khyber Pakhtunkhwa, Peshawar.

Copy of the above is forwarded for information to the:

1. Accountant General, Khyber Pakhtunkhwa
2. Capital City Police Officer, Peshawar
3. DSP HQrs & Malakand Region (CPEC)
4. PA to Commandant SSU (CPEC), Khyber Pakhtunkhwa, Peshawar.
5. Reader to Dy. Commandant SSU (CPEC), Khyber Pakhtunkhwa, Peshawar
6. Accountant, SRC, LO, OASI, IC HRMS, IC KOT and IC Clothing Godown HQrs. SSU (CPEC)

02/01/2023


نقل صدقہ روزنامہ 26/10/22


HQ

۳۵ رپورٹ ۷۵ صاحب وقت ۰۸:۳۰ بجے مورخہ 26/10/22 درج عیدہ کنستبل نظر اسٹیشن
 293 ایڈیٹ کورس مورخہ 30/9/22 کو نامہ موجود تھا تھا لیکن کورس سہولت نہیں
 گیا تھا۔ جبکہ خلاف رپورٹ مورخہ 43 روزنامہ 26/10/22 درج کر کے مورخہ 30/9/22
 سے غنیمت تصور کیا گیا۔ چونکہ افسران بالا صاحبان کی طرف سے مذکورہ کو جاری
 شدت جاری کیا گیا۔ مذکورہ کے سوبائیکل نمبر 9948988-0332 میرٹھ بارڈر ایڈ
 کر کے لیکن مذکورہ کنستبل سوبائیکل نمبر 9948988-0332 نہیں کرتا ہے۔ رپورٹ
 مورخہ روزنامہ 26/10/22 کے نقل شدہ علیحدہ عدتت میوٹر بھرنس کارروائی افسران بالا کی
 کورس سال کی جائے گی۔

جناب عالی!

نقل مطالبات اہل حق

mm
 26


Attested




OFFICE OF THE COMMANDANT
SPECIAL SECURITY UNIT (SSU)
KHYBER PAKHTUNKHWA POLICE

CENTRAL POLICE OFFICERS, S.A.Q ROAD, PESHAWAR CANTT (PH: 091-921056)

No. 151-59 EC/SSU,

dated Peshawar the 02/10/2022

ORDER

This order will dispose the formal departmental inquiry against Constable Azhar Uddin No. 293 of Special Security Unit (CPEC), District Peshawar.

Brief facts of the case are that as reported by LO SSU lines vide DD report No. 43, dated 06.10.2022 that Constable Azhar Uddin No. 293 was nominated for Basic Elite Course-2022 at EPTC commencing from 30.09.2022 by High-Ups but he failed to join the said course & absented himself from his lawful duties w.e.f. 30.09.2022 up to 05.12.2022 (66 days) & once again from 5.12.2022 till date without any sanctioned leave or intimation.

In this regard, his pay was stopped and proper departmental proceeding was initiated against him. He was issued charge sheet & summary of allegation vide this office Endst: No. 7-18/EC, dated 03.10.2022 and Mr. Bashir Gul DSP SSU (CPEC) was nominated as enquiry officer to conduct inquiry into the matter and submit findings report. Who after fulfilling all codal formalities submitted his findings report, wherein he reported that the delinquent constable was summoned time & again to receive charge sheet and submit reply but he failed to do so. The EO further added that the constable is a habitual absentee and was awarded minor punishment of (200) days leave without pay, Rs. 200/- fine per day and stoppage of (03) annual increments with cumulative effect vide SP Admin & HQrs: order No. 191-97/OHC/SSU, dated 11.01.2022. Thus, the EO recommended him for suitable punishment.

Later on he was issued/served with final show cause notice vide office No. 11426/EC, dated 30.11.2022, to which he replied that he is suffering from kidney disease. He also produced medical prescriptions duly issued from private doctor. His reply of final show cause notice is also unsatisfactory. He was heard in orderly room in person but he baldy failed to prove himself innocent.

Keeping in view all the above facts as well as recommendation of enquiry officer & material available on record that the above named constable is a habitual absentee as he is not taking interest in the discharge of his official obligations and has disobeyed the order of High-Ups Therefore, I, Superintendent of Police, Admin & Minority Wing SSU (CPEC), being the competent authority in the exercise of powers vested to me under section 5(4) of Khyber Pakhtunkhwa, Police Rules 1975 (amended in 2014) hereby awarded him major punishment of "Dismissal from Service" and his absence period w.e.f. 30.09.2022 up to 05.12.2022 (66 days) and 05.12.2022 till date is treated as leave without pay and the Accountant SSU HQrs: is directed to reckon & recover the amount if paid to him during his absence alongwith Basic Recruit Course charges accordingly.

Ahmed

M

(FAZAL HANIF)
SP Admin & Minority SSU (CPEC),
Khyber Pakhtunkhwa, Peshawar.

SB No 20

DA 02/10/2022

Copy of the above is forwarded for information to the:

1. Accountant General, Khyber Pakhtunkhwa
2. Capital City Police Officer, Peshawar
3. DSP HQrs & Malakand Region SSU (CPEC)
4. PA to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
5. Reader to Dy. Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
6. Accountant, SRC, LO, OASI, I/C HRMS, I/C KOT and I/C Clothing Godown HQrs. SSU (CPEC)

02-10-2022



SPECIAL SECURITY UNIT (SSU)
KHYBER PAKHTUNKHWA POLICE



No. 2416-20/EC.

Dated Peshawar the 15/06/2023.

ORDER

This order will dispose of the formal departmental appeal preferred by ex-constable Azhar Uddin No. 293 of Special Security Unit (CPEC) against the order of SP Admin SSU (CPEC), wherein he was awarded major punishment of "Dismissal from Service" on the allegations that he was nominated for Basic Elite Course-2022 commencing from 30.09.2022 at EPTC but failed to join the said course & absented himself from his lawful duties w.e.f. 30.09.2022 to 05.12.2022 (166 days) and once again from 05.12.2022 till the date of dismissal i.e. 02.01.2023 (27 days) for a total period of 93 days without any sanctioned leave or intimation.

In this regard, proper departmental inquiry was carried out. He was issued/served with charge sheet and summary of allegation and summoned time & again to receive charge sheet and submit reply or appear before enquiry officer but he did not bother to do so. Thus, the enquiry officer recommended him for suitable punishment:

Later on he was issued/served with final show cause notice & heard in person in orderly room and given ample opportunity to prove himself innocent of the charges leveled against him but failed to satisfy the competent authority:

In the light of recommendation of enquiry officers and other material available on the record, he was awarded major punishment of "Dismissal from Service" vide order No. 151-59/EC, dated 02.01.2023.

Feeling aggrieved against the impugned orders of SP Admin & Minority SSU (CPEC), Khyber Pakhtunkhwa, Peshawar, the applicant preferred the appeal on 24.05.2022 which is badly time barred. Furthermore, from perusal of enquiry file it has been found that the allegations were fully established against him by the Enquiry Officer during the course of enquiry. There doesn't seem any infirmity in the order passed by the competent authority, therefore, no ground exist to interfere in same.

Based on findings narrated above, Commandant SSU (CPEC), Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal, therefore, the same is rejected & filed being meritless and badly time barred.

Order announced.

Attested

(MOHAMMAD ZAFAR ALI) PS
COMMANDANT,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa, Peshawar.

Copy of the above is forwarded for information to the:

1. SP Admin & Minority SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
2. PA to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
3. Reader to Dy. Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
4. Ex-Constable Azhar Uddin No 293.

CamScanner

Better Copy

Better copy - (12)

OFFICE OF THE COMMANDANT
SPECIAL SECURITY UNIT (SSU)
KHYBER PAKHTUNKHWA POLICE
CENTRAL POLICE OFFICE S.S.Q
ROAD PESHAWAR CANTT PH 091-9214056

NO. 2416 dated 15.06.2023

Order

The order will dispose of the Departmental appeal preferred by ex-constable Aajar Ullah No.293 of the special Security Unit (CPEC) against the order of SP Admin SSU (CPEC) wherein he was punishment of "Dismissal from Service" on the allegations he was nominated for Basic Elite Course 2022 commencing from 30.09.2022 at EPTC but failed to join the said Course & absented himself from his lawful duties w.e.f 30.09.2022 to 05.12.2022 (66 days) and once again from 05.12.2022 till the date of dismissal i.e 02.01.2023 (27 days) for a total period of 90 days without any sanctioned leave or intimation.

In this regard prepare department inquiry was carried out. He was issued/served with charge sheet and summary of allegation and summoned time and again to receive charge sheet and submit reply or appear before inquiry officer but he did not bother to do so. Thus, the enquiry officer recommended him for suitable punishment.

Later on he was issued/served with final show cause notice in person in orderly room and given ample opportunity to prove himself innocent of the charges leveled against him but failed satisfied the competent authority.

In the light of the recommendation of enquiry officers and other material available on the record he was awarded major punishment pod "Dismissal from Service" vide order No. 151-59/EC Dated 02.01.2023.

Feeling aggrieved against the impugned orders of SP Admin and Minority AS (CPEC) Khyber Pakhtunkhwa Peshawar applied preferred appeal on 24.05.2022 which is badly time. Furthermore, from perusal of enquiry has been found that the allegations were fully established against him by the enquiry officer during the course of enquiry. There does not seems any affinity in the order passed by the competent authority, therefore, no ground exist to interfere in same.

Based on findings above Commandant SSU (CPEC) Khyber Pakhtunkhwa Peshawar, being the competent authority has found no substance in the appeal, therefore, the same is rejected and filed being badly time barred.

Order announced

(MOHAMMAD ZAFAR ALI)


COMMANDANT

Special Unit (CPEC)

Khyber Pakhtunkhwa Peshawar.

Copy of the above is forwarded to the for information to the

1. S.P Admin & Minority SSC (CPEC) Khyber Pakhtunkhwa Peshawar.
2. PA Commandant SSU (CPEC) Khyber Pakhtunkhwa Peshawar.
3. Reader to By Commandant SSU (CPEC) Khyber Pakhtunkhwa Peshawar.
4. Ex-Constable Aajar Us Din No. 293.

Attested


Honourable Inspector General
Police Khyber Pakhtunkhwa C.P.O
Fort Road Peshawar Cantt.

Appeal for Favourable Modification in S.P admin & HQRS- S.S.U CPEC Peshawar
order No: 191-97/OHC/SSU dated 11/01/2022.
order No: 151-59 Dated 05-12-2022
by reinstate service & (03) Annual increments with all salaries & abolishing all fines
in the best interest of constable & his poor family

Respected sir

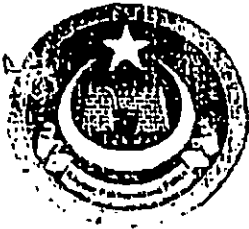
with due respect and humble submission,

the applicant Azharuddin constable 6409 submitting appeal for your kind consideration favourable orders on this paras of appeal
Great Sir the constable Azharuddin had received heavy head injuries fallen heavy weightly main gate of home during demolishing works on 20 march 2022
Azharuddin was unable to move or sit. Doctors advised full bed rest Doctor implant (Twelve 12) Surgical Tanka in his head after that his medical treatment was continue for six (06 months) the applicant medical report present & the applicant father personally visited S.P. admin office at that time. reader of S.P admin could not entertain and returned leave application & demand some personal gratification and 60 to 80 days unlawfully added to applicant absentee days.
Now applicant father had been suffered in (24) dangerous Diseases. father health position had badly damaged in August 2022. Doctor advised appendix operation promptly.
due the father health grievances applicant could not able to join Elite Training due to this S P Admin Stopped salary of applicant. in this time doctors conducted appendix operation. the applicant father was present in hospital is well in home as a fairmandar (care Father), after some time the applicant father got comma, Admitted in LRH then admin of LRH referred to HMC Emergency. a huge amount of rupees spent on father medical treatment due to sehal card was not availed at that time. now doctors advised medical treatment will be continue for next 06 months.
all medical treatment documents is present with us.
the father diseases Hematoma was declared. due to Hematoma diseases four to five other diseases or health complexes is come to effect father health for which doctors prescribed medicens test (Infusion Drips). the S P admin has dismissed applicant services.
applicant is a MA education and well trained & ready for all risky and dangerous situation with normal skill under the supervision of officers in the best interest of department and general public.
the applicant and whole family always pray for your kind & favourable consideration & Restoration Service and 03 annual increments my Kindly Issue all Salaries in the best welfair of poor family & your kind orders Will Be Appreciated the applicant assure he will perform his duty with great zeal & satisfactory under kind supervision of officers.

Thanks great sir,
yours obediently
Azharuddin
Constable 6409
S.S.U - CPEC Police
Khyber Pakhtunkhwa Peshawar
Contact: 0332-9992149

DD: 12167
Date 10/7/23

Attested



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

No. S/ 1796 /23, dated Peshawar the 19/07 /2023.

To : The Commandant,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa, Peshawar.

Subject: REVISION PETITION.

Memo:

The Competent Authority has examined and filed the revision petition submitted by Ex-FC Adhar Uddin No. 6409 of SSU (CPEC) against the punishment of dismissal from service awarded by SP Admin & Minority SSU (CPEC) vide OB No. 20, dated 02.01.2023, being bad time barred.

The applicant may please be informed accordingly.

(AFSAR JAN)
Registrar.

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

19/07/23

Attested
M. A.