

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

Service Appeal No. 1610/2023

Muhammad Zeeshan No:718 _____ Appellant.


Versus

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

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Through Respondent


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

01-01-2024

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

Service Appeal No. 1610/2023

Muhammad Zeshan No.718..... (Appellant)
VERSUS

Inspector General of Police, Khyber Pakhtunkhwa(Respondents)
REPLY BY RESPONDENTS NO. 1 TO 3

RESPECTFULLY SHEWETH

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 9869

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. Pertains to appointment of the appellant. Needs no comment.
2. Pertains to the service record of the appellant. Needs no comment.
3. Incorrect, brief facts of the case are that as reported by LO SSU (CPEC) head quarter vide DD report no 16 dated 13.09.2022 that recruit constable Muhammad zeshan no 718 (appellant) had remained absent from his lawful duties w.e.f 28.02.2022 up to 13.09.2022 (197 days) and once again absented himself from 18.09.2022 till his discharge from service. In this regard, his pay was stopped and a proper departmental inquiry was initiated against him and he was issued charge sheet along with summary of allegations vide no 7167/EC dated 16.09.2022 and Mr. Fazle Mabood khan DSP SSU (CPEC) Kohat region was nominated as inquiry officer. While the appellant was informed by calling him on his own mobile number 03005929867 and directed to receive charge sheet and he received himself charge sheet, submitted his reply of charge sheet and recorded his statement. After fulfilling all codal formalities the EO submitted his findings report, wherein he reported that the charge sheet was served upon the appellant to which he replied, that his brother was admitted at SIUT hospital in Karachi and the appellant was with him for his care but he failed to submit any medical documents to prove himself innocent of the charges leveled against him. Furthermore, the EO stated that the reply of the appellant was not satisfactory and he is a student of BS English and has no interest in the discharge of his official obligations. Thus, the EO recommended him for major punishment.

Later on he was served/issued final show cause notice by the competent authority vide office No. 7885/EC dated 10.05.2022 to which he replied but remained absent from his lawful duties and failed to make his arrival.

In the light of the above facts as well as recommendation of the EO and material on the record, the appellant was found guilty and was not taking interest in the discharge of his official obligations. Therefore, under rule 5 (4) of kpk police

rules 1975 (amended in 2014) and rule 12-21 of police rule 1934 the competent authority awarded him major punishment of "discharge from service" and the appellant absence period was treated as leave without pay. **Copies of DDs, charge sheet, final report and discharge order are attached as annexure A,B,C**

4. Incorrect, the appellant remained absent without any permission or leave if his brother was ill it should have been brought to the notice of the officers/high ups. **Copies of (daily dairy report no 25 dated 20.02.2022) are attached as annexure "D"**
5. Incorrect, The appellant intentionally remained absent without applying for the leave. So it is clear violation of department rules in a disciplined force. Furthermore, the appellant failed to provide any proof regarding his brother's illness or treatment.
6. Incorrect, the appellant failed to submit any medical documents to prove himself innocent of the charges leveled against him, and during proceedings he also confessed that he is a student of BS English. But he is just making an excuse for his brother illness. **(written statement of the appellant with cross examination) is attached as annexure "E,F"**
7. Incorrect, After conducting a proper departmental inquiry the "discharge from the Service" order dated 16.11.2022 has been passed in accordance with law and rules and no departmental appeal is maintainable against the order of discharge under Rule 12-21 of police Rules 1943. **Copy of (discharge order dated 16.11.2022) attached as annexure "G"**
8. Correct, the departmental appeal has been rejected by the competent authority (commandant SSU (CPEC) KPK Peshawar). **Copy of (rejection order dated 11.04.2023) is attached as annexure "H"**.
9. Pertains to record.
10. Incorrect, the appellant has no cause of action in fact the appellant is awarded punishment on his long absence from his lawful duties. Furthermore, the instant Service Appeal is liable to be dismissed on the following Grounds.

GROUND

- A. Incorrect, after conducting proper departmental enquiry the discharge order has been under rule 12-21 of police rules 1934 issued. During the enquiry all legal formalities have been fulfilled accordingly.
- B. Incorrect, the appellant's service was less than three years and he remained absent intentionally. In that condition he has been treated in accordance with law and rules.
- C. Incorrect, the appellant remained absent without any sanctioned leave or intimation and nor he applied for the leave.
- D. Incorrect, after conducting a proper departmental enquiry, the enquiry officer rewarded him major punishment. Similarly after fulfilling all legal procedures the appellant has been discharge from service.

- E. Incorrect, that the dismissal order dated 16.11.2022 has been issued in accordance with law & rules.
- F. Incorrect, during inquiry all legal procedures have been followed and then the dismissal order has been issued.
- G. Incorrect, during proceeding several times the appellant was informed to follow the departmental inquiry but he intentionally remained absent and failed to submit reasonable reply into the matter.
- H. Incorrect, the appellant did not communicate it before the initiation of the enquiry but after initiation of enquiry the appellant was informed about and directed to follow up the enquiry but he remained absent.
- I. I that the respondent also seeks permission to rail further points 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
SP/Admin & Minority
SSU/CPEC
KPK/Police 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
(Respondent No.1)

BEFORE THE HONORABLE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA PESHAWAR

Service Appeal No. 1610/2023

Muhammad Zeeshan Khan No:718 (Appellant)

Versus


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

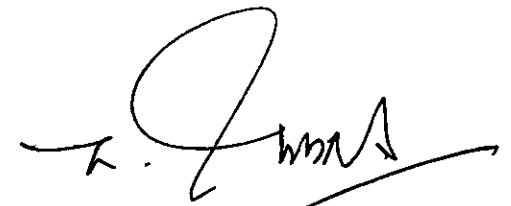
AUTHORITY LETTER

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.1610/2023

Muhammad Zeeshan No: 718------(Appellant)

VERSUS

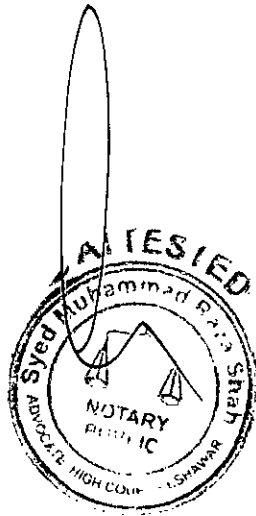
Provincial Police Officer Khyber Pakhtunkhwa Peshawar------(Respondent)

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/lost.


(Fazal Hanif)

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



12 DEC 2023

از دفتر تحریر سسوی
H/O

نقل مر 25 روزنامه 28/02/022

518/1

صالح سید

مر 25 رپورٹ غیر حاضری. فضل مصوب خان کا وقت 18:20 بجے مورخہ 28/02/022
دیشبان 718 سسوی لائن صحت آباد و بارک کسٹیشن میں چین کرنا عدم موجودگی یا
غلاف رپورٹ غیر حاضری درج روزنامہ کرنا نقلد لغرض مناسب کارروائی دفتر ان بان
قدرت میں ارسال صحیحی - جناب عالی

نقل مطابق اصل ہے۔

مر 16. حاضری. صاحب علی خان کا وقت 13:00 بجے مورخہ 13/09/022 اس وقت رپورٹ کسٹیشن
دیشبان 718 غیر حاضر شدہ رفتہ بحوالہ مر 25 روزنامہ 28/02/022 حاضر آیا۔ اور یہاں کیا کہ دوران میں
ایٹا بیان اسٹران بان کو دروغاً۔ اب حاضر آیا ہے۔ حاضری کی جاوے۔ جسکی حاضری درج روزنامہ
کئی۔ نقلد رت حاضری و غیر حاضری علیحدہ صورت کرنا لغرض مناسب کارروائی دفتر ان بان کی قدرت میں ارسال صحیحی

جناب عالی

مذکورہ رپورٹ کسٹیشن بحوالہ مر 25
روزنامہ 28/02/022 غیر حاضر ہو کر
بحوالہ مر 16 روزنامہ 13/09/022
حاضر ہو کر مذکورہ رپورٹ کسٹیشن کی
نقل غیر حاضری 197 پر مبنی ہے۔ رپورٹ
میں ہے۔

Sir, forwarded PLZ

10/SSU/Peshawar
14/09/022

Quality Unit (C) Peshawar
13/09/022

For niaction
Jmy
DSP/HQ'S SSU (CPEC)
14-09-22

Attested
M. ev
DSP/L. SSU

2020
Retention
SP 14/20

Disciplinary Actio

I, Superintendent of Police, Admin & Minority, Special Security Unit (CPEC) Peshawar as a competent authority, am of the opinion that Constable Zeeshan No.718 has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975.

STATEMENT OF ALLEGATION

"That Constable Zeeshan No.718 while posted at SSU HQrs Hayatabad Peshawar had remained absent from his lawful duty w.e.f 28.02.2022 up to 13.09.2022 for a total period of (197 days) without any sanctioned leave or permission of the competent authority, received Vide DD report No.16, dated 13.09.2022 from LO SSU HQrs. Being part of the Disciplined Police Force, this act of his is against 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. Fazal Mabood DSP SSU (CPEC) Kohat Region 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
u
JSP/L-SSU

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

16/09/2022

No. 7167 /EC, dated Peshawar the 16/09/2022.

1. DSP SSU (CPEC), Kohat Region is directed to finalize the aforementioned departmental proceeding within stipulated period under the provision of Police Rules-1975.

2. Official Concerned.

D. D. S. I.
Region E.O.
SP / A
14/9/22

فائنڈنگ رپورٹ

جناب عالی!

بحوالہ مشمولہ کاغذات بر خلاف ریکروٹ کنسٹیبل ذیشان علی 718 SSU سی بیک ضلع چارسدہ معروض حدت ہوں۔ کہ جناب ڈی ایس پی صاحب ہیڈ کوارٹریس ایس یو نے غیر حاضری نقل مد 25 روز نامچہ 2022-02-28 و حاضری مد 16 روز نامچہ 2022-09-13 کو SSU لائن حیات اباد پشاور پیش کردہ رپورٹ پر جناب Sp صاحب ایڈمن & مینارٹی ایس۔ ایس۔ یو پشاور نے مذکورہ کو چارج شیٹ جاری کیا اور من Dsp کو ہاٹ ریجن کو انکوآری افسر مقرر کیا۔ مذکورہ ریکروٹ بیک ریکروٹ کورس میں شامل ہے۔ مورخہ 2022-09-25 کو سب کیمپس کو ہاٹ کی CDI خالد عثمان کے ذریعہ طلب کرتے ہوئے محرر سنٹر نے بتلایا کہ مورخہ 2022-09-18 سے بدستور غیر حاضر ہے۔ مورخہ 2022-09-26 کو انکے ذاتی موبائل نمبر 03005929867 پر اپنے ذاتی نمبر سے کال کر کے مطلع کیا گیا کہ اپنا چارج شیٹ وصول کریں۔ امر واکر اپنا چارج شیٹ خود وصول کیا اور بیان ریکارڈ کیا۔

بیان الزام علیہ

ریکروٹ کنسٹیبل ذیشان علی 718 چارسدہ کا تحریری بیان درج ذیل ہے۔ بخدمت جناب ایس پی ایڈمن & مینارٹی ایس۔ ایس۔ یو سی بیک خیبر پختون خواہ پشاور جناب عالی! گزارش کی جاتی ہے کہ میں ریکروٹ کنسٹیبل ذیشان علی 718 چارسدہ کا بھرتی ہوں میرے بڑے بھائی کا ایکسیڈنٹ ہوا تھا۔ گھر میں میرے علاوہ کوئی اور نہیں تھا۔ میرے بھائی کو ایمر جنسی میں کراچی لے جانا پڑا اسی لئے میں اپنی ڈیوٹی میں حاضری نہ دے سکا۔ اسی دوران میرے بھائی کے چار اپریشن ہو گئے اور ہم چھ مہینے تک کراچی SIUT ہسپتال میں مقیم رہے۔

Attested
Me

اسلئے اپ صاحبان کے خدمت میں عرض کی جاتی ہے کہ میرے انکوآری کو داخل دفتر کر لیں۔ مشکور و ممنون رہوں گا دستخط انگریزی ریکروٹ کنسٹیبل ذیشان 718 چارسدہ

بلسلسلہ انکوآری و پتہ برازی معلوم ہوا۔ کہ ریکروٹ کنسٹیبل ذیشان علی 718 SSU سی بیک چارسدہ کا بھرتی شدہ ہے۔ جناب DPO صاحب چارسدہ نے چھ نفر ریکروٹ کنسٹیبلان SSU ہیڈ کوارٹریس تبدیل کئے تھے۔ مذکورہ RC مورخہ 2022-02-28 تا 2022-09-13 تک غیر حاضر رہ چکا ہے۔ کل غیر حاضری 197 یوم بنتی ہے۔ ریکروٹ کورس کیلئے منتخب ہو چکا تھا۔ حاضری کے بعد اب PTS کو ہاٹ سے مد 07 مورخہ 2022-09-18 سے بدستور غیر حاضر ہے۔ رپورٹ کاپی ہمراہ لف ہے۔ مذکورہ ریکروٹ نے بھائی کے ایکسیڈنٹ اور بیماری بیان کیا تھا۔ لیکن میڈیکل کاغذات پیش نہیں کئے۔ چونکہ مذکورہ نے کراس سوالات جوابات میں ظاہر کیا کہ FSC پاس ہوں اور IBS نگلش جاری ہے۔



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

CENTRAL POLICE OFFICES, S.A.Q ROAD, PESHAWAR CANTT (PH: 091-9214056)



No. 9630-37 EC/SSU,

dated Peshawar the 16 / 11 / 2022.

ORDER

This order will dispose the formal departmental inquiry against Recruit Constable Muhammad Zeeshan No. 718 of Special Security Unit (CPEC), District Charsadda.

Brief facts of the case are that as reported by LO SSU HQrs: vide DD report No. 16, dated 13.09.2022 that Recruit Constable Muhammad Zeeshan No. 718 had remained absent from his lawful duties w.e.f. 28.02.2022 up to 13.09.2022 (197 days) and once again absented himself from his Basic Recruit Course at PTS Kohat w.e.f. 18.09.2022 till date, due to which he also returned as unqualified to home district.

In this regard, his pay was stopped and a proper departmental inquiry was initiated against him. He was issued charge sheet alongwith summary of allegations vide this office Endst: No. 7167/EC, dated 16.09.2022 and Mr. Fazle Mabood Khan DSP SSU (CPEC), Kohat Region was nominated as enquiry officer to conduct inquiry into the matter. Who after fulfilling all Codal formalities submitted his findings report, wherein he reported that the charge sheet was served upon the delinquent constable to which he replied that his brother was admitted in SIUT Hospital at Karachi and he was with him for his care but failed to submit any medical documents to prove himself innocent of the charges leveled against him. Furthermore, the EO stated that the reply of Recruit Constable is not satisfactory & he is a student of BS English and has no interest in the discharge of his official obligations. Thus, the EO recommended him for major punishment.

Later on he was served/issued with final show cause notice vide this office No. 7885/EC, dated 10.05.2022 to which he replied but remained absent from his lawful duties and failed to make his arrival.

Keeping in view all the above facts as well as recommendation of enquiry officer & material available on record that the above named constable is not taking interest in the discharge of his official obligations and found guilty of the above charges leveled against him. 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 "Discharge from Service", his absence period 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.

GD No. 841

Dated 16/11/2022

Attested
[Signature]

[Signature]
(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. District Police Officer, Charsadda.
3. SP SSU (CPEC), Mardan Region.
4. PSO 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).
7. All concern.

از دفتر تحریر SSU لائش
HA

تقلید 25 روزانہ 02/02/28

25 فروری رپورٹ غیر حاضری قتل مسجد خال 50 وقت 20:18 بجے حورمہ 02/02/28
وقت رپورٹ زشیان 718 SSU لائش صیات آباد و بارکی کینسل لائش میں پیدائش
کمرے عدم موجود پایا گیا۔ جس کے خلاف رپورٹ غیر حاضری درج روزانہ کی گئی۔

جناب عالی!

رپورٹ کینسل مزورہ بحالہ 25 روزانہ 02/02/28
سے مہسور غیر حاضر ہے۔ عادی غیر
حاضر راجش ہے اور نوٹرز کا مشورہ
سے یہ رپورٹ مزورہ کے اس میں
میں دوہرے رپورٹ ہم غلط اشتراک
منخواہ نہ ہونے کی سفارش کی جا رہی ہے
رپورٹ غیر میں ہے۔

Attested

[Signature]

(D)
M.M. SSU HA.
HA.

18/03/022.

For n/action

SP/HQrs SSU (CPEC)

10/05/022

جہاں جالی!

مورد بارز گزارشی ہے کہ میں

مئی 718 نے بغیر کسی Permission کے ہیشال کیے تھے۔ یہ

ہیشال میں نے اپنے بڑے بھائی کی بیماری کی وجہ سے کیے تھے۔ میرے

بڑے بھائی کا 17 جولائی میں آپریشن ہوا تھا گردہ اور مثانے کا

اور پھر اس کا مثلہ چیز عینوں سے نہایت بڑھ گیا اس کے گردہ

اور مثانہ نامارہ پر چکا ہے۔ جس کی وجہ میں اس کے ساتھ

تقریباً چھ یا 7 عینوں سے اس کے ساتھ ہوں جس کا علاج

سندھ انسٹیٹیوٹ آف پورالوجی (SIU) کراچی میں جاری ہے

دیکھ لو وہ میرے گم اس کے ساتھ اور کوئی نہیں ہے۔ اسی وجہ

سے میں نے اپنی دونوں سے پسر خاگر کیا۔ آپ سے گزارشی ہے کہ

میرے اس مجبوری پر مجھے معاف فرمیں
Attested

شکر یہ

آپ کا بھائی، ریکروٹڈ ڈاکٹر علی بلدیہ 718

کراس سوالوں کے جوابات

اذان ریڈورڈ کس دن 718 SSU سے ایک ضلع جاری رہا

1۔ آپ کب SSU سے ایک لڑائی میں بھرتی ہوئے؟

2۔ سر جی ایم سے بعض 12 15 کو SSU لو لیں سے ضلع جاری رہا ہوا

3۔ آپ کہاں رہتے ہو اور کوالیفیکیشن کیا ہے؟

2۔ سر جی ایم میں تو سر کی فزنی مسٹر کا خاندانی مائیراٹی رہا ہے سوال اور

3۔ یا سول اور BS انگلش میں جاری ہے۔ انگلش

1۔ آپ سے ختم الزام غیر حافی ہے کیا درست ہے؟

2۔ سر جی ایم یاں درست ہے جو تم میرا کالی ایک ڈنٹ سے زخم ہوا تھا جسکی

وجہ سے ٹاف سے نیچے حقہ زیادہ متاثر ہوا تھا اور اب بھی پیشاب

کی سخت تکلیف ہے۔ دوسرا کالی نہیں ہے اور والدہ میں فوٹ ہو گیا

2۔ انہی طرف سے معروف تھا۔ اب بھی کراچی اور لندن کیلئے

کل سے لے کر یا سول، جیورا غیر حافی ہوا اور اب بھی ٹرینٹ

سنٹر سے غیر حافی آیا سول۔ انگلش

3۔ کیا آپ مزید ٹوٹری نہیں کرنا چاہتے اور کالی کے سیریکل کاغذات پیش

کرنا چاہتے ہیں؟

2۔ سر جی ایم ٹوٹری کرنا چاہتا سول، میں نے جیورا بیان کیا۔ اب صرف

یا سول سے کالی کاغذات لیا ہے موجود نہیں ہے۔ اگر پیش ہوا تو

پیش کر رہے، آئندہ سے اسرار بالاً کو جوابت کاغذات میں دوں گے

2022



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



CENTRAL POLICE OFFICES, S.A.Q ROAD, PESHAWAR CANTT (PH: 091-9214056)

No. 9630-37 EC/SSU,

dated Peshawar the 16/11/2022.

ORDER

This order will dispose the formal departmental inquiry against Recruit Constable Muhammad Zeeshan No. 718 of Special Security Unit (CPEC), District Charsadda.

Brief facts of the case are that as reported by LO SSU HQrs: vide DD report No. 16, dated 13.09.2022 that Recruit Constable Muhammad Zeeshan No. 718 had remained absent from his lawful duties w.e.f. 28.02.2022 up to 13.09.2022 (197 days) and once again absented himself from his Basic Recruit Course at PTS Kohat w.e.f. 18.09.2022 till date, due to which he also returned as unqualified to home district.

In this regard, his pay was stopped and a proper departmental inquiry was initiated against him. He was issued charge sheet alongwith summary of allegations vide this office Endst: No. 7167/EC, dated 16.09.2022 and Mr. Fazle Mabood Khan DSP SSU (CPEC), Kohat Region was nominated as enquiry officer to conduct inquiry into the matter. Who after fulfilling all Codal formalities submitted his findings report, wherein he reported that the charge sheet was served upon the delinquent constable to which he replied that his brother was admitted in SIUT Hospital at Karachi and he was with him for his care but failed to submit any medical documents to prove himself innocent of the charges leveled against him. Furthermore, the EO stated that the reply of Recruit Constable is not satisfactory & he is a student of BS English and has no interest in the discharge of his official obligations. Thus, the EO recommended him for major punishment.

Later on he was served/issued with final show cause notice vide this office No. 7885/EC, dated 10.05.2022 to which he replied but remained absent from his lawful duties and failed to make his arrival.

Keeping in view all the above facts as well as recommendation of enquiry officer & material available on record that the above named constable is not taking interest in the discharge of his official obligations and found guilty of the above charges leveled against him. 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 "Discharge from Service", his absence period 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.

CO No. 841

Dated 16/11/2022

Attested
[Signature]
(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. District Police Officer, Charsadda.
3. SP SSU (CPEC), Mardan Region.
4. PSO 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).
7. All concern.



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

CENTRAL POLICE OFFICES, S.A.Q ROAD, PESHAWAR CANTT (PH: 091-9214056)



No. 3554-58 /EC,

dated Peshawar the 11 / 04 / 2023.

ORDER

This order will dispose of the formal departmental appeal preferred by ex- recruit constable Muhammad Zeeshan No. 718 of Special Security Unit (CPEC) against the order of SP Admin SSU (CPEC), wherein he was awarded major punishment of "Discharge from Service" on the allegations that he remained absent from his lawful duties w.e.f. 28.02.2022 to 13.09.2022 (197 days) & once again from 18.09.2022 till date.

In this regard, proper departmental inquiry was carried out. He was issued charge sheet and given enough opportunity to prove himself innocent of the charges leveled against him. He was also heard in person in OR by enquiry officer but failed again. Thus the EO recommended him for major punishment.

Later on he was issued/served with final show cause notice, to which he submitted reply but remained absent from his lawful duties & despite time and again direction to report for his duties, he failed.

In the light of recommendation of enquiry officers and other material available on the record, he was awarded major punishment of "Dismissal from Service" and his absence period w.e.f. 28.02.2022 to 13.09.2022 & once again from 18.09.2022 till date was treated as leave without pay.

Feeling aggrieved against the impugned orders of SP Admin & Minority SSU (CPEC), Khyber Pakhtunkhwa, Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 08.03.2023.

During the course of personal hearing, the applicant failed to prove himself innocent. 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, I, 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 meritless.

Order announced.

OB No. 430

Dated 11/04/2023

Attested
Mohammad Zafar Ali
(MOHAMMAD ZAFAR ALI)^{PSP}
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- Recruit Constable Muhammad Zeeshan No. 718.

No. 2014 /EC

dated the Peshawar 08 / 03 / 2023

Khyber Pakhtunkhwa Peshawar.