

original

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

Service Appeal No. 1382/2023

Nihad Khan No: 622 _____ 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

24-1-2024

absence without pay on 07-04-23 by the Respondent No 3. Later on the appellant preferred the instant appeal against the order issued by the respondent No 3. On this the appellant was

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①

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1382/2023

Nihad Khan No:622.....(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa etc (Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.

1 TO 3

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 10662

Dated 19-1-2024

- 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 appellant has got no cause of action and locus standi to file the instant Service Appeal.

FACTS

1. Pera pertain to record.
2. Pera No 2 of appeal is incorrect. Appellant absented himself from his lawful duties w-e-f 04-02-23 to 27-2-23 & 01-03-23 to 15-03-23 total 39 days without leave of the authority. On account of such misconduct departmental enquiry was initiated against him, for which he was issued charge sheet/summary of allegations and Mr Ibrahim Khan DSP Admin SSU was nominated as enquiry officer. After enquiry, the EO submitted his findings report and recommended him for suitable order.

In the light of recommendation of enquiry officer and other material available on the record, the appellant was awarded minor punishment of stoppage, of one annual increment with cumulative effect and [39days] absence period was treated as

absence without pay on 07-04-23 by the Respondent No 3. Later on the appellant preferred the instant appeal against the order issued by the respondent No 3. On this the appellant was summoned and heard in person in orderly room held on 02-05-23 During the course of personal hearing, it was found that the appellant had done surgery of his legs muscles in support of which he also produced medical documents and he further added that he belongs to a poor family and sole cradle for his aged parents.

Based on findings narrated above the respondent No 2 being as competent authority restored one annual increment of the appellant by setting aside the order of respondent No 3 and the absence period of the appellant had already been treated as absence without pay by the respondent No 3, was remained the same.**(DDs reports No 33 dated 04-02-2023, No 08 dated 01-03-2023, copies of charge sheet/summary of allegation, statement of the appellant and finding report of the EO are attached as Annexure "A,B,C,D,E".**

3. Correct, long leave for one month was approved on 26.10.2022 and the appellant spent the same leave.
4. Incorrect, the appellant had already spent one month leave after approved by the high ups officers. Later on the appellant did not submit any application for leave in this connection the statement of MTO is clear. **MTO statement copy is annexed as annexure "F"**
5. Incorrect, the minor penalty of stoppage of one annual increment was restored on 15.05.2023 by the commandant SSU (CPEC).
6. Incorrect, after completion departmental enquiry, the enquiry officer mentioned in his finding report that the medical prescriptions produced by the appellant are taken from private doctor. On the basis of the above, the respondent No 3 presumed the medical prescriptions as suspicious and awarded minor punishment of stoppage of one annual increment with cumulative effect. **Copies of both orders dated 07-04-2023 and dated 15-05-2023 are attached as Annexure "G,H".**


- 7. Incorrect the statement of the MTO is very clear that medical prescription along with application had been handed over to the appellant and directed to submit the documents to the officers.
- 8. Incorrect, the appellant has been absent without bringing in to the notice of the responsible officers. Therefore the absence was treated as without pay.
- 9. Incorrect, the appellant is not aggrieved in fact the appellant is awarded punishment on his own misconduct. Furthermore, the instant Service Appeal is liable to be dismissed on the following Grounds.


GROUND

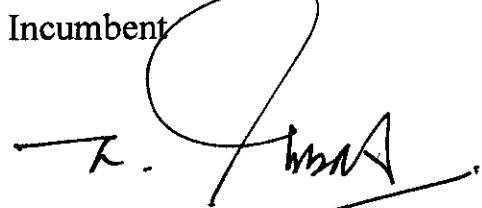

- A. Incorrect, the appellant remained absent without bringing into the notice of the officers. Therefore his 39 days absentee was treated as leave without pay while his one annual increment has been restored later on by the respondent no 2.
- B. Incorrect, orders dated 15.5.2023 and dated 07.04.2023 and have been issued after conducting proper enquiry and the authority acted in accordance with law and rules
- C. Incorrect, The appellant had already spent one month medical leave. Later on he intentionally remained absent from his lawful duties without any sanctioned or medical leave. Furthermore the appellant submitted application along with medical prescription by hand to MTO for two months leave. the MTO forwarded the same documents and handed over to the appellant on the spot and directed to put up to responsible officer for sanction of leave.
- D. Incorrect, the appellant had already spent one month medical leave and then he remained absent without any sentinel leave or intimation.
- E. Incorrect, the authority acted as per law and rules.
- F. Incorrect, all codal formalities have been fulfilled during proceedings, after completion the enquiry orders have been issued in accordance with law & rules.
- G. Incorrect, that the respondent also seeks permission to raised 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:
SSU (CPEC), Khyber
Pakhtunkhwa,
Peshawar.
(Respondent No.3)


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


(DR.MUHAMMAD AKHTAR ABBAS)PSP
DIG/Legal, CPO
For Inspector General of police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)


(5)

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

Service Appeal No. 1382/2023


Nihad Khan No:622..... (Appellant)

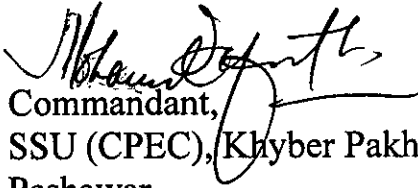
Versus

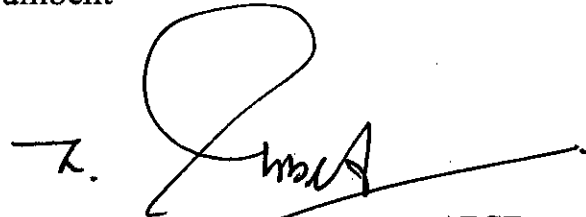
Inspector General of Police, Khyber Pakhtunkhwa etc..... (Respondents)

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)
Khyber Pakhtunkhwa,
Peshawar
(Respondent No.3)


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


(DR.MUHAMMAD AKHTAR 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.1382/2023

Nihad Khan No: 622 -----(Appellant)

VERSUS

Provincial Police Officer KPK/ Peshawar and others----- (Petitioner)

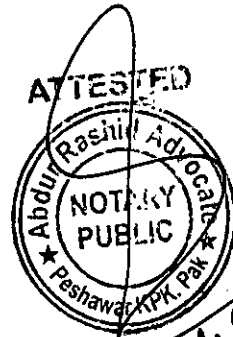
AFFIDAVIT

I, Fazal Hanif SP/Admin SSU (CPEC) do hereby solemnly affirm on oath that the content of service appeal on behalf of Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others 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)

Khyber Pakhtunkhwa, Peshawar
(Respondent No.3)



19/11/2024

انٹرنیٹ پر پبلش ہونے والی تصویر

کشمیر 33 دفعہ 23

انٹرنیٹ پر پبلش ہونے والی تصویر 33 دفعہ 23 - 18:35 بجے 2/23 کو اس وقت درج ذیل تصویر پبلش ہوئی تھی۔
یہ تصویر پبلش ہونے سے پہلے اس وقت تک کسی شخص کو بھی نہیں دکھائی گئی تھی۔
اس وقت تک اس تصویر کو کسی شخص کو بھی نہیں دکھائی گئی تھی۔
اس وقت تک اس تصویر کو کسی شخص کو بھی نہیں دکھائی گئی تھی۔

مقامی سطح پر
تفصیلات کے لئے

کشمیر 19 جولائی 2023ء کو 11:25 بجے 2/23 کو اس وقت درج ذیل تصویر پبلش ہوئی تھی۔
یہ تصویر پبلش ہونے سے پہلے اس وقت تک کسی شخص کو بھی نہیں دکھائی گئی تھی۔
اس وقت تک اس تصویر کو کسی شخص کو بھی نہیں دکھائی گئی تھی۔
اس وقت تک اس تصویر کو کسی شخص کو بھی نہیں دکھائی گئی تھی۔

کشمیر 33 دفعہ 23
2/23
2/23
2/23

23

Attested

PSP/L 55. U
19/07/2023

For Warrant
PSP/Hqs 38U (CF EC)
8-3-23

35U
HR

منبع ایش

نقل کردہ روزنامہ 03/03/23

10/03/23 اور وغیرہ حافی از ایب حسین MTO وقت 10:30 بجے مورخ 01/03/23
اس وقت ڈرائیور ضیاء اللہ 6223 روزنامہ آکر بیان کرتا ہے
ڈرائیور نیاد 622 جو کہ MTO سٹاف میں ڈیوٹی سرانجام دے
رہا ہے۔ حافی انتظار سے باوجود ابھی تک ڈیوٹی سرانجام نہیں
آیا تو غیر حاضری میں ہیں۔ مزکورہ بالا ڈرائیور کے خلاف
ایب وغیرہ حافی درجہ روزنامہ کیسنگ

جناب عالی!

مزکورہ بالا تنسیل 13/03/23 مورخہ 03/03/23
میں پرستور عین حافی سے ایب وغیرہ حافی

Attestation

DSR/2-SSU, CPAC
19/01/2024

R
mm SSU HQ Peshawar
09/03/23

Jimmy
09-3-23

921

CHARGE SHEET

I, Superintendent of Police, Admin & Minority Wing, Special Security Unit (CPEC), Peshawar, as competent authority, hereby charge that DFC Nihad No. 622 of SSU (CPEC), with the following irregularities.

“That you DFC Nihad No. 622 had absented yourself from your lawful duties vide DD report No. 33, dated 04.02.2023 till date without any sanctioned leave or intimation, received vide DSP HQrs letter No. 43/R, dated 14.02.2023. Being part of the Disciplined Force, this act of yours is against the Police Rules & shows gross misconduct on your part”.

You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case ex-parte action shall follow against you.

Intimate whether you desire to be heard in person.
A statement of allegation is enclosed.

(FAZAL HANIF)

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

Attested
M
PSP/L-SSU-CPEC
19/01/2024

622
03-2023
03
023
0314 9498281
آب کاٹی واول

16

28

Disciplinary Action

I, Superintendent of Police, Admin & Minority, Special Security Unit (CPEC) Peshawar as a competent authority, am of the opinion that DFC Nihad No. 622 of SSU (CPEC), has rendered him-self liable to be proceeded against under the provision of Police Disciplinary Rules-1975.

STATEMENT OF ALLEGATION

"That DFC Nihad No. 622 had absented himself from his lawful duties vide DD report No. 33, dated 04.02.2023 till date without any sanctioned leave or intimation, received vide DSP HQrs letter No. 43/R, dated 14.02.2023. 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. Ibrahim Khan DSP Admin 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.

Attestation
M
DSP/L. SSU. CPEC.
19/01/2024

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

No. 631 /EC, dated Peshawar the 01/03/2023.

(Signature)
01-03-2023

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

جناب عالی

حوالہ نادری کاروائی نمبر EC-631 مورخہ 03.23.23 01 بجاریہ
 ڈس نی اڈمن سی پیگ لے اور ضرورت خیرت ہوں کہ کچھ
 عرصہ قبل مسائل کو ٹھوکر لگی تھی ڈاکٹر کا نے بعد معائنہ بتایا کہ
 ماؤں کے پشوں میں زخمی ہے جس کا علاج معالجہ اور قوری
 ایپریشن ضروری ہے۔ مورخہ 22.11.23 کو مسائل کا ایپریشن ہوا
 جس کیلئے اسٹریٹ مائٹ ایک ماہ رخصت دی تھی۔ رخصت
 مکمل ہوئی مگر مسائل مکمل طور پر فٹ نہیں تھا اور ڈاکٹر کا
 نے مزید 2 ماہ آرام تجویز کیا۔ مسائل ڈاکٹری کا معذرت
 کی روشنی میں 2 ماہ میڈیکل لیو کی درخواست دی۔ درخواست
 بہاد میڈیکل لیو OASI برائچ میں جمع کی گئی۔ مزید کاروائی
 کیلئے لیو OASI برائچ درخواست PITO کو ارسال کر دی
 گئی ہے۔ جب PITO سے معلومات کی تو اس کا کہا کہ
 تمہاری درخواست ہمیں وصول نہیں ہوئی ہے۔ ہم نے دوبارہ
 PITO سے معلومات ہی اس بحریہ کہا کہ PITO کو بھیجیے
 اور PITO ان کا ریکارڈ ہے کہ درخواست وصول نہیں ہوئی ہے
 اب یہ کیا معاملہ ہے کیا اور کس کی بددینی سے معلوم نہیں
 ہیں وہ مسائل غیر حاضر تصور ہوا ہے حالانکہ سائل نے
 رخصت کیلئے قانونی تقاضے کو پکے تھے۔ بہادرانہ طور
 پر اسے استدعا ہے بالاحاق کو مد نظر رکھتے ہوئے
 نادری کاروائی کو داخل دفتر فرمادیں

Attested
 DSP/LSSO-CPC
 19/01/2024

تہاد کا نمبر 622 متعینہ سی پیگ صیات آباد لہور
 FC

جناب عالی!

بحوالہ مشمولہ کاغذات انکوائری برخلاف ڈرائیور کنسٹیبل نہاد نمبر 622 SSU سی بیک معروض خدمت ہوں کہ مذکورہ کنسٹیبل کے خلاف بحوالہ مد 33 روزنامچہ 04-02-2023 کو غیر حاضر موصول ہونے پر جناب SP ایڈمن صاحب SSU سی بیک پشاور نے مذکورہ کنسٹیبل کو مورخہ 01-03-2023 کو چارج شیٹ جاری کر کے من DSP ایڈمن کو انکوائری افسر مقرر کیا۔ مذکورہ کنسٹیبل کو بذریعہ سرکاری ٹیلی فون کال طلب کیا گیا۔ مذکورہ نے مورخہ 10-03-2023 کو SSU لائن حیات آباد آکر اپنا چارج شیٹ وصول کر کے اپنا بیان ریکارڈ کیا۔

میں ڈرائیور کنسٹیبل نہاد نمبر 622 بحوالہ چارج شیٹ معروض خدمت ہوں، کہ من کنسٹیبل کا کچھ عرصہ پہلے پاؤں میں ٹھوکر لگی تھی ڈاکٹر صاحب نے معائنہ کر کے بتایا کہ پاؤں کے پٹوں میں زخم ہے جس کا علاج معالجہ اور فوری اپریشن ضروری ہے مورخہ 15-11-2022 کو سائل کا اپریشن ہوا جس کے لئے افسران بالانے ایک ماہ رخصت دی تھی رخصت مکمل ہوئی مگر سائل مکمل طور پر فیت نہیں تھا اور ڈاکٹر صاحب نے مزید 02 ماہ آرام تجویز کیا سائل نے ڈاکٹری کاغذات کی روشنی میں 02 ماہ میڈیکل لیو کی درخواست دی درخواست برآمد میڈیکل لیو OASI برانچ جمع کی گئی مزید کاروائی کے لئے بقول OASI برانچ درخواست MTO صاحب کو ارسال کر دی گئی جب MTO صاحب سے معلومات کی تو اس نے کہا کہ تمہاری درخواست ہمیں موصول نہیں ہوئی اب یہ کیا معاملہ ہے کس کی بدینتی ہے معلوم نہیں۔ بدیں وجہ سائل غیر حاضر تصور ہوا ہے حالانکہ سائل نے رخصت کے لئے قانونی تقاضے پورے کئے تھے۔ استدعا ہے کہ بالا حقائق مد نظر رکھتے ہوئے من سائل کا چارج شیٹ بغیر کسی کاروائی داخل دفتر کی جائے۔

کیگئی انکوائری معلوم ہوا کہ ڈرائیور کنسٹیبل نہاد نمبر 622 کے خلاف مد 33 روزنامچہ 04-02-2023 سے غیر حاضر ہو کر بحوالہ مد 19 روزنامچہ 27-02-2023 کو حاضر آیا جسکی کل غیر حاضری 23 یوم بنتی ہے۔ دوبارہ مد نمبر 08 روزنامچہ 01-03-2023 سے غیر حاضر ہو کر مد نمبر 11 روزنامچہ 15-03-2023 کو حاضر آیا جسکی کل غیر حاضری 15 یوم بنتی ہے۔ معلوم ہوا کہ مذکورہ بالا کنسٹیبل مورخہ 15-11-2022 پاؤں کے پٹوں کا اپریشن کر کے ایک ماہ کی چھٹی حسب اجازت افسران بالا سے منظور ہونے پر چھٹی گزارا صحت مکمل ٹھیک نہ ہونے پر دوبارہ چیک اپ کرنے کے بعد ڈاکٹر صاحب نے دو ماہ ریٹ تجویز کی۔ کنسٹیبل نے درخواست بح میڈیکل کاغذات OASI دفتر میں جمع کی تھی کسی وجہ سے میڈیکل ریٹ منظور نہیں ہوا ہے تو کنسٹیبل مذکورہ نے بالعموم مجبوری بیماری غیر حاضری کی ہے۔ کنسٹیبل مذکورہ کے میڈیکل کاغذات ہمراہ لف انکوائری ہے۔ کنسٹیبل مذکورہ کی کل غیر حاضری 39 یوم بنتی ہے۔ مزید حکم افسران بالا صاحبان کے افضل ہے۔ انکوائری رپورٹ عرض ہے۔

ڈی ایس پی ایڈمن

ایس ایس یو (سی بیک) ہیڈ کوارٹر پشاور
27-03-2023

Attestee

DSP/L-SSU.CPEC

19/01/2024

جناب عالی!

(13)

معرض خدمت میں کہ ڈرائیور بنیاد نمبر 622

میٹر نقل مورخہ 3-1-22 والا پیر ڈاکٹر صاحب نے سخت کام اور دہشت سے آرام کی نصیحت کی۔ جس پر من مآہ نے Foreward کر کے ڈرائیور بنیاد کے ہاتھ میں دے دیا تاکہ افسران بالا کی خدمت میں پیش کرے۔

(2) مورخہ 7.2.23 کا میٹر نقل جس پر ڈاکٹر صاحب نے دو ماہ کا بیڈ ریسٹ کی نصیحت کی من مآہ کو موصول نہیں ہوا ہے۔

(3) مذکورہ ڈرائیور کا آئریس (15-11-22 تا 14-11-22) کر کے جس پر ڈاکٹر صاحب نے بلکہ 2 دن لہہ ٹانگے ٹکوا رہے جو کہ درخواست کے ساتھ لف ہے۔

(4) من مآہ نے مذکورہ ڈرائیور بنیاد نمبر 622 کو روزنامہ میں نصیحت کی کہ آہ آہ میں موجود رہے اور سخت کام یا ڈرٹی کام کر کے جہاں تک لگت رہے ہیں ہوتے۔

ریورٹ عرض ہے۔

سہیل
من مآہ
24/3/23

Attest
DSP/L-SSU CPBC
19/01/2024



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

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

No. 1114-19 /EC,

dated Peshawar the 07/04/2023.

ORDER

This order will dispose the formal departmental enquiry against Driver Constable Nihad No. 622 of Special Security Unit (CPEC), District Peshawar.

Brief facts of the case are that as reported by DSP HQrs. vide letter No. 50/R, dated 09.03.2023 that DFC Nihad No. 622 had remained absent from his lawful duties w.e.f. 04.02.2023 to 27.02.2023 (23 days) & once again from 01.03.2023 to 15.03.2023 (16 days) for a total period of 39 days without any sanctioned or intimation.

In this regard, his pay was stopped & proper departmental proceeding was initiated against him. He was issued charge sheet & summary of allegations vide this office Endst: No. 1002/EC, dated 22.03.2023 and Mr. Ibrahim Khan DSP Admin SSU (CPEC) was nominated as enquiry officer to conduct inquiry into the matter and submit his findings report. After completion of all codal formalities, EO submitted his findings report, wherein he reported that the charge sheet was served upon the delinquent DFC, to which he replied that he had done legs muscles surgery. In support of which he also produced medical prescriptions from a private doctor. Thus, the EO recommended him for suitable order.

Keeping in view all the above facts and recommendation of enquiry officer, as well as material available on record, the above named driver constable has not followed SOPs & also his medical prescriptions seems suspicious. Therefore, he is hereby awarded minor punishment of stoppage of one annual increment with cumulative effect & his absence period of (39 days) is treated as leave without pay and his pay is released with immediate effect.

OB No. 412

Dated 07/04/2023

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

Copy of the above is forwarded for information to the:

1. PA to Commandant SSU (CPEC). Khyber Pakhtunkhwa Peshawar.
2. Reader to Deputy Commandant SSU (CPEC). Khyber Pakhtunkhwa Peshawar.
3. Accountant. SRC & OASI SSU (CPEC) HQrs.

e
06-04-2023

Attest

M

DSP/L-SSU-CPEC.

19/01/2024.



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

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



No. 1606-10 /EC,

dated Peshawar the 15/05/2023.

15

ORDER

This order will dispose of the formal departmental appeal preferred by Driver Constable Nihad No. 622 of Special Security Unit (CPEC) against the order of SP Admin & Minority SSU (CPEC), wherein he was awarded minor punishment of stoppage of one annual increment with cumulative effect and 39 days absence period as leave without pay. The applicant was proceeded against on the allegations that he had absented himself from his lawful duties w.e.f. 04.02.2023 to 27.02.2023 (23 days) & 01.03.2023 to 15.03.2023 (16 days) without any sanctioned leave or intimation.

In this regard, a proper departmental inquiry was initiated against him as he was issued charge sheet along with summary of allegations and Mr. Ibrahim Khan DSP Admin SSU (CPEC) was nominated as enquiry officer to unearth the actual facts. After completion of enquiry, the EO submitted his findings, wherein he reported that the accused Driver Constable stated in his reply of charge sheet that he had done legs muscles surgery. In support of which he also produced medical documents. The EO recommended him for suitable order.

In the light of recommendation of enquiry officer and other material available on the record, the above named constable had not followed SOPs, thus he was awarded minor punishment of stoppage of one annual increment with cumulative effect and (39) days absence period was treated as absence without pay vide order No. 1114-19/EC, dated 07.04.2023.

Feeling aggrieved against the impugned order 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 02.05.2023.

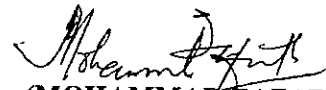
During the course of personal hearing, he contended that he had done legs muscles surgery and was unable to report for his duty, in support of which he also produced medical documents. He further added that he belongs to a poor family and sole cradle for his aged parents.

Based on findings narrated above, I, **Commandant SSU (CPEC)**, Khyber Pakhtunkhwa, Peshawar, being the competent authority, exercise of power, conferred upon me under section 11 (4b) of Khyber Pakhtunkhwa Police Rules 1975 (amended in 2014), taking a lenient view, his annual increment is hereby restored by setting aside the order of SP Admin & Minority SSU (CPEC) and his absence period from duty remains treated as absence without pay with immediate effect.

Order announced.

OB No. 542

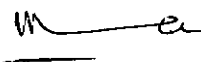
Dated 15/05/2023


(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. Accountant & SRC SSU (CPEC).
3. Official Concerned.

Attested



DSP/L-SSU, CPEC

19/01/2024.