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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

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Nitad Khan vs Police

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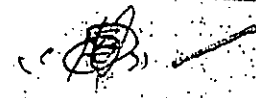
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Muharir Compilation


Incharge Judicial Branch



Annular



GOVERNMENT OF
KHYBER PAKHTUNKHWA

MINERALS DEVELOPMENT DEPARTMENT

FIRST FLOOR ABDUL WALI KHAN MULTIPLEX, CIVIL SECRETARIAT, PESHAWAR PH# 091-9223558

9-44

SUMMARY FOR THE CHIEF MINISTER

Subject: APPROVAL OF TECHNICAL ALLOWANCE FOR ENGINEERS WORKING IN MINERALS DEVELOPMENT DEPARTMENT KHYBER PAKHTUNKHWA.

Minerals Development Department Khyber Pakhtunkhwa is a technical department. Engineers serving in its three attached Departments i.e Directorate General Mines & Minerals, Inspectorate of Mines & Commissionerate of Mines Labour Welfare. All the Engineers working in these three departments are also registered with Pakistan Engineering Council and are part of the Khyber Pakhtunkhwa Association of Government Engineers. (Annex-A).

2. The provincial cabinet in its meeting held on 24/05/2018 accepted demands of the Khyber Pakhtunkhwa Association of Government Engineers (KPAGE) including approval of Technical Allowance @ 1.5 times of the initial basic pay scales to all Engineers working in the Provincial Government Departments w.e.f 01.07.2018. (Annex-B).

3. The cabinet vide meeting dated 15.10.2018 endorsed the previous decision of the Provincial Cabinet, wherein the chair directed that the decision of the Provincial Cabinet for extension of Technical Allowance to the Engineers working in provincial Government Departments may be implemented in letter & spirit. (Annex-C).

4. The Finance Department Khyber Pakhtunkhwa notified Technical Allowance w.e.f 01.11.2018 only to the Engineers serving against the sanctioned posts in the C&W, Irrigation, Public Health Engineering and Local Government Departments of Khyber Pakhtunkhwa at the rate of 1.5 times of the initial basic pay as per pay scales of 2017 vide notification dated 19.10.2018. However, the Engineers working in other Provincial Government Departments were ignored. (Annex-D).

ATTESD

All-sub

Director

1

Service Appeal No. 1382/2023 titled "Nihad Khan-vs-Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Khyber Pakhtunkhwa and others"

ORDER

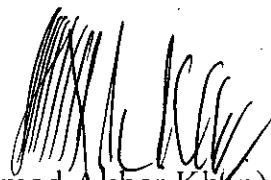
22nd May, 2024

Mr. Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Umair Azam, Additional Advocate General for the respondents present.

2. At the very outset, learned counsel for the appellant stated that he would be satisfied if the appellate order is further modified and instead of treating the absence period to be leave without pay as leave of the kind due to which the learned Additional Advocate General did not strongly objected. Disposed of accordingly. Consign.

3. *Pronounced in open court in Peshawar and given under out hands and seal of the Tribunal this 22nd day of May, 2024.*

SCANNED!
KABIRIST
PESHAWAR



(Muhammad Akbar Khan)
Member(E)



(Kalim Arshad Khan)
Chairman

Adnan Shah


(2)

24th Jan. 2024

01. Counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

02. Reply/comments received through office which is available on file and a copy whereof handed over to learned counsel for the appellant. To come up for rejoinder, if any, and arguments on 22.05.2024 before the D.B. PP given to the parties.

SCANNED
KPST
Peshawar


(Farzha Paul)
Member(E)

Fazle subhan P.S

3

8th Nov. 2023

1. Appellant in person present. Mr. Habib Anwar, Additional Advocate General for the respondents present.

2. Reply on behalf of the respondents is still awaited. Learned AAG requested for time to submit reply/comments. Granted. To come up for reply/comments on 13.12.2023 before S.B. P.P given to the parties.

SCANNED
KP 3T
Peshawar

Mutazem Shah

(Kalim Arshad Khan)
Chairman

13th Dec. 2023

1. Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. Reply on behalf of the respondents is still awaited. Learned AAG requested for time to submit reply/comments. Granted by way of last chance. To come up for reply/comments on 24.01.2024 before S.B. P.P given to the parties.

SCANNED
KP 3T
Peshawar

Mutazem Shah

(Kalim Arshad Khan)
Chairman

(4)

10.08.2023

Learned counsel for the appellant present and heard.

Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for regular hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security fee within ten days. Thereafter respondents be summoned through TCS, the expenses of which be deposited by the appellant within three days. To come up for reply/comments on 28.09.2023 before S.B. P.P. given to learned counsel for the appellant.

(Muhammad Akbar Khan)
Member (I)

Kumamhala

28th Sept. 2023

01. Counsel for the appellant present and requested for time to deposit security and process fee.

02. Appellant is directed to deposit security and process fee within 03 working days. Thereafter, notices be issued to the respondents. To come up for reply/comments on 08.11.2023 before the S.B. Parcha Peshi given to learned counsel for the appellant.

SCANNED
KPST
Peshawar

(FAREEHA PAUL)
Member (E)

Fazle Subhan, P.S

Security fee
not submitted
Mohamud
SCANNED
KPST
Peshawar

FORM OF ORDER SHEET

Court of _____

Appeal No. 1382/2023

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|------------------|---------------------------|---|
| 1 | 2 | 3 |
| 1- | 21/06/2023 | <p>The appeal of Mr. Nihad Khan resubmitted today by Mr. Sawar Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>26-06-2023</u>.</p> <p>By the order of Chairman</p> <p><i>[Signature]</i> REGISTRAR</p> |
| 26 th | June, 2023 | <p>01. Nemo for the appellant.</p> <p>02. Notices be issued to the appellant and his counsel. To come up for preliminary hearing on 10.08.2023 before the S.B.</p> <p><i>[Signature]</i> (FAREEHA PAUL) Member (E)</p> |

SCANNED
KPST
Peshawar

SCANNED
KPST
Peshawar

On 12/07/23, counsel was informed telephonically for the date fixed (10/08/23)
G.P.S.
Mohamir

File Subhan. P.S

The appeal of Mr. Nihad Khan FC Driver Constable No: 622 CPEC Peshawar received today i.e on 14.06.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Annexures of the appeal are unattested.
- 3- Affidavit be attested by the Oath Commissioner.
- 4- Check list not attached with the appeal.
- 5- Copy of leave sanctioned order mentioned in the memo of appeal is not attached with the appeal.
- 6- Copies of charge sheet, show cause notice, enquiry report and replies thereto are not attached with the appeal be placed on it.
- 7- Annexures of the appeal are not in sequence which be annexed serial wise as mentioned in the memo of appeal.
- 8- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1770 /S.T,

Dt. 15/6 /2023.




REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Sawar Khan Adv.
High Court Peshawar.

R/SIR,

Re-submitted after necessary correction and completion with the request that as the documents are in possession of respondents and they refused to provide attested copies to the appellant, hence, it is humbly requested that the case may kindly be fixed for the hon,able tribunal.

Regard



Sawar Khan
Counsel for appellant

(7)

**BEFORE HON,ABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.**

CHECK LIST

Case Title: *NIHAD KHAN V/S SSP POLICE & Others*

| | | Yes | No |
|-----|---|-----|----|
| 1. | This petition has been presented by SAWAR KHAN ASC | | |
| 2. | Whether counsel/Petitioner have signed the requisite documents? | ✓ | |
| 3. | Whether the enactment under which the case/petition is filed mentioned? | ✓ | |
| 4. | Whether the enactment under which the case/petition is filed is correct? | ✓ | |
| 5. | Whether Affidavit is appended? | ✓ | |
| 6. | Whether affidavit is duly attested by competent oath commissioner? | ✓ | |
| 7. | Whether petition/annexure are properly paged? | ✓ | |
| 8. | Whether annexures are certified? | ✓ | |
| 9. | Whether Certificate regarding filling any earlier appeal/petition on the subject, furnished? | ✓ | |
| 10. | Whether annexures are legible? | ✓ | |
| 11. | Whether annexures are attested? | ✓ | |
| 12. | Whether special power of attorney filed? | | |
| 13. | Whether special Power of attorney attested? | | |
| 14. | Whether copy of application is delivered to A.G/D.A.G? | ✓ | |
| 15. | Whether appeal, revision application is within time? | ✓ | |
| 16. | Whether value for the purpose of court fee and jurisdiction given in the relevant column of the opening sheet is correct? | ✓ | |
| 17. | Whether power of Attorney of the counsel is attested and signed by all petitioners/appellants/respondents? | ✓ | |
| 18. | Whether complete spare copy is filed in separate file cover? | | |
| 19. | Whether numbers of referred cases given/are correct? | ✓ | |
| 20. | Whether petition being sent by post? | | |
| 21. | Whether appeal/petition contains cuttings/overwriting? | | |
| 22. | Whether appeal/Revision/Writ petition is competent? | ✓ | |
| 23. | Whether list of books has been provided at the end of the petition? | ✓ | |
| 24. | Whether case relate to this court? | ✓ | |
| 25. | Whether case relate to this Bench? | ✓ | |
| 26. | Whether petition drafted by a competent person? | | |
| 27. | Whether name of Jail in which Appellant/petitioner/Respondent is confined given? | ✓ | |
| 28. | Whether copies of annexures are readable/clear? | ✓ | |

| | | | |
|----|---|---|---|
| 29 | Whether court fee stamps affixed? | ✓ | |
| 30 | Whether court fee stamps annexed are sufficient? | ✓ | |
| 31 | Whether certified copies of impugned order/decreed sheets before District judge have been filed? | | |
| 32 | Whether in view of order 43 rule 3 CPC/Rule 2(3) chapter 4-J, Vol: v of High court Rules & orders, notice along with copy of appeal/petition and annexure has been sent to Respondents? | | |
| 33 | Whether judicial officer whose orders are challenged mentioned at the bottom of the panel of Respondents? | ✓ | |
| 34 | Whether index filed? | ✓ | |
| 35 | Whether index is correct? | ✓ | |
| 36 | Whether copies of comments/reply/rejoinder provided to opposite party? | | |
| 37 | Whether addresses of parties given are complete? | ✓ | |
| 38 | Whether addresses of parties are complete? | ✓ | |
| 39 | Whether list of L.Rs of petitioner filed? | ✓ | |
| 40 | Whether copy of list of L.Rs of Respondents as filed before courts below or; if not, a certificate to this effect attached? | | |
| 41 | Whether opening sheet filed? | ✓ | |
| 42 | Whether opening sheet is correct/complete? | ✓ | |
| 43 | Whether approved file cover used? | ✓ | |
| 44 | Whether separate application filed for each prayer? | ✓ | |
| 45 | Whether separate request has been made for interim relief in writ petition? | ✓ | |
| 46 | Whether security of Rs, 10,000/- deposited with review petition? | | |
| 47 | Whether review petition filed and certified by the Advocate who had argued the case resulting into order review of which is sought? | | |
| 48 | Whether purpose of the document filed explained? | | |
| 49 | Whether respondents sued by name in the CoC? | | ✓ |

It is certified that formalities/documentation as required in above table have been fulfilled.

Name: SAWAR KHAN ASC

Signature: _____

Dated: 19/06/2023

9

BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

Appeal No. 1382/2023

SCANNED
KPST
Peshawar

NIHAD KHAN

VERSUS

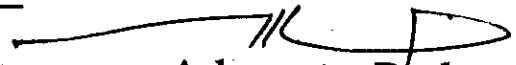
GOVT OF KHYBER PAKHTUNKHWA & OTHERS.....

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Appellant

Through


SAWAR KHAN Advocate, Peshawar

10 ①
BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

Appeal No. 1382/2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 5977

Dated 14/6/2023

Service appeal No...../2023

**NIHAD KHAN FC DRIVER CONSTABLE NO. 622, SPECIAL
SECURITY UNIT(CPEC) PESHAWAR**

Appellant

VERSUS

1. GOVT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY HOME & TRIBAL AFFAIRS KHYBER PAKHTUNKHWA PESHAWAR.
2. COMMANDANT SPECIAL SECURITY UNIT (CPEC) KHYBER PAKHTUNKHWA PESHAWAR
3. SP ADMIN & MINORITY SSU(CPEC)KHYBER PAKHTUNKHWA PESHAWAR.

Respondents

Re-submitted to -day
and filed.

[Signature]
21/6/23
Registrar

Filed to-day

[Signature]
14/6/23
Registrar

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST THE IMPUGNED JUDGMENT AND ORDER
NO 1606-10/EC, DATED 15/05/2023 OF THE
RESPONDENT NO.2, WHEREBY DEPARTMENTAL
APPEAL AGAINST THE IMPUGNED OFFICE ORDER NO.
412-19/EC, DATED 07/04/2023 OF THE
RESPONDENT NO.1 WAS NOT ALLOWED IN TOTO.**

(11) (2)

RESPECTFULLY SHEWETH,

Appellant submits as under:-

1. That Appellant is serving in Respondent department as FC NO. 622 (Driver Constable) with full commitment.
2. That the Appellant was suffering from Knee joint pain, the Doctor after proper examination, recommended for surgery (operation) and the appellant was operated by Doctor Nasrullah on 15-11-2022 in IRFAN GENERAL HOSPITAL, Charsadda Road opposite Eidgah Peshawar, the Medical leave was approved by the competent authority.
(Copies of documents are annexed)
3. That on medical advice, the Appellant submitted application for two months medical leave alongwith medical documents in OASI Branch and the application alongwith medical documents were sent to the MTO and one month leave was approved as evident from order dated 26-10-2022.
4. That for unknown reasons the MTO denied receiving the Appellant application, it is pertinent to mention here that this fact was never probed in inquiry because the appellant being suffering from severe pain, used to visit the MTO office for confirmation etc but in vain.
5. That Appellant was served through statement of allegations, the reply was submitted alongwith medical documents and but vide impugned order dated 07.04.2023, "minor penalty of stoppage of one annual

12 (3)
increment with cumulative effect and his absence period of 39 days is treated as leave without pay”.

6. That impugned order also mentioned that medical prescriptions seems suspicious, the appellant is ready to depose on oath that all the medical prescriptions are genuine, Appellant underwent surgery at IRFAN GENERAL HOSPITAL on Health Card, even no verification of medical documents were made but in unilateral manner term the medial prescriptions as suspicious.
7. That the MTO Malafidely conceal the real facts as well as the facts of submission of documents and application, the absentee of the appellant was not willful but beyond his control, hence the impugned order being illegal is liable to be set-aside.
8. That feeling aggrieved, the appellant preferred a departmental appeal against the impugned order, appeal was partially allowed to the extent of restoring annual increment but the absence was treated as without pay vide the judgment & order Dated 15/05/2023.
9. That feeling aggrieved, the appellant prefers the instant appeal for setting aside the impugned orders and the period of alleged absence be treated as medical leave, upon the following grounds, inter alia.

GROUNDS:-

- A. That the impugned order dated 07.04.2023 as well as that of the appellant authority are against facts of the case & law governing the subject & liable to be set aside.
- B. That the impugned order as well as that of the appellant authority are cubical, void ab-initio, unwarranted & are liable for setting aside.
- C. That the appellant was duly granted medical leave but due to the personal grudges of the MTO Namely zahid Hussain, the medical leave documents were misplaced and due to this Malafide act, appellant is suffering great hardship.
- D. That under the principles of natural justice, fair play & equity the appellant is entitled for Medical Leave.
- E. That as per settled law, technicality should not come in the way of justice.
- F. That from all prospective the impugned order as well as that of the appellate authority are illegal, wrong, unwarranted & are liable to be set a side.
- G. That other grounds would be raised at the time of arguments.

It is, therefore, most humbly prayed that on acceptance of instant Service appeal the office order No. 412-19/EC Dated 07-04-2023 of the Respondent No.3, as well as well as impugned office order No.542 dated 15/05/2023 of the Respondent No.2 may kindly be set aside & the period of absence may kindly be consider as medical leave in the interest of justice or any other order deemed proper and in favour of appellant may also be passed.

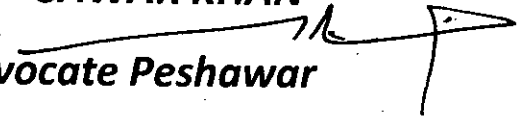
Appellant



Through

SAWAR KHAN

Advocate Peshawar



Note: No such like appeal for the same appellant has earlier been filed by me, upon the subject matter, prior to the instant one.

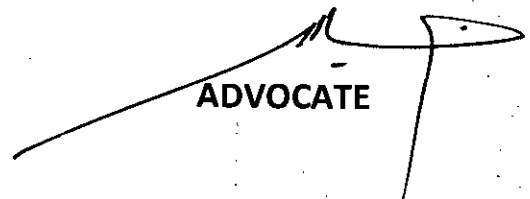
ADVOCATE.



List of Books Referred:

1. Constitution of the Islamic Republic of Pakistan
2. Case Laws
3. Any other book as per need.

ADVOCATE



15

6

**BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR**

NIHAD KHAN

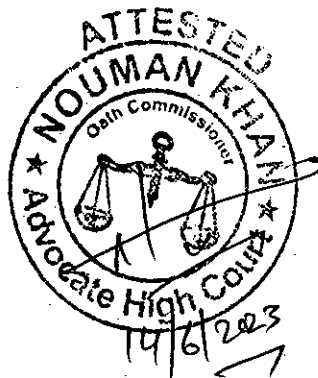
VERSUS

GOVT OF KHYBER PAKHTUNKHWA & OTHERS.....

AFFIDAVIT

I NIHAD KHAN FC DRIVER CONSTABLE NO. 622, SPECIAL SECURITY UNIT(CPEC) PESHAWAR do hereby solemnly affirm and declare on oath that all the contents of the Instant APPEAL or true and correct to the best my knowledge and belief and nothing has been concealed from this honorable Court.

DEPONENT



16

(7)

BEFORE THE HON'BLE SERVICES TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

NIHAD KHAN

VERSUS

GOVT OF KHYBER PAKHTUNKHWA & OTHERS.....

ADDRESS OF APPELLANT

**NIHAD KHAN FC DRIVER CONSTABLE NO. 622, SPECIAL
SECURITY UNIT(CPEC) PESHAWAR**

ADDRESS OF RESPONDENTS

1. GOVT OF KHYBER PAKHTUNKHWA THROUGH SECRETARY
HOME & TRIBAL AFFAIRS KHYBER PAKHTUNKHWA
PESHAWAR.
2. COMMANDANT SPECIAL SECURITY UNIT (CPEC) KHYBER
PAKHTUNKHWA PESHAWAR
3. SP ADMIN & MINORITY SSU(CPEC)KHYBER PAKHTUNKHWA
PESHAWAR.

Appellant

Through


SAWAR KHAN Advocate, Peshawar

17

Ann: 'A' (8)

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.



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

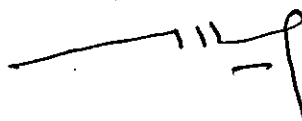
No. 631 /EC, dated Peshawar the 01/03/2023.


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.

ATTESTED

To be to copy





(18) Ann. B. (9)

**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.

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06-04-2023

ATTESTED

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Arr: - C.

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BEFORE HON. ABLE COMMANDANT SSU(CPEC)
KHYBER PAKHTUNKHWA PESHAWAR.

DEPARTMENTAL APPEAL AGAINST THE ORDER NO.412-19/EC DATED 07.04.2023 WHEREIN MINOR PUNISHMENT OF STOPPAGE OF ONE ANNUAL INCREMENT WITH CUMULATIVE EFFECT & HIS ABSENCE PERIOD OF (39 DAYS) IS TREATED AS LEAVE WITHOUT PAY. IT IS, THEREFORE, HUMBLY PRAYED THAT THE IMPUGNED ORDER MAY KINDLY BE SET-ASIDE.

Allied DG
19/6

RESPECTED SIR

Appellant submits as under:-

1. That Appellant is serving under your kind command and control as FC NO. 622 (Driver Constable) with full commitment.
2. That the Appellant was suffering from Knee joint pain, the Doctor after proper examination, recommended for surgery (operation) and the appellant was operated by Doctor Nasrullah on 15-11-2022 in IRFAN GENERAL HOSPITAL, Charsadda Raod opposite Eidgah Peshawar, the Medical leave was approved by the competent authority.

(Copies of documents are annexed).

ATTESTED
To Copy

11/1

20

(11)

(2)

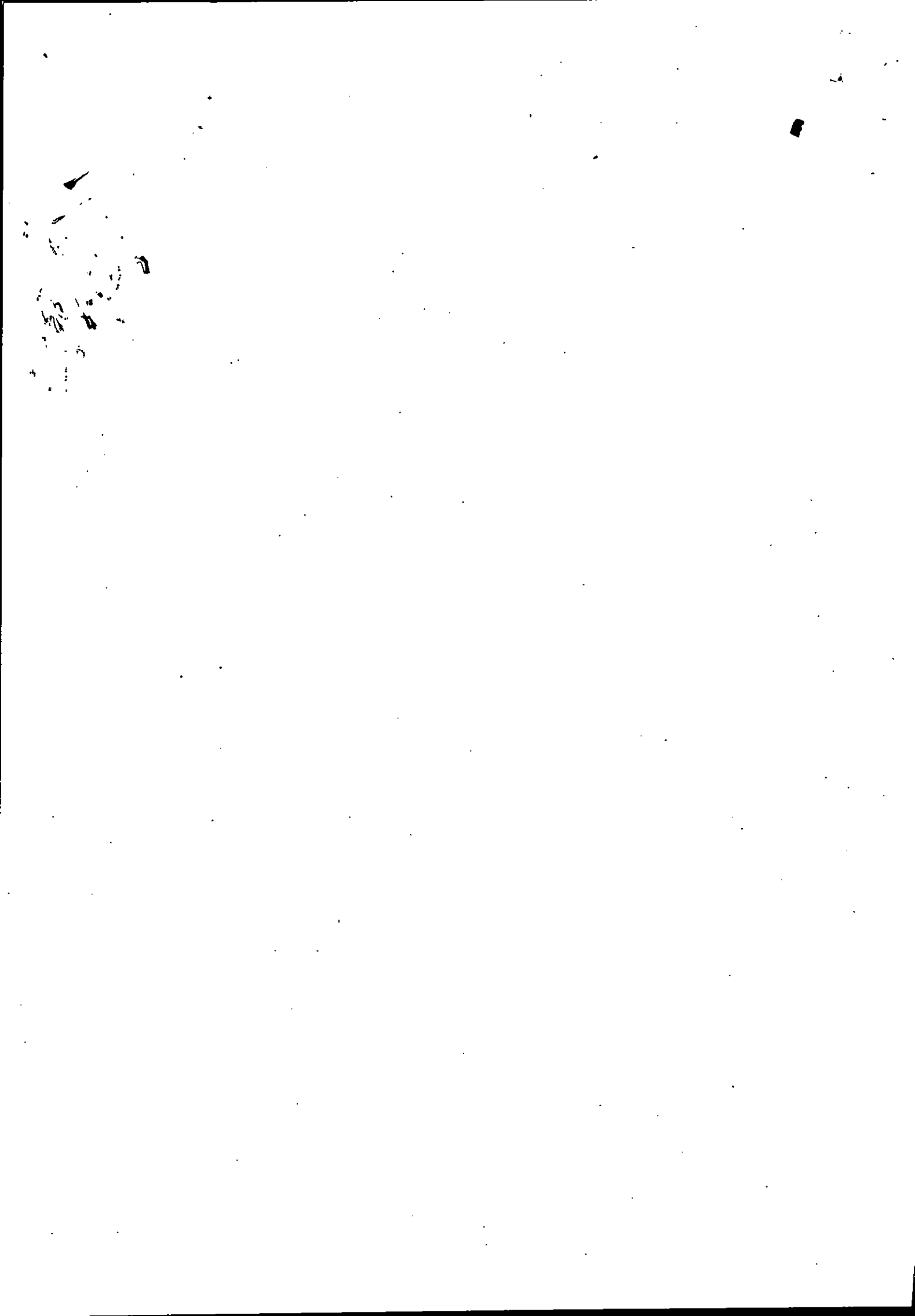
3. That on medical advice, the Appellant submitted application for two months medical leave alongwith medical documents in OASI Branch and the application alongwith medical documents were sent to the MTO but later on the MTO denied receiving the application for unknown reasons, it is pertinent to mention here that this fact was never probed in inquiry because the appellant being suffering from severe pain, used to visit the MTO office for confirmation etc but in vain.
4. That after receiving statement of allegations, the reply was submitted alongwith medical documents but the penalty mentioned above was imposed vide impugned order dated 07.04.2023.
5. That impugned order also mentioned that medical prescriptions seems suspicious, the appellant is ready to depose on oath of **HOLY QURAN** that all the medical prescriptions are genuine, Appellant underwent surgery at IRFAN GENERAL HOSPITAL on Health Card, even no verification of medical documents were made but in unilateral manner term the medial prescriptions as suspicious.
6. That the MTO Malafidely conceal the real facts as well as the facts of submission of documents and application, the absence of the appellant was not wilful but beyond his control, hence the impugned order being illegal is liable to be set-aside.
7. That the Appellant will serve the department as per the orders of Superiors, the Appellant

Attested to be true copy
19/6

ATTESTED

To copy

11/1



21

(12)
(8)

Attested by
me
19/4/23

through present appeal requests for setting aside the impugned order.

8. That the Appellant and his family will always remember you in their prayers.

It is, very humbly submitted that on acceptance of this appeal, the impugned order OB NO. 412 Dated 07.04.2023 may kindly be set-aside in the interest of justice.

Regards

APPELLANT

NIHAD KHAN
FC DRIVER CONSTABLE NO. 622
CELL NO.0314-9498281

AFFIDAVIT

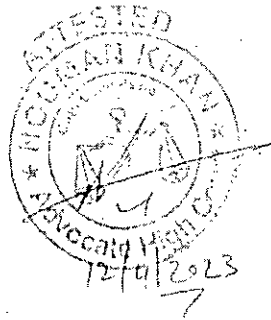
I NIHAD KHAN FC NO. 622 do hereby solemnly affirms and declares on oath that all contents of this appeal are true and correct and nothing has been concealed from your Honour.

Deponent

ATTESTED

TE COPY

11/4/23





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



No. 1606-10 /EC,

dated Peshawar the 15/05/2023.

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

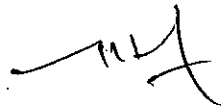
Dated 15/05/2023


(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

TO COPY



جناب عالی!

مؤدیانہ گزارش ہے کہ سائل نے مورخ 15/11 کو
گھنٹے کا آپریشن کیا تھا۔

ڈاکٹر نصر اللہ صاحب سے آپریشن کروایا تھا۔

ہو نہ سائل آپ ہی جلد پیرنے سے قلم ہے۔

اور ڈاکٹر صاحب نے مزید دواہ مکمل آرام تجویز کی ہے۔

لہذا آپ صاحبان سے بذریعہ درخواست استدعا کی جاتی ہے

کہ سائل کی دواہ ریسیٹ منظور کرنے کا حکم صادر فرما

ندہ دعا گو رہے گا۔

عینہ

آپ کا تالعدار ڈرائیور مائنسٹریل نباد خان ٹیکہ 222

تاریخ 08/02/23

ATTESTED

To fix

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ع قیصر
۶ سائے
19/6

Orthopaedic & Spine Surgeon

Dr. Nasrullah
F.C.P.S (Orthopaedic)
(Fellowship in Spine Surgery)



24 15
Add: 1st Floor Room # 103-104-105,
Ali Medical Center Opposite L.R.H
Emergency Gate, Near Toraqul Masjid
Peshawar.

Patient Name..... NIHAD KHAN..... Age 32y Sex M Date 7/2/23

Rt Ad. Reconstruction

now pain & swelling
↑ wdm.

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Allison G
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19/6

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11/4

BED REST for two
months.

Orthopaedic & Spine Surgeon
Dr. Nasrullah
MBBS, FCPS

DR Nasrullah

آرٹھوپڈک اینڈ سپائن سرجن
ڈاکٹر نصر اللہ

ایف سی پی ایس (آرٹھوپڈک)
فیوشپ ان سپائن سرجری

نوٹ: ہفتہ، اتوار کلینک بند رہے گا۔

Not Valid For Medico Legal Purpose

یاسر: 0313-9520062

صبح 10 سے 12 بجے تک اس نمبر پر رابطہ کریں۔ شاہ سوار: 0317-9899017

کتابت شد

(25)

(16)

ادفتر حشر راس

کتابت شد در دفتر کسٹیشن بیار علی نمبر 622 قصبہ
اسس ایس ایف (مختار جاوگ) کا کوالہ OB نمبر 726
01.10.2022 قدا افقہ ریوٹہ ہے
26-10-2022

کتابت شد

19/6

سرورانه ارسال خدمت ہے

[Signature]

MM-SSU-CPEC Peshawar
26-10-2022



ATTESTED

[Signature]

[Signature]

original - 26

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.

SCANNED
KPST
Peshawar
19/1/24

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| 3. | Affidavit | | 06 |
| 4. | DD No 33 and DD No 08 | A&B | 07-08 |
| 5. | Charge Sheet and statement of allegation | C | 09-10 |
| 6. | Statement of the appellant | D | 11 |
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Through Respondent

M. M. Khan

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

24-1-2024

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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.

**SCANNED
KPST
Peshawar**

19/1/24

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

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②

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".**

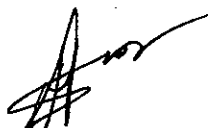
- 29
- (3)
7. Incorrect the statement of the MTO is very clear that medical prescription along with application had been handed over to the appellant and directed to submit the documents to the officers.
 8. Incorrect, the appellant has been absent without bringing in to the notice of the responsible 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.


GROUNDS

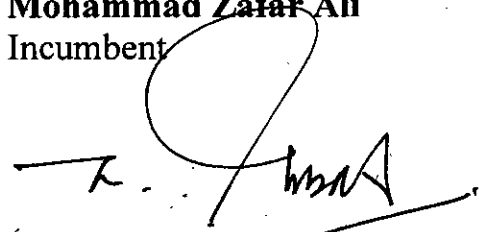
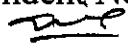
- A. Incorrect, the appellant remained absent without bringing into the notice of the officers. Therefore his 39 days absentee was treated as leave without pay while his one annual increment has been restored later on by the respondent no 2.
- B. Incorrect, orders dated 15.5.2023 and dated 07.04.2023 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)


31

5

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

Service Appeal No. 1382/2023


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

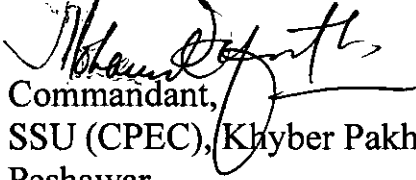
Versus

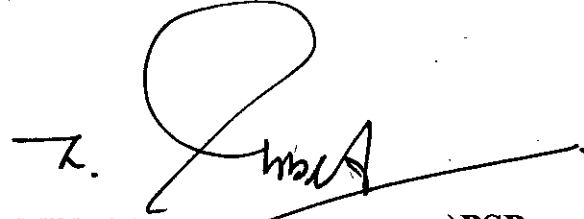
Inspector General of Police, Khyber Pakhtunkhwa etc..... (Respondents)

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)

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6

**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

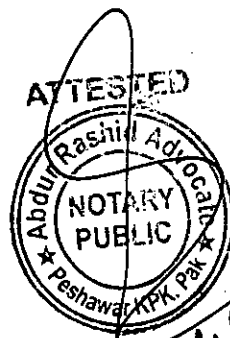
I, Fazal Hanif SP/Admin SSU (CPEC) do hereby solemnly affirm on oath that the content of service appeal on behalf of Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others are correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable court. It is further 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)



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SSU
HR

مقررہ روزنامہ 03/03/23
مقررہ روزنامہ 03/03/23

10/03/23 اور وغیرہ افندی از ایب حسین مٹو وقت 10:30، 11:30 اور 12:30
اس وقت ڈرائیور ضیاد اللہ 223 روزنامہ کے بیان کرتا ہے
ڈرائیور ضیاد اللہ 223 مٹو سٹاف میں ڈیوٹی سرانجام دے
رہا ہے۔ کافی انتظار کے باوجود ابھی تک ڈیوٹی سرانجام نہیں
آیا اور غیر حاضر کریں ہیں مذکورہ بالا ڈرائیور کے خلاف
ایب وغیرہ افندی درجہ روزنامہ کیس

جناب عالی!

مذکورہ بالا تینوں (3) روزنامہ 03/03/23
سے پرستور غیر حاضر ہے ایب وغیرہ افندی

Attestation

MM
DSP/2 - SSU, CPDC
19/01/2024

(R)
MM SSU HQ Peshawar
09/03/23

Fo. No.
DSP/HQ/SSU (CPDC)
09-3-23

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CHARGE SHEET

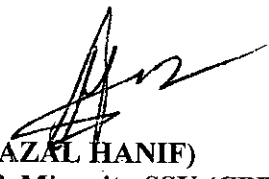
I, Superintendent of Police, Admin & Minority Wing, Special Security Unit (CPEC), Peshawar, as competent authority, hereby charge that DFC Nihad No. 622 of SSU (CPEC), with the following irregularities.

“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”.

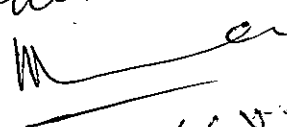
You are, therefore, required to submit your written defence within seven days of the receipt of this charge sheet to the Enquiry Officer committee, as the case may be.

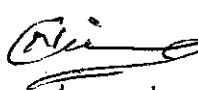
Your written defence, if any, should reach the Enquiry Officer/Committee within the specified period, failing which it shall be presumed that have no defence to put in and in that case ex-parte action shall follow against you.

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

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

 01-03-2023
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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


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

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


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 ا

حوالہ تادیبی کارروائی نمبر EC-631 مورخہ 01.03.23 بحالہ
 اکیس بی ایڈمن سی پیک لے اور شروع خدمت ہوں کہ کچھ
 عرصہ قبل سائل کو ٹھوکر لگی تھی ڈاکٹر صاحب نے بعد معائنہ بتایا کہ
 پاؤں کے پٹھوں میں زخمی ہے جس کا علاج معالجہ اور قوی
 ایپریشن ضروری ہے۔ مورخہ 11.22.23 کو سائل کا ایپریشن ہوا
 جس کیلئے اسٹریٹ مارٹ ایک ماہ رخصت دی تھی۔ رخصت
 مکمل ہوئی مگر سائل مکمل طور پر فٹ نہیں تھا اور ڈاکٹر صاحب
 نے مزید 2 ماہ آرام تجویز کیا۔ سائل نے ڈاکٹری کاغذات
 کی روشنی میں 2 ماہ میڈیکل لیو کی درخواست دی۔ درخواست
 گزار میڈیکل لیو OASI پراجیکٹ میں جمع کی گئی۔ مزید کارروائی
 کیلئے بقول OASI پراجیکٹ درخواست MTO کو ارسال کر دی
 گئی ہے۔ جب MTO سے معلومات کی تو اس نے کہا کہ
 تمہاری درخواست ہمیں وصول نہیں ہوئی ہے۔ ہم نے دوبارہ
 اس سے معلومات ہی اس پر دہری کہا کہ MTO کو بھیجی ہے
 اور MTO انکاری ہے کہ درخواست وصول نہیں ہوئی ہے۔
 اب یہ کیا معاملہ ہے کیا اور کس کی بددیہی سے معلوم نہیں
 ہیں وہ سائل غیر حاضر تصور ہوا ہے حالانکہ سائل نے
 رخصت کیلئے قانونی تقاضے کو پورے کیے تھے۔ ہم درج ذیل غور
 ہوئے۔ استدعا ہے بالاحاق کو حد نظر رکھتے ہوئے
 تادیبی کارروائی کو داخل دفتر فرماویں

Attested

 DSP/LS50-CPC
 19/01/2024

تادیبی کارروائی نمبر 622/FC متعلقہ سی پیک ہیٹ ابدال پور

جناب عالی!

بحوالہ مشمولہ کاغذات انکوائری برخلاف ڈرائیور کنسٹیبل نہاد نمبر 622 SSU سی بیگ معروض خدمت ہوں کہ مذکورہ کنسٹیبل کے خلاف بحوالہ مد 33 روز نامچہ 04-02-2023 کو غیر حاضر موصول ہونے پر جناب SP ایڈمن صاحب SSU سی بیگ 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 مسائل کا اپریشن ہوا جس کے لئے افسران بالانے ایک ماہ رخصت دی تھی رخصت مکمل ہوئی مگر مسائل مکمل طور پر فیت نہیں تھا اور ڈاکٹر صاحب نے مزید 02 ماہ آرام تجویز کیا مسائل نے ڈاکٹری کاغذات کی روشنی میں 02 ماہ میڈیکل لیو کی درخواست دی درخواست بمراد 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 بددلتی ہے معلوم نہیں۔ بدیں وجہ مسائل غیر حاضر تصور ہوا ہے حالانکہ مسائل نے رخصت کے لئے قانونی تقاضے پورے کئے تھے۔ استدعا ہے کہ بالا حقائق مد نظر رکھتے ہوئے من مسائل کا چارج شیٹ بغیر کسی کاروائی داخل دفتر کی جائے۔

کیگٹی انکوائری معلوم ہوا کہ ڈرائیور کنسٹیبل نہاد نمبر 622 کے خلاف مد 33 روز نامچہ 04-02-2023 سے غیر حاضر ہو کر بحوالہ مد 19 روز نامچہ 27-02-2023 کو حاضر آیا جسکی کل غیر حاضری 23 یوم بنتی ہے۔ دوبارہ مد نمبر 08 روز نامچہ 01-03-2023 سے غیر حاضر ہو کر مد نمبر 11 روز نامچہ 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 بالاسے 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 ببح 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 بیگ) ہیڈ کوارٹر پشاور
27-03-2023

Attestee

DSP/L-SSU-CREC.

19/01/2024.

1) معروض خدمت میں کہ ڈرائیور بنیاد پر 622

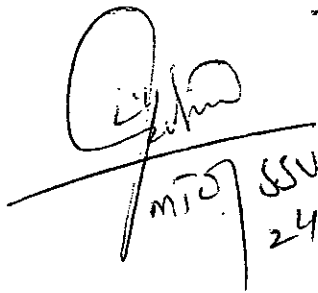
میٹر بیل صرفہ 3-1-22 والا پیر ڈاکر صاحب نے سخت کام اور دوڑتے سے آرام کی نصیحت کی۔ جس پر من 110 نے Forward کر کے ڈرائیور بنیاد کے ہاتھ میں دے دیا تاکہ انہیں ان کی خدمت میں پیش کر سکے۔


2) صرفہ 7.2.23 کا میٹر بیل جس پر ڈاکر صاحب نے دو ماہ کا بیڑ ریسٹ کی نصیحت کی من 110 کو موصول نہیں ہوا ہے۔

3) مذکورہ ڈرائیور کا آئیڈنٹیٹیشن (15-11-22 تا 14-11-22) کو سب سے اچھے جس پر ڈاکر صاحب نے ایک ماہ کے لئے ٹائڈ ٹکڑا میں جو کہ درخواست کے ساتھ لف ہے۔

4) من 110 نے مذکورہ ڈرائیور بنیاد پر 622 کو روزنامہ میں نصیحت کی کہ آگے میں موجود رہے اور سخت کام یا ڈیوٹی سے کسے جہت تک بچتے رہیں۔

رپورٹ عرض ہے۔


SSU
24/3/23

Attestation

DSP/L-SSU-CPEC
19/01/2024



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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.


06-04-2023



DSP/L-SSU-CPEC.

19/01/2024.



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**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

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DSP / L-SSU. CPEC

19/01/2024.

NS

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POWER OF ATTORNEY/VAKALAT NAMA

BEFORE HON,ABLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR

SERVICE APPEAL NO ----/2023

SCANNED
KPST
Peshawar

NIHAD KHAN **V**ERSUS GOVERNMENT OF KPK & OTHERS

I APPELLANT above named hereby appoint Mr. **SAWAR KHAN ASC** in the above-mentioned case, to do all or any of the following acts, deeds, things.

1. To appear, act, sign, record statement and plead for me/us in the above mentioned case in this Hon,able court/Tribunal or any other court/Tribunal in which the same may be tried or heard, and other proceedings arising out of or connected therewith.
2. To sign, verify compromise and file or withdraw all the proceedings, petitions, appeals, affidavits, and any other documents, as may be deemed necessary or advisable by them for the conduct, prosecution or defense of the said case at its stages.
3. To receive payments of, and issue receipts for, all money that may be or become due and payable to us during the course or on the conclusion of the proceedings.
4. To do all other acts and things which may be deemed necessary or advisable during the course of the proceedings.

AND HEREBY AGREE:

- a. To ratify whatever the said advocate may do in the proceedings.
- b. Not to hold Advocate responsible if the said case be proceed ex-parte or dismissed in default in consequence of absence from the court/Tribunal when it is called for hearing.
- c. That the advocate shall be entitled to withdraw from prosecution of the said case if the whole or any part of the agreed fees remains unpaid.

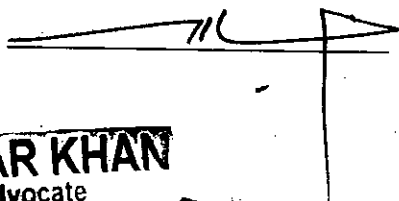
In witness whereof I/we have signed this Power of Attorney/Vakalatnama hereunder, the contents of which have been read/explained to me/us and fully understood by me/us this 13 JUN 2023 _____ at Peshawar.

Terms accepted _____



Signature

Accepted BY:



SAWAR KHAN
Advocate
Supreme Court Of Pakistan

Bc- 090448
Nik 17301-2825806-5
Mob 0301-5926939
C.Med Adv Sawar Khan