

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.883/2023

BEFORE: MRS. RASHIDA BANO ... MEMBER (J)
MR. MUHAMMAD AKBAR KHAN... MEMBER (E)

Muhammad Tahir, Sub Inspector, No. P/290 S/o Muhammad Akram R/o Mohallah Mitta Khel, Khessghi Bala, P.P Kheeshgi Payan, Tehsil & District Nowshera.

.... (Appellant)

VERSUS

1. Inspector General of Police/ Provincial Police Chief, Central Police Officer, Khyber Road, Peshawar.
2. Commandant, Special Security Unit (CPEC) Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commandant, Special Security Unit (CPEC) Khyber Pakhtunkhwa, Peshawar. (Respondents)

Mr. Khiyal Muhammad
Advocate

.... For appellant

Mr. Asif Masood Ali Shah
Deputy District Attorney

.... For respondents

Date of Institution..... 17.04.2023

Date of Hearing..... 07.02.2024

Date of Decision..... 07.02.2024

JUDGMENT

RASHIDA BANO, MEMBER (J):The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal, Act 1974 with the prayer copied as below:

“On acceptance of this appeal, the impugned order dated 12.04.2023 and reduction in rank order dated 08.03.2023 may kindly be set aside and the appellant may please be restored/reinstated on his post of Inspector in service withal back benefits/consequently relief.”

1. Brief facts of the case as given in the memorandum of appeal are that the appellant was inducted in police department as Constable on 25.08.1987 and

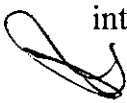
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was promoted to the rank of Inspector. The appellant was performing his duties with zeal and zest. During service departmental proceedings were initiated against the appellant on the ground that he provided SSU official to private business man without proper permission of competent authority which culminated into reduction in rank from inspector to Sub-Inspector vide order dated 08.03.2023. Feeling aggrieved, he filed departmental appeal which was rejected on 12.04.2023, hence the instant service appeal.

3) Respondents were put on notice who submitted written replies/comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Deputy District Attorney and perused the case file with connected documents in detail.

4. Learned counsel for the appellant argued that appellant has not been treated in accordance with law and rules. He further argued that the impugned orders passed by the respondents are *Corum non judice*, illegal, without jurisdiction, lawful authority and against the principle of justice, hence not tenable in the eyes of law. He further argued that in inquiry not proper procedure has been adopted and the appellant neither given any opportunity of defence nor cross examination of witnesses was provided to the appellant which against the law and rules. Lastly, he submitted that no opportunity of personal hearing was afforded to appellant and he condemned unheard. He therefore, requested for acceptance of the instant service appeal.

5. Conversely, learned District Attorney contended that appellant has been treated in accordance with law and rules. He further contended that appellant was proceeded against departmentally on the grounds of the he had provided SSU officials as gunner to a private businessman at Islamabad without any proper permission of the competent authority. A proper departmental enquiry into the matter was initiated against him by appointing Mr. Amir Hussain SP




SSU, Mardan as enquiry Officer and after fulfillment of all codal formalities the competent authority awarded major penalty of reduction in rank.

6. Perusal of record reveals that appellant was enlisted as constable in respondent department on 25.08.1987 who was lastly promoted as Inspector. Appellant was served with charge sheet and statement of allegation on 21.12.2022 with the allegation that he had deputed/provided his gunner namely Akif Hussain No. 781, Usman No. 8085 and Kamran No. 906 for security of a private business man namely Sheryar Memon at Islamabad and he on the eve of his transfer from Mardan to Balakot took his gunner to Balakot without prior permission or order of his high-ups. Appellant properly replied charge sheet wherein appellant denied from the fact of giving his gunner to any businessman and stated that he himself was residing in rented house at Islamabad due to his enmity at his native village. Inquiry officer submitted report and found him guilty.

7. Authority without issuing final show cause notice imposed major punishment of reduction in rank from Inspector to Sub Inspector. Perusal of Enquiry report reveals that statement of Akif Khan, Constable No. 781, Usman No. 808 and Muhammad Kamran No. 906 were recorded by the Enquiry Officer neither chance of cross examination was provided to the appellant nor his statement were recorded in the presence of appellant which is against the basic rule of fair trial and inquiry. Moreover, inquiry officer also mentioned in inquiry about data of cell phone of constable which was also not provided to the appellant, which means appellant was condemned unheard. It is also pertinent to mention here that neither final show cause was issued nor any chance of personal hearing was provided to the appellant which is against the rules on the subject.


8. It is a well settled legal proposition that regular inquiry is must before imposition of major penalty, whereas in case of the appellant, no such inquiry



was conducted. The Supreme Court of Pakistan in its judgment reported as 2008 SCMR 1369 has held that in case of imposing major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defense and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice. In absence of proper disciplinary proceedings, the appellant was condemned unheard, whereas the principle of *audi alteram partem* was always deemed to be imbedded in the statute and even if there was no such express provision, it would be deemed to be one of the parts of the statute, as no adverse action can be taken against a person without providing right of hearing to him. Reliance is placed on 2010 PLD SC 483.

9. For what has been discussed above, we are unison to set aside the impugned order dated 08.03.2023 and appellate order dated 12.04.2023 with direction to the respondents to conduct denovo and provide proper chance of hearing, self defence and more specifically cross examination of fair trial with further direction to conclude inquiry within sixty days receipt of this order. Costs shall follow the events. Consign.

10. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 7th day of February, 2024.*


(MUHAMMAD AKBAR KHAN)
Member (E)


(RASHIDA BANO)
Member (J)

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ORDER

07.02.2024 1 Learned counsel for the appellant present. Mr. Asif Masood Ali Shah learned Deputy District Attorney alongwith Khayal Roz, Inspector for the respondents present..

2. Vide our detailed judgement of today placed on file, we are unison to set aside the impugned order dated 08.03.2023 and appellate order dated 12.04.2023 with direction to the respondents to conduct denovo and provide proper chance of hearing, self defence and more specifically cross examination of fair trial with further direction to conclude inquiry within sixty days receipt of this order. Costs shall follow the events.

Consign.

3. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 7th day of February, 2024.*


(Muhammad Akbar Khan)
Member (E)


(Rashida Bano)
Member (J)

18th Oct. 2023

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah. Deputy District Attorney alongwith Mr. Khyal Roz. Inspector for the respondents present.

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2. Reply/comments on behalf of respondents submitted through office on 05.10.2023, which are placed on file. Copy of the same handed over to learned counsel for the appellant. To come up for arguments on 01.12.2023 before D.B. P.P given to the parties.

(Muhammad Akbar Khan)
Member (E)

01.12.2023

1. Junior to counsel for the appellant present. Mr. Muhammad Jan, learned District Attorney for the respondents present.

2. Junior to counsel for the appellant present and requested for adjournment on the ground that learned counsel for the appellant is busy before the Hon'ble Peshawar High Court Peshawar. Adjourned. To come up for arguments on 07.02.2024 before D.B. P.P given to the parties.


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Peshawar

(Muhammad Akbar Khan)
Member (E)

(Rashida Bano)
Member (J)

16.08.2023

Learned counsel for the appellant present and argued that vide impugned order dated 08.03.2023 appellant was awarded major penalty of reduction in rank against which appellant filed departmental appeal on 14.03.2023 which was rejected on 12.04.2023 thereafter he filed instant service appeal on 17.04.2023. He further argued that appellant was condemned unheard without providing opportunity of self-defence as no regular inquiry was conducted by ignoring law on the point. Points raised need consideration. Instant appeal is admitted for regular hearing subject to all legal objections. The appellant is directed to deposit security fee within 10 days. Thereafter, notices be issued to respondents for submission of written reply/comments. Respondents be summoned through TCS the expenses of which be deposited by the appellant within 3 days. Adjourned. To come up for written reply/comments on 26.09.2023 before S.B. P.P given to learned counsel for the appellant.


(Rashida Bano)
Member (J)

KaleemUllah

26th Sept. 2023

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01. Counsel for the appellant and Mr. Fazal Shah Mohmand, Addl. AG for the respondents present.
02. Reply/comments on behalf of the respondents not submitted. Learned AAG sought further time. Granted. To come up for written reply/comments on 18.10.2023 before S.B. Parcha Peshi given to the parties.

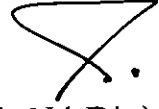

(FAREEHA PAUL)
Member (E)

Abdullah

12.06.2023

Appellant in person present and requested for adjournment on the ground that his counsel is not available today due to strike of lawyers. Adjourned. To come up for preliminary hearing on 25.07.2023 before the S.B. Parcha Peshi given to the appellant.

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(Salah-Ud-Din)
Member (J)

Naeem Amin

25.07.2023

Learned counsel for the appellant present and requested for adjournment on the ground that he has not made preparation of the brief. Adjourned. To come up for preliminary hearing on 16.08.2023 before S.B. P.P given to learned counsel for the appellant.

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Peshawar



(Muhammad Akbar Khan)
Member (E)

Kamroullah

FORM OF ORDER SHEET

Court of _____

Case No. - _____

883/2023


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19/04/2023	<p>The appeal of Mr. Muhammad Tahir resubmitted today by Mr. Khiyal Muhammad Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on <u>27/4/23</u>.</p>
27 th	April, 2023	<p>Nemo for the appellant. Notices be issued to the appellant and his counsel. To come up for preliminary hearing on 12.06.2023 before the S.B.</p>

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Peshawar

By the order of Chairman


REGISTRAR.

SCANNED
KpST
Peshawar


(Fareeha Paul)
Member(E)


Fazle Subhan P.S

The appeal of Mr. Muhammad Tahir sub-Inspector of Police No. P/290 received today i.e. on 17.04.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- ✓ 1- Annexures of the appeal are unattested.
- ✓ 2- Affidavit be got attested from Oath Commissioner.
- ✓ 3- Memorandum of appeal be got signed by the appellant.
- ✓ 4- Appeal has not been flagged/marked with annexures marks.
- 5- Copies of charge sheet, statement of allegations, show-cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- ✓ 6- Annexures B&E of the appeal are illegible which may be replaced by legible/better one.
- ✓ 7- Five more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 1223 /S.T.

DL 18/4 /2023


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Khiyal Muhammad Mohmand Adv.
High Court Peshawar.

note:

*Re submitted after removal
of raised objections*

19/4/2023

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

Service Appeal No. 883 /2023

Muhammad Tahir

SCANNED
KPST
Peshawar
..... Appellant

VERSUS

Inspector General of Police / Provincial Police Chief,
Central Police office (CPO) and others Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Grounds of Appeal		1-7
2.	Affidavit		8
3.	Copy of the Service Card	"A"	9-10
4.	Copy of the reduction in rank order dated 08.03.2023	"B"	11
5.	Copy of grounds of appeal dated 14.03.2023	"C"	12-13
6.	Copy of Rejection Order dated 12.04.2023	"D"	14
7.	Copies of the FIRs	"E"	15-17
8.	Wakalat Nama		18

Appellant
Through
Khial Muhammad Mohmand
&
Zeeshan Gul
Advocates, High Court

Dated: 17.04.2023

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

Service Appeal No. 883 /2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4907

Dated 17/4/2023

Muhammad Tahir,

Sub-Inspector, No. P/290

S/o Muhammad Akram

R/o Mohallah Mitta Khel, Kheeshgi Bala, P.O Kheeshgi
Payan, Tehsil & District Nowshera

..... Appellant

VERSUS

1. Inspector General of Police / Provincial Police Chief,
Central Police office (CPO), Khyber Road,
Peshawar.
2. Commandant, Special Security Unit (CPEC) Khyber
Pakhtunkhwa, Peshawar
3. Deputy Commandant, Special Security Unit (CPEC)
Khyber Pakhtunkhwa, Peshawar

..... Respondents

Filed to-day

Registrar

17/4/2023

APPEAL UNDER SECTION 4 OF THE KHYBER

PAKHTUNKHWA SERVICE TRIBUNAL ACT,

Re-submitted to -day
and filed.

Registrar

19/4/2023

1974 against the impugned Order No. 1171-72 / EC dated 12.04.2023, WHEREBY APPEAL OF THE APPELLANT WAS DISMISSED VIDE ORDER NO. 1171-72/EC DATED 12.04.2023 BY THE RESPONDENT NO. 2, WHICH WAS FILED BY THE APPELLANT AGAINST THE ORDER NO. 640-55/EC DATED 08.03.2023 OF RESPONDENT NO. 3 BY VIRTUE OF WHICH THE MAJOR PUNISHMENT OF "REDUCTION IN RANK" FROM INSPECTOR TO SUB-INSPECTOR WAS IMPOSED UPON THE APPELLANT AND THE SAME ORDRE WAS MAINTAINED BY THE RESPONDENT No. 2 FOR THE APPELLANT.

Prayer in Appeal:

On acceptance of this Appeal, the impugned order No. 1171-72/EC dated 12.04.2023 and "Reduction in Rank" order no. 640-55/EC dated 08.03.2023 may kindly be set aside and the appellant may please be restored/ re-instated on his post of Inspector in service with all back benefits/ consequently relief.

Respectfully Sheweth:

1. That the appellant was inducted and appointed in the police service as a Constable on 25.08.1987. (Copy of the Service Card is **Ann-A**)
2. That the appellant after qualifying himself during the course of his service was promoted to the rank of Inspector.
3. That the appellant served with zealous and having unblemished record of service and served according to the satisfaction of high ups and to this effect his ACRs/ PERs bear testimony.
4. That despite the fact the appellant has been implicated on mere suspension and there was no iota evidence in possession of the departmental authorities but still the departmental authorities decided to proceed against the appellant under Police Rules 1975/ Amended, 2014.
5. That it is worth to mention that an inquiry has been conducted by the respondents with malafide intention and ulterior motive, wherein

the inquiry officer recommended the appellant for imposition of major penal punishment.

6. That respondent No. 3 on the strength of inquiry report passed order No. 640-55/EC dated 08.03.2023, whereby major penalty of "Reduction in rank" from Inspector to Sub-Inspector was awarded to the appellant. (Copy of the reduction in rank order is **Ann-B**).
7. That feeling dissatisfied with the reduction in rank order, the appellant filed departmental appeal on 14.03.2023 before the respondent No. 2. (Copy of grounds of appeal is **Ann-C**).
8. That the respondent No. 2 vide order No. 1171-72/EC dated 12.04.2023 rejected the Appeal of the appellant. (Copy of the Order dated 12.04.2023 is **Ann-D**).
9. That feeling aggrieved from the impugned Order *No. 1171-72/EC dated 12.04.2023 of the Respondent No. 2 and Reduction in Rank order No. 640-55/EC dated 08.03.2023 of respondent No. 3*, the appellant is constraint to file the instant appeal on the following grounds inter alia:

GROUND:

- A. That the impugned Appellate Order No. 1171-72/EC dated 12.04.2023 of the respondent No. 2 by virtue of which Departmental Appeal / Presentation of the appellant was rejected and reduction in rank order No. 640-55/EC dated 08.03.2023 of respondent No. 3, whereby the appellant was imposed major penalty of reduction in rank in service are coram non judice, illegal, without jurisdiction and lawful authority, against the principles of natural justice, without any rhymes and reasons, hence liable to set aside.
- B. That impugned order are illegal and unjust and in violation of rules and law applicable to the matter.
- C. That the appellant rendered unblemished services in the police force without any criminal history and without any involvement in any kind of illegal activities but still awarded major penalty of reduction in rank.
- D. That admittedly there is no confession or admission recorded till date against the

appellant as well as by the witnesses but the inquiry officer did great miscarriage of justice.

E. That there is no truth in the allegations mentioned in the impugned orders.

F. That in inquiry no proper procedure has been adopted and the appellant neither given any opportunity of defence or cross-examination of witnesses was afforded to the appellant which is in violation of principle enshrined in law that no one should be condemned unheard (*audi alteram partem*).

G. That the respondents issued the impugned orders in a slip shot and arbitrary manner just to delay the promotion of appellant, because the family of appellant was suffered in a blood feud enmity since 2008 to 2022. (Copies of the FIRs are **Ann-E**).

H. That the orders of "Reduction in Rank" are against the principle of natural justice, equity and fair play and is a colourful exercise of powers by respondents/department.




I. That the proceedings carried out in the case suffered from gross legal infirmities such as

violation of fundamental rights as period for punishment was not specified and imposed major penalties retrospectively.

J. That any other grounds would be adduced by the appellant during arguments on the instant appeal with permission of this Hon'ble Tribunal.

***It is, therefore,** most humbly prayed that on acceptance of this appeal the impugned order No. 1171-72/EC dated 12.04.2023 and "Reduction in Rank" order no. 640-55/EC dated 08.03.2023 may kindly be set aside and the appellant may please be restored/ re-instated on his post of Inspector in service with all back benefits/ consequently relief.*


***Any other relief** not specifically asked for, may also be granted.*

Through  Appellant

Khiyal Muhammad Mohmand
&
Zeeshan Gul 
Advocates, High Court

Dated: 17.04.2023

CERTIFICATE

Certified that as per instructions of my client, that this is the first Service Appeal on the subject before this Honourable Tribunal.


ADVOCATE

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

Service Appeal No. _____/2023


Muhammad Tahir Appellant

VERSUS

Inspector General of Police / Provincial Police Chief,
Central Police office (CPO) and others Respondents

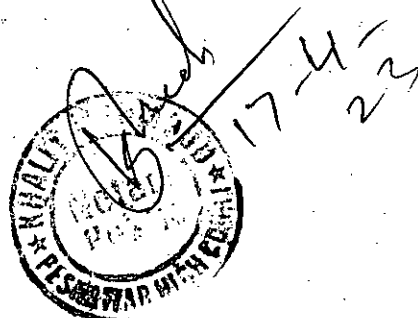
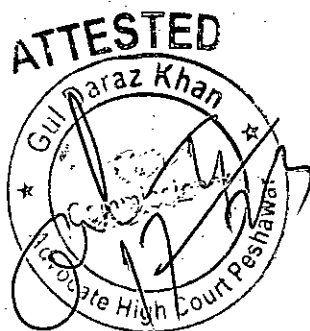
AFFIDAVIT

I, Muhammad Tahir, Sub-Inspector, No. P/290 S/o Muhammad Akram R/o Mohallah Mitta Khel, Kheeshgi Bala, P.O Kheeshgi Payan, Tehsil & District Nowshera, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Service Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent 

CNIC: 17201-9029057-1

Cell: 0343-1400090



(9) (10)

Am - A

City: ...


ES.No: 1841

Name:

Rank:

Roll No:

Valid Up to: 31-12-2027



Signature Issuing Authority

(10)

C.N.I.C. No: 17-000000000000-1

Height: ...


Personal Contact: ...

1. This card is valid only in the area of ...

2. In the case of loss of this card, the holder should immediately report it to the issuing authority and ...

3. Holder of this card is responsible to report the card to the nearest Police Station.

Verification Contact No. 091-6284983



[Handwritten signature]



(11)

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

CENTRAL POLICE OFFICES SAQ ROAD, PESHAWAR CANTT (PH. 091 9211056)

No. 279/SSU/FC

dated Peshawar the 22/03/2023



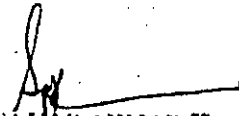
ORDER

1. This office order will dispose off the departmental proceedings against **Inspector Tahir Khan No. P/290** on the charges/allegations that he while posted at Rashidai Economic Zone, District Nowshera had provided SSU officials namely Akif Hussain No. 781, Usman No. 808 and Kamran No. 906 as gunner with a private businessman named Shehryar Memon at Islamabad without approval or permission of the competent authority.

2. In this regard, proper departmental proceeding was initiated against him, he was issued charge sheet along with summary of allegation vide Endst: No. 12717/EC, dated 21.12.2022 & Mr. Amir Hussain SP SSU (CPEC), Mardan 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 charge sheet along with summary of allegations were served upon him. To which he replied but his reply was found unsatisfactory thus the EO found him guilty of the charges leveled against him and recommended for major punishment

3. Keeping in view of the above facts, as well as other material available on record, the enquiry report confirms the gross ill-discipline and breach of rules & law by the defaulter Inspector Tahir Khan No. P 290 for being illegally and unlawfully provided SSU Police officials namely FC Akif Hussain No. 781, FC Usman No. 808 and FC Kamran No. 906 to one Mr. Shehryar Memon. Therefore, I, Deputy Commandant SSU (CPEC), being the competent authority in the exercise of powers vested to me under section 4(b) of Khyber Pakhtunkhwa, Police Rules 1975 (amended in 2014) hereby awarded Major Punishment to defaulter Inspector Tahir Khan No. P 290 "Reduction in rank" from Inspector to Sub inspector with immediate effect.

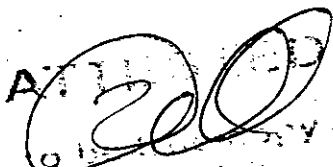
Order Announced.


(SAJJAD AHMAD)^{FC}
Dy: Commandant,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa, Peshawar.

Copy of the above is forwarded for information to the:

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Capital Police Officer, Peshawar.
3. All SPs SSU (CPEC), Khyber Pakhtunkhwa
4. PSO to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
5. PA to Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar
6. Incharge Secret Branch CPO, Peshawar.
7. Accountant, SRC, FC SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
8. Official Concerned

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SAJJAD AHMAD
Dy: Commandant

OFFICE OF THE COMMANDANT
SPECIAL SECURITY UNIT (SSU)
Khyber Pakhtunkhwa police

Central Police Office SAQ Road, Peshawar Cantt Ph: 091-9211056

No. 640-55/EC

dated Peshawar the 08/03/2023.

ORDER

1. This office order will dispose-off the departmental proceedings against **Inspector Tahir Khan No, P/290** on the charges/allegations that he while posted at Rashakai Economic Zone, District Nowshera had provided SSU officials namely Akif Hussain No. 781, Usman No. 808 and Kamran No. 906 as gunner with a private businessman named Shehryar Memon at Islamabad without approval or permission of the competent authority.
2. In this regard, proper departmental proceeding was initiated against him, he was issued charge sheet along with summary of allegation vide Endst: No. 12717/EC, dated 21.12.2022 & Mr. Amir Hussain SP SSU (CPEC), Mardan 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 charge sheet alongwith summary of allegations were served upon him. To which he replied but his reply was found unsatisfactory thus the EO found him guilty of the charges leveled against him and recommended for major punishment.
3. Keeping in view of the above facts, as well as other material available on record, the enquiry report confirms the gross ill-discipline and breach of rules & law by the defaulter Inspector Tahir Khan No. P/290 for being illegally and unlawfully provided SSU Police officials namely FC Akif Hussain No. 781, FC Usman No. 808 and FC Kamran No. 906 to one Mr. Shehryar Memon, Therefore, I, Deputy Commandant SSU (CPEC), being the competent authority in the exercise of powers vested to me under section 4(b) of Khyber Pakhtunkhwa, Police Rules 1975 (amended in 2014) hereby awarded Major Punishment to defaulter Inspector Tahir Khan No. P/290 "Reduction in rank" from Inspector to Sub inspector with immediate effect.

Order Announced.

(SAJJAD AHMAD)

Dy: Commandant,

Special Security Unit (CPEC),
Khyber Pakhtunkhwa, Peshawar.

ATTESTED
(Signature)
to be true copy
Advocate

Copy of the above is forwarded for information to the:

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Capital Police Officer, Peshawar.
3. All SPs SSU (CPEC), Khyber Pakhtunkhwa.
4. PSO to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
5. PA to Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
6. Incharge Secret Branch CPO, Peshawar.
7. Accountant, SRC, EC SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
8. Official Concerned

12

Am - C²

To,

**The Commandant Special Security Unit (CPEC),
Khyber Pakhtunkhwa, Peshawar**

Subject: **Departmental Appeal against the reduction
Order of appellant from Inspector to Sub-
Inspector.**

Prayer in Appeal:

*By accepting this Departmental Appeal,
the reduction order may kindly be set aside
and the appellant may be restored on his
post/Pay scale with all back benefits in the
best interest of justice.*

Respected Sir,

With due respect and reverence, it is submitted.

1. That the appellant is serving in the Police Department on the post of Sub-Inspector since long.
2. That earlier the rank of the appellant was Inspector, which rank was reduced to Sub-Inspector vide Order No. 640-55/EC Dated 08.03.2023. (Copy of the order is attached herewith).
3. That the appellant rendered unblemished services in the police force without any criminal history and without any

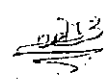
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to be true copy
Advocate

involvement in any kind of illegal activities but still awarded major penalty of reduction in rank of appellant.

- 4. That admittedly there is no admission/confession recorded till date against the appellant as well as the police official.
- 5. That there is no truth in the allegations mentioned in the impugned orders and is violation of the Police Acts, Policies and Rules.
- 6. That the Police Department issued the impugned order in a slip shot and arbitrary manner.
- 7. That as per law and policy on the subject, the appellant was entitled for promotion but the Department had reduced the rank of appellant from Inspector to Sub-inspector, which act of the Department is illegal and ineffective upon the rights of the appellant.

It is, therefore, most humbly prayed that reduction order may kindly be set aside and the appellant may be restored on his post/Pay scale with all back benefits in the best interest of justice.

Appellant

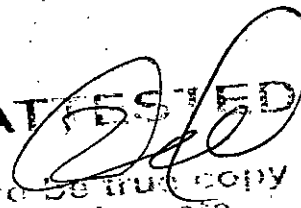


Inspector Tahir Khan

No. P/290

Cell No. 0343-1400090

Dated: 14.03.2023

ATTESTED

 to be true copy
 Advocate

14

Am - "D"



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



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

No. 1171-72/EC,

dated Peshawar the 12/04/2023.

ORDER

This order will dispose of the formal departmental appeal preferred by SI Tahir Khan No. P/290 of Special Security Unit (CPEC) against the order of Dy: Commandant SSU (CPEC), wherein he was awarded major punishment of "Reduction in Rank" from Inspector to SI. The applicant was proceeded against on the allegations that he had provided SSU official namely Akif Hussain No. 781, Usman No. 808 & Kamran No. 906 as gunner to a private businessman named Shehryar Memon at Islamabad without approval or permission of the competent authority.

In this regard, a proper departmental inquiry was initiated against him as he was issued charge sheet along with summary of allegations and Mr. Amir Hussain, SP SSU (CPEC), Mardan Region was nominated as enquiry officer to unearth the actual facts. The EO found him guilty of the charges leveled against him and recommended him for major punishment.

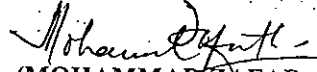
In the light of recommendation of enquiry officer and other material available on the record, he was awarded major punishment of "Reduction in Rank" from Inspector to SI vide order No. 640-55/EC, dated 08.03.2023.

Feeling aggrieved against the impugned order of Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa, Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 11.04.2023.

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.


(MOHAMMAD ZAFAR ALI)^{PSP}
COMMANDANT,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa, Peshawar.

Copy of the above is forwarded for information to the:

1. Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
2. SI Tahir Khan No. P/290.


ADVOCATE
Advoc

14-A

OFFICE OF THE COMMANDANT
SPECIAL SECURITY UNIT (SSU)

Khyber Pakhtunkhwa police

Central Police Office SAQ Road, Peshawar Cantt Ph: 091-9211056

No. 1171-72/EC

dated Peshawar the 12/04/2023.

ORDER

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Order announced.

-sd-

(MOHAMMAD ZAFAR ALI)PSP

COMMANDANT,

Special Security Unit (CPEC),

Khyber Pakhtunkhwa, Peshawar.

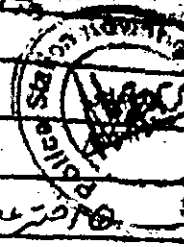
ATTESTED
to be true copy
Advocate

Copy of the above is forwarded for information to the:

1. Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
2. SI Tahir Khan No. P/290.

2013


ابتدائی اطلاع (موضوع: ...)	...
...	...
...	...
...	...
...	...



ابتدائی اطلاع نیچے درج کرو۔ یوٹس صدر کم آریس قریبی اور سلمہ بھانسیا جہانزیہ
 ہسپتال نوشہرہ ریلوے میں لہشتی مقتول ابراہیم ولد محمد اکرم لبر 30 سالہ ساکن خوشی بالا، قلم محضاصل ریلوے پارک جسٹس
 لبر اور خوشی بھانسیا 45 سالہ جو جوہا پارک ریلوے اسٹیشن پر واقعہ گھر میں 28/13/13 کو قتل ہوئے۔ والد اکرم محمد اکرم
 وقسم بالا دیکھے تو وہاں پر صاحبان اختر علی ولد رضا و خان اور نواز علی ولد رضا و خان ساکنان خوشی بالا
 باہر خان نے اپنے اپنے ایسٹیشن سے لبر اکرم ابراہیم لبر بہ اریدہ تیل فائبرش شروع کیا جس سے لبر
 صاحبان سے لبر اکرم ابراہیم لبر قتل ہو گیا۔ واقعہ صبح 9 بجے پر واقعہ شروع کیا اور وہاں پر لبر
 پروف یا لا قتل کی ملزمان دعویدار ہوں دستگیر کر کے لبر اکرم لبر لبر لبر لبر لبر لبر لبر لبر لبر لبر لبر لبر لبر
 سارا سمجھا لیا۔ درست قسم کے لبر میان خود دیکھا گیا جس کو لبر لبر لبر لبر لبر لبر لبر لبر لبر لبر لبر لبر لبر
 تیار کر کے لبر
 تیار کیا۔ لبر لبر FIR نمبر 743 قلم 22/13/13 ...


Admission

masi ps nk
10
28-13

قیمت 50 روپے	69942			
ایڈویکٹ: <u>حصہ محمد مسند</u>		SCANNED KPST Peshawar		
بار کونسل/ایسوسی ایشن نمبر: <u>03201-9587361</u>				
رابطہ نمبر: <u>11-1577 DC</u>				

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: حسین سروس ٹریسٹیشن ٹیمبر ریجنل منسٹر

مخانب: <u>Amellur</u>	دعویٰ: <u>سروس کی اصلاح</u>
 <p>بنام آئی جی ڈی پی ریجنل منسٹر</p>	علت نمبر:
	مورثہ:
	جرم:
	تھانہ:

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ
 آن مقام حصہ محمد مسند کیلئے حصہ محمد مسند کو وکیل مقرر
 کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو
 راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جو اب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق
 زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز
 دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی
 کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب
 مقرر شدہ کو وہی جملہ مذکورہ با اختیار حاصل ہوں گے اور اس کا ساختہ پروا خستہ منظور و قبول ہوگا
 دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے
 باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے



المرقوم:

نوٹ: اس وکالت نامہ کی نوٹ لکائی ناقابل قبول ہوگی۔

Attested & signed

[Handwritten Signature]

حصہ محمد مسند = Amellur

محضور جناب کمانڈنٹ، سپیشل سکیورٹی یونٹ (CPEC) خیبر پختونخواہ، پشاور

درخواست بمراد عطا کی مصدقہ نقولات انکوائری رپورٹ بابت
مقدمہ محمد طاہر SI پبلک نمبر P-270۔

10/11/23

جناب عالی! سائل حسب ذیل عرض رساں ہے۔

1- یہ کہ سائل کے خلاف محکمانہ انکوائری زیر تجویز تھی جو کہ مکمل ہو کر برخلاف سائل "Reduction in Rank" حکم جاری ہوا۔ (نقل لف ہے)۔

2- یہ کہ سائل نے برخلاف فیصلہ حکام بالا کو محکمانہ اپیل بھی داخل دفتر کیا ہے۔ جو کہ مورخہ 12.04.2023 کو فیصلہ برخلاف سائل ہوا ہے۔

3- یہ کہ سائل کو اب مذکورہ بالا مصدقہ نقولات انکوائری برائے اپیل سروس ٹریبونل درکار ہے۔

لہذا آپ صاحبان مہربانی فرما کر سائل کو بطور قانونی حق مذکورہ بالا مصدقہ نقولات انکوائری رپورٹ عنایت فرمائی جاوے۔

العارضی

محمد طاہر SI پبلک نمبر P-290

رابطہ نمبر 0343-1400090

comt

18/10

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

SCANNED
KPST
Peshawar
5/10/23

In S.A No. 883/2023

Muhammad Tahir.....Appellant


VERSUS

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

INDEX

S#	Description of Documents	Annexure	Pages
1.	Para wise Comments		1-3
2.	Authority letter		4
3.	Affidavit		5
4.	Charge Sheet with summary of allegation dated 21.12.2022	"A"	6-7
5.	Reduction order dated 08.03.2023	"B"	8
6.	Copy of rejection order dated 12.04.2023	"C"	9

Respondents through


Khyal Roz Khan
Insp/Legal, SSU (CPEC)
Peshawar
CNIC: 17301-2507764-1
Cell: 0315-9867946

①

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

Service Appeal No. 883/2023

Muhammad Tahir..... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa etc

.....(Respondents)

PARA-WISE COMMENTS ON BEHALF OF RESPONDENTS. NO. 1 TO 3

RESPECTFULLY SHEWETH:

PRELIMINARY OBJECTIONS:-

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8138

Dated 05/10/23

- 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. Para pertains to service record of the appellant hence no comments.
2. Para pertains to the service record of the appellant hence no comments.
3. Every Police Officer/ official is under obligation to perform official duties with full of honesty, zeal and zest.
4. Incorrect, the appellant was proceeded against departmentally on the grounds that he had provided SSU officials namely Akif Hussain No. 781, Usman No. 808 & Kamran No. 906 as gunner to a private businessman namely Shehriyar Memon at Islamabad without prior permission of the competent authority. A proper departmental enquiry into the matter was initiated against him. He was served with charge sheet along with summary of allegations (Annexure 'A'). Mr Amir Hussain SP SSU (CPEC), Mardan was nominated as enquiry officer to unearth the actual facts. The enquiry officer after fulfillment of all codal formalities, held the appellant guilty of the charges leveled against him and recommended the appellant for major punishment. The Competent Authority awarded the appellant major

punishment of reduction in rank from Inspector to Sub Inspector vide order dated 08.03.2023. (Annexure 'B').

2

5. Incorrect, misleading and misconceived, as already explained in preceding Para.
6. Incorrect, fair and impartial enquiry into the matter was conducted. It is worth mentioning here that enquiry is an important component as mentioned in KP Police Rules, 1975. Hence, the stance taken by the appellant is totally baseless.
7. First portion of this para is already explained above in Para No. 4 while to extent of departmental appeal, the appellant was summoned and heard in person in Orderly Room held on 11.04.2023. During the course of personal hearing, the appellant badly failed to prove his innocence. Therefore, the departmental appeal of the appellant was rejected vide order dated 12.04.2023 (Annexure 'C') by the appellate authority i.e. Commandant, SSU, CPEC Khyber Pakhtunkhwa.
8. As already explained in preceding Para the appellant badly failed to advance any plausible grounds in his self defense therefore, the appellate authority rejected the departmental appeal of the appellant vide order dated 12.04.2023.
9. The instant service appeal is not maintainable and liable to be dismissed on following Grounds:-


GROUND:-


- a. Incorrect, the orders passed by the authorities are quite legal, within jurisdiction and in accordance with law/ rules as well as principles of natural justice.
- b. Incorrect and misleading, the orders passed by the authorities are legal and in accordance with law/ rules.
- c. Every Police Officer/ official is under obligation to perform official duties with full of honesty, zeal and zest.
- d. Incorrect, as already explained above in Para No. 4 of Facts.
- e. Incorrect, misleading and misconceived, the actions of respondent department based on solid reasons/ grounds.
- f. Incorrect, as already explained above in Para No. 4 of Facts.
- g. Incorrect, misleading and misconceived, the appellant is blaming respondents on his own misconduct.
- h. Incorrect, the order is in accordance with principle of natural justice and within the domain of mandate of respondents.
- i. Incorrect, no violation of fundamental rights exist on part of answering respondents.

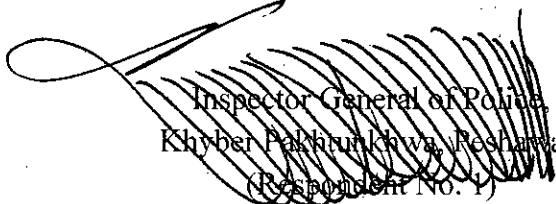
- j. The respondents seeks additional permission of this Hon'ble Tribunal to raise additional grounds at time of hearing of instant Service Appeal. (3)

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.


Deputy Commandant,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 3)


Commandant,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 2)


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 1)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR

(4)

Service Appeal No. 833/2023

Muhammad Tahir khan (Appellant)

Versus

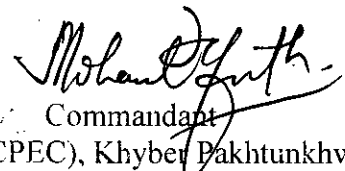
Inspector General of Police, Khyber Pakhtunkhwa etc..... (Respondents)

AUTHORITY LETTER

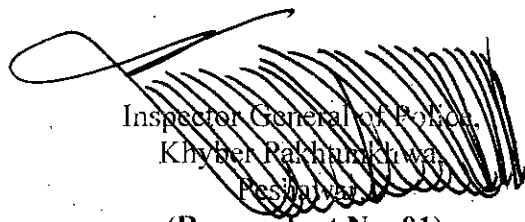
Mr. Khyal Roz Inspector/Legal, SSU (CPEC), Khyber Pakhtunkhwa, Peshawar is authorized to submit Para-wise Comments/reply in above captioned Service Appeal on behalf of respondents in Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar.



Deputy Commandant
SSU (CPEC) Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 03)



Commandant
SSU (CPEC), Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 02)



Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 01)

(5)

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

Service appeal No. 883/2023

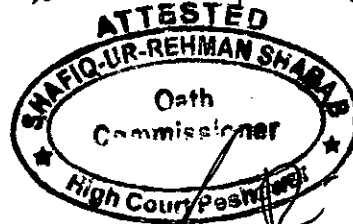
Provincial Police Officer Khyber Pakhtunkhwa
Peshawar------(Petitioner)

VERSUS

Muhammad Tahir Khan------(Respondents)

AFFIDAVIT

I, Khyal Roz Insp/Legal 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 in this appeal, the answering respondents have neither been placed ex-parte nor their defence has been struck off/cost*



Shafiq
05/10/23

Khyal Roz Khan

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




6


CHARGE SHEET


1. Whereas I, Dy: Commandant SSU (CPEC), Peshawar, am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & essential in the subject case against Inspector Muhammad Tahir Khan No. P/290.
2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.
3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, **Deputy Commandant, Special Security Unit (CPEC)**, Peshawar hereby charge Inspector Muhammad Tahir Khan No. P/290 under Rule 5 (4) of the Police Rules 1975.

- I. As reported by SP SSU (CPEC) Central Mardan Region vide letter No. 386/R/SP/MRD Region, dated 08.12.2022 that you Inspector Muhammad Tahir Khan No. P/290 had dispatched your gunners namely Akif Hussain No. 781, Usman No. 808 and Kamran No. 906 for the security of a private businessman named Shehryar Memon at Islamabad.
- II. That you were transferred from District Nowshera to Balakot, you took your gunners to Balakot without any prior permission or order of High-Ups.
- III. Being a responsible police official, this act of yours is highly objectionable and renders you liable for disciplinary proceedings under the Police Rules 1975.

4. I hereby direct you further under Rule 6 (I) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why action should not be taken against you and also stating at the same time whether you desire to be heard in person.
5. In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.


(ZAIB ULLAH KHAN)^{PSP}
DY: COMMANDANT,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa Peshawar.


21-12-22

Attested

INS/ Legal. SSU
04/10/2023.

7

STATEMENT OF ALLEGATIONS

1. I, Dy: Commandant SSU (CPEC) as competent authority, am of the that Inspector Muhammad Tahir Khan No. P/290 has rendered himself be proceeded against departmentally as he has committed the acts/omission within the meaning of section 03 of the Khyber Pakht Police Rules, 1975.


- I. As reported by SP SSU (CPEC) Central Mardan Region vide No. 386/R/SP/MRD Region, dated 08.12.2022 that Ins. Muhammad Tahir Khan No. P/290 had dispatched his gun namely Akif Hussain No. 781, Usman No. 808 and Kamran N 906 for the security of a private businessman named Shehryar Memon at Islamabad.
- II. That he was transferred from District Nowshera to Balakot, he took his gunners to Balakot without any prior permission or order of High-Ups.
- III. Being a responsible police official, his this act is highly objectionable and renders him liable for disciplinary proceedings under the Police Rules 1975.

2. For the purpose of scrutinizing the conduct of afore said police official in the said episode with reference to the above allegations **Mr. Amir Hussain SP SSU (CPEC), Mardan Region** is appointed as Enquiry Officer under Rule 5 (4) of Police Rules 1975.

3. The Enquiry Officer shall in-accordance with the provision of the Police Rules (1975), provide reasonable opportunity of hearing to the accused Official and make recommendations as to punish or other action to be taken against the accused official.




(ZAIB ULLAH KHAN)^{PSP}
DY: COMMANDANT,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa Peshawar.


No. 12717 /EC, dated Peshawar the 21 / 12 / 2022


21-12-22

Copy to:-

1. The Inquiry Officer.
2. The Concerned official.

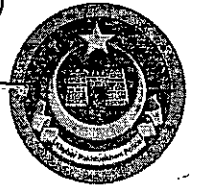



Attested

INS/P/Bal/SSU
04/12/2023.



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

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



No. 640-SS /EC,

dated Peshawar the 08/03/2023.

ORDER

1. This office order will dispose-off the departmental proceedings against **Inspector Tahir Khan No. P/290** on the charges/allegations that he while posted at Rashakai Economic Zone, District Nowshera had provided SSU officials namely Akif Hussain No. 781, Usman No. 808 and Kamran No. 906 as gunner with a private businessman named Shehryar Memon at Islamabad without approval or permission of the competent authority.

2. In this regard, proper departmental proceeding was initiated against him, he was issued charge sheet along with summary of allegation vide Endst: No. 12717/EC, dated 21.12.2022 & Mr. Amir Hussain SP SSU (CPEC), Mardan 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 charge sheet alongwith summary of allegations were served upon him. To which he replied but his reply was found unsatisfactory thus the EO found him guilty of the charges leveled against him and recommended for major punishment.

3. Keeping in view of the above facts, as well as other material available on record, the enquiry report confirms the gross ill-discipline and breach of rules & law by the defaulter Inspector Tahir Khan No. P/290 for being illegally and unlawfully provided SSU Police officials namely FC Akif Hussain No. 781, FC Usman No. 808 and FC Kamran No. 906 to one Mr. Shehryar Memon. Therefore, I, Deputy Commandant SSU (CPEC), being the competent authority in the exercise of powers vested to me under section 4(b) of Khyber Pakhtunkhwa, Police Rules 1975 (amended in 2014) hereby awarded Major Punishment to defaulter Inspector Tahir Khan No. P/290 "**Reduction in rank**" from Inspector to Sub inspector with immediate effect.

Order Announced.

(SAJJAD AHMAD)^{PP}

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

Copy of the above is forwarded for information to the:

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. Capital Police Officer, Peshawar.
3. All SPs SSU (CPEC), Khyber Pakhtunkhwa.
4. PSO to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
5. PA to Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
6. Incharge Secret Branch CPO, Peshawar.
7. Accountant, SRC, EC SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
8. Official Concerned.

Attested

M

INSP/ Legal-SSU

04/03/2023



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

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



No. 1171-72 /EC,

dated Peshawar the 12/04/2023.

9

ORDER

This order will dispose of the formal departmental appeal preferred by SI Tahir Khan No. P/290 of Special Security Unit (CPEC) against the order of Dy: Commandant SSU (CPEC), wherein he was awarded major punishment of "Reduction in Rank" from Inspector to SI. The applicant was proceeded against on the allegations that he had provided SSU official namely Akif Hussain No. 781, Usman No. 808 & Kamran No. 906 as gunner to a private businessman named Shehryar Memon at Islamabad without approval or permission of the competent authority.

In this regard, a proper departmental inquiry was initiated against him as he was issued charge sheet along with summary of allegations and Mr. Amir Hussain SP SSU (CPEC), Mardan Region was nominated as enquiry officer to unearth the actual facts. The EO found him guilty of the charges leveled against him and recommended him for major punishment.


In the light of recommendation of enquiry officer and other material available on the record, he was awarded major punishment of "Reduction in Rank" from Inspector to SI vide order No. 640-55/EC, dated 08.03.2023.

Feeling aggrieved against the impugned order of Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa, Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 11.04.2023.

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.


(MOHAMMAD ZAFAR ALI)^{PSP}
COMMANDANT,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa, Peshawar.

Copy of the above is forwarded for information to the:

1. Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
2. SI Tahir Khan No. P/290.

Attested
11/04/2023
1/2 Legal. SSU

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

Khyber Pakhtunkhwa
Service Tribunal

FORM 'A'

SCANNED
KPST
Peshawar

Diary No. 9660
Dated 4-12-23

To be filled by the Counsel/Applicant

4/12/23

Case Number	SA 883 / 2023		
Case Title	Muhammad Tehir vs TGP Rofus		
Date of Institution	04 19/04/2023		
Bench	SB		DB
Case Status	Fresh		Pending ✓
Stage	Notice		Reply Argument ✓
Urgency to clearly stated.	urgent Promotion		
Nature of the relief sought.	Promotion early date fixed		
Next date of hearing	07/02/2023		
Alleged Target Date			
Counsel for	Petitioner ✓	Respondent	In person

NFA

13/12/23

Signature of counsel/party



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

PROFORMA FOR EARLY HEARING

FORM 'B'

Inst#

Early Hearing _____ -p/20 _____

In case No. 883 -p/2023

Muhamma d Tahir vs I.G.P & others
ALR

Presented by Ichid Mahomed on behalf of Petitioner Entered in the relevant register.

Put up alongwith main case _____

REGISTRAR

Last date fixed	<u>01/12/2023</u>
Reason(S) for last adjournment, if any by the Branch Incharge.	
Date(s) fixed in the similar matter by the Branch Incharge	
Available dates Readers/Assistant Registrar branch	

Assistant Registrar

REGISTRAR



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

CM No. _____/2023

In

Service Appeal No. 883/2023

Muhammad Tahir SI

VS

I.G.P & others

**APPLICATION FOR EARLY FIXATION OF THE
CAPTIONED APPEAL.**

Respectfully Sheweth,

1. That the captioned Appeal is pending adjudication before this Hon'ble Tribunal, which is fixed for 07.02.2023.
2. That the case pertains to urgent/promotion in nature and valuable rights of appellant are involved in the instant Appeal. If the instant Appeal is not fixed at an early date, the appellant will suffer irreparable loss.
3. That there is no legal bar in allowing the instant application.

It is therefore, very humbly prayed that the captioned Appeal may kindly be fixed at an early date i.e. before


*January as the promotions are going to be held in January,
2023.*

Applicant/ Appellant

Through

Khiyal Muhammad Mohamd

&


Zeeshan Khan
Advocate,
High Courts, Peshawar

AFFIDAVIT

Stated on Oath that the contents of accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.


Deponent