


FORM OF ORDER SHEET

Court of _____

Appeal No. 895/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/06/2024	<p>The appeal of Qazi Muhammad Arif presented today by Mr. Rizwanullah Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 02.07.2024. Parcha Peshi given to the counsel for the appellant.</p> <p>By the order of Chairman</p>  <p>REGISTRAR</p>

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

Service Appeal No. 895 /2024

1. Qazi Muhammad Arif (Ex-ASI No. P/470) Special Security Unit (CPEC) Upper Kohistan (Basha Dam) r/o House No. 120-A, Sector-6, Kohat Development Authority, Kohat.

(APPELLANT)

VERSUS

1. The Deputy Commandant, Special Security Unit (CPEC) Khyber Pakhtunkhwa, Peshawar etc.

(RESPONDENTS)

INDEX

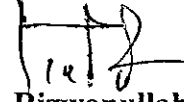
S.No	Particulars of documents	Annexure	Pages #
1	Service Appeal	-	1-09
2	Affidavit	-	10
3	Copy of appointment order	A	11-12
4	Copy of transfer order dated 16-05-23	B	13
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7	Copy of charge sheet & Statement of allegations	E & F	20-21
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16	Copy of receipt of revision petition	O	34
17	Copy of reversion order dated 20-12-2023	P	35
18	Wakalatnama	—	—

Through

Dated: 28-06-2024


Appellant



Rizwanullah
M.A. LL.B

Advocate High Court, Peshawar
Email ID: advocaterizwanullah@gmail.com
Mobile No. 0300-596-5843

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

Service Appeal No. 895 /2024

1. Qazi Muhammad Arif (Ex-ASI No. P/470) Special Security Unit (CPEC) Upper Kohistan (Basha Dam) r/o House No. 120-A, Sector-6, Kohat Development Authority, Kohat.

(APPELLANT)

VERSUS

1. The Deputy Commandant, Special Security Unit (CPEC) Khyber Pakhtunkhwa, Peshawar.
2. The Commandant, Special Security Unit (CPEC) Khyber Pakhtunkhwa, Peshawar.
3. The Provincial Police Officer, Government of Khyber Pakhtunkhwa, Peshawar

(RESPONDENTS)

**APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974 AGAINST THE ORDER
DATED 30-01-2024 PASSED BY DEPUTY
COMMANDANT, SPECIAL SECURITY UNIT
(CPEC) KHYBER PAKHTUNKHWA
PESHAWAR (RESPONDENT NO.1)
WHEREBY THE APPELLANT WAS
AWARDED HARSH AND EXTREME
PENALTY OF DISMISSAL FROM SERVICE
AGAINST WHICH A DEPARTMENTAL
APPEAL WAS FILED ON 28-02-2024 WITH
THE COMMANDANT, SPECIAL SECURITY
UNIT (CPEC) KHYBER PAKHTUNKHWA,
PESHAWAR (RESPONDENT NO. 2) BUT THE
SAME WAS REJECTED ON 29-05-2024.
THEREAFTER, A REVISION PETITION**

**UNDER RULE 11-A (4) OF THE KHYBER
PAKHTUNKHWA, POLICE RULES, 1975
(AMENDED 2014) WAS FILED WITH THE
PROVINCIAL POLICE OFFICER, KHYBER
PAKHTUNKHWA (RESPONDENT NO. 3) ON
14-06-2024. HOWEVER, THE SAME WAS NOT
RESPONDED.**

Prayer in Appeal

By accepting this appeal, the impugned orders dated 30-01-2024 and 29-05-2024 may very graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.

Any other relief deemed appropriate in the circumstances of the case, not specifically asked for, may also be granted to the appellant.

RESPECTFULLY SHEWETH,

Short facts giving rise to the present appeal are as under:-

FACTS

1. That the appellant was appointed as Assistant Sub Inspector (BPS-9) on 20-03-2011 after proper test and interview conducted by the Khyber Pakhtunkhwa Public Service Commission. He assumed the charge of said post accordingly and rose up to the post of Sub Inspector on account of dedication, devotion and sincerity to his job. He had 13 years unblemished service record to his credit.

(Copy of appointment order is appended as Annex-A)

2. That the appellant was transferred to various posts across different stations and units throughout his service. Lastly, his services were assigned to the Commandant, Special Security Unit (CPEC) Khyber Pakhtunkhwa, Peshawar (Respondent

No. 2), who posted him at "Bhasha Dam" in Kohistan vide order dated 16-05-2023. He promptly assumed the responsibilities of this new assignment.

(Copy of transfer order dated 16-05-2023 is appended as Annex-B)

3. That during the course of employment, the appellant developed severe sciatic pain, which rendered him bedridden and the Medical Specialist and authorized medical officers advised him to undergo complete bed rest and avoid long journeys.

(Medical certificates consisting of 05 pages are appended as Annex-C)

4. That the appellant was initially granted 08 days of leave. Subsequently, due to his severe illness, he submitted an application on 21-10-2023 requesting for extension of one month leave. This application was duly forwarded by Mr. Basharat Khan, Platoon Commander, to the SP Commandant, Special Security Unit Upper Kohistan. However, his request was denied, and disciplinary proceedings were initiated against him for willful absence from duty instead. He was served with a charge sheet and a statement of allegations on 30-10-2023.

(Copy of application, charge sheet, statement of allegations are appended as Annex- D, E and F respectively)

5. That the appellant submitted reply denied the allegations and also termed it as fallacious, malicious and misconceived. He besides other submissions also emphasized that he was suffering from severe "sciatic pain", and both the Medical Specialist and

authorized medical officers had advised him to take complete bed rest and avoid long journeys.

(Copy of reply is appended as Annex-G)

6. That the above reply was not deemed satisfactory and as such Mr. Shah Mumtaz, Superintendent of Police, North SSU (CPEC) was nominated to conduct enquiry in the matter. He finalized the enquiry and held the appellant guilty of the allegations and recommended him for suitable punishment.

(Copy of enquiry report is appended as Annex-H)

7. That thereafter, the appellant was served with a show cause notice who submitted reply and denied the allegations. However, his response was disregarded, and he was ultimately subjected to the severe and extreme penalty of dismissal from service on 30-01-2024.

(Copy of show cause notice, its reply and dismissal order are Annex-I, J and K respectively)

8. That the appellant felt aggrieved by the above order, filed a departmental appeal with the Commandant, Special Security Unit (CPEC) Khyber Pakhtunkhwa, Peshawar (respondent No. 2) on 28-02-2024 but the same was rejected on 29-05-2024.

(Copy of Departmental appeal and rejection order are appended as Annex-L & M)

9. That thereafter, the appellant filed revision petition under Rule-11-A(4) of Khyber Pakhtunkhwa Police Rules 1975 (amended 2014) with the Provincial Police Officer, Government of Khyber

Pakhtunkhwa, Peshawar (Respondent No. 3) on 14-06-2024 which was received on the same date.

(Copy of revision petition and its receipt are appended as Annex-N & O)

10. That so far as the criminal case against the appellant is concerned, disciplinary proceedings were initiated against him and he was awarded major penalty of reversion from the post of sub-inspector to a lower post of Assistant Sub Inspector for a period of two years in utter violation of law vide order dated 20-12-2023. Nonetheless, the matter is still sub-judice before the competent court of law.

(Copy of reversion order is appended as Annex-P)

11. That the appellant is jobless since his dismissal from service.
12. That the appellant now files this appeal before this Hon'ble Tribunal inter-alia on the following grounds:

GROUND

- A. That the respondents have not treated the appellant in accordance with the mandate of **Article 4 of the Constitution of Islamic Republic of Pakistan, 1973** which has unequivocally laid down that it is the inalienable right of every citizen to be treated under the law, rules and policy. Therefore, the impugned orders are not sustainable in the eye of law.
- B. That the inquiry was conducted in blatant violation of the law, as the appellant, due to his severe illness, was neither involved in the proceedings, nor did the inquiry officer appoint a commission under Rule 7(1)(d) of the Khyber Pakhtunkhwa Police Rules, 1975, to record his statement. The appellant had relied on his reply to the charge sheet and forwarded it to the inquiry officer to be treated as his written response. Notably, the inquiry was

conducted in Mansehra, a location the appellant was unable to reach due to his incapacity to undertake long journeys. His reply was nonetheless completely disregarded, and no findings whatsoever were made regarding his severe illness. This procedural defect is sufficient to render the entire inquiry process unlawful and untrustworthy. Moreover, right of fair trial is a fundamental right by dint of which a person is entitled to a fair trial and due process of law. The appellant has been deprived of his indispensable fundamental right of fair trial as enshrined in **Article 10-A of the Constitution of Islamic Republic of Pakistan, 1973**. Besides, the Deputy Commandant, Special Security Unit (CPEC) Khyber Pakhtunkhwa, Peshawar (Respondent No. 1) lacked the authority to initiate and impose such a harsh and extreme penalty of dismissal from service. According to the relevant law, only the DPO/SSP/SP or any one of them was competent to exercise such powers. Additionally, mere transfer to Kohistan also did not confer the said officer the authority to initiate disciplinary proceedings and impose a major penalty, as the appellant remained a permanent and regular employee of the CCPO. It is a well-established legal principle that when the foundational order is issued without lawful authority and is void ab initio, the entire superstructure built upon it collapses automatically. Reliance can be placed on the judgment of august Supreme Court of Pakistan reported in **2008-Supreme Court-663 citation-b**. It would be advantageous to reproduce herein the relevant citation for facility of reference:-
2008-Supreme Court-663 citation-b

(b) Void order---

---When the basic order is without lawful authority and void ab initio, then the entire superstructure raised thereon falls on the ground automatically.

- C. That it is crystal clear from the impugned order of dismissal from service that the (respondent No.1) on the one hand had treated the absence of appellant as leave without pay but on the other side, he had awarded him major penalty of dismissal from service. This amounts to double-jeopardy and violation of Article 13 of the Constitution of Islamic Republic of Pakistan, 1973 as well as Section 403 CrPC & Section 26 of the General Clauses Act, 1897. It is also well settled law that no person can be prosecuted and punished twice for the same offence. Reliance can be placed on **2006-SCMR-434 (citation-a)** as well as judgment of this Hon'ble Tribunal dated 17/6/2016 passed in appeal No. 1200/2014 "Aziz-ur-Rehman (ex-constable) VS Police Department etc.". This judgment was also upheld by the august Supreme Court of Pakistan vide order dated 3/2/2017 in **CPLA No. 455-P/2016**. Thus, the impugned orders are bad in law.
- D. That the absence of appellant was neither willful nor intentional. But the same was beyond his control due to his protracted illness. He rendered thirteen years' service and as such, he was also legally entitled to avail such leave by virtue of **Rule 12 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981**. Thus, the impugned orders are against the spirit of administration of Justice.
- E. That the respondent No. 1 was obligated under Rule 13 of the Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, to seek a second opinion from the Civil Surgeon. However, this requirement was unabashedly disregarded. Therefore, the impugned orders are not legally sustainable.
- F. That the (respondent No.1) was under statutory obligation to have considered the case of appellant in its true perspective and also in accordance with law besides to see whether the regular

inquiry was conducted in consonance with law and that the allegations thereof were proved against him without any shadow of doubt or otherwise. However, he has overlooked this important aspect of the case without any cogent and valid reasons and awarded him major penalty of dismissal from service. Thus, the impugned orders are liable to be set aside on this count alone.

- G. That the Appellate Authority (respondent No. 2) was legally bound to have applied his independent mind to the merit of the case by taking notice about the illegality and lapses committed by the Inquiry Officers as well as by the respondent No.1 as enumerated in earlier paras. Nevertheless, he failed to do so and ignored this prime and significant aspect of the case. Therefore, impugned orders are required to be set-aside on this count alone.
- H. That the respondent No.3 was legally bound to have decided the revision filed by the appellant after application of mind with cogent reasons within reasonable time as per law laid down by august Supreme Court of Pakistan reported in 2011-SCMR-1 (citation-b). The relevant citation is as under:

2011-S C M R-1

Supreme Court of Pakistan (citation-b)

**---S. 24-A---Speaking order-Public
functionaries are bound to decide cases
of their subordinates after application
of mind with cogent reasons within
reasonable time.**

But the above Authority failed to do so. Hence, the impugned orders are not warranted by the law.

- I. That the impugned orders are against law, facts of the case and norms of natural justice. Therefore, the same are not tenable under the law.

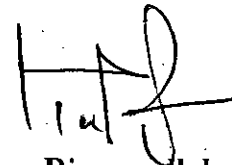
- J. That the impugned orders are based on conjectures, surmises and suppositions. Hence, the same are against the legal norms of justice.
- K. That the respondents have passed the impugned orders in mechanical manner and the same are perfunctory as well as non-speaking and also against the basic principle of administration of justice. Thus, the impugned orders are bad in law.
- L. That the appellant would like to seek the permission of this Hon'ble Tribunal to advance some more grounds at the time of arguments.

PRAYER

In view of the above narrated facts and grounds, it is, therefore, humbly prayed that the impugned orders dated 30-01-2024 and 29-05-2024 may very graciously be set aside and the appellant may kindly be reinstated in service with full back wages and benefits.


Appellant

Through


Rizwanullah
M.A. LL.B

Dated: 28-06-2024

Advocate High Court, Peshawar
Email ID: advocaterizwanullah@gmail.com
Mobile No. 0300-596-5843

10

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

Service Appeal No. _____/2024

1. Qazi Muhammad Arif (Ex-ASI No. P/470) Special Security Unit (CPEC) Upper Kohistan (Basha Dam) r/o House No. 120-A, Sector-6, Kohat Development Authority, Kohat.

(APPELLANT)

VERSUS

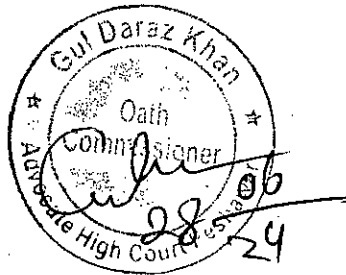
1. The Deputy Commandant, Special Security Unit (CPEC) Khyber Pakhtunkhwa, Peshawar etc.

(RESPONDENTS)

AFFIDAVIT

I, Qazi Muhammad Arif (Ex-ASI No. P/470) Special Security Unit (CPEC) Upper Kohistan (Basha Dam) r/o House No. 120-A, Sector-6, Kohat Development Authority, Kohat do hereby solemnly affirm and declare that the contents of the accompanied Service Appeal are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Tribunal.


DEPONENT



Annex-A - (11)

FOR PUBLICATION IN THE K.P.K POLICE GAZETTE PART-II
ORDERS BY THE CAPITAL CITY POLICE OFFICER, PESHAWAR.

NOTIFICATION

Dated Peshawar, the 26.3.2011.

No. 8073 /EC-1. **APPOINTMENT AS PROBATIONER ASSISTANT SUB-INSPECTOR:** Consequent upon recommendations of Khyber Pakhtunkhwa, Public Service Commission, Peshawar vide letter No. K.P.K-PSC-EXAM-ASI 08-03/60997, dated 15-12-2010 and Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar letter No. 26334-40/G-II, dated 27-12-2010, the following candidates are hereby appointed as Probationer Assistant Sub-Inspectors BPS-9 (3820-230-10720) against 25% quota reserved for direct appointment in Police department vide Govt. of K.P.K, Home and TAs Department letter No. 50 (Police) HD/03-22/2000, dated 17-10-2003 with immediate effect.

On appointment they are allotted CCP, Peshawar Numbers and posted to the Districts as noted against their names:-

Sr	Name	Father Name	Place of Posting	CCP No
1	Abdul Main Khan Knalil	Mawaz Alam Khan Knalil	Peshawar	783/P
2	Imdad Ahmad	Liaqat Ali	Peshawar	784/P
3	Asif Ali Khan	Fazal Ali Khan	Peshawar	785/P
4	Sohzam Khan	Norang Khan	Peshawar	786/P
5	Usmanullah	Haji Muhammad	Peshawar	787/P
6	Muhammad Asif Khan	Ghulam Muhammad	Peshawar	788/P
7	Ayub Khan	Mian Khan	Peshawar	789/P
8	Qazi Muhammad Arif	Qazi Ghulam Sarwar	Peshawar	790/P
9	Munir Khan	Musharraf Khan	Peshawar	791/P
10	Bilal Hussain	Muhammad Israr	Peshawar	792/P
11	Abdullah Jalal Khan	Javed Jalal Khan	Charsadda	793/P
12	Muhammad Mubarak	Had Shafiq Gul	Charsadda	794/P
13	Saeed Jan	Ibrahim Far	Charsadda	795/P
14	Muhammad Ashfaq	Zahir Ullah Khan	Charsadda	796/P
15	Ahmadullah Khan	Karamatullah Khan	Charsadda	797/P
16	Muhammad Waqas Yousaf	Haji Muhammad Yousaf Khan	Nowshera	798/P
17	Muhammad Avaz	Samin Gul	Nowshera	799/P

Attested
Appellant

2012

Mr. Niaz Ali Khan	Niaz Ali Khan	Nowshera	800/P
Mr. Syed Inqat Shah	Syed Inqat Shah	Nowshera	801/P
Mr. Syed Ali Khan	Syed Ali Khan	Nowshera	802/P

[Signature]
**CAPITAL CITY POLICE OFFICER,
PESHAWAR.**

CC-1

Copy of above forwarded for information and

reference to the:-

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Addl. Inspector General of Police Investigation K.P.K. Peshawar with 2 spare copies for publication in the K.P.K. Police Gazette Part-I.
3. SSO/Operations CCP, Peshawar.
4. District Police Officer, Charsadda. Medical/Verification Certificates alongwith application Form of the above P/ASIs of District Charsadda are enclosed.
5. District Police Officer, Nowshera. Medical/Verification Certificates alongwith application Form of the above P/ASIs of District Nowshera are enclosed.
6. Superintendent of Police, HQs: Peshawar.
7. SO-11 Branch CCP, Peshawar. Medical/Verification Certificates alongwith application Form of the above P/ASIs of District Peshawar are enclosed.
8. Assistant Secret, CCP, Peshawar.
9. Deputy Officer CCP, Peshawar.
10. Fuji Missal Branch.
11. All Probationer Assistant Sub-Inspectors concerned.

Attested
[Signature]
Appellant





Annex-B (13)

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar
Email: c3branch@gamil.com Tel: 091-9211075

No: 676 /III, Dated Peshawar, the 16.1.05 /2023

ORDER

Sub Inspector Qazi Muhammad Arif of CCP/Peshawar presently posted in CTD Khyber Pakhtunkhwa is hereby transferred and placed at the disposal of Commandant SSU(CPEC) Khyber Pakhtunkhwa, with immediate effect.

Sd-
(RIZWAN MANZOR) PSP
Deputy Inspector General of Police HQrs:
Khyber Pakhtunkhwa,
Peshawar

Endst: No. & dated even

Copy forwarded for information and necessary to the:-

1. Addl: IGP/CTD Khyber Pakhtunkhwa, Peshawar.
2. Commandant SSU(CPEC) Khyber Pakhtunkhwa.
3. Capital City Police Officer, Peshawar.
4. PA to Deputy Inspector General of Police HQrs: Khyber Pakhtunkhwa Peshawar.

Attested
Qazi
Appellant

(MUIHAMMAD AZHAR) PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa
Peshawar.



**SERVICES HOSPITAL PESHAWAR
GOVERNMENT OF KPK
OPD REGISTRATION**

39-101

14

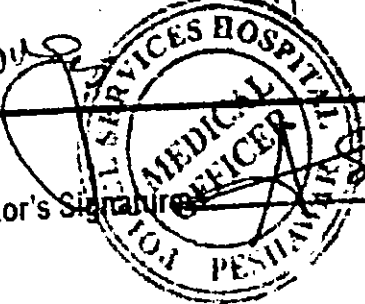
Name QAZI AHM Age 34 Sex MALE
 Department PTSD Address PESHAWAR
 Hospital Yearly No. 6610-23 Dated 14/04/2023

History
 According to patient
 etc.
 → Backache
 Clinical Examination
 T/Examination:
 SLRT
 (R) 60°
 Provisional Diagnosis
 (L) 70°
 MRI Report
 Shows:
 Investigations
 L4-S
 L5-S1
 C5-S3 levels
 Shows degenerative change

RI.
 Difficulty in walking
 Adv:
 Heavy weight lifting Rx
 - Use lifts
 - Avoid stairs
 COMPLETE
 BED REST
 ADVISED

Attested
 Appellant
 Physiotherapy
 is already
 started.
 - Naproxin
 - (1tr)
 - Esso (1)
 - Bromin
 - (1tr)
 - Euploz

On Duty _____ Doctor's Signature _____



15



**OFFICE OF THE
MEDICAL SUPERINTENDANT
SERVICES HOSPITAL, PESHAWAR**

(Phone: (091) 091 2210509 (Psych), 091 2223472 Fax: 091 2210543)

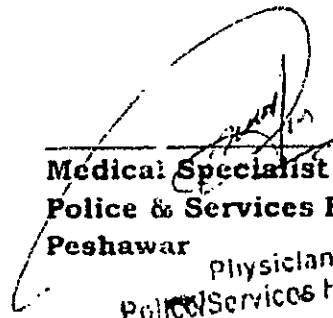
Dated: 12/09/2023

TO WHOM IT MAY CONCERN

This is to certify that Mr. Qazi Aarif S/O Qazi Ghulam Sarwar having age about 38 years is having severe chronic backache for the last 07 years. His MRI report shows that there is disc prolapse at the levels of L4-L5, L5-S1 and L3-L4 stenosis. He is also complaining of early morning stiffness, severe backache despite of multiple medications and spine injections. He needs follow up on regular basis from Consultant Neurosurgeon.

He is advised to avoid heavy weight lifting, prolong sitting (position should be change after half an hour) and long travelling.

Attested
Qazi Aarif
Appellant


Medical Specialist
Police & Services Hospital
Peshawar
Physician
Police Services Hospital
Peshawar

16



SERVICES HOSPITAL PESHAWAR GOVERNMENT OF KPK OPD REGISTRATION

185591-23

Name QAZI ARIF Age 38 Sex MALE

Department GENERAL OPD Address PESHAWAR

Hospital Yearly No. 185591-23 Dated 06-11-2023

History

for
history
grip

R/-

1. Mildly inflamed
with

Clinical Examination

W/O
crackles

2. Gartner's
test

Provisional Diagnosis

3. Acute
inflammation

Investigations

4. Bed rest
for 1 week i.e.
7 days

Attested
signature
of

Doctor on Duty

Doctor's Signature

Orthopedic Surgeon.
Police/Services Hospital
Peshawar

17



SERVICES HOSPITAL PESHAWAR GOVERNMENT OF KPK OPD REGISTRATION

Name QAZI ARIF Age 38 Sex MALE

Department GENERAL OPD Address PESHAWAR

Hospital Yearly No. 196134-23 Dated 28-11-2023

History
 LBP - Radiculopathy
 No HOF / Constitutional symptoms.

OLE
 ROM at spine - Restricted.
 Tenderness over lumbar vertebrae
 ↓ Sensation over dorsum of foot Rt & Lt
 Power in all Dermatomes Intact

Provisional Diagnosis

Tab Brexin 20mg
 ۱ ۱ ۱ ۱ ۱ (1+1)
 Tab Mefenamic 500mg
 ۱ ۱ ۱ ۱ ۱ (1+1)
 Tab Dexam 30mg
 ۱ ۱ ۱ ۱ ۱
 Tab Cur-cloxyplus
 ۱ ۱ ۱ ۱ ۱
 Tab Mefenamic 500mg
 ۱ ۱ ۱ ۱ ۱ (1+1)

Investigations
 Orthopedic Surgeon
 Police/Services Hospital
 Peshawar

Tab Lisec 400mg
 ۱ ۱ ۱ ۱ ۱

Advise : Regular Physiotherapy
 • Avoid Bending & heavy lifting
 • Complete Bed Rest for Seven (7) days

⊗ If not improve within 7 days then consult
 Spine Surgeon

Attest
 Appellant



SERVICES HOSPITAL PESHAWAR
GOVERNMENT OF KPK
OPD REGISTRATION

RS-101

18

Name QAZI ARIF Age 38 Sex MALE
 Department GENERAL OPD Address PESHAWAR
 Hospital Yearly No. 5760-24 Dated 16-01-2024

History

RI-

~~Redubing
Low Back pain~~

[Handwritten signature]
[Handwritten signature]

Clinical Examination

Attested
 in front of
 Appellant

[Handwritten signature]
[Handwritten signature]

Provisional Diagnosis

[Handwritten signature]
[Handwritten signature]

Investigations

Referred to neurologist
 Spine surgery unit
 for Spine Care Hospital

Doctor on Duty

Doctor's Signature

[Handwritten signature]
 Physician
 Services Hospital
 Peshawar

Annex - D

19

Handwritten Urdu text, likely a letter or report, containing several lines of script.

Handwritten Urdu text, possibly a signature or a specific heading.

Sir, forwarded.

Inspector

DBDP

21/10/23

Sir, Forwarded.

Handwritten signature of the Superintendent.

Superintendent of Police SSU Upper Kohistan

25/10/2023

Attested

Handwritten signature of the attesting officer.

Appellant

CHARGE SHEET

Annex-E

20

1. Whereas I, Abdur Rashid PSP, Deputy Commandant SSU (CPEC), Peshawar, am satisfied that a Formal Enquiry as contemplated by Police Rules 1975 is necessary & expedient in the subject case against SI Qazi Muhammad Arif No. P/470.

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 SI Qazi Muhammad Arif No. P/470 under Rule 5 (4) of the Police Rules 1975.

- I. As reported by Company Commander Basha Dam that you SI Qazi Muhammad Arif No. P/470 absented yourself from your lawful duties Vide DD report No. 06 dated 22.10.2023 till date without any sanction leave or permission of the competent authority.
- II. As per source report, you have been enjoying unauthorized self-leave without prior permission of the competent authority.
- III. Being a responsible police official, these acts 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 (1) (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.

Attested
Appellant


(ABDUR RASHID) PSP
Deputy Commandant
Special Security Unit (CPEC),
Khyber Pakhtunkhwa,
Peshawar.

30-10-2023

Annex - F (21)

STATEMENT OF ALLEGATIONS


1. I, Abdur Rashid PSP, Deputy Commandant SSU (CPEC) as competent authority, am of the opinion that SI Qazi Muhammad Arif No. P/470 has rendered himself liable to be proceeded against departmentally as he has committed the following acts/omission within the meaning of section 03 of the Khyber Pakhtunkhwa Police Rules, 1975.

- I. As reported by Company Commander Basha Dam that SI Qazi Muhammad Arif No. P/470 absented himself from lawful duties Vide DD report No. 06 dated 22.10.2023 till date without any sanction leave or permission of the competent authority.
- II. As per source report, he has been enjoying unauthorized self-leave without prior permission of the competent authority.
- III. Being a responsible police official, these acts of his 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. Shah Mumtaz SP North SSU (CPEC) 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.

Attested
in front of
Appellant


(ABDUR RASHID)PSP
Deputy Commandant
Special Security Unit (CPEC),
Khyber Pakhtunkhwa,
Peshawar.


30-10-2023

No. 5145 /EC, dated Peshawar the 30/10/2023.

Copy to:-

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

حاج علی

حوالہ جاریہ شیخ عہدی S/45/EC جاریہ از دفتر ڈپٹی کمشنر سٹی سٹیٹ لویڈ سٹیٹس
30/10/2023

لٹاؤر جس میں من ای پر حوالہ ص 06 مورخ 22/10/2023 سے تاحال غیر حاضر رہیا اور
سورس رپورٹ کی طرف من ای کا غیر عہدی کے تمام کرائز کے کابھوٹا التزام
لگایا گیا ہے۔ صکی وصاحت اور حقیقت درج ذیل ہے۔

ماہ اگست 2023 میں من ای کا تبادلہ ورلڈ کنیل سٹیٹس سے ہاشا ڈیم سٹیٹس
پر من ای نے ہاشا ڈیم سٹیٹس میں اپنی حاضری کی۔ اور اپنی ذرا لیں سے
سراجام دے دیا تھا۔ مگر زیادہ سے مگر سے سائل کو مگر کی تکلیف شروع
ہوئی۔ لہذا ماہ ستمبر میں علاج معالجہ کے دوران ڈاکٹر صاحب نے نہ صرف طویل
سفر سے منع کیا بلکہ سرکاری ڈیوٹی کی لیک ڈاکٹر صاحب نے طویل سفر نہ کرنا
کے بابت سرٹیفکیٹ بھی دیا۔ جو کہ لفظ ہے۔

مگر سائل نے پھر بھی اپنی ڈیوٹی جاری رکھی اور علاج معالجہ پر بھی جو کس رکھا۔
آخری مرتبہ جس سائل آئیو میں ڈیوٹی پر موجود تھا۔ تو مگر کی تکلیف زیادہ
ہوئی اور سائل نے علاج معالجہ کے لئے اسپتال کو ایک ماہ رخصت
اتفاقہ کے لئے کڑیری درخواست بھی دی۔ جو کہ اتفاقہ پر موجود ہے
صکی عہدی کمشنر انکیڈ لٹاؤر خان اور SP (سٹیٹس لویڈ سٹیٹس) نے
باقائدہ طور پر فارورڈ بھی کیا صکی فونڈ کالی من ای کے ساتھ موجود ہے

Attested
Signature
Appellant

P.T.O

اور لف هذا

مذید بہت حرج 24/10/2023 کو من اذ کی والسی فقرا تھی . مگر مگر میں فیروز میں شادی
تکلیف کے باعث من اذ والسی نہ کر سکا . جو لہی ڈاکٹر صاحب کے پاس گیا اور صیک
گیا گیا . تو ڈاکٹر صاحب ایک بیفٹہ مکن بیڈر الیسٹ دیا اور ایک بیفٹہ لہا
دوبارہ صیک اس رن کا مشورہ دیا ہے . جو حیدر لعل اللہ صاحب سے حراہ لہا ہے

مذید یہ ہے کہ صراطہ جاریہ شہد میں مہر میں الوریٹ کاڈنٹر ہے اور اس
میں صیری بیماری کا مذاق کے طور پر الجوائن رن کاڈنٹر دیکر بیان کیا گیا ہے
انسانی افسوس کی بات ہے جو کہ نہ صرف جھوٹ ہے بلکہ علاج لہا مذہ حیدر لعل
گروڈ کے تناظر میں من گھڑت بھی ثابت ہو گیا ہے

هذا استدعاھیک انڈاٹری کو شفاف طریقے اور الصاف نہر منی اور جملہ حیدر لعل
شولوں کے تناظر میں کیا جائے نہ کہ دوسرے تناظر میں انشاء اللہ جو اپنی
صحولی صحت یابی ہوگی اپنی ڈیوٹی پر حاضر اور جاؤ لہا جوائن رن اللہ صاحب منظور
ر کے قابل کیا جائے

Attested
Signature
Appellant

Signature
ای ماضی شہد طرف سے
01/11/2023



OFFICE OF THE SUPERINTENDENT OF POLICE
SSU (CPEC) NORTH HAZARA REGION MANSEHRA
Office Cell. Fax. 0997-540839
Email address, ssunorthhazara@gmail.com

Annex-H

24

No 358 R/SSU Dated 14/11/2023

To: The Deputy Commandant, SSU (CPEC),
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL ACTION AGAINST SUB INSPECTOR QAZI MUHAMMAD ARIF 470/P.

Memo:

Kindly refer to your letter No. 5145-FC dated Peshawar 30.10.2023.

ALLEGATIONS:-

Whereas, SI Qazi Muhammad Arif No. 470/P, of SSU (CPEC) presently posted at Basha Dam Upper Kohistan has absented himself from lawful duties vide DD report No. 06 dated 22.10.2023 till date without any sanctioned leave or permission of the competent authority. Therefore, Proper departmental proceedings are initiated against him. Charge Sheet was issued to the defaulter officer and the undersigned was appointed as Enquiry Officer to scrutinize the conduct of aforementioned official (Annex, "A").

PROCEEDINGS:-

Enquiry proceedings were initiated and it was found that defaulter officer S.I Qazi Muhammad Arif No. 470/P is still absent from duty. Constable Adnan No. 856 was deputed to deliver serve a copy of Charge Sheet on defaulter officer vide DD No. 11, dated 01.11.2023. Similarly a copy of charge sheet was delivered to the defaulter officer through Inspector Basharat Khan Company Commander Bhasha Dam. The defaulter Sub-Inspector communicated his written statement to the office of the undersigned through Dak but failed to appear for personal hearing. Statements of Constable Adnan No. 856 and Inspector Basharat Khan was also recorded, which are as follows:-

STATEMENT OF DEFAULTER SUB-INSPECTOR MR. QAZI MUHAMMAD ARIF:-

In his statement, he stated that he is suffering from sciatic pain due to which he is unable to travel long distances as well as perform his duties. To substantiate his claim, he also produced medical prescriptions from services Hospital and LRI Peshawar (Annex, "B").

STATEMENT OF INSPECTOR BASHARAT KHAN:-

He stated that S.I Qazi Muhammad Arif No. 470/P was on sanctioned leave of 08 days from 13.10.2023 whose attendance was required on 21.10.2023 but he did not report back for his duty due to which he was marked absent vide DD No. 06, dated 22.10.2023. As S.I Qazi Muhammad Arif No. 470/P was absent so Charge sheet was delivered to him through his Whatsapp No. 03151996799 and he was telephonically contacted and informed (Annex, "C").

STATEMENT OF CONSTABLE ADNAN NO. 856 PLATOON NO. 14:-

He stated that on 01.11.2023 he went to Peshawar so as to deliver/serve the charge sheet on S.I Qazi Muhammad Arif No. 470/P but he could not trace the house of

Attested
[Signature]
Inspector

defaulter officer. He tried to contact him through his mobile number 03151996799 but he has switched off his mobile phone. He returned to SSU Roznamcha police lines Mansehra and handed over the charge sheet to Moharrar (Annex, "D").

The defaulter officer did not bother to appear before the enquiry officer within stipulated time of 07 days. Later on statement of Qazi Arif received through register post on 06.11.2023 but he failed to appear in person. His sending written statement is sufficient proof that he is well aware about his departmental enquiry. He is willingly avoiding to join departmental enquiry and also willfully avoiding to join investigation. However, the available record was perused and the enquiry was conducted in his absence. (Annex, "E")

FINDINGS: -

After going through the process of enquiry, relevant statements, and perusal of available record it was found that the defaulter officer SI Qazi Muhammad Arif has been charged in case FIR No. 119, dated 21.02.2022 U/S 302/365/201 PS Secretariat Islamabad (Annex, "F") when he was posted in CTD Peshawar. On 16.05.2023 he was transferred from CTD to SSU (CPEC) Khyber Pakhtunkhwa and posted at Bhasha Dam, from where he intentionally absented himself knowingly that he is wanted in the case.

SI Qazi Muhammad Arif is proclaimed offender (Annex, "G") and deliberately avoids to appear/join the enquiry proceedings. He was also informed by Inspector Basharat Khan regarding in the instant enquiry proceedings but he turned deaf ear and failed to appear in person. The act of the defaulter officer amounts to gross misconduct on his part in the meanings of Police Rules-1975.

RECOMMENDATIONS: -

Keeping in view the aforementioned facts, it is therefore, recommended that Sub-Inspector Qazi Muhammad Arif No. 470/P may be awarded suitable punishment, if agreed.

Superintendent of Police
SSU (CPEC) North Hazara Region
Mansehra

*Call him for
OR
Issue final
show cause notice*

24/11/23

Attested
[Signature]
Appellate

[Signature]
[Signature]
11/12/23

Annex-I

26

FINAL SHOW CAUSE NOTICE

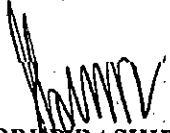
I Deputy Commandant, Special Security Unit (CPEC), Peshawar, as competent authority, under the provision of police Disciplinary Rules 1975 do hereby serve upon you, SI Qazi Muhammad Arif No. P/470 final show cause notice.

The Enquiry Officer, Mr. Shah Mumtaz SP North SSU (CPEC) after completion of departmental proceedings, has found you SI Qazi Muhammad Arif No. P/470 guilty of the charges leveled against in the charge sheet/statement of allegations and recommended for you suitable punishment.

And whereas, the undersigned is satisfied that you SI Qazi Muhammad Arif No. P/470 deserve the punishment in the light of the above said enquiry papers.

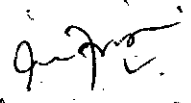
Competent authority, have decided to impose upon you the penalty of minor/major punishment under police Disciplinary Rules 1975.

1. You are, therefore, required to show cause as to why the minor/major penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 07 days of its receipt, in normal course of circumstances, it shall, be presumed that you have no defense to put in and in that case as ex-parte action shall be taken against you.


(ABDUR RASHID)^{PSP}
Deputy Commandant,
Special Security Unit (CPEC)
Khyber Pakhtunkhwa,
Peshawar.

No. 5489 /EC dated Peshawar the 21/11 /2023.

Copy to official Concerned.

Attested

Applicant

Anney - J

27

Reply to Final Show Cause Notice No 5489 dated 21-11-2023,

Respected Sir,

Kindly refer to Final Show Cause Notice No 5489 dated 21-11-2023, issued to me, in this connection, it is submitted that the two Show Cause Notices bearing No 5489 and 5490 were issued to me on 21-11-2023, however both of the stated Show Cause Notices do not disclose any sort of allegations, illegalities, irregularities or misconduct, alleged against me.

Both the Show Cause Notices mentions of minor/major penalties without any specification, which speaks of anything but not fair and bonafide.

Perusal of Both the Show Cause Notices reveals that both contains exactly the same contents except it's No, and in such situation, it is beyond comprehension as to why the stated Show Cause Notices have been issued to me without specifying the allegations.

Even copies of inquiry reports allegedly conducted by the same inquiry officers have not been provided to me which is also mandatory under the law.

I was not associated with the inquiry allegedly inquiries, as I only submitted written statement to the Inquiry Officers however I was not associated with further inquiry proceedings, as no one was examined in my presence in support of the allegations nor was I asked to defend my side, further more I was never called for cross examination, thus too both of the alleged inquiries are nullity in the eyes of law.

It is further brought into your kind notice that even both of the stated Show Cause Notices are issued illegal, unlawful and without lawful authority, hence liable to be filed.

Attested
Appellant


The above stated facts and law points show that the department is bent upon to punish me in violation of law, rules more particularly in violation of Article 10/A of the Constitution of Islamic Republic of Pakistan, 1973.

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So far the departmental proceedings initiated against me on the basis of Charge Sheet and Statement of allegations of absence from duty and involvement in criminal case are concerned, the said allegations are totally false, baseless and unfounded. I have already submitted replies to the Charge Sheet wherein I have not only refuted the allegations rather have explained the factual and legal position, as well. Further I have already explained that in my replies that the proceedings against me are based on malafide. (Copy of reply to Charge Sheet is attached).

Keeping in view the above facts and circumstances, and the malice floating on surface of record, the Final Show Cause Notices, may kindly be filed and I may be acquitted accordingly.

Attested
Qazi Muhammad Arif
Appellant


Qazi Muhammad Arif,
ASI No P/470,



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

CENTRAL POLICE OFFICES, S.A.Q ROAD, PESHAWAR CANTT (PH: 091-9211834)



29

Annex-K

No. 387-99 /EC,

dated Peshawar the 30/01/2024.

ORDER


This office order will dispose-off the departmental proceedings against ASI Qazi Muhammad Arif No. P/470 the then SI, on the charges/allegations that as reported by Company Commander Basha Dam that he had absented himself from his lawful duties Vide DD report No. 06 dated 22.10.2023 till date without any sanction leave or permission of the competent authority and as per source report, he has been enjoying unauthorized self-leave without prior permission of the competent authority.

In this regard, proper departmental proceedings was initiated against him. He was issued charge sheet & summary of allegations vide Endst: No. 5145/EC, dated 30.10.2023 and Mr. Shah Mumtaz SP North SSU (CPEC) 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 the alleged SI to which he replied that he is suffering from sciatic pain due to which he is unable to travel long distances as well as performing duties. To substantiate his claim he also produced medical prescriptions from services hospital and LRH Peshawar. Furthermore, the inquiry officer also recorded the statement of Inspector Muhammad Basharat Khan wherein he stated that the alleged ASI was on 08 days sanctioned leave whose attendance was required on 21.10.2023. However, he failed to report back for his duty, and was marked absent from duty vide DD No. 06, dated 22.10.2023. The inquiry officer further added that the alleged ASI was culled time and again for personal hearing but he failed. Thus, the inquiry officer did not found his reply satisfactory and recommended him for suitable punishment.

Later on, he was issued/served with final show cause notice vide this office No. 5489/EC, dated 21.11.2023. The alleged ASI communicated his written statement to the office of undersigned, wherein he stated that the charges leveled against him are fake, baseless and unfounded but failed to represent his justification regarding absence from duty. He was persistently summoned for personal hearing but consistently failed to comply with, which shows his lack of interest towards his official obligations.

Keeping in view of the above facts, as well as material available on the record and recommendation of the enquiry officer, the above named ASI deliberately absented himself from his lawful duties. Therefore, I, Deputy Commandant SSU (CPEC), being the competent authority in the exercise of powers vested in me under section 4(b) of Khyber Pakhtunkhwa, Police Rules 1975 (amended in 2014) hereby awarded him the Major Punishment of "Dismissal from service" with immediate effect. His absence period from duty w.e.f. 22.10.2023 till date is treated as leave without pay.

GB No. 109
Dated 30/01/2024


(ABDUR RASHID)^{PSP}
Deputy Commandant,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa,
Peshawar.

Copy of the above is forwarded for information to the.

1. Capital City Police Officer, Peshawar.
2. PSO to Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
3. SsP Admin, North and Malakand Region SSU (CPEC), Khyber Pakhtunkhwa.
4. PA to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
5. PA to Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
6. Office Supdt: E-III, CPO Peshawar.
7. Accountant, SRC, CC, MTD, I/C KOT & Clothing Godown and EC SSU (CPEC).
8. Official Concerned.

Attested

Deputy Commandant

Annex-L

30

To,

The Commandant,
Special Security Unit (SSU),
(CPEC), KP, Peshawar,

Subject: APPEAL AGAINST OFFICE ORDER NO. 387-99/EC DATED 30-01-2024 OF DEPUTY COMMANDANT SSU (CPEC) KP, PESHAWAR WHEREBY MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE WAS IMPOSED UPON APPELLANT FOR NO LEGAL REASON.

Respectfully sir,

1. That appellant has in his credit more than 13 years' service without any complaint.
2. That appellant was transferred from Capital City Police Peshawar to Special Security Unit (CPEC) Upper Kohistan for performance of official duty. On 26-08-2023 from Warsak Kanal CPEC to Basha Dam CPEC and made arrival report there and was also performing his official duty to the best of his ability.
3. That appellant was facing acute pain at his backache and examined from consultants for treating. The consultants advised him to refrain from long journey as per certificate dated 12-09- 2023.
(Copy Attached)
4. That thereafter too appellant continued his duty and was also going treatment. He was present in October at duty place but then too he felt serious pain in his backbone. He then submitted application to the authority for one month leave which is present on the record. Such application was forwarded to SP SSU Upper Kohistan by the Company Commander Basharat Khan which copy is also present on the record.
5. That appellant was to report back on 24-10-2023, but due to the aforesaid acute pain could not do so. He again examined from the said doctor where one week bed rest was suggested for him and thereafter he was again directed for checkup.

(Medical Receipts Attached)

Attested
[Signature]
Appellant

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6. That in the Charge Sheet reference of source report was given without ascertaining the facts of illness. Such report is false by keeping in view the medical grounds.

That before issuing of the impugned order dated 30-01-2024, no regular enquiry was ever conducted nor appellant was associated with them not afforded opportunity of cross examination over witness(s) being mandatory

That the authority failed to give any weightage to the medical prescriptions nor were the same ascertained from the competent forum of consultants.

That appellant never violated any order of the authority and reported to the new posting place to comply with the transfer order there and then.

It is, therefore, most humbly requested that order dated 30-01-2024 of Deputy Commandant SSU (CPEC) by dismissing appellant from service be set aside and appellant be reinstated into service with all consequential benefits.

Dated: 28-02-2024

Attested
Qazi Muhammad Arif
Appellant

Applicant


Qazi Muhammad Arif

ASI

Cell No.0333-9609000



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

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



No. 1480-84 /EC,

dated Peshawar the 29/05/2024.

Annex-M

32

ORDER

This order will dispose-off the formal departmental appeal preferred by Assistant Sub-Inspector Qazi Muhammad Arif No. P/470 of Special Security Unit (CPEC) against the order of Deputy Commandant SSU (CPEC), wherein he was awarded major punishment of "Dismissal from Service" on the allegations that while posted at Upper Kohistan had absented himself from his lawful duties vide DD report No. 06, dated 22.10.2023 till the date of dismissal i.e. 30.01.2024 (101 days) without any sanction leave or intimation.

In this regard, proper departmental inquiry was carried out. He was issued/served with charge sheet and summary of allegation. After completion of all requisite formalities, the enquiry officer reported that the alleged ASI was found guilty of the charges leveled against him and recommended him for major punishment.

Later on he was issued/served with final show cause notice and also heard in person by the competent authority but failed to satisfy him.

In the light of recommendation of enquiry officers and other material available on the record, he was awarded major punishment of "Dismissal from Service" vide order No. 387-99/EC, dated 30.01.2024.

Feeling aggrieved against the impugned orders of Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa, Peshawar, the applicant preferred the instant appeal.

The applicant was repeatedly summoned for personal hearing through all available means but in vain. Also 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.

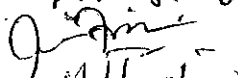

(IRFAN TARIQ)^{PSP}

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

29-05-2024

Copy of the above is forwarded for information to the:

1. Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
2. SP Admin & Minority SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
3. PA to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
4. Official Concerned.

Attested

Attested

Annex-N

33

To: The W/Provincial Police Officer
Khyber Pakhtunkhwa,
CPO, Peshawar

Sub: REVISION PETITION - SECTION 11 A-4 OF POLICE RULES 1975 (WITH AMENDMENT 2014)

Respected Sir,

It is humbly stated that, I, Qazi Muhammad Arif, Ex-Sub Inspector of Capital City Police, submit this application against the Order passed by Commandant SSU(CPEC) Khyber Pakhtunkhwa vide No. 1480-84/EC, dated Peshawar the 29/05/2024 regarding the disposal of Appeal against the Order of major punishment of Dismissal from Service on 30/01/2024.

It is added that, on 16/05/2023, I was transferred to Special Security Unit (CPEC), Khyber Pakhtunkhwa from CCP Peshawar. I performed duties at Remodeling of Warsak Canal Project in Mullagori, District Khyber. Later, on 26/08/2023, I was transferred from Warsak Canal project to Basha Dam project. I reported there and performed my duties diligently. During the official duties, I faced severe back pain and sought medical consultation for that. The consultant advised me against long journeys, copy of the medical slip attached. Despite that I performed my duties until my conditions deteriorated and I was compelled to avail a one month long medical leave. I applied for the official leave which was forwarded by Platoon Commander Basharat Khan to SP SSU Upper Kohistan (copy attached). Expected to return on 24/10/2023, I again applied for extension of leave as I was not able to continue due to medical conditions. Medical officer advised bed rest.

In this connection, I was issued with a chargesheet, but was denied all the requisites of the formal inquiry. I wasn't called for a personal hearing denying the right to defend myself. The allegations of non-compliance and absence from duties are also baseless as I did report each time I was transferred. No heed was paid to the medical documents I provided. In the inquiry findings the inquiry officer found me guilty of absence and non-compliance which are without any solid base. In pursuance, Deputy Commandant SSU (CPEC) passed the Order of Dismissal from Service on 30/01/2024. Against this order I submitted an appeal to Commandant SSU (CPEC), which was rejected, again without any chance of hearing or providing me with the right to defend myself.

Finally, the decisions were passed by an authority which was not competent to do so. I was appointed by CCP Peshawar and not by SSU (CPEC). I was transferred on loan basis as I was receiving my salaries from CCP Peshawar. Deputy Commandant SSU (CPEC) has no such authority to decide such Orders rather it should be passed by CCP Peshawar.

Keeping in view of the above, it is requested that the petitioner may kindly be reinstated on his service with full back benefits, please.

Your Sincerely,

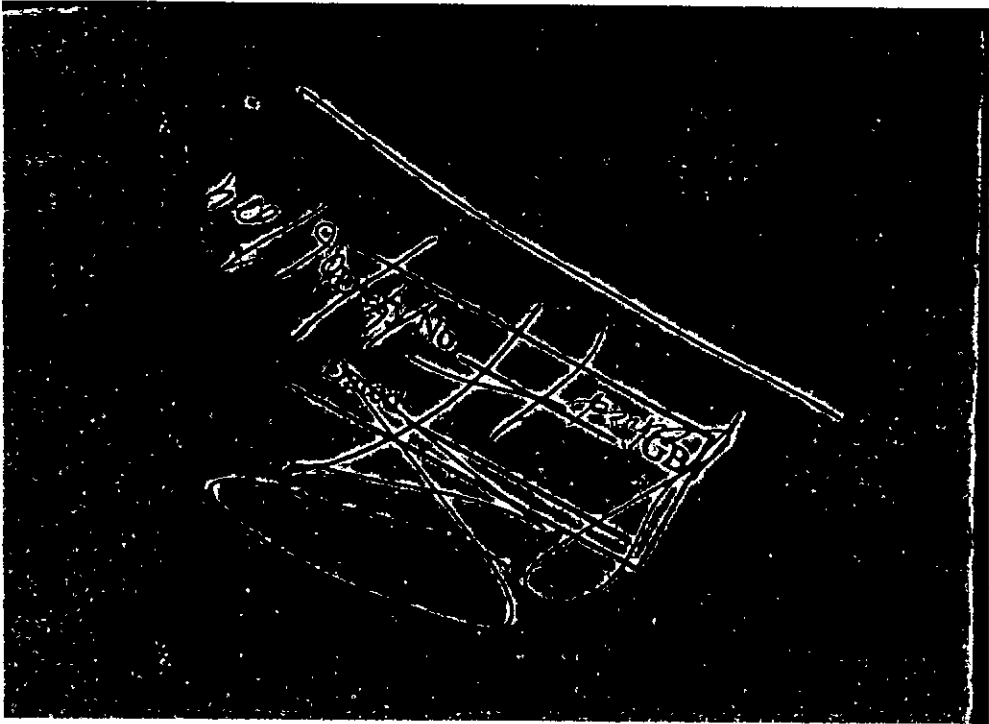
Qazi Muhammad Arif
Sub Inspector (CCP)

Attested
Qazi Muhammad Arif
Appellant

Contact No: 0333-9609000

Date: 14-06-2024

Attēstic
p-ger
Ispēcarnit



34

Amek-O



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

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



No. 5885-97 /EC,

dated Peshawar the 19/12/2023.

ORDER


1. This office order will dispose-off the departmental proceedings against SI Qazi Muhammad Arif No. P/470 on the charges/allegations that as reported by Addl: Inspector General of Police Investigation, CPO Peshawar vide letter No. 10186/RK/INV, dated 20.10.2023 that he was allegedly involved in case FIR No. 119/22, dated 21.02.2022 U/S 302/365/201 PPC PS Secretariat Islamabad.

2. In this regard, proper departmental proceedings was initiated against him. He was issued charge sheet & summary of allegations vide Endst: No. 5138/EC, dated 27.10.2023 and Mr. Shah Mumtaz SP North SSU (CPEC) 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 the alleged SI to which he replied that the charges leveled against him are false and baseless. Furthermore, the inquiry officer also recorded the statement of Inspector Muhammad Basharat Khan wherein he stated that the alleged SI was on 08 days sanctioned leave whose attendance was required on 21.10.2023. However, he failed to report back for his duty and was marked absent from duty vide DD No. 06, dated 22.10.2023 (in this regard, a separate charge sheet & summary of allegations had been issued to him vide this office No. 5145/EC, dated 30.10.2023). The inquiry officer further reported that the alleged SI had intentionally absented himself from lawful duties knowing that he is wanted in the case and declared as proclaimed offender U/S 87 CRPC in the case by concerned judicial magistrate on 05.06.2023 and avoids his lawful custody. Thus, the inquiry officer did not found his reply satisfactory and recommended him for suitable punishment.

3. Later on, he was issued/served with final show cause notice vide this office No. 5490/EC, dated 21.11.2023. The alleged SI communicated his written statement to the office of undersigned, wherein he stated that the charges leveled against him are fake, baseless and unfounded but despite repeated summons for personal hearing in orderly room held on 23.11.2023 by the undersigned, he remained unresponsive and neglected to attend, indicative of a lack of substantive defense on his part.

4. Keeping in view of the above facts, as well as material available on the record and recommendation of the enquiry officer, the above named SI was found guilty of the gross misconduct, thus his this act is against the law/rules and liable to be punished under Police Rules 14-8. 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 him the Major Punishment of "Reduction in rank for period of two years" from SI to ASI with immediate effect.

*Attested
Signature
Appellant 1568
20.12.2023*


(ABDUR RASHID)^{PSP}
Deputy Commandant,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa,
Peshawar.

Copy of the above is forwarded for information to the:

1. Addl: IGP Investigation, CPO Peshawar w/r to his office letter No. quoted above.
2. Capital City Police Officer, Peshawar.
3. PSO to Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
4. SsP Admin, North and Upper Kohistan SSU (CPEC), Khyber Pakhtunkhwa.
5. PA to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
6. PA to Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
7. Accountant, SRC, CC, MTO and EC SSU (CPEC).
8. Official Concerned.

19-12-2023

