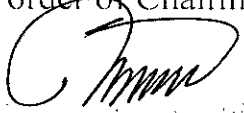


FORM OF ORDER SHEET

Court of _____

Appeal No. 901/2024

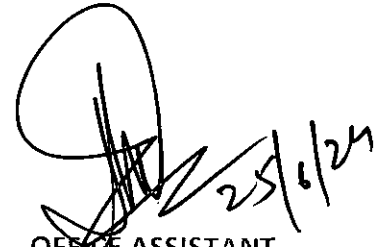
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/06/2024	<p>The appeal of Mr. Murad Ali resubmitted today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 02.07.2024. Parcha Peshi given to the counsel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

The appeal of Mr. Murad received today i.e on 24.06.2024 is incomplete on the following score which is returned to the appellat for completion and resubmission within 15 days.

- 1- Appeal has not been flagged/marked with annexures marks.
- 2- Affidavit is not attested by the Oath Commissioner.
- 3- Check list is not attached with the appeal.
- 4- Annexures of the appeal are unattested.
- 5- Annexure-C & E of the appeal are illegible.
- 6- Four more copies/sets of the appeal along annexures i.e. complete in all respect may also be submitted with the appeal.

No. 255 /Inst./2024/KPST,

Dt. 25/6 /2024.



OFFICE ASSISTANT
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Taimur Ali Khan Adv.
High Court Peshawar.

Received list

- 1- objection removed
- 2- objection removed
- 3- objection removed
- 4- objection removed
- 5- Better copy of C&E are prepared-
- 6- objection removed

All objections are been removed and Resubmitted after compliance

Adv. Shauq Hussain Toraw

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 901 /2024

Murad Ali

VS

Police Deptt.

I N D E X

S.No	Documents	Annexure	Page No.
01	Memo of Appeal	-----	01-06
02	Affidavit	-----	07
03	Copy of commendation certificate	A	08
04	Copy of letter dated 17.11.2023	B	09
05	Copies of memo dated 31.01.2024; show cause notice and reply to show cause	C,D&E	10-12
06	Copies of charge sheet along with statement of allegations and reply	F&G	13-15
07	Copies of application, inquiry report and questionnaire	H,I&J	16-19
08	Copies of final show cause notice and reply	K&L	20-21
09	Copies of order dated 21.02.2024 and departmental appeal	M&N	22-24
10	Vakalat Nama	-----	25

APPELLANT

THROUGH:

(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT
Cell No.03339390916

&
(SHAKIR ULLAH TORANI)
ADVOCATE

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 901 /2024

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 13729

Dated 24-06-200

Murad Ali, Ex-Cook Constable No.231,
Elite Force, Peshawar.

(APPELLANT)

VERSUS

1. The Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. The Superintendent of Police, HQrs, Elite Force, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 21.02.2024, WHEREBY THE APPELLANT HAS BEEN DISMISSED FROM THE SERVICE AND AGAINST NOT TAKING ACTION ON THE DEPARTMENTAL APPEAL OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

THAT THE ACCEPTANCE OF THIS APPEAL, THE ORDER DATED 21.02.2024 MAY PLEASE BE SET ASIDE AND THE APPELLANT MAY KINDLY BE REINSTATED INTO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE THAT MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

2

RESPECTFULLY SHEWETH:
FACTS

1. That the appellant was appointed as Cook Constable in Elite Police Training Centre Nowshera in the year 2013 after fulfilling all codal formalities by the respondent department and since his appointment, the appellant was performing his duty with devotion and honesty, whatsoever, assigned to him and no complaint has been filed by his superiors regarding his performance.
2. That the appellant was regularly performing his duty with his best ability and capability and has given training in his field/cadre, i.e. cooking by in the EPTC, Nowshera and on completion of his course/training the Principal of the EPTC Nowshera has granted commendation certificate to the appellant for successfully completion of course and clearly mentioned in commendation certificate as *qualified*. (Copy of commendation certificate is attached as Annexure-A)
3. That the appellant being cook constable along with the other officials were sent to Serena Hotel Peshawar for training in their respective cadre vide letter dated 17.11.2023, but the concerned administration of the Serena Hotel assigned other duties instead of giving training in his field/cadre of cooking on which the appellant informed his in-charge CDI Waqar through phone about that issue, however, no action has taken on his phone/complaint and the appellant continue his work in such capacity in the Serena Hotel. (Copy of letter dated 17.11.2023 is attached as Annexure-B)
4. That the appellant after completing his work/training in the Serena Hotel reported back to Police Lines Peshawar, but the appellant was transferred to Manshra on basis of departmentally proceeding through memo dated 31.01.2024 and show cause notice was also served to him on the same day, 31.01.2024 in which following allegation was leveled against him that you have been enlisted as cook in Elite Force, moreover, you were also departed to get experience by virtue of incapability in respective cadre but you did not take interest and returned without obtaining any training, which shows a gross misconduct on your part. The appellant submitted his reply to show cause notice in which clearly mentioned that he was enlisted as cook constable in the department and has performed his duty in Elite Force and different districts of the Province with honesty and he full command on cooking and he has sent to Serena Hotel for training, but the concerned administration of the Serena Hotel assigned other duties instead of giving training in the field of cooking on which the appellant informed his responsible about that issue, however, no action has taken on his phone/ complaint and the appellant continue his work in such capacity in the Serena Hotel. (Copies of memo

dated 31.01.2024, show cause notice and reply to show cause are attached as Annexure-C,D&E)

5. That charge sheet along with statement of allegations on above mentioned charge were issued to the appellant. The appellant submitted his reply to the charge sheet and gave the same stance as given in show cause notice. **(Copies of charge sheet along with statement of allegations and reply are attached as Annexure-F&G)**

6. That inquiry was conducted against the appellant, but the appellant was never associated with the inquiry proceeding in order to defend himself, even the inquiry report was not provided to the appellant to the appellant along with final show cause notice, therefore the appellant filed an application to provide the inquiry report on which inquiry report was provided to the appellant and in the inquiry report the inquiry officer mentioned that the delinquent Cook Constable (appellant) appeared before the undersigned in person and recorded his written statement and was also cross examined but it necessary to mention here that the appellant was never appeared before the inquiry officer rather reader of SP HQrs Mohsin handed over questionnaire to the appellant through Class-IV and directed the appellant to answer the questions. It is also necessary to mention here that in the inquiry report, the inquiry officer mentioned that the delinquent Cook Constable Murad No.231 was examined in his cadre (Cooking). Cooking test was conducted through CDI Elite Force HQrs. he could not qualify and failed, but test has not been taken from the appellant by any official. **(Copies of application, inquiry report and questionnaire are attached as Annexure-H,I&J)**

7. That final show cause was issued to the appellant. The appellant submitted his reply to the final show cause notice and gave the same stance as given to show cause notice and charge sheet. **(Copies of final show cause notice and reply are attached as Annexure-K&L)**

8. That on the basis of above baseless allegation and without conducting proper inquiry, the appellant was dismissed from service vide order dated 21.02.2024 under Police Rules 1975 (amended 2014) and in the dismissal order dated 21.02.2024 besides allegation mentioned in the charge sheet, it also was mentioned that similarly once again the delinquent Cook Constable Murad No.231 was examined in his cadre (Cooking). Cooking test was conducted through CDI Elite Force HQrs. but could not qualify and failed, but test has not taken from the appellant by any official. The appellant filed departmental on 07.03.2024 against the dismissal order dated 21.02.2024, which was not responded within the statutory period of ninety days. **(Copies of order dated 21.02.2024 and departmental appeal are attached as Annexure-M&O)**

④

9. That the appellant now wants to file the instant appeal in this Honorable Tribunal for redressal of his grievance on the following grounds amongst others.

GROUND:

- A) That the orders dated 21.02.2024 and not taking action on the departmental appeal of the appellant within the statutory period of ninety days are against the law, rules, facts, norms of justice, and material on record, therefore, not tenable and liable to be set aside.
- B) That in the inquiry proceeding, the appellant was never associated with the inquiry proceeding in order to defend himself, which is violation of law and rules and as such the impugned order is liable to be set aside on this ground alone.
- C) That in the inquiry proceeding the appellant was never appeared before the inquiry officer rather Reader of SP HQrs Mohsin handed over questionnaire to the appellant through Class-IV and directed the appellant to answer the questions and such conduct of the respondent department is against the law and rules and such the impugned order dated 21.02.2024 is liable to be set aside.
- D) That in the impugned dismissal order dated 21.02.2024, it was mentioned that cooking test was conducted through CDI Elite Force HQrs from the appellant, but he could not qualify the test and failed, but test has not been taken from the appellant by any official and the appellant was dismissed from service without any solid reason and proof to judge the efficiency in his field i.e cooking, and as such the impugned dismissal order dated 21.02.2024 is against the norms of justice and fair play.
- E) That the appellant was appointed as Cook Constable in the year 2013 after fulfilling all the codal formalities by the respondent department and served the department for about 11 years and in this respect recommendation certificate was also awarded to him for his good performance and after serving for about long period of 11 years, he was dismissed from service on the ground of incapability in respective cadre, which is against the norms of justice and fair play.
- F) That the appellant was sent to Serena Hotel for training in the field of cooking, but the concerned administration of the Serena Hotel assigned other duties instead of giving training in the field of cooking on which the appellant informed his in-charge CDI Waqar through phone about that issue, however, no action has taken on his phone/

complaint and the appellant continue his work in such capacity in the Serena Hotel, but he was dismissed from service on baseless allegations of not taking interest and returned without obtaining any training, which means that the appellant has performed his duty in the Serena Hotel as the concerned administration of the Serena Hotel directed to perform and was dismissed from service for the fault of the others on baseless allegations without conducting regular to dig out the realty about the allegation, which is against the norms of justice and fair play.

- G) That the appellant has properly attended the training at Serena Hotel Peshawar arranged by the department and after completing his training/work he reported back to Police Lines Peshawar, but he dismissed from service on baseless allegations of not taking interest and returned without obtaining any training, which means that the appellant was dismissed from service on baseless allegations without conducting regular to dig out the realty about the allegation, which is against the norms of justice and fair play.
- H) That the appellant was also discriminated as Deputy Commandant Elite Force directed respondent No.2 vide memo dated 31.01.2024 to initiate disciplinary proceeding against different officials, but no action has taken against some of them, while the appellant was dismissed from service on baseless allegation which is clear violation of Article-25 of the Constitution of Pakistan.
- I) That the opportunity of personal hearing and personal defense was not provided to the appellant, which is against the spirit of Article 10-A of the Constitution.
- J) That the appellant has been condemned unheard and has not been treated according to law and rules and has been punished for no fault on his part and as such the impugn order dated 21.02.2024 is liable to be set aside.
- K) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.


6

It is, therefore, most humbly prayed that the acceptance of this appeal, the order dated 21.02.2024 may please be set aside and the appellant may kindly be reinstated into service with all back and consequential benefits. Any other remedy which this Honorable Tribunal deems fit and appropriate that may also be awarded in favour of appellant:



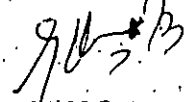
APPELLANT
Murad Ali

THROUGH:



(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

&



(SHAKIR ULLAH TORANI)
ADVOCATE

7

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____ /2024

Murad Ali

VS

Police Department

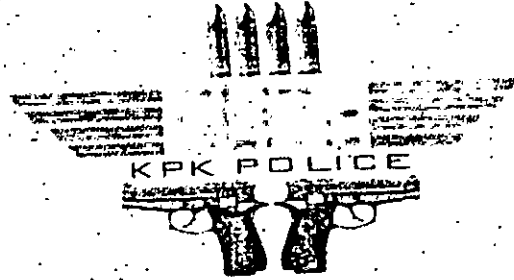
AFFIDAVIT

I, Murad Ali, Ex-Cook Constable No.231, Elite Force, Peshawar (Appellant) do hereby affirm and declare that the contents of this service appeal are true and correct and nothing has been concealed from this Honorable Tribunal.



DEPONENT

Elite Police Training Center, Nowshera



Commendation Certificate
Class III

This Certificate is Awarded to

Mr. MURAD, CFC, 231 S/O GUL JAMAL

This Certificate is Awarded on Successfully Completion of Cooking Course

O.B. NO

17

DATED

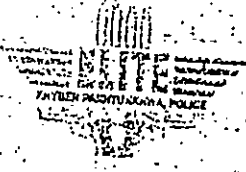
23-06-2023

Qualified

A large, stylized handwritten signature in black ink, likely belonging to the Principal, is written over the word "Qualified".

PRINCIPAL

Elite Police Training Center,
Nowshera



OFFICE OF THE SUPERINTENDENT OF POLICE,
HEADQUARTERS, ELITE FORCE, PESHAWAR.

B 9



No. 10374/R, SP/HQr, EF.

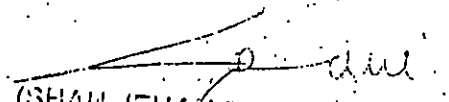
Date: 17/11/2023

To, The Manager of Serena Hotel,
Peshawar.

Subject: COOKING TRAINING

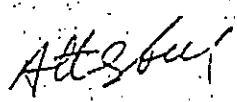
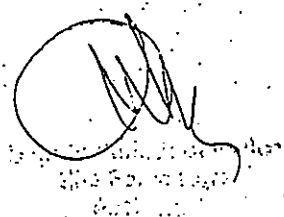
It is submitted that the following officials of Elite Force are sent to be trained in their respective cadres, please.

S.No.	Name	Designation	Posting
1.	FC Murad No. 231,	Cook	Elite HQrs Peshawar
2.	Tassawar Shah,	Cook	Elite HQrs Peshawar
3.	Haroon	Langi	Elite HQrs Peshawar
4.	Akhtar Munir	Cook	EPTC Nowshera
5.	Darvaish	Cook	EPTC Nowshera
6.	Himmat Khan	Cook	Banni Region


(SHAH JEHAN DURRANI) PSP
Superintendent of Police,
HQrs, Elite Force, Peshawar.

Copy for information to the:-

1. Principal EPTC, Nowshera
2. DSP/HQrs, Elite Force, Peshawar.
3. Office Superintendent, Elite Force, Peshawar.
4. Line officer, Elite Force, Peshawar.
5. OASI, Elite Force, Peshawar.
6. CDI, Elite Force, Peshawar.



C 10

No 1556-63/11

Dated: 31/01/2024

Subject: DIRECTIONS OF ADDL IGP ELITE FORCE KHYBER PAKHTUNKHWA DURING HEARING OF COOKS.

S No.	Name of Official	Decision	Action by
1.	Shehreyar Cook	To be dismissed from service after issuing a Show Cause Notice	SP HQrs: Elite Force Peshawar
2.	Murad Cook	Should be transfer to Miransha to report today, Pay stop, Proceed departmentally	SP HQrs: Elite Force Peshawar
3.	Mahir Ex CDI	Pay stop for keeping unqualified cooks.	Deputy Commandant
4.	Sher Khan Line officer	To be suspended, Pay-stop & issue Show Cause Notice;	Deputy Commandant EF / SP HQrs: Elite Force Peshawar
5.	Himat Cook	Transfer to Chitral, take test in cooking, in case of not qualify should be dismissed.	SP HQrs: Elite Force Peshawar
6.	Akhtar Munir Cook	Take test in cooking and report, in case of not qualifying be dismissed.	SP HQrs: Elite Force Peshawar
7.	Harooh Cook	Transfer to D.I. Khan today followed by dismissal after enquiry	Deputy Commandant EF / SP HQrs: Elite Force Peshawar
8.	Shamsul Wahab Cook	Transfer to Miransha, To be awarded major punishment on medical grounds	SP HQrs: Elite Force Peshawar
9.	Usman Sher Cook	Pay stop. Transfer to Miransha, to be awarded major punishment on medical grounds	SP HQrs: Elite Force Peshawar

(ABDUS SAMAD) PSP
Deputy Commandant
Elite Force Khyber Pakhtunkhwa Peshawar

Copy to the:-

1. Superintendent of Police, Elite Force, HQrs: Peshawar.
2. Regional Commander Elite Force Malakand Region.
3. SP NMDs Elite Force Khyber Pakhtunkhwa.
4. Accountant Elite Force, RRP Peshawar & IPTC Nowshera.
5. CDI Elite Force Peshawar

Better copy

(10)

Elite Force Khyber Pakhtunkhwa Peshawar

No 1556-63/FF

dated 31.01.2024

**Subject: DIRECTION OF ADDL: IGP ELITE FORCE KHYBER
PAKHTUNKHWA DURING HEARING OF COOK.**

S.No	Name of Official	Decision	Action
1	Shehreyar cook	To be dismissed from service after issuing show cause notice.	SP Hqrs: Elite Force Peshawar
2	Murad Cook	Should be transfer to Mansehra to report today, pay stop, proceed departmentally	SP Hqrs: Elite Force Peshawar
3	Mahir Ex CDI	Pay stop for keeping unqualified cooks	Deputy Commandant
4	Sher Khan Line officer	To be suspended pay stop & issue show cause notice	Deputy Commandant EF/SP Hqrs: Elite Force Peshawar
5	Himat Cook	Transfer to Chitral take test in cooking in case of not qualify should be dismissed	SP Hqrs: Elite Force Peshawar
6	Akhter Munir Cook	Take test in cooking and report, in case of not qualifying be dismissed	SP Hqrs: Elite Force Peshawar
7	Haroon Cook	Transfer to Di Khan today followed by dismissal after enquiry.	Deputy Commandant EF/SP Hqrs: Elite Force Peshawar
8	Shamsul Wahab Cook	Transfer to Mansehra, to be awarded major punishment on medical grounds.	SP Hqrs: Elite Force Peshawar
9	Usman Sher Cook	Pay stop, transfer to Miransha to be awarded major punishment on medical grounds	SP Hqrs: Elite Force Peshawar

(ABDUS SAMAD) PSP

Deputy Commandant

Elite Force Khyber Pakhtunkhwa Peshawar

Copy to the:

1. Superintendent of Police, Elite Force, Hqrs: Peshawar.
2. Regional Commander Elite Force Malakand Region.
3. SP NMDs Elite Force Khyber Pakhtunkhwa.
4. Accountant Elite Force, RRF Peshawar & EPTC Nowshera.
5. CDI Elite Force Peshawar.



OFFICE OF THE SUPERINTENDENT OF POLICE,
HQRS, ELITE FORCE PESHAWAR



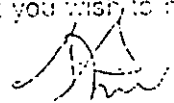
SHOW CAUSE NOTICE

Under Rule 5 (3)(c) of Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014)

That you constable Murad No.231 (Cook) have rendered yourself liable to be proceeded against departmentally under Rule 5(3) of the Khyber Pakhtunkhwa Police Rules 1975 (Amended 2014) for the commission of misconduct and negligence in duty enumerated below:-

You have been enlisted as cook constable in Elite Force, moreover, your were also departed to get experience by virtue of incapability in respective cadre but you did not take interest and returned without obtaining any training, which shows a gross misconduct on your part.

2. That by reason of above and sufficient material placed before the competent authority, it is decided to proceed against you in General Police Proceeding without aid of enquiry officer as contemplated in Rule 5(3)(c) of Police Rules 1975 (Amended 2014):
3. That the misconduct on your part is prejudicial to good order and service discipline.
4. That your retention in the Police force will amount to encourage of anti social elements, inefficient and corrupt Police officers.
5. That by taking cognizance of the matter under enquiry, the undersigned as competent authority under the said rules, proposes stern action against you by imposing upon you one or more of the major punishments as provided in the rules.
6. You are, therefore, called upon to show cause as to why you should not be dealt strictly in accordance with the Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014) for the commission of misconduct mentioned above.
7. You should submit reply to the show cause notice within 03 days of its receipt failing which an ex-parte action shall be taken against you.
8. You are further directed to inform the undersigned that you wish to be heard in person or not.


SHABIR HUSSAIN SHAH
Superintendent of Police,
HQrs, Elite Force, Peshawar.

No. 369-70 IR, SPI/HQrs, EF,

Date: 31/01/2024

This show cause notice served upon the delinquent Constable Cook Murad No.231 through CDI Elite Force HQrs Peshawar.

2021-2-10

0343536080

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بحوالہ شوکاز نمبری 70-369 مورخہ 31.01.2024 SP صاحب ایلیٹ ہیڈ کوارٹر معروض خدمت ہوں کہ سائل 2013 کو بحیثیت کلک کنسٹیبل پھرتی ہو کر ایلیٹ پولیس ٹریننگ سنٹر نوشہرہ و دیگر اضلاع میں صوبہ خیبر پختونخوا میں بحیثیت کلک کنسٹیبل ڈیوٹی سرانجام دے چکا ہوں علاوہ ازیں سائل کورس کولیفائیڈ بھی ہے۔

سائل دیگر کا اس فرد کے ساتھ حسب الحکم آفسران بالا سر بند پشاور میں ایک مہینہ کے لیے کوکنگ میں مہارت حاصل کرنے کے لیے پہلے بھیج چکا ہے لیکن وہاں پر ہم سے متعلقہ کیڈر کے علاوہ ڈنر بنالی جاتی ہے میں نے بروقت ایلیٹ کوارٹر کے ذمہ داری کو حاضر کیا ہے علاوہ ازیں سائل نے پاکستانی کھانے تسلی بخش طور پر تیار کر سکتا ہوں۔

جناب عالی: سائل نہایت ہی غریب گھرانے سے تعلق رکھتا ہے اور اپنی ڈیوٹی نہایت ہی ایمانداری کے ساتھ کرتا رہا ہوں۔

بذریعہ درخواست استدعا ہے کہ سائل کی شوکاز نوٹس بغیر کسی کارروائی کے داخل دفتر فرمائی جائے آپکا تا بعد ار مراد علی 231 کلک کنسٹیبل ایلیٹ فورس

OFFICE OF THE SUPERINTENDENT OF POLICE,
HQRS, ELITE FORCE PESHAWAR

13



CHARGE SHEET

1. Shabir Hussain Shah, Superintendent of Police HQrs, Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority hereby charge you Cook Constable Murad No.231 of Elite Force for the following omission/commission.

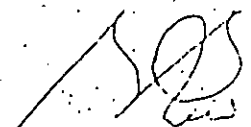
You have been enlisted as cook in Elite Force, moreover, you were also sent to get experience by virtue of incapability in respective cadre but you did not take interest and returned without obtaining any training, which shows a gross misconduct on your part.

2. By reason of the above, you appear to be guilty of misconduct under Khyber Pakhtunkhwa Police Rules, 1975, (Amendment 2014) and have rendered yourself liable to all of the penalties specified in the said rules.

3. You are, therefore, directed to submit your defence within 07 days of the receipt of this charge sheet to the enquiry officer.

4. Your written defence, if any, should reach the enquiry officer within the specified period failing which, it shall be presumed that you have no defence to put in and in that case ex-parte action shall be taken against you.

5. You are directed to intimate whether you desire to be heard in person.


SHABIR HUSSAIN SHAH
Superintendent of Police,
HQrs, Elite Force, Peshawar

امین عاتق کسٹبل مراد 231 کا چارج
سٹیٹ و سمری آف ایلکٹیشن و سول کوریج
موسس اس ایر تنسیف کوریج

الفیر
02-02-2024

16 201-1847715-5



SUMMARY OF ALLEGATIONS

1. Shabir Hussain Shah, Superintendent of Police Hors, Elite Force, Khyber Pakhtunkhwa, Peshawar, as competent authority, in the opinion of Constable Murad No. 231 has rendered himself liable to be proceeded against for the committed the following misconduct within the meaning of Khyber Pakhtunkhwa Police Rules, 1975 (Amendment 2014).

SUMMARY OF ALLEGATIONS

He has been enlisted as cook in Elite Force, moreover, he was also sent to get experience by virtue of incapability in respective cadre but he does not take interest and returned without obtaining any training, which shows a gross misconduct on his part.

2. For the purpose scrutinizing the conduct of the said Constable, reference to the above allegation, Mr. Ijaz Abazai DSP/HQs, Elite Force, Peshawar, appointed as enquiry officer.

3. The enquiry officer shall provide reasonable opportunity of hearing to the delinquent constable, record statement etc. and findings within (25 days) after the receipt of this order.

4. The delinquent Constable shall join the proceedings on the date, time and place fixed by the enquiry officer.

SHABIR HUSSAIN SHAH
Superintendent of Police,
HORS, Elite Force, Peshawar

dated Peshawar the

No. 394/98 DSP/HQs/EF

Copies to the:-

1. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. Accountant, of Elite Force, Khyber Pakhtunkhwa Peshawar.
3. OAS/SRC/FMO, Elite Force, Khyber Pakhtunkhwa Peshawar.
4. This Charge Sheet and Summary of Allegations to be served upon the delinquent Cook Constable Murad No. 231 through reader to DSP/HQs Elite Force, Peshawar.

(SHABIR HUSSAIN SHAH)
Superintendent of Police,
HORS, Elite Force, Peshawar

(Handwritten signature)

31-01-2024

02-02-2024

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Police Station

Handwritten notes in Urdu script, likely a police report or investigation notes. The text is dense and covers most of the page.

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SP

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for opinion of
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OFFICE OF THE DEPUTY SUPERINTENDENT OF POLICE,
HEADQUARTERS, ELITE FORCE, PESHAWAR.



Date: 13/02/2024

No. // /R, DSP/EF, HQrs

To: The Superintendent of Police,
HQrs, Elite Force, Peshawar.

Subject: DEPARTMENTAL ENQUIRY AGAINST COOK COSNABLE MURAD
NO.231

Kindly refer to your office Endst: No.394-98/EF, dated Peshawar the
02.02.2024.

In pursuance of your kind directives, the undersigned has completed
enquiry in the above cited case. Its stepwise detail is given below:

ALLEGATIONS:

That the delinquent Cook Constable Murad No.231 has been enlisted as
cook constable in Elite Force, moreover, he was also sent to get experience by virtue of
incapability in respective cadre but he did not take interest and returned without
obtaining any training, which shows a gross misconduct on his part.

PROCEEDINGS:

In this regard, Superintendent of Police, HQrs, Peshawar issued him
Charge Sheet & Summary of Allegations and Deputy Superintendent of Police
Headquarters Elite Force was appointed as enquiry officer.

Charge Sheet & Summary of Allegations was served upon the delinquent
Cook Constable on 02.02.2024, in reply to Charge Sheet & Summary of Allegations the
delinquent Cook Constable appeared before the undersigned in person and recorded
his written statement and was also cross examined (Enclosed)

13/02/2024 11:00 517-5

FINDINGS:

Keeping in view all the circumstance it has been reflected that the delinquent Cook Constable Murad No.231 was examined in his cadre (Cooking), cooking test was conducted through CDI Elite Force HQrs. He could not qualify and failed. Moreover, Upon perusal vide order No.6789-95/OASI/EF, dated: 18.05.2023, he was sent to EPTC Nowshera as well as vide orders No.1037-43/R, SP/HQrs, EF, dated: 17.11.2023 and No.1044-50/R, SP/HQrs, EF, dated: 17.11.2023 the delinquent Cook Constable was also sent to hotels (Shiraz Ronaq & Serena) for obtaining training in his respective cadre (Cooking) but he did not take interest and returned without getting experience and just passing his time.

CONCLUSION/ RECOMMENDATION:

Having gone through the all materials placed on record as under:

- Show Cause Notice,
- Reply to Show Cause Notice,
- Statement of CDI,
- Statement of the delinquent Cook Constable,

The undersigned has reached to conclusion that the delinquent Cook Constable Murad No.231 does not take interest to perform his duty as cook and despite of training he could not cook and not even tried to take interest in cooking. Therefore the charges leveled against him in Charge Sheet are stand proved.



IJAZ ABAZAI
Deputy Superintendent of Police,
HQrs, Elite Force, Peshawar.

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OFFICE OF THE SUPERINTENDENT OF POLICE,
HQRS, ELITE FORCE PESHAWAR



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FINAL SHOW CAUSE NOTICE

I, Shabir Hussain Shah, Superintendent of Police HQrs, Elite Force, Peshawar, as competent authority, under Khyber Pakhtunkhwa Police Disciplinary rules, 1975 (Amendment 2014) do hereby serve upon you Cook constable Murad Khan No.231 of Elite Force as follow:

That you have been enlisted as cook constable in Elite Force, moreover, you were also sent to get experience by virtue of incapability in respective cadre but you did not take interest and returned without obtaining any training, which shows a gross misconduct on your part.

1. Ongoing through the finding and recommendation of the enquiry officer, the material placed on record, I am satisfied that you have committed the omission/commission specified in Police Rules and charges leveled against you have been established beyond any doubt.

2. As a result therefore, I, Shabir Hussain Shah, Superintendent of Police HQrs, Elite Force, Peshawar as competent authority have tentatively decided to impose major penalty upon you, under Police Rules of the said ordinance.

3. You are, therefore, directed to show cause as to why the aforesaid penalty should not be imposed upon you, also intimate whether you desire to be heard in person.

4. If no replay to this notice is received within stipulated time of its delivery in normal course of circumstances, it shall be presumed that you have no defence to put in and in that case an ex- parte action shall be taken against you.

SHABIR HUSSAIN SHAH
Superintendent of Police,
HQrs, Elite Force, Peshawar.

No. 465-66 /R, SP/HQrs, EF,

Date: 13/02/2024

This final show cause notice served upon the delinquent Cook Constable Murad Khan No.231 through reader to DSP HQrs, Elite Force, Peshawar and report this office.

میں نے ایسا فائنل شو کاز درست طور پر وصول کیا

الذی

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OFFICE OF THE SUPERINTENDENT OF POLICE,
HQRS, ELITE FORCE PESHAWAR



No. 498-565/R, SP/HQr, EF.

D. No. 1051

Date 22-02-24

date 21/02/2024

Commandant Elite Force
ORDER

This order will dispose of the departmental enquiry against the delinquent Cook Constable Murad No.231. That he was enlisted as Cook Constable in Elite Force, moreover, he was also sent to get experience by virtue of incapability in respective cadre but he did not take interest and returned without obtaining any training.

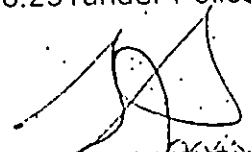
Similarly once again the delinquent Cook Constable Murad No.231 was examined in his cadre (Cooking), cooking test was conducted through CDI Elite Force HQrs but could not qualify and failed.

In this regard Charge Sheet and Summary of Allegations vide No.394-98/R/SP/HQrs/EF dated: 02.02.2024 was issued him and Mr. Ijaz Abazai, Deputy Superintendent of Police, HQrs, Elite Force, Peshawar, was appointed as enquiry officer. Enquiry officer found him guilty during the course of enquiry.

Similarly, the delinquent Cook constable was issued vide final Show Cause Notice No.465-66/R, SP/HQrs, EF, dated: 13.02.2024. Responding to Final Show Cause Notice he submitted his written reply in OR but could not satisfy the undersigned.

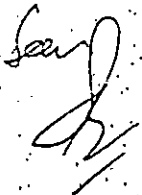
Therefore, I, Mr. Shabir Hussain Shah, Superintendent of Police, HQrs, Elite Force, Peshawar, being a competent authority in view of the above facts and recommendation of enquiry officer, major punishment "dismissal from service" is hereby awarded upon the delinquent Cook Constable Murad No.231 under Police Rules 1975 (Amended 2014)

Order announced!


SHABIR HUSSAIN SHAH
Superintendent of Police,
HQrs, Elite Force, Peshawar.

Copy of the above is forwarded for information to the:

1. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Superintendent of Police, HQrs, Elite Force, Peshawar.
3. Accountant, of Elite Force, Khyber Pakhtunkhwa Peshawar.
4. PA to Additional Inspector General of Police, Elite Force, Khyber Pakhtunkhwa, Peshawar,
5. Incharge Kot Elite Force, HQrs, Peshawar,
6. SRC /OASI Elite Force Khyber Pakhtunkhwa, Peshawar.
7. FMC Elite Force Khyber Pakhtunkhwa, Peshawar along with (18Pages).



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VAKALAT NAMA

NO. _____/2024

IN THE COURT OF Khyber Pakhtun Khwa Service Tribunal

Murad (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt (Respondent)
(Defendant)

I/We, Murad Ali

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2024

Ali
(CLIENT)

ACCEPTED

Taimur Ali Khan
TAIMUR ALI KHAN
Advocate High Court

BC-10-4240
CNIC: 17101-7395544-5
Cell No. 03339390916

Adv: Shahid Mehar Khan