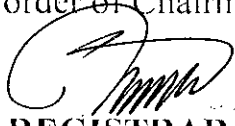


# FORM OF ORDER SHEET

Court of \_\_\_\_\_

**Appeal No. 905/2024**


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. Usman Sher 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. Usman Sher received today i.e on 24.06.2024 is incomplete on the following score which is returned to the appellatant 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 & F 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. 254 /Inst./2024/KPST,

Dt. 25/6 /2024.

  
25/6/24  
OFFICE ASSISTANT  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Taimur Ali Khan Adv.  
High Court Peshawar.

Respected Sir,

1- Removed.

2- Removed.

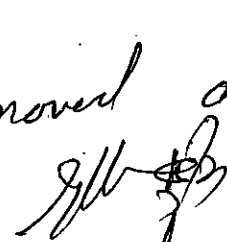
3- Removed.

4- Removed.

5- Better copies of Annexure - C & F all prepared.

6- Removed.

All objections are removed and resubmitted.

  
Adv: Shakeri Malik Dostani

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

SERVICE APPEAL NO. 905 /2024

Usman Sher

VS

Police Department

**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	22-23
10	Vakalat-Nama	-----	24

APPELLANT

THROUGH:

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

&   
(SHAKIR ULLAH TORANI)  
ADVOCATE

(1)

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

Khyber Pakhtunkhwa  
Service Tribunal

SERVICE APPEAL NO. 905 /2024 Diary No. 13728

Dated 24-06-2024

Usman Sher, Ex-Cook Constable No.177,  
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.

-----

**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 Shiraz Ronaq Hotel, Peshawar for training in their respective cadre vide letter dated 17.11.2023, but the concerned administration of the Shiraz Ronaq 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 Shiraz Ronaq Hotel. (Copy of letter dated 17.11.2023 is attached as Annexure-B)
4. That the appellant after completing his work in the Shiraz, Ronaq Hotel reported back to Police Lines Peshawar, but the appellant was transferred to Mansehra on the basis of departmentally proceeding through memo dated 31.01.2024 and show cause notice was also issued to him under Police Rules 1975 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 Shiraz Ronaq Hotel for training, but the concerned administration of the Shiraz Ronaq 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 Shiraz Ronaq. (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 Usman Sher No.177 (appellant) 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 Usman Sher No.177 (appellant) was examined in his cadre (Cooking). Cooking test was conducted through CDI Elite Force HQrs but could not qualify and failed, but no test has taken from the appellant by any official. The appellant filed departmental on 06.03.2024 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&N)

- 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.

**GROUNDS:**

- 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 cadre 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 Shiraz Ronaq Hotel for training in the field of cooking, but the concerned administration of the Shiraz Ronaq 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 Shiraz Ronaq 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 Shiraz Ronaq Hotel as the concerned administration of the Shiraz Ronaq 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 reality about the allegation, which is against the norms of justice and fair play.

- G) That the appellant has properly attended the training at Shiraz Ronaq Hotel Peshawar arranged by the department and after completing his training he reported back to Police Lines, 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 reality 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 impugned 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.

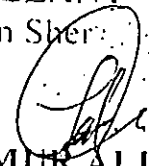


It is, therefore, most humbly prayed that the acceptance of this appeal, the order dated 21.02.2024 may please be set aside and the appellant may kindly be reinstated into service with all back and consequential benefits. Any other remedy which this Honorable Tribunal deems fit and appropriate that may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



APPELLANT  
Usman Sher

THROUGH:



(TAIMUR ALI KHAN)  
ADVOCATE HIGH COURT  
&  
(SHAKIR ULLAH TORANI)  
ADVOCATE

7

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

SERVICE APPEAL NO. \_\_\_\_\_ /2024

Usman Sher

VS

Police Department

**AFFIDAVIT**

I, Usman Sher, Ex-Cook Constable No.177, 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. USMAN SHER, CFC 177 S/O UMAR SHER

This Certificate is Awarded on Successfully Completion of Cooking Course

O.B. NO

17

DATED

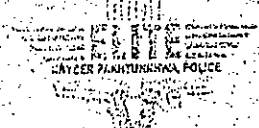
23-06-2023

*Qualified*

PRINCIPAL

Elite Police Training Center  
Nowshera

B 9



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



No. 445 /R, SP/HQr, EF,

Date: 17/11/2023

To, The Manager of Shiraz Ronaq, 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 Shams Ul Wahab No.559	Cook	Elite HQrs Peshawar
2.	FC Usmar Sher.No.177	Cook	Elite HQrs Peshawar
3.	Sheryar	Cook	Elite HQrs Peshawar

*Shah Jehan Durrani*  
(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.

*Abdul*

C

10



ELITE FORCE PESHAWAR, PESHAWAR



No 1556-63

Dated: 31/01/2024

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

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.	Himmat 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.	Haroon 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

(ABBUS 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 & BPTC Nowshera.
- ✓ CDI Elite Force Peshawar

*C* *Better copy* *(18)*  
**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 Usman Sher No.177 (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.

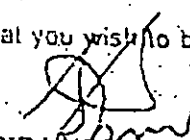
4. That your retention in the Police force will amount to encourage of anti social elements, inefficient and corrupt Police officers.

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

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

No. 359-60 IR.SPJHQrs, EF.

Date: 31 /10/2024

This show cause notice served upon the delinquent Constable Cook Usman Sher No.177 through CDI Elite Force HQrs Peshawar

16282-2646373

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



CHARGE SHEET

I, Shabir Hussain Shah, Superintendent of Police HQrs. Elite Force Khyber Pakhtunkhwa, Peshawar as competent authority hereby charge you Cook Constable Usman Sher No.177 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.*

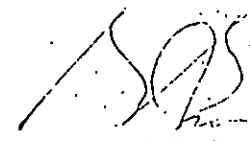
2. By reason of the above, you appear to be guilty of misconduct under Khyber Pakhtunkhwa Police Rules, 1975, (Amendment 2014) and have rendered yourself liable to all of the penalties specified in the said rules.

3. You are, therefore, directed to submit your defence within 07 days of 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 forward 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.

عشق 1770  
میں نے اس کو سیکل مہرچہ 231 کا چارج  
شعبہ و سرکاری آف انٹیکشن وصول کر لیا ہے  
یہ کہیں اس کو تقسیم کروں گا۔

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

الف  
02-02-2024

F Better copy (13)  
**OFFICE OF THE SUPERINTENDENT OF POLICE,  
HQRS, ELITE FORCE PESHAWAR.**

**CHARGE SHEET**

I, Shabir Hussain Shah, superintendent of police HQrs. Elite Force Khyber Pakhtukhwa Peshawar as competent authority hereby charge you cook constable Usman Sher No.177 of Elite Force for the following omission/commission.

*You have been enlisted as cook constable 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.*

2. By reason of above, you appear to be guilty of misconduct under Khyber Pakhtunkhwa Police Rules, 1975 (Amended 2014) and have rendered yourself liable to all of the penalties specified in the said rules.
3. You are, therefore, directed to submit your written 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.

14

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

SUMMARY OF ALLEGATIONS

1. Shabir Hussain Shah, Superintendent of Police HQrs, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority am of the opinion that Cook Constable Usman Sher No.177 has rendered himself liable to be proceeded against as he has 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 in reference to the above allegation, Mr. Ijaz Abazai DSP/HQrs, Elite Force, Peshawar is 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.

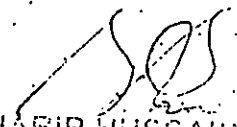
SHABIR HUSSAIN SHAH  
Superintendent of Police,  
HQrs, Elite Force, Peshawar.

399-463/R/SP/HQrs/EF

dated Peshawar the 02/07/2024

Copies to the

1. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. Accountant, of Elite Force, Khyber Pakhtunkhwa Peshawar.
3. OASI/SRC/ FMC, Elite Force, Khyber Pakhtunkhwa Peshawar.
4. This Charge Sheet and Summary of Allegations to be served upon the delinquent Cook Constable Usman Sher No.177 through reader to DSP/HQrs Elite Force Peshawar.

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

Better copy (24)

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

SUMMARY OF ALLEGATIONS

I, Shabir Hussain Shah, superintendent of police HQrs, Elite Force Khyber Pakhtukhwa Peshawar as competent authority hereby charge you cook constable Usman Sher No.177 has rendered himself liable to be proceeded against as he has committed the following misconduct within the meaning of Khyber Pakhtunkhwa Police rules, 1975 (Amendment 2014)

SUMMARY OF ALLEGATIONS

*You have been enlisted as cook constable 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.*

2. For the purpose scrutinizing the conduct of the said constable with reference to eth above allegation Mr. Ijaz Abazai DSP/HQrs, Elite Force Peshawar is 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 proceeding on the date time and place fixed by the enquiry officer.

SHABIR HUSSAIN SHAH  
Superintendent of Police  
HQrs, Elite Force Peshawar

No. 399.403 R/SP/HQrs/EF

Dated Peshawar The 02/02/2024

Copies to the

1. Deputy commandant Elite Force Khyber Pakhtunkhwa, Peshawar.
2. Accountant of the Elite Force Khyber Pakhtunkhwa, Peshawar.
3. OASI/SRC/FMC, Elite Force Khyber Pakhtunkhwa, Peshawar.

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

06-02-2024

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399.403  
9/1/2024

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



No. 12 /R. DSP/EF, HQrs

Date: 13 /02/2024

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

Subject: DEPARTMENTAL ENQUIRY AGAINST COOK COSNABLE USMAN  
SHER NO.177

Kindly refer to your office Endst: No.399-403/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 Usman Sher No.177 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)

MIC 17301-1499517-5

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**FINDINGS:**

Keeping in view all the circumstance it has been reflected that the delinquent Cook Constable Usman Sher No.177 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 Usman Sher No.177 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



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 Usman Sher No.177 of Elite Force as follow:

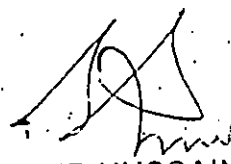
That you have been enlisted as cook constable in Elite Force, moreover, you were also sent to get experience by virtue of incapability in respective cadre but you did not take interest and returned without obtaining any training, which shows a gross misconduct on your part.

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. 463-64 /R,SP/HQrs, EF,

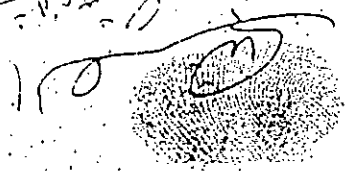
Date: 13/02/2024

This final show cause notice served upon the delinquent Cook Constable Usman Sher No.177 through reader to DSP HQrs, Elite Force, Peshawar and report this office.

پس من ایضا کاپی شہر کا درست طور پر وصول کیا



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کتابخانه ملی افغانستان - کابل

کتاب: تاریخ افغانستان - جلد اول

مؤلف: دکتور محمد هوتک

تاریخ: ۱۳۰۵ هجری شمسی

موضوع: تاریخ

تعداد کتب: ۱

محل نگهداری: کتابخانه ملی

تاریخ ثبت: ۱۳۰۵

محل ثبت: کابل

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



D. No. 1050

No. 490-97/R, SP/HQr, EF. 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 Usman Sher No.177. 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.

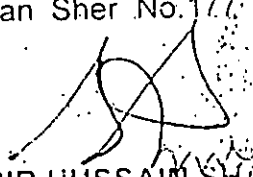
Similarly once again the delinquent Cook Constable Usman Sher No.177 was examined in his cadre (Cooking), cooking test was conducted through CDI Elite Force HQrs but could not qualify and failed.

In this regard Charge Sheet and Summary of Allegations vide No.399-403/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.463-64/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 Usman Sher No.177, 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).



377  
Date 06-03-24  
Commandant Elite Force

بخدمت جناب کمانڈنٹ صاحب ایلیٹ فورس خیبر پختونخواہ پشاور

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مضمون: محکمانہ اپیل بر خلاف حکم / آرڈر نمبری EF/SP/HQr, 490-97/R مورخہ 21/02/2024 جسکی بناء پر سائل کو Dismissal from Service کی سزا دی گئی ہے۔

جناب عالی!

مؤدبانہ گزارش ہے کہ سائل سال 2013 کو ایلیٹ فورس میں بطور Cook Constable بھرتی ہوا۔ اور دوران سروس مختلف انسران کے ساتھ مردان، پشاور اور EPTC میں اپنی ذیوقی خوش اسلوبی کے ساتھ سزا انجام دی ہے۔ دوران ملازمت سائل نے انسران بالا کو کسی قسم کی شکایت کا موقع نہیں دیا۔ اور فرائض منصبی ایمانداری کے ساتھ پوری کرتا رہا۔

کچھ عرصہ پہلے سائل کو 2023 میں Advance Cooking Course کیلئے شیراز روتق ہوٹل کیلئے سلیکٹ کیا گیا تھا۔ جو کہ سائل نے انسران بالا کے حکم کی تعمیل کرتے ہوئے، (45) دن کورس کو مکمل کر کے، اور اس ٹریننگ کے دوران سائل نے مختلف قسم کے کھانے پکانے کی مہارت حاصل کی۔ ٹریننگ کے دوران شیراز روتق کے انچارج کلک نے مجھے کہا کہ پاکستانی کھانوں کو پکانے میں مہارت حاصل کرنے کیلئے کم از کم (ایک سال) کی پریکٹس کا وقت درکار ہوتا ہے۔ جسکے لئے 45 دن میں مہارت حاصل کرنا بہت مشکل ہے۔ باوجود اسکے من سائل نے کافی مہارت حاصل کی۔

اسکے علاوہ سائل نے سال 2021 میں کنگ کورس EPTC نوشہرہ میں کامیابی کے ساتھ کوالیفائیڈ کیا، اور انسران سے پاس سرٹیفکیٹ بھی حاصل کیا۔ نیز سائل سے باقاعدہ طور پر Cooking Test نہیں لیا گیا ہے۔ صرف زبانی جمع خرچ میں Cooking Test کا ذکر کر کے فیل ظاہر کیا گیا ہے۔ اور سائل ہر قسم Cooking Test دینے کیلئے تیار ہوں۔

جناب والا! سائل کو تعلق ایک غریب گھرانے سے ہے۔ اور 4 بچے بھی ہیں۔ اور اپنے خاندان کا واحد سہارا اور کفیل ہے۔ اور سائل کے والدین بھی ضعیف التمر اور بیمار ہیں۔ اس ملازمت کے سوا کوئی دوسرا روزگار نہیں ہے، کہ اپنے خاندان کی کفالت کر سکیں۔

لہذا بذریعہ درخواست استدعا ہے، کہ مندرجہ بالا حقائق کو مد نظر رکھتے ہوئے، من سائل کو ملازمت پر دوبارہ بحال فرما کر مستحکم فرمائیں۔

آری: عبدالرحمن شیر ولد عمر شیر (Cook Constable) ساکن ضلع صوابی

تلفون نمبر 0341-9106902

CNIC# 16202-9646637-3

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**VAKALAT NAMA**

NO. \_\_\_\_\_/2024

IN THE COURT OF Khyber Pakhtun Khwa Service Tribunal

Usman Jees (Appellant)  
(Petitioner)  
(Plaintiff)

VERSUS

Police Deptt (Respondent)  
(Defendant)

I/We, Usman Jees

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

[Signature]  
(CLIENT)

**ACCEPTED**

[Signature]  
**TAIMUR ALI KHAN**  
Advocate High Court

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

[Signature]  
Adv: Shauqatullah Taseem