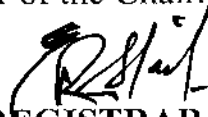


FORM OF ORDER SHEET

Court of _____

Appeal No. 1407/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	03-Sep-24	<p>The appeal of Mr. IRFAN presented today by Mr. Taimur Ali Khan Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 18-Sep-24. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

SERVICE APPEAL NO. 1407 /2024

Irfan

VS


Police Department

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01	Memo of Appeal	----	01-05
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03	Copy of cash awards	A	07-15
04	Copies of order dated 19.01.2024 and Naqal Mads	B&C	16-19
05	Copies of charge sheet along with statement of allegations and reply to charge sheet	D&E	20-23
06	Copies of application and inquiry report	F&G	24-25
07	Copies of final show cause notice and reply	H&I	26-27
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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. 1407 /2024

Irfan, Ex-Constable No.697,
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 14.05.2024, 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 14.05.2024 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 constable in respondent Department in the year 2008 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 also granted cash award by his high ups on different occasion for his good performance. (Copy of cash awards are attached as Annexure-A)
3. That the appellant was performing his duty in Police Club in Police Lines, Peshawar with the entire satisfaction of his superiors, but respondent No.2 issued an order dated 19.01.2024, wherein, it was mention that constable Irfan No.697 (appellant) has shown ill discipline and do not take interest in duty is hereby suspended and closed to Elite Force HQrs, Peshawar with immediate effect, without any specification when and where ill discipline has shown by the appellant and did not take interest in duty. It is pertinent to mention here that after suspension the appellant was send to quarter guard which is evident from the Naqal Mad No.08 dated 19.01.2024 and kept in quarter guard for 04 days and was released from quarter guard vide Naqal Mad dated 23.01.2024 and then transfer to Chitral on next day vide Naqal Mad dated 24.01.2024 and the appellant took over charge of duty at Chitral on 25.01.2024. (Copies of order dated 19.01.2024 and Naqal Mads are attached as Annexure-B&C)
4. That charge sheet along with statement of allegations were issued to the appellant on 19.01.2024 in which it was mentioned that as per DD No.17, dated 19.01.2024 Elite Force Hqrs, Peshawar, you have shown ill discipline and do not take interest in official duty, your act amounts to gross misconduct and highly objectionable/punishable without any specification that when and where ill discipline has shown by the appellant and did not take interest in duty. The appellant submitted his detail reply to the charge sheet in which he clearly mentioned that he did not commit any misconduct and always obey his high ups and he is performing his duty with great zeal to the entire satisfaction of his superiors. (Copies of charge sheet along with statement of allegations and reply are attached as Annexure-D&E)
5. That inquiry was conducted against the appellant, but the appellant was never associated with the inquiry proceeding in order to defend himself as on 19.01.2024 the appellant was suspended and put in quarter guard and on same day i.e 19.01.2024, charge sheet along with statement of allegations were issued to the appellant, but he was in quarter guard at that time and after release from quarter guard on

③

23.01.2024 he was transferred to Chitral on the next day and till his dismissal from service he was performing his duty Chitral, but despite that the appellant was held guilty by the inquiry officer on one sided inquiry although no specific allegations were leveled against the appellant. Even the inquiry report was not provided to the appellant, therefore, the appellant filed an application to provide him the inquiry report on which inquiry report was provided to him. (Copies of application and inquiry report are attached as Annexure-F&G)

6. That final show cause was issued to the appellant. The appellant submitted his reply to the final show cause notice and stated that he has already given his stance in reply to charge sheet in which he denied the allegations. (Copies of final show cause notice and reply are attached as Annexure-H&I)
7. That on the basis of above baseless allegations and without conducting proper inquiry, the appellant was dismissed from service vide order dated 14.05.2024. The appellant filed departmental on 20.05.2024, which was not responded within the statutory period of ninety days. (Copies of order dated 14.05.2024 and departmental appeal are attached as Annexure-J&K)
8. 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 14.05.2024 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 the order dated 14.05.2024 is 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, as on 19.01.2024 the appellant was suspended and put in quarter guard and on same day i.e 19.01.2024 charge sheet along with statement of allegations were issued to the appellant but he was in quarter guard at that time and after release from quarter guard on 23.01.2024, he was transferred to Chitral on the next day and till his dismissal from service he was performing his duty Chitral and was never called by the inquiry officer during the inquiry proceeding, but despite that inquiry officer hold him, 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 the inquiry officer mentioned in the finding/ conclusion/recommendation of the inquiry report that having gone through the all material placed on record and statement so recorded the undersigned has reached the conclusion that the delinquent constable has committed offence of ill discipline and lack of interest in his official duties, and the delinquent constable was found guilty, but when specific occurrence of ill discipline and lack of interest in his official duty was not specified in the charge sheet then on what ground and how the inquiry officer found guilty the appellant, which means that the appellant has been punished for no fault and has been dismissed from service without any allegation.
- D) That the appellant was performing his duty in Police Club in Police Lines, Peshawar with the entire satisfaction of his superiors, but respondent No.2 issued an order dated 19.01.2024, wherein, it is mention that Constable Irfan No.697 (appellant) has shown ill discipline and do not take interest in duty and similarly charge sheet was also issued on those allegations, but neither in order dated in order dated 19.01.2024 nor in charge sheet, it was specify that when and where ill discipline has shown by the appellant and did not take interest in duty, which means that the appellant has been punished for no valid reason and has been punished for no fault on his part which is against the against the norms of justice and fair play.
- E) That the appellant clearly denied the allegations in his reply to charge sheet and show cause, but without observing his replies and without conducting regular the appellant was dismissed from service which is against the norms of justice and fair play.
- F) 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.
- G) 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 14.05.2024 is liable to be set aside.
- H) That the appellant seeks permission of this Honorable Tribunal to advance others grounds and proofs at the time of hearing.

5

It is, therefore, most humbly prayed that the acceptance of this appeal, the order dated 14.05.2024 may please be set aside and the appellant may kind 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.

Irfan

APPELLANT
Irfan

THROUGH:

[Signature]

(TAIMER ALI KHAN)
ADVOCATE HIGH COURT
&

(SHAKIR ULLAH TORANI)
ADVOCATE

6

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

SERVICE APPEAL NO. _____/2024

Irfan

VS

Police Department

AFFIDAVIT

I, Irfan, Ex-Constable No.697, 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.

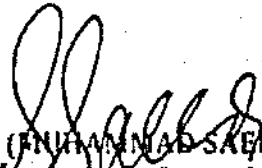
Irfan
DEPONENT

A (7)

ORDER

The following staff of Addl: IGP Elite Force Office is hereby awarded cash reward as noted against their names for their efficient performance of official duties:-

S.No	Name	Amount
1.	Shah Zeb Khan PSO to Addl: IGP	1000
2.	Syed Adil Ali Abid Comp Oper	1000
3.	Amjad Siddiqui Steno Typist	1000
4.	Muhammad Jibran JC	1000
5.	Ibrahim Gul Tele Operator	1000
6.	Raheem Gul Tele Operator	1000
7.	Muhammad Irfan Stickman	1000
8.	Meherdil Stickman	1000
9.	Muhammad Shahid N/Q	1000
10.	Nawaz Khan N/Q	1000
11.	DHC Fayaz	1000
12.	DFC Mujahid	1000
13.	Abdul Wadood Gunner	1000
14.	Saqib Ali Gunner	1000


(MUHAMMAD SAHEED) P.S.P
Addl. Inspector General of Police,
Elite Force Khyber Pakhtunkhwa
Peshawar.

PAYMENT ORDER

Rs: 14000.
Rupees fourteen thousand
Under Head AD-6103.

Cash Reward

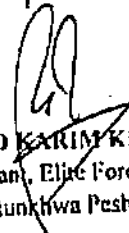
add (B)

The following Officers / Officials posted at the Office of Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar, are hereby recommended for suitable cash reward for their good performance and duties.

1. HC Sardar Alam
2. FC Irfan (Stickman)

Rs. 2000/-

Rs. 2000/-



(MUHAMMAD KARIM KHAN) MSP
Commandant, Elite Force,
Khyber Pakhtunkhwa Peshawar.

Ce

PAYMENT ORDER

Rs: 1000
Rupees Four Thousand

Under Head AD-6103


Director of Elite Force
Khyber Pakhtunkhwa
Peshawar.

Cash Reward

9

The following Officers / Officials of Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar, are hereby recommended for suitable cash reward for their good performance and duties.

1. Nadeem Khan PA	Rs. <u>2000/-</u>
2. Anjid Siddique (ST)	Rs. <u>1000/-</u>
3. JC Jibran	Rs. <u>1000/-</u>
4. Ibrahim Gul Tele/Opr	Rs. <u>1000/-</u>
5. FC Ralim Gul Tele/Opr	Rs. <u>1000/-</u>
6. FC MeherDil (Stickman)	Rs. <u>1000/-</u>
7. FC Irfan (Stickman)	Rs. <u>1000/-</u>
8. Muhammad Shahid N/Q	Rs. <u>1000/-</u>
9. Nawaz Khan N/Q	Rs. <u>1000/-</u>
10. Mudassir C-IV	Rs. <u>1000/-</u>

(MUHAMMAD KARIM KHAN) PSP
Commandant, Elite Force,
Khyber Pakhtunkhwa Peshawar.

PAYMENT ORDER


Rs: 11000/-
Rupees: Eleven Thousand
Under No: AS-0103.

Drawing Officer
Elite Force Khyber Pakhtunkhwa
Peshawar

Cash Reward

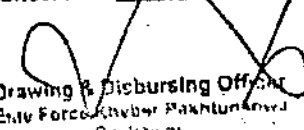
The following Officers / Officials posted at the Office of Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar, are hereby recommended for suitable cash reward for their good performance and duties.

- | | |
|------------------------------|--------------------|
| 1. Meher Dil (Stickman) | Rs. <u>1000</u> /- |
| 2. Muhammad Irfan (Stickman) | Rs. <u>1000</u> /- |
| 3. Nawaz (Class IV) | Rs. <u>1000</u> /- |
| 4. Shahid (Class IV) | Rs. <u>1000</u> /- |


(Kayim Khan)
Commandant Elite Force
KPK CPO Peshawar

PAYMENT ORDER

Rs: 4000
Rupees Four Thousand
Under Head 10-6103


Drawing & Disbursing Officer
Elite Force, Khyber Pakhtunkhwa
Peshawar.


ORDER.

11/11

11

The following Police personnel of Elite Force Khyber Pakhtunkhwa are hereby awarded cash reward as noted against their names for their efficient performance of official duties:-


S.No	Name	Amount
1.	Muhammad Irfan Stickman	5000
2.	Meherdil Stickman	5000


(MUHAMMAD SAEED) P.S.P
Addl. Inspector General of Police,
Elite Force Khyber Pakhtunkhwa.

PAYMENT ORDER

Rs: 10000/-
Rupees

Under Head 15-1103


Disbursing Officer
Elite Force Khyber Pakhtunkhwa

1. Name of Recipient
 2. Rank
 3. Branch
 4. Date

(Signature)
 Commander, Elite Force
 New York Post Office

\$ 100.00
 \$ 100.00
 \$ 100.00
 \$ 100.00

1. Major D. (Sickman)
2. Submarine (Sickman)
3. Navy (Class IV)
4. Shipid (Class IV)

The following Officers: Details listed in the Office of Commandant
 Elite Force, Khyber Pakhtunkhwa, Pakistan, are hereby recommended for suitable cash
 reward for their good performance and duties.

Cash Reward

(Signature)
 10/10/10

ORDER

13 per

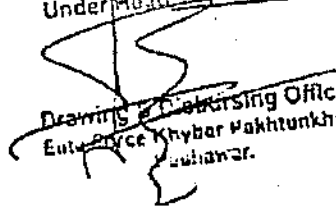
The following Police personnel are hereby awarded Cash Reward as noted against their names for their good performance of official duties:-

S.No.	Name & No.	Amount
1.	FC Muhammad Irfan No. 697	3000
2.	Jahangir Khan Cook	3000

(M) (M) (M)
(MUHAMMAD WISAL FAKHAR SULTAN) PSP
Addl: IGP/Commandant,
Elite Force Khyber Pakhtunkhwa Peshawar.

PAYMENT ORDER

Rs: 6000.
Rupees Six thousand
only
Under Head 45-6103.


Drawing & Disbursing Officer
Elite Force Khyber Pakhtunkhwa
Peshawar.



ORDER

14

The following personnel of Elite Force Khyber Pakhtunkhwa are hereby awarded cash reward as noted against their names for their efficient performance of official duties:-

S#	Name	Amount
1.	FC Meher Dil No. 1961	2,000/-
2.	FC/Muhammad Irfan No. 697	2,000/-
3.	FC Saad	2,000/-
4.	Cook Jahangir	2,000/-
5.	Electrician Sajid	2,000/-

(MUHAMMAD WISAL FAKHAR SULTAN)PSP

Add: IGP/Commandant
Elite Force Khyber Pakhtunkhwa Peshawar.

Re: 10000
Particulars: 1000
Under Head: 6103

Drawing & Disbursing Officer
Elite Force Khyber Pakhtunkhwa,
Peshawar.

Drawing & Engraving Officer
 Engr. Fiaz Ahmad Pashunhwa
 Peshawar
 Under Head
 A.C. 3
 10/11
 12/11

(MUTAHAMMAD WISAL FAKHAR SULTAN) PSP
 Addl: ICP Commandant
 Elite Force Khyber Pakhtunkhwa Peshawar

(Handwritten signature)

S#	Name	Amount
1.	FC Nicheer DII No. 1961	2,000/-
2.	FC Muhammad Irfan No. 697	2,000/-
3.	FC Sand	2,000/-
4.	Cook Jahangir	2,000/-
5.	Electrician Saif	2,000/-

The following personnel of Elite Force Khyber Pakhtunkhwa are hereby
 awarded cash reward as noted against their names for their efficient performance of official
 duties:-

ORDER

15



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



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No. 278-49 / R. SP/HD. Elite Force, Peshawar, dated 23-01-2024

ORDER

Constables from No. 697 of Elite Force, has shown ill discipline and do not take interest in duty is hereby suspended and closed to Elite Force, HQR, Peshawar with immediate effect.

(SHAH JEHANDURRANI) PSP
Superintendent of Police
HQR, Elite Force, Peshawar

- 1. Deputy Commandant Elite Force, Khyber Pakhtunkhwa Peshawar
 - 2. Accounts Officer Elite Force, Khyber Pakhtunkhwa Peshawar
 - 3. DSP/HS Elite Force, Peshawar
 - 4. CAS/STP Elite Force, Khyber Pakhtunkhwa Peshawar
 - 5. HMC Elite Force, Khyber Pakhtunkhwa Peshawar
- Copy for information to the

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

No.244-49 /R, SP/HQr EF

19/01/2024

ORDER

Constable Irfan No.697 of Elite Force, has shown ill discipline and do not take interest in duty is hereby suspended and closed to Elite Force, HQrs, Peshawar with immediate effect.

Moreover, departmental enquiry will be initiated.

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

Copy for information to the:-

1. Deputy Commandant, Elite Force, Khyber Pakhtunkhwa, Peshawar.
2. Accountant Elite Force, Khyber Pakhtunkhwa, Peshawar.
3. DSP/HQrs Elite Force, Peshawar.
4. OASI/SRC Elite Force, Khyber Pakhtunkhwa, Peshawar.
5. FMC, Elite Force, Khyber Pakhtunkhwa, Peshawar.

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19/08/2019

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24/01/24

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(19)



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



SUMMARY OF ALLEGATIONS

I, Shah Jehan Durrani, Superintendent of Police HQrs, Elite Force, Khyber Pakhtunkhwa, Peshawar as competent authority am of the opinion that Constable Irfan No.697 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).

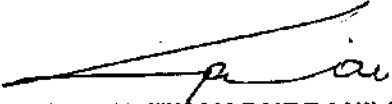
SUMMARY OF ALLEGATIONS

As per DD No.17, dated: 19.01.2024 Elite Force HQrs, Peshawar, he has shown ill discipline and do not take interest in official duty, his act amounts to gross misconduct and highly objectionable/punishable.

2. For the purpose scrutinizing the conduct of the said Constable, with reference to the above allegation. **Mr. Ijaz Abazai, Deputy Superintendent of Police, 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.



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

No. 250-54 R/SP/HQrs/EF,

dated Peshawar the 19 /01/2024.

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 constable Irfan No.697 through reader to DSP HQrs, Elite Force, Peshawar.


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



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



CHARGE SHEET

I, Shah Jehan Durrani, Superintendent of Police HQrs, Elite Force, Khyber Pakhtunkhwa Peshawar as competent authority hereby charge you Constable Irfan No.697 of Elite Force for the following omission/commission.


As per DD No.17, dated: 19.01.2024 Elite Force HQrs, Peshawar, you have shown ill discipline and do not take interest in official duty, your act amounts to gross misconduct and highly objectionable/punishable.

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.


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

To,

Superintendent of Police

HQrs, Elite Force, Peshawar

Subject: REPLY TO THE CHARGE SHEET

Respected Sir,

In reply to the subject Charge Sheet dated 19-01-2024, the undersigned very humbly submits his reply as under:

1. That the undersigned at the very outset deny the allegations leveled against him in the charge sheets/ statement of allegations as false and baseless. The charges so leveled against me are based on mis-conception and are liable to be struck down.
2. That the undersigned is performing his duties as FC in the police department (Elite Force) with great zeal and devotion and to the entire satisfaction of my superiors.
3. That while performing my duty astonishingly the undersigned received a charge sheet along with statement of allegation contains false and baseless allegation:

"As per DDNo.17 dated 19-01-2024 Elite Force HQrs, Peshawar, you have shown ill discipline and do not take interest in the official duty, yours act amount to gross mis-conduct and highly objectionable/punishable"

4. That the undersigned has not committed any act or omission which can be turned as misconduct, the undersigned always obey his high ups.
5. That it is pertinent to mention here that the undersigned is performing his duties with great zeal for the last two years in the present status.

23

6. That the allegation against the undersigned is based on malafide intention, the undersigned had never committed any act of commission or omission which can be considered as gross misconduct.
7. That the undersigned performed his duties as assigned to him, with no complaint what so ever, the allegations against the undersigned has no footings and are based on mis-conception of facts.
8. That it is pertinent to mention here that the undersigned performed my duties as personal orderly with 6 concerned officers of highest rank, therefore, I took great care and obey all the orders as given to me while performing my duties which is evident from my previous record.
9. That the undersigned always performed his duties efficiently and is evident from the fact that throughout my service career I remained spotless and my services remained commendable.
10. That the undersigned may also be given proper opportunity of personal hearing.

Keeping in view the above submissions it is very humbly prayed that the subject charge sheet / statement of allegation may please be dropped and I may please be exonerated from the charges leveled against me.

Yours Sincerely,

OL

Constable Irfan
(No.697/FC)

Dated - 1 / 2024

15-8/224
D.P. Log. a.e.F.

W.C. []
Mrs 1578
All over as for Rules.
D.P. Log. a.e.F.

15-8/224
Jobson
- Curiosity Ex 697
15-8/224

15-8/224
- Curiosity Ex 697
15-8/224

15-8/224



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

6 (25)



No. 04 /R. DSP/EF, HQs

Date: 30/01/2024

To: The Superintendent of Police,
HQs, Elite Force, Khyber Pakhtunkhwa.

Subject: **DEPARTMENTAL ENQUIRY AGAINST CONSTABLE IRFAN NO.697**

Memo. Kindly refer to your office Encl: No.250-64/R/SP, HQs/EF, dated
Peshawar the 19.01.2024.

Respected Sir,

In pursuance of your charge sheet and summary of allegations, the undersigned has completed enquiry in the above cited case, its stepwise detail is given below:

ALLEGATIONS:

As per DD No.17 dated: 19.01.2024, Elite Force HQs, Peshawar, has shown ill discipline and do not take interest in official duty.

PROCEEDINGS:

In this regard, the Superintendent of Police HQs Elite Force, Peshawar issued him Charge Sheet and Summary of Allegation and the undersigned was appointed as enquiry officer.

Charge Sheet and Summary of Allegations were served upon the delinquent Constable Irfan No.697 through reader to DSP/HQs Elite Force on 19.01.2024.

The delinquent constable sent his written statement through his brother namely Imran Qureshi as enclosed for ready reference.

FINDINGS/CONCLUSION/RECOMMENDATIONS:

Having gone through the all materials placed on record and statement so recorded the undersigned has reached to conclusion that the delinquent constable has committed offence of ill discipline and lack of interest in his official duties.

Keeping in view the above facts, the delinquent Constable was found

guilty.

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(25)

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

No. 04/R, DSP/EF, HQrs

Dated 30/01/2024

To,

The Superintendent of police

HQrs, Elite Force Khyber Pakhtunkhwa.

Subject: DEPARTMENTAL ENQUIRY AGAINST CONSTAR IRFAN NO 697

Memo: Kindly refer to your office Endst No 260-54/R/SP, HQrs/EF dated Peshawar the 19.01.2024

Respected Sir.

In pursuance of your charge sheet and summary of allegations undersigned has completed enquiry in the above cited case, its stepwise detail is given below;

ALLEGATIONS:

As per DD No.17 dated: 15.01.2024, Elite Force Hors, Peshawar, he has shown ill-discipline and do not take interest in official duty.

PROCEEDINGS:

In this regard, the Superintendent of Police Hors Elite Force, Peshawar issued him Charge Sheet and Summary of Allegation and the undersigned appointed as enquiry officer.

Charge Sheet and Summary of Allegations were served upon the delinquent Constable Irfan No.097 through reader to DSP/Hors Elite Force on 19.01.2024.

The delinquent constable sent his written statement through his brother namely Imran Qureshi as enclosed for ready reference.

FINDINGS/CONCLUSION/RECOMMENDATIONS:

Having gone through the all materials placed on record and statement so recorded the undersigned has reached to conclusion that the delinquent constable has committed offence of ill discipline and lack of interest in his official duties.

Keeping in view the above facts, the delinquent Constable was found guilty

ELITE

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 Irfan No.697 of Elite Force as follows:

As per DD No.17, dated: 19.01.2024 Elite Force HQrs, Peshawar, you have shown ill discipline and do not take interest in official duty, your act amounts to gross misconduct and highly objectionable/punishable, in this regard an enquiry has been conducted in which you have been found guilty.

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 03 days 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. 339.40 /R,SP/HQrs, EF,

Date: 31/10/2024

This final show cause notice served upon the delinquent Constable Irfan No.697 through reader to SP Elite Force, Malakand Region and report this office.

بخدمت جناب سپرٹنڈنٹ پولیس، ہیڈ کوارٹرز، ایلٹ فورس، پشاور

جناب عالی!

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سٹوڈنٹ شو کا زونل نمبر 40-339 مورخہ 31 جنوری 2024 عرض ہے کہ:

- 1- سائل نے ہمیشہ اپنی ڈیوٹی ایسناداری، دل جوئی اور محنت سے سرانجام دی ہے۔
- 2- سائل تقریباً 6 افسران بالا کے ساتھ پچھلے عرصہ پانچ سال سے اپنے منسٹرنٹس، خوشی اور ایسناداری انعام دے چکا ہے جو کہ ریکارڈ پر موجود ہے۔
- 3- سائل موجودہ پوسٹ پر عرصہ تقریباً دو سال سے اپنے منسٹرنٹس حبان دمال کی پرواہ کے بغیر دے رہا ہے۔ اس دوران کبھی بھی کام چوری، غییر حاضری اور بد کلامی، ڈسپلین کی خلاف ورزی کا مستر تکب نہیں ہوا ہے۔
- 4- ہمیشہ اپنی ڈیوٹی اور منسٹرنٹس کے ساتھ وسناداری نبھائی ہے۔ اپنے بوڑھے ماں باپ اور بچوں کی پرواہ کے بغیر منسٹرنٹس کو مستم رکھا ہے۔ اور ہمیشہ محکمہ اور منسٹرنٹس کو بالا تر رکھا ہے۔
- 5- جہاں تک روزنامہ نمبر 17 مورخہ 19.01.2024 کا تعلق ہے اس بارے میں سائل عرض گزار ہے کہ مورخہ 19.01.2024 کو سائل جب معمول کلب میں ڈیوٹی پر موجود تھا کہ اس دوران سائل کے پیچھے روزنامہ ہے اٹھا کر آئے اور مجھے کوارٹر گاڑ دیں بند کیا جس کی بابت روزنامہ میں باقاعدہ مدعا 8 مورخہ 19.01.2024 درج ہوئی۔ بعد میں بحوالہ مدعا 16 مورخہ 23.01.2024 کو سائل کو کوارٹر گاڑ دیا گیا اور اگلے دن سائل کا تبادلہ ضلع چترال کیا گیا۔ ان تمام مدعات کو پڑتال ریکارڈ سے چیک کیا جا سکتا ہے۔
- 6- سائل نے بغیر کسی چوں چپرا کے ضلع چترال جا کر اگلے دن حاضری کی رپورٹ بحوالہ مدعا 11 مورخہ 25.01.2024 کی کاپی لفظ ہے۔
- 7- سائل بال بچے وار آدمی ہے۔ اپنی بساط کے مطابق کبھی کسی بالا افسر کو کسی قسم کی شکایت کا موقع نہیں دیا ہے نہ ہی قبل ازیں سائل کے خلاف کسی قسم کی شکایت درج ہوئی ہے۔
- 8- سائل حاضری سے لے کر ابھی تک چترال میں ڈیوٹی انعام دے رہا ہے۔ ایک تو بغیر کسی گتہ کے گھر سے دوری اور مشکلات کے ہوتے ہوئے سائل کافی پریشان تھا، یہی سبب موجودہ موصولہ شو کا زونل نمبر نے پورا کیا جس سے پریشانی میں مزید اضافہ ہو گیا۔
- 9- سائل پہلے بھی سپارٹیف کے جواب میں واضح کر چکا ہے اور آج بھی استہرا کرتا ہے ہوں کہ روز بروز افسران بالا، کسی بھی وقت حاضر ہونے کے لئے تیار ہوں۔ افسران بالا کے حکم کی تعمیل ہوگی۔

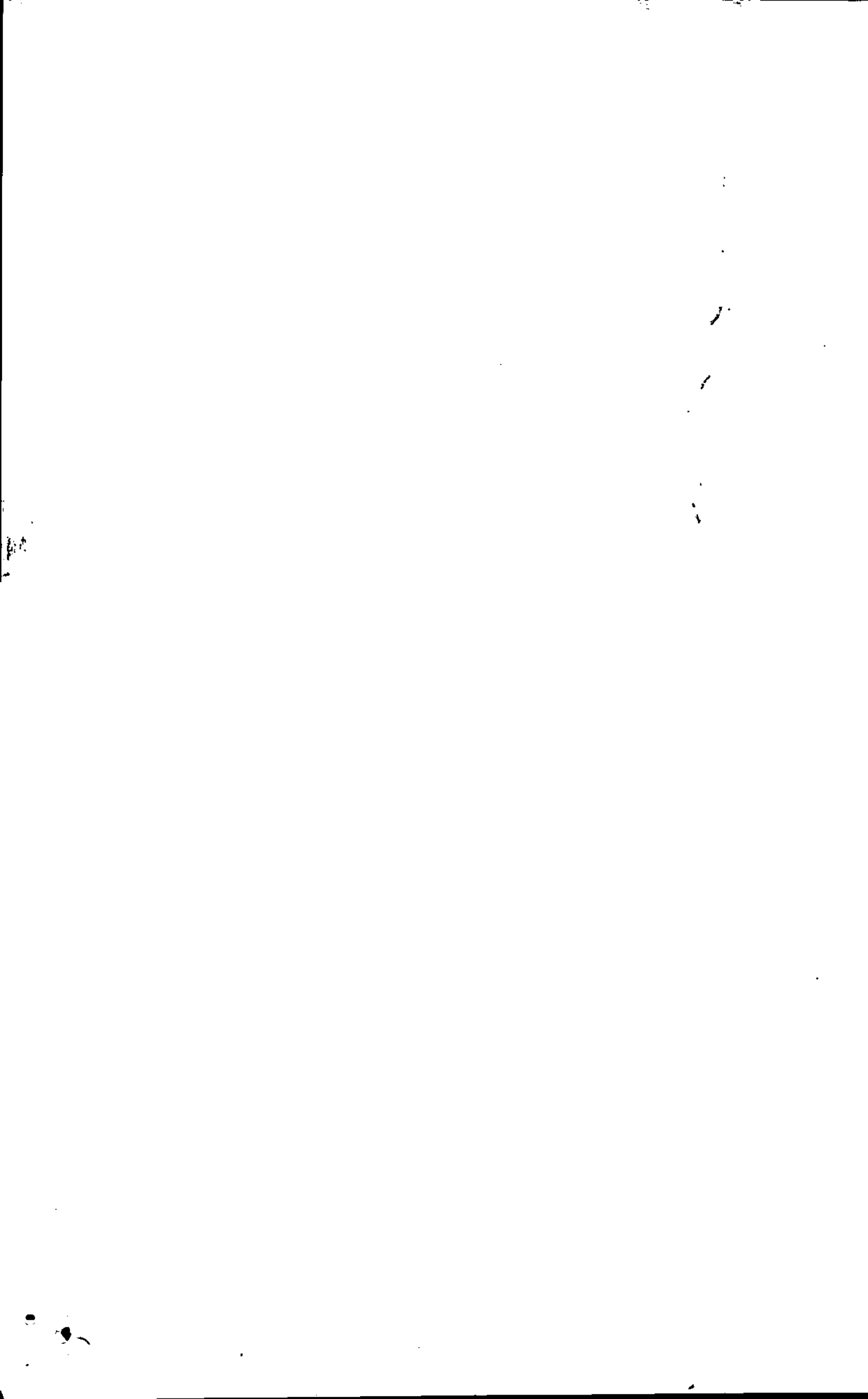
لہذا انتہائی عاجزی کے ساتھ استدعا ہے کہ میرے کسی بھی قول و فعل سے افسران بالا کی دل آزاری ہوئی ہو

یا ناگوار گزری ہو، یا محکمہ کی ساتھ محسوس ہوئی ہو اس کے لئے میں معافی کا طلبگار ہوں۔ مجھ پر رحم کیا جائے، مجھے اور میری فیملی کو مستزید پریشانی سے بچایا جائے۔ اور میرے خلاف شروع کاروائی مستزید کسی کاروائی کے داخلہ دفتر کیا جائے۔

تاعمر دعا گو رہوں گا!

العارض

کنسٹیبل سروٹنٹ نمبر 697



OFFICE OF THE SUPERINTENDENT OF POLICE
HQRS, ELITE FORCE PESHAWAR

date: 14/05/2024

No. 10539/R/SP/HQr, EF

ORDER

This order will dispose of the departmental enquiry against the delinquent Constable Irfan No.697. As per DD No.17, dated: 19.01.2024 Elite Force HQrs, Peshawar, he had shown ill discipline and did not take interest in official duty.

In this regard Charge Sheet and Summary of Allegations vide No.250-54/R/SP/HQrs/EF dated: 19.01.2024 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 and recommended him for suitable punishment.

Similarly, the delinquent constable was issued vide Final Show Cause Notice No.339-40/R,SP/HQrs, EF, dated: 31.01.2024. Responding to Final Show Cause Notice he submitted his written reply and heard in person as well 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 Irfan No.697 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. Superintendent of Police, Elite Force, Malakand Region.
3. Deputy Superintendent of Police, HQrs, Elite Force, Peshawar.
4. Accountant, of Elite Force, Khyber Pakhtunkhwa, Peshawar.
5. PA to Additional Inspector General of Police, Elite Force, Khyber Pakhtunkhwa, Peshawar.
6. Incharge Kot Elite Force, HQrs, Peshawar.
7. SRC /OASI Elite Force Khyber Pakhtunkhwa, Peshawar.
8. FMC Elite Force Khyber Pakhtunkhwa, Peshawar along with (19/05/2024)

Better Copy

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

No. 1083-91/R, SP/HQr, EF

Date: 14-05-2024

This order will dispose of the departmental enquiry against the delinquent constable Irfan No. 697, as per DD No. 17, dated 19-01-2024 Elite Force HQrs, Peshawar, he had shown ill discipline and did not take interest in official duty.

In this regard Charge Sheet and Summary of Allegations vide. No. 250- 54/R/SP/HQrs/EF dated: 19.01.2024 was issued 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 and recommend him for suitable punishment.

Similarly, the delinquent constable was issued vide Final Show Cause Notice No.339-40/R, SP/HQrs, EF, dated: 31.01.2024. Responding to Final Show Cause Notice he submitted his written reply and heard in person as well 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 Irfan No.697 under Police Rules 1975 (Amended 2014)

Order announced!

Sd
SHABIR HUSSAIN SHAR
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. Superintendent of Police, Elite Force, Malakand Region
3. Deputy Superintendent of Police, Hors, Elite Force, Peshawar
4. Accountant, of Elite Force, Khyber Pakhtunkhwa Peshawar
5. PA to Additional Inspector General of Police, Elite Force, Khyber Pakhtunkhwa Peshawar,
6. Incharge Kot Elite Force, HQrs: Peshawar,
7. SRC/OASI Elite Force Khyber Pakhtunkhwa, Peshawar
8. FMC Elite Force Khyber Pakhtunkhwa, Peshawar along with (19

جناب صاحب ایڈیشنل آئی۔ جی۔ پی صاحب ایلیٹ فورس خیبر پختون خواہ CPO پشاور!

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درخواست بھراہ رحم آیل

عنوان :

جناب عالی!

مودبانہ گزارش ہے کہ سائل تقریباً 2 سال سے جناب ایڈیشنل آئی۔ جی۔ پی صاحب ایلیٹ فورس کے ساتھ ڈیوٹی سرانجام دے رہا تھا اور اسی عرصہ کے دوران سائل نے بہت خوش اسلوبی سے صاحب موصوف کی خدمت کی ہے لیکن ناگزیر وجوہات کی بنا پر سائل کو نوکری سے برخاست کیا گیا ہے۔

چونکہ سائل ایک غریب گھرانے سے تعلق رکھتا ہے سائل کے چھوٹے چھوٹے بچے ہیں اور اس نوکری کے علاوہ کوئی دوسرا ذریعہ معاش نہیں ہے۔ سائل ایک غریب پرور انسان ہے سائل کی مجبوریوں اور اس کے چھوٹے چھوٹے بچوں کو مد نظر رکھتے ہوئے سائل پر رحم کیا جائے اور نوکری پر دوبارہ بحال کر کے جو گناہ سائل سے سرزد ہوا ہے اس کی معافی چاہتا ہے اور آئندہ ایسی کوئی حرکت نہیں ہوگی جس سے آپ صاحبان کی دل آزاری ہو۔

بذریعہ درخواست استدعا ہے کہ سائل کی رحم کی اپیل کو منظور کرتے ہوئے سائل کو نوکری پر بحال کرنے کا حکم صادر فرمائیں جائے تاکہ سائل اپنے بچوں کا پیٹ پال سکے سائل تاحیات دعا گو رہے گا۔

عین نوازش ہوگی!

مورخہ: 20.05.2024

العصاض!

آپ کا تابع حکم Ex کنسٹیبل محمد عرفان نمبر 697 ایلیٹ فورس پشاور۔

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VAKALAT NAMA

NO. _____/2024

IN THE COURT OF KP Service Tribunal, Peshawar

Muhammad Irfan (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Department (Respondent)
(Defendant)

I/We, _____

Do hereby appoint and constitute **TAIMUR ALI KHAN, ADVOCATE HIGH COURT AND SHAKIR ULLAH TORANI ADVOCATE**, 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

Irfan
(CLIENT)

ACCEPTED
Taimur Ali Khan

TAIMUR ALI KHAN
Advocate High Court

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

SHAKIR ULLAH TORANI
Advocate Peshawar
BC-22-4994
03409146056