

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

Service Appeal No.895 /2024

Qazi Muhammad Arif

..... (Appellant)

VERSUS

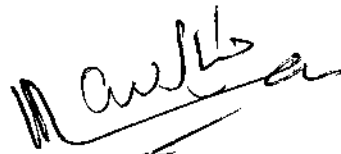
Inspector General of Police, Khyber Pakhtunkhwa etc

..... (Respondents)

INDEX

S.NO	DESCRIPTION OF DOCUMENTS	ANNEXTURE	PAGE
1.	Reply of appeal		01-06
2.	Authority letter		07
3.	Affidavit		08
4.	Charge sheet alongwith summary of allegation and Reply of Charge sheet	A, B	09-12
5.	Medical Prescription of the Appellant	C,	13-16
6.	finding report.	D	17-18
7.	Final show cause notice, reply of final show cause notice	E,F	19-21
8.	Copy of Dismissal order dated 30.01.2024	G	22
9.	Rejection order dated 29.05.2024	H	23

Through Respondent


(KHYAL RÖZ KHAN)
DSP/Legal SSU (CPEC),
Peshawar.
17301-2507764-1
0315-9867946

(1)

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

Service Appeal No.895 /2024

Qazi Muhammad Arif

..... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa etc

..... (Respondents)

PRELIMINARY OBJECTIONS: -

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 16612

Dated 11-10-24

- a) That the appeal is not based on facts.
- b) That the appeal is barred by law and limitation.
- c) That the appeal is not maintainable in its present form.
- d) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- e) That the appellant is estopped by his own conduct to file the instant appeal.
- f) That the appellant has not come to this Honorable Tribunal with clean hands.
- g) That the appellant has got no cause of action and locus standi to file the instant Service Appeal.

Facts

- 1) Para to the extent of appointment as Assistant Sub Inspector through Khyber Pakhtunkhwa Public Service Commission and subsequent assumption of charge pertains to Service record needs no comments. While rest of the Para is not plausible because every police officer is under obligation to perform his duties with dedication, devotion and sincerity. Moreover, 13 years unblemished service record at the credit of appellant does not exonerate the appellant from his future wrong deeds.
- 2) Plea taken by the appellant is not justifiable because every police officer is duty bound to serve at those places/units where the competent authority transfers him as in this department no room lies for any lethargy.
- 3) Plea taken by the appellant is totally ill based rather a cooked one because as per record the appellant was granted 01 week bed rest while the appellant absented himself from his legal duty w.e.f 22.10.2023 to 30.01.2024. It is Pertinent to mention here that the appellant had submitted application for grant of long leave wherein he mentioned the ground for such long leave as urgent piece of work while in the instant para he has taken stance of illness for which the appellant submitted application. Hence, in light of above and material available on record the plea of appellant is liable to be set at naught being bereft of any substance.

- 4) Incorrect, brief facts are that ASI Qazi Muhammad Arif No. P/470 (the appellant) while posted at Basha Dam, District Upper Kohistan had absented himself from his lawful duties Vide DD report No.06 dated 22.10.2023 to 30.01.2024 without any sanction leave or permission of the competent authority.

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

Later on the Appellant was issued/served with Final Show Cause Notice vide office Endst No.5489/EC dated 21.11.2023. However, he communicated his written statement to the office of respondent No.01, wherein the Appellant stated that the charges leveled against him are fake, baseless and unfounded but failed to present his justification regarding absence from duty. The Appellant was persistently summoned for personal hearing but consistently failed to comply with, which shows his lack of interest towards his official obligations.

Keeping in view the above facts and recommendation of the enquiry officer, as well as material available on the record, the above named ASI deliberately absented himself from his lawful duties. Therefore, the Appellant was awarded major punishment of "Dismissal from Service" vide office order No.387-99/EC dated 30.01.2024. Copies of Charge sheet alongwith summary allegation, reply of charge sheet, medical prescriptions from services hospital, Finding report, Final Show Cause Notice, Reply of Final Show Cause Notice, Dismissal order, rejection order are attached as Annexure "A" to "H".

- 5) Incorrect, the Appellant was advised by the doctor for just 01 week bed rest but he absented himself deliberately from his lawful duty without any sanction leave w.e.f 22.10.2023 to 30.01.2024. Hence, in order to give legal cover to his absence, the appellant has tailored this story which has no legal footing to stand on.

- 6) Incorrect, after conducting a proper departmental enquiry and giving ample opportunity to the Appellant he was found guilty and was recommended for suitable punishments by the EO.
- 7) Incorrect, the Appellant was served with a Show Cause Notice to which his reply was received which was paid due consideration but found unsatisfactory. However, based on recommendation of the enquiry officer. The Appellant was Dismissed from Service by the respondent No.01, being the competent authority in exercise of powers vested to him under section 4(b) of Khyber Pakhtunkhwa, Police Rules 1975(amended in 2014) awarded Major Punishment "Dismissal from Service".
- 8) Correct, to extent that the Appellant submitted departmental appeal to respondent No.02 on 28.02.2024 but the same was rejected being meritless and bereft of any legal footings.
- 9) Para pertains to record hence, needs no comments.
- 10) Stance taken by the appellant regarding his reversion allegedly in utter violation of law is totally against the settled principles as there are plethora of judgments passed by the Apex Court of Pakistan according to which criminal proceedings are two different entities which can run parallel. The outcome of criminal proceedings will have no binding effects on the departmental proceedings. In this regard reliance is placed on Para pertains to Court record. Furthermore, Court proceedings and departmental proceedings are two different entities and can run side by side. Acquittal in a criminal case would not lead to exoneration of a civil servant in departmental proceedings. His act brought a bad name for the entire force. Similarly, the august Supreme Court of Pakistan in its judgments reported Dr. Sohail Hassan Khan and others vs. Director General (Research), Livestock and Dairy Development Department. Punjab, Lahore and other (2020 SCMR 1708), held that a civil servant cannot escape from departmental proceedings or consequences thereof account of his acquittal/exoneration in a criminal charge arising out of the same impugned transaction; these two are entirely different jurisdictions with different standards of proof as well as procedure; criminal prosecution requires strict proof through a narrowly jacketed procedure and, thus, State's failure on criminal plane does not provide shield of double jeopardy to a delinquent officer. In the case of District Police Officer mainwali and 2 others vs. Amir Abdul Majid 2021 SCMR 420 the august Apex Court again held that a civil servant facing expulsive proceedings on departmental side on account of his indictment in criminal charge not save his job in the event of acquittal as the department still may have reason/ material, to conscionably consider his stay in the service as inexpedient; there are additional reasons to disregard his acquittal inasmuch as criminal dispensation of justice involving corporeal consequences, comparatively, requires higher standard of proof

so as to drive home the charge beyond doubt, an exercise to be routed through a procedure stringently adversarial, therefore, factuality of the charge notwithstanding, procedural loopholes or absence of evidence sufficient enough to sustain the charge, at times occasion in failures essentially to maintain safe administration of criminal justice out of abundant caution. Departmental jurisdiction, on the other hand, can assess the suitability of a civil servant, confronted with a charge through a fact finding method, somewhat inquisitorial in nature without heavier procedural rider, otherwise required the criminal jurisdiction to eliminate any potential risk of error, therefore, the tribunal has undoubtedly misdirected itself in reinstating the respondent, considering his acquittal criterion in isolation to the totality of circumstances where under he has succeeded to vindicate this position.

11) Para not related hence, needs no comments.

12) The instant service appeal is not maintainable and liable to be dismissed on following Grounds.

Grounds


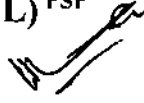
- A. Incorrect, all orders passed by the authorities are quite legal, within jurisdiction and in accordance with law/rules as well as principles of natural justice.
- B. Incorrect, plea taken by the appellant is totally devoid of any legal footing. As discussed earlier the appellant after availing 01 week bed rest was under obligation to report his arrival. However, instead he willfully and deliberately absented himself from his lawful duty w.c.f 22.10.2023 to 30.01.2024. Besides the stance of appellant regarding his illness is also ill based because he had submitted application for long leave on account of urgent piece of work at home. While in the instant para he took plea of illness which is totally against his application filed by him for long leave Hence, in order to avoid the issue of willful absence, the appellant has taken the stance of illness which is totally against the material available on record. It is worthwhile that plea of appellant regarding coram non-judice in terms of awarding punishment is also bereft of any legal footing because the perusal of schedule attached with the Police Rules 1975 as amended 2014 is very much clear regarding the competency of awarding punishment. Therefore, in light of above, the stance of appellant is liable to be set at naught being devoid of any legal footing.
- C. Incorrect. Plea taken by the appellant is not based on facts because he has not performed any duty hence, not entitled for any monetary benefits on the principle of "no work no pay" as laid down by the Apex Court in number of its judgments.

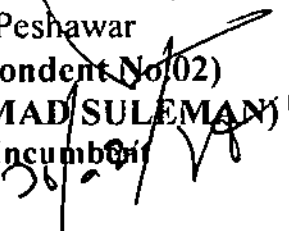
- D. Para already explained in detail in the proceedings paras hence, needs no comments.
- E. Incorrect. Plea taken by the appellant is totally bereft of any substance because Police department has its own special law/rules in shape of KP Police Act 2017/Police Rules 1934 and is governed by the law/rules ibid, hence, stance of appellant is not plausible rather a whimsical one having no legal footing.
- F. Incorrect. As discussed earlier Proper departmental enquiry proceedings were initiated against him during the course of which all legal and codal formalities were fulfilled including right of self-defense to the appellant but he failed to produced even a single iota of evidence in his defense except that stance advanced by the appellant which is solely based on fictions.
- G. Incorrect, after perusal of enquiry file it has been found that the allegations were fully established against the appellant by the enquiry officer during the course of enquiry. There doesn't seem any infirmity in the order passed by the competent authority, therefore, no ground exist to interfere in same. Based on finding narrated above, the respondent No.02 has found no substance in the appeal. Therefore, the same was rejected and filed being meritless.
- H. Para explained earlier in detail hence, needs no comments.
- I. Incorrect, the order is in accordance with principle of natural justice and within the domain of mandate of respondents.
- J. Incorrect, all orders passed by the authorities are quite legal, within jurisdiction and in accordance with law/rules as well as principles of natural justice.
- K. Incorrect. Plea taken by the appellant is totally ill based because the orders passed by the respondents are in accordance with law/rules after taken into consideration the entire materials available on record as well after through probe into the allegations leveled against the appellant. Hence, after proper sifting of grains from the chaff, when the guilt of the appellant was established he was awarded appropriate punishment which does commensurate with the gravity of misconduct of appellant.
- L. The respondents seek permission of this Hon'ble Tribunal to raise additional grounds also at time of hearing of instant Service Appeal.



Prayers

In view of above, it is humbly prayed that the instant appeal may kindly be dismissed being barred by law & devoid of merits, please.

6


Dy: COMMANDANT SSU (CPEC)
Khyber Pakhtunkhwa, Police
Peshawar
(Respondent No.01)
(TARIQ IQBAL) PSP
Incumbent 

COMMANDANT SSU (CPEC)
Khyber Pakhtunkhwa, Police
Peshawar
(Respondent No.02)
(MUHAMMAD SULEMAN) PSP
Incumbent 


DIG LEGAL, CPO
For Inspector General of police Khyber
Pakhtunkhwa, Peshawar
(Respondent No.03)
(DR. MUHAMMAD AKHTAR ABBAS) PSP
Incumbent 

BEFORE THE HON'BLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No.895 /2024

Qazi Muhammad Arif

..... (Appellant)



VERSUS

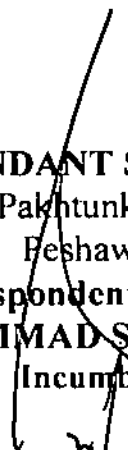
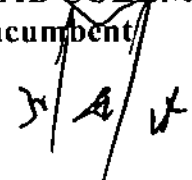
Inspector General of Police, Khyber Pakhtunkhwa etc

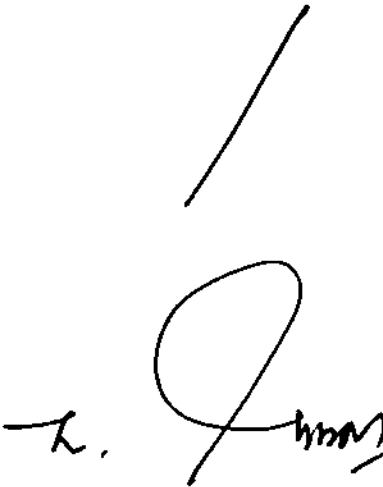

..... (Respondents)

AUTHORITY LETTER

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


Dy: COMMANDANT SSU (CPEC)
Khyber Pakhtunkhwa, Police
Peshawar
(Respondent No.01)
(TARIQ IQBAL) PSP
Incumbent 


COMMANDANT SSU (CPEC)
Khyber Pakhtunkhwa, Police
Peshawar
(Respondent No.02)
(MUHAMMAD SULEMAN) PSP
Incumbent 


DIG LEGAL, CPO
For Inspector General of police Khyber
Pakhtunkhwa, Peshawar
(Respondent No.03)
(DR. MUHAMMAD AKHTAR ABBAS) PSP
Incumbent 

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

Service Appeal No.895 /2024

Qazi Muhammad Arif

..... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa etc

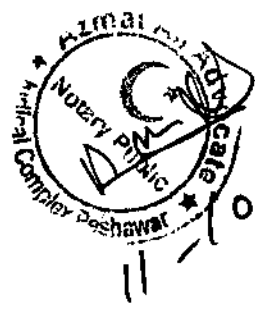
..... (Respondents)

AFFIDAVIT

I, Tariq Iqbal, Deputy Commandant SSU (CPEC) do hereby solemnly affirm on oath that the content of service appeal on behalf of Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others are correct to the best of my knowledge and belief. Nothing has been concealed from this Honorable court. It is further stated on oath that in this appeal the answering respondents have neither been placed ex-parte nor their defense has been struck off/lost.

(TARIQ IQBAL) PSP
Dy: Commandant SSU (CPEC)
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)

ATTESTED



(A)

(9)

CHARGE SHEET

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

2. And whereas, I am of the view that the allegations if established would call for major/minor penalty, as defined in Rule 3 of the aforesaid Rules.

3. Now therefore, as required by Rule 6 (1) (a) & (b) of the said Rules, I, **Deputy Commandant, Special Security Unit (CPEC)**, Peshawar hereby charge SI Qazi Muhammad Arif No. P/470 under Rule 5 (4) of the Police Rules 1975.

- I. As reported by Company Commander Basha Dam that you SI Qazi Muhammad Arif No. P/470 absented yourself from your lawful duties Vide DD report No. 06 dated 22.10.2023 till date without any sanction leave or permission of the competent authority.
- II. As per source report, you have been enjoying unauthorized self-leave without prior permission of the competent authority.
- III. Being a responsible police official, these acts of yours is highly objectionable and renders you liable for disciplinary proceedings under the Police Rules 1975.

4. I hereby direct you further under Rule 6 (i) (b) of the said Rules to put forth written defence within 7 days of the receipt of this Charge Sheet to the Enquiry Officer, as to why action should not be taken against you and also stating at the same time whether you desire to be heard in person.

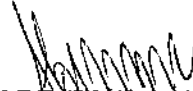
5. In case your reply is not received within the specific period to the Enquiry Officer, it shall be presumed that you have no defence to offer and ex-parte action will be taken against you.

Attested

M

DSP/L-SSU(CPEC)

11-09-2024


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

30-10-2023


STATEMENT OF ALLEGATIONS


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

- I. As reported by Company Commander Basha Dam that SI Qazi Muhammad Arif No. P/470 absented himself from lawful duties Vide DD report No. 06 dated 22.10.2023 till date without any sanction leave or permission of the competent authority.
- II. As per source report, he has been enjoying unauthorized self-leave without prior permission of the competent authority.
- III. Being a responsible police official, these acts of his is highly objectionable and renders him liable for disciplinary proceedings under the Police Rules 1975.

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

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


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


 30-10-2023

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

Copy to:-

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

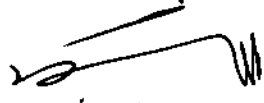
Attested



DSP/2-SSU

11-09-2024

DSP/2-SSU(CPFC)



Attested

Pto

Handwritten text in Hindi, likely a certificate or official statement, starting with 'प्रमाणित है' (It is certified).

Handwritten text in Hindi, continuing the official statement or certificate.

Handwritten text in Hindi, possibly a date or reference number.

SYS/EC/2023/10/22/2023

Handwritten text at the bottom left.

11-09-2024

DSP/L-SSU(CPE) 01/11/2023

[Signature]

Attested
[Signature]

11/09/2024

Handwritten text in Hindi, appearing to be a formal statement or report.

Handwritten text in Hindi, appearing to be a formal statement or report.

Handwritten text in Hindi, appearing to be a formal statement or report.

Handwritten text in Hindi, appearing to be a formal statement or report.

Handwritten text in Hindi, appearing to be a formal statement or report.

Handwritten text in Hindi, appearing to be a formal statement or report.

Handwritten text in Hindi, appearing to be a formal statement or report.

11/09/2024



SERVICES HOSPITAL PESHAWAR GOVERNMENT OF KPK OPD REGISTRATION

REG-101

Name QAZI ARIF Age 38 Sex MALE

Department GENERAL OPD Address PESHAWAR

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

History	RI-
<i>for</i> Lumbar spine	Lumbar 4/5 disc @
Clinical Examination	L. Gaiter of Ankle of
Provisional Diagnosis	L. Cervical
Investigations	Cervical Red Rest @ 01 week ie, @ 07 seven days

Attested
gupte
hpe

Doctor on Duty Attested Doctor's Signature Orthopedic Surgeon. Police/Services Hospital Peshawar

DSP/L-SSUC(PFC)
11-09-2024



SERVICES HOSPITAL PESHAWAR GOVERNMENT OF KPK OPD REGISTRATION

Name QAZI ARIF Age 38 Sex MALE
 Department GENERAL OPD Address PESHAWAR
 Hospital Yearly No. 196134-23 Dated 28-11-2023

History
 LBP ± Radiopathy
 No HOF / Constitutional symptoms

OLE
 Clinical Examination
 ROM at Spine - Restricted
 Tenderness over lumbar vertebrae
 ↓ Sensation over dorsum of foot Rt & Lt
 Power in all Dermatomes intact

Provisional Diagnosis
 Investigations
 Orthopedic Surgeon
 Peshawar Services Hospital

Tab Bredin 20mg
 20 2 2 2 (1+1)
 Tab Mefen 500mg
 20 2 2 2 (1+1)
 Tab Dexam 30mg
 20 2 2 2 (1+1)
 Tab Ace-losoplus
 20 2 2 2 (1+1)
 Tab Methycobal
 20 2 2 2 (1+1)
 Tab Lisek 200mg
 20 2 2 2 (1+1)

Advise :- Regular Physiotherapy
 • Avoid Bending & heavy wt lifting
 • Complete Bed Rest for Seven (07) days
 If not improve consult Spine Surgeon

Attested
 Appellant

Attested

DSP/12-SSUCPEP
 11-09-2024

(15)



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

Phone: (091) 9219309, (091) 923472 Fax: 091 9219343

Dated: 12/09/2023

TO WHOM IT MAY CONCERN

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

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

[Signature]
Medical Specialist
Police & Services Hospital
Peshawar
Physician
Police Services Hospital
Peshawar

Attested

[Signature]

DSP/L-SSU (LDEL)

11-09-2024

History B.P. 130/80/110
To whom it may concern

Name: QAZI ARIF
 Department: GENERAL OPD
 Address: PESHAWAR
 Hospital Yearly No.: 153720-23
 Dated: 12-09-2023

SERVICES HOSPITAL PESHAWAR
 GOVERNMENT OF KHY
 OFFICE REGISTRAR

This is to certify that
 Mr. Qazi Arif-310 Qazi
 Glaucoma sever has
 Chronic backache from last
 7 years on MRI report
 there is disc prolapse in
 L4-L5. also there is
 disc compression in L3-L4.
 stenosis in level of D12-L1.
 there is complete & severe
 nerve p. stiffness & severe
 at L5. Despite of multiple
 There is no relief in the neck.
 follow up in regular basis.
 from consultant Neuro-surgeon
 avoid heavy p. heavy weight lift
 regular exercise, proper
 (position should change
 after every 30 min)

Clinical Examination
 CNS - intact
 CVS - S1S2T0
 GI - 2cm knots
 Rt: Rt chest
 Clear
 Provisional Diagnosis
 MRI
 Umbrosacral spine
 Investigations
 Cervical bed rest
 with nurotic

Attested
 DSP/L-580 (CP)
 11-09-2023

Physician
 Peshawar
 Services Hospital
 Doctor on Duty

Doctor's Signature



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

No. 359 R/SSU Dated 14-11-2023

Attested

[Signature]
DSP/2-SSU(CPEC)

11-09-2024

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

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

Memo:

Kindly refer to your letter No. 5145/EC dated Peshawar 30.10.2023.

ALLEGATIONS:-

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

PROCEEDINGS:-

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

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

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

STATEMENT OF INSPECTOR BASHARAT KHAN:-

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

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

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

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

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

FINDINGS:-

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

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

RECOMMENDATIONS:-

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

Superintendent of Police
SSU (CPEC) North Hazara Region
Mansehra

*Call him for
OR
Issue final
show cause notice*

Attested

[Signature]

DSP/2-SSUCPEC)

11-09-2024

22/11/23

FIC for 7/9

11/12/23

(E) (19)

FINAL SHOW CAUSE NOTICE


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

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

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

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

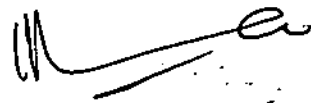
1. You are, therefore, required to show cause as to why the minor/major penalty should not be imposed upon you and also intimate whether you desire to be heard in person.
2. If no reply to this notice is received within 07 days of its receipt, in normal course of circumstances, it shall, be presumed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


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

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

Copy to official Concerned.

Attested



DSP/2-SSU(CPEC)

11-09-2024

(F) (20)

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

Respected Sir,

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

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

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


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

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

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

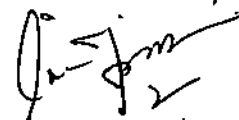
The above stated facts and law points show that the department is bent upon to punish me in violation of law, rules more particularly in violation of Article 10/A of the Constitution of Islamic Republic of Pakistan, 1973.

Attested


DSP/L-SSUC(PEC)
11-09-2024

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

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




Qazi Muhammad Arif,

Sub Inspector No P/470,

01/12/2023

Attested



DSP/L-SSU (CP&C)

11-09-2024



**OFFICE OF THE DEPUTY COMMANDANT
SPECIAL SECURITY UNIT (SSU)
KHYBER PAKHTUNKHWA POLICE**
CENTRAL POLICE OFFICES, S.A.Q ROAD, PESHAWAR CANTT (PH: 091-9211834)



No. 387-99 /EC,

dated Peshawar the 30/01/2024.


ORDER

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

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

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

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


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

Copy of the above is forwarded for information to the:

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

Attested



DSP/L-SSU(CPEC)

11-09-2024



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



CENTRAL POLICE OFFICES, S.A.Q ROAD, PESHAWAR CANTT (PH: 091-9244056)

No. 1480-84 /EC.

dated Peshawar the 29/05/2024.

ORDER

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

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

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


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

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

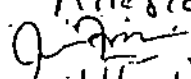
The applicant was repeatedly summoned for personal hearing through all available means but in vain. Also from perusal of enquiry file it has been found that the allegations were fully established against him by the Enquiry Officer during the course of enquiry. There doesn't seem any infirmity in the order passed by the competent authority, therefore, no ground exist to interfere in same.

Based on findings narrated above, I, Commandant SSU (CPEC), Khyber Pakhtunkhwa, Peshawar, being the competent authority, has found no substance in the appeal. Therefore, the same is rejected and filed being meritless.

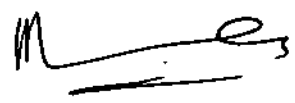
Order announced.


29/05/24
(IRFAN TARIQ)
COMMANDANT,
Special Security Unit (CPEC),
Khyber Pakhtunkhwa,
Peshawar.
29-05-2024

- Copy of the above is forwarded for information to the:
1. Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
 2. SP Admin & Minority SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
 3. PA to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
 4. Official Concerned.

Attested

Attested

Attested



DSP/L - SSU (CPEC)

11-09-2024