


# FORM OF ORDER SHEET

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

**Appeal No.** 1887/2024


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/10/2024	<p>The appeal of Mr. Hassan Ali resubmitted today by Mr. Muhammad Ali Qazi Advocate. It is fixed for preliminary hearing before touring Single Bench at A.Abad on 29.10.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Hassan Ali received today i.e on 19-8-2024 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Address of appellant is incomplete be completed according to rule-6 of Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- Annexures are unattested.
- 3- Documents referred in Para 2 of appeal is not attached be placed on file.
- 4- Service appeal be filed in approved file cover.
- 5- Annexures are not in sequence.
- 6- Annexures are unattested.

No. 657 /S.T,

Dt. 03/09 /2024

  
~~ASSISTANT~~  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Muhammad Ali Qazi Adv. Pesh.

Note: re-submitted after doing the needful  
10-10-24 please put up for court

M. Qazi

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

Services Appeal No. 1887 of 2024

Hassan Ali No. 1922 SSU (CPEC), S/O Chanzeb Khan, R/O Mansoor Town PS  
Mirpur, District Abbottabad.

...APPELLANT

VERSUS

The Commandant Special Security Unit (CPEC), Khyber Pakhtunkhwa, Peshawar  
& another.

...RESPONDENTS

**SERVICE APPEAL**

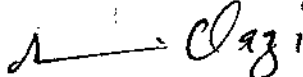
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...APPELLANT

Through

Dated: 15-08-2024

  
(MUHAMMAD ALI QAZI)  
Advocate High Court Abbottabad

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

Services Appeal No. 1887 of 2024

**Hassan Ali S/O Chanzeb Khan**

Constable No. 1922 at Special Security Unit (CPEC), District Abbottabad

Presently at Mansoor Town PS Mirpur, District Abbottabad.

...APPELLANT

**VERSUS**

1. The Commandant Special Security Unit (CPEC), Central Police Offices S.A.Q road Peshawar Cantt Khyber Pakhtunkhwa, Peshawar.
2. SP Admin & Minority SSU (CPEC), Central Police Offices S.A.Q road Peshawar Cantt Khyber Pakhtunkhwa, Peshawar.

....RESPONDENTS

**APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER FROM DISMISSAL OF SERVICE PASSED BY RESPONDENT NO.2 VIDE ORDER NO. 1311-24EC/SSU DATED 02/05/2023 AND IMPUGNED ORDER NO. 2099-2103/EC DATED 19/07/2024 PASSED BY RESPONDENT NO.1 WHEREBY THE APPEAL OF THE APPELLANT WAS DISMISSED AND ORDER OF RESPONDENT NO.2 WAS UPHELD ARE ILLEGAL, UNLAWFUL, WITHOUT LAWFUL AUTHORITY, DISCRIMINATORY, PERVERSE, ARBITRARY, FANCIFUL, AGAINST THE RELEVANT LAW, RULES AND REGULATIONS, BASED ON MALAFIDE AND CONSEQUENTLY OF NO LEGAL EFFECT UPON THE RIGHTS OF THE APPELLANT.**

Respectfully Sheweth:

1. That the appellant was enlisted as a Constable (BPS-07) in District Abbottabad, against the available existing vacancies and share of vacant posts of Special Security Unit (SSU) of CPEC selected through ETEA, with effect from 31-12-2019 on a temporary basis subject to fulfilling all codal formalities but confirmed on three years from the date of appointment.
2. That the appellant was awarded major penalty i.e dismissal from service passed by respondent No.2 vide order No. 1311-24EC/SSU dated 02-05-2023. The appellant was charged with the allegations that he was transferred to District DI Khan, on a complaint basis, but failed to make his arrival at the new place of posting and absented himself from lawful duties w.e.f. 29-10-2022 till the date of dismissal from services i.e., 02-05-2023 without any sanctioned leave or intimation. The order dated 02-05-2023 was passed by respondent No.2, ex-parte. Copy of order No. 1311-24EC/SSU dated 02-05-2023 is annexed as Annexure "A".
3. That upon being intimated about the news of his dismissal from service, the appellant filed an appeal before the respondent No.1, pleading therein that the department failed to serve him with a charge sheet or final show cause notice, and hence no opportunity has been given to appellant. Appellant also pleaded that his non-joining of service was due to the illness of his

mother who is dependent on him and was admitted to the hospital. Copy of appeal before respondent No.1 is annexed as Annexure "B".

4. That vide order No. 2099-2103/EC dated 19-07-2024 by respondent No.1, the departmental appeal filed by the appellant was dismissed, maintaining the order passed by respondent No.2. Copy of order No. 2099-2103/EC dated 19-07-2024 is annexed as Annexure "C".
5. That the appellant being aggrieved from the impugned order No. 1311-24EC/SSU dated 02-05-2023 and order No. 2099-2103/EC dated 19-07-2024 passed by respondents seeks the gracious indulgence of this Honourable Tribunal inter-alia on the following amongst others;-

#### **GROUND**

- a. That the impugned notification from removal of service dated 02-05-2023 is illegal, unlawful, without lawful authority, arbitrary, perverse, fanciful, against the relevant law.
- b. That before imposing the impugned major penalty, no show cause notice and opportunity of personal hearing was awarded to the appellant. Moreover, no publication as required under Rule 9 of (E&D) Rules, 2011 was ever made in the leading newspaper, commonly available in the district of the appellant, hence the impugned order is

wholly illegal, without lawful authority and of having no legal effect.

- c. That no inquiry into the alleged allegations was ever conducted and the impugned penalty was imposed without having the allegations proved.
- d. That the appellant was never confronted, appellant was not put on notice to present his view point/ explanation under the doctrine of audi-alterm-partem, hence, the impugned orders are not sustainable and maintainable under the law on this very sole ground.
- e. That no evidence worth name was attempted to collect by the respondent No.2 against the appellant for the alleged absence from the duty and he has been condemned on flimsy and perverse ground with malafide intention.
- f. That the failure to conduct a proper inquiry and to provide a reasoned order for the major penalty imposed on the appellant has resulted in a miscarriage of justice, and the impugned orders should be set aside on this ground alone.
- g. That respondent No.2 has not rendered any cogent, confidence and inspiring findings while delivering his impugned order.
- h. That other points will be agitated at the time arguments.

**PRAYER:-**

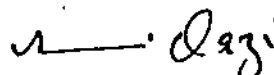
In light of the aforementioned grounds, it is most respectfully prayed that this Honourable Tribunal may graciously be pleased to:

- i. Set aside the impugned order No. 1311-24EC/SSU dated 02-05-2023 passed by respondent No.2, which dismissed the appellant from service.
- ii. Set aside the order No. 2099-2103/EC dated 19-07-2024 passed by respondent No.1, which dismissed the departmental appeal filed by the appellant.
- iii. Order the reinstatement of the appellant into service with all back benefits.
- iv. Grant any other relief that this Honourable Tribunal deems just and fair in the circumstances of the case.

  
...APPELLANT

Through

Dated: 15-08-2024

  
(MUHAMMAD ALI QAZI)  
Advocate High Court Abbottabad

**VERIFICATION:**

*Verified on oath that the contents of the aforesaid appeal are true and correct to the best of my knowledge and belief and nothing has been concealed therein from this Honourable Tribunal.*

...APPELLANT





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

Services Appeal No. \_\_\_\_\_ of 2024

Hassan Ali No. 1922 SSU (CPEC), S/O Chanzeb Khan, R/O Mansoor Town PS  
Mirpur, District Abbottabad.

...APPELLANT

**VERSUS**

The Commandant Special Security Unit (CPEC), Khyber Pakhtunkhwa, Peshawar  
& another.

...RESPONDENTS

**SERVICE APPEAL**

**AFFIDAVIT**

I, Hassan Ali No. 1922 SSU (CPEC), S/O Chanzeb Khan, R/O Mansoor Town  
PS Mirpur, District Abbottabad., do hereby solemnly affirm and declare that the  
contents of foregoing appeal are true and correct to the best of my knowledge and  
belief and nothing has been concealed therein from this Honourable Court.



16/8/2024

*[Signature]*  
DEPONENT

7

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

Services Appeal No. \_\_\_\_\_ of 2024

Hassan Ali No. 1922 SSU (CPEC), S/O Chanzeb Khan, R/O Mansoor Town PS  
Mirpur, District Abbottabad.

...APPELLANT

VERSUS

The Commandant Special Security Unit (CPEC), Khyber Pakhtunkhwa, Peshawar  
& another.

...RESPONDENTS

**SERVICE APPEAL**

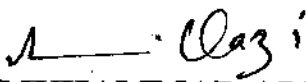
**CERTIFICATE**

Certified that no service appeal on the subject has earlier been filed by  
the petitioner.

...PETITIONER

Through

Dated: 15/08/2024

  
(MUHAMMAD ALI QAZI)  
Advocate High Court, Abbottabad

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

Services Appeal No. \_\_\_\_\_ of 2024

**Hassan Ali** No. 1922 SSU (CPEC), S/O Chanzeb Khan, R/O Mansoor Town PS  
Mirpur, District Abbottabad.

...APPELLANT

**VERSUS**

The Commandant Special Security Unit (CPEC), Khyber Pakhtunkhwa, Peshawar  
& another.

...RESPONDENTS

**SERVICE APPEAL**

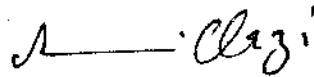
**LIST OF BOOKS**

1. Khyber Pakhtunkhwa Service Tribunal Act 1974
2. K.P.K (E&D) Rules, 2011
3. Relevant case law will be cited at the Bar.

...PETITIONER

Through

Dated: 15/08/2024

  
(MUHAMMAD ALI QAZI)  
Advocate High Court, Abbottabad

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

Services Appeal No. \_\_\_\_\_ of 2024

**Hassan Ali** No. 1922 SSU (CPEC), S/O Chanzeb Khan, R/O Mansoor Town PS  
Mirpur, District Abbottabad.

...APPELLANT

**VERSUS**

The Commandant Special Security Unit (CPEC), Khyber Pakhtunkhwa, Peshawar  
& another.

...RESPONDENTS

**SERVICE APPEAL**

**ADDRESSES OF THE PARTIES**

Respectfully Sheweth;

Addresses of the parties are as under; -

**Hassan Ali** No. 1922 SSU (CPEC), S/O Chanzeb Khan, R/O Mansoor Town  
PS Mirpur, District Abbottabad.

...APPELLANT

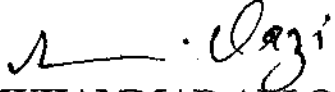
**VERSUS**

1. The Commandant Special Security Unit (CPEC), Central Police Offices  
S.A.Q road Peshawar Cantt Khyber Pakhtunkhwa, Peshawar.
2. SP Admin & Minority SSU (CPEC), Central Police Offices S.A.Q road  
Peshawar Cantt Khyber Pakhtunkhwa, Peshawar.

....RESPONDENTS

Through

Dated: 15/08/2024

  
**(MUHAMMAD ALI QAZI)**  
 Advocate High Court, Abbottabad

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ANNEXURE 9A



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



CFC  
M. Dagi

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

No. 1311-24 EC/SSU,

dated Peshawar the 02/05/2023.

**ORDER**

This order will dispose the formal departmental inquiry against Constable Hassan Ali No. 1922 of Special Security Unit (CPEC), District Abbottabad.


Brief facts of the case are that as reported vide DD report No. 20, dated 29.10.2022 by PC Platoon No. 58 that Constable Hassan Ali No. 1922 was transferred to District DI Khan on complaint basis vide order No. 8631-35/OASI, dated 24.10.2022 but he failed to make his arrival at his new place of posting and absented himself from his lawful duties w.e.f. 29.10.2022 till date without any sanctioned leave or intimation.

In this regard, his pay was stopped and proper departmental proceeding was initiated against him. He was issued charge sheet & summary of allegation vide this office Endst: No. 12289/EC, dated 15.12.2022 and Mr. Tamiz Uddin DSP DI Khan Region was nominated as enquiry officer to conduct inquiry into the matter and submit findings report. After completion of all codal formalities, EO submitted his findings report, wherein he reported that the constable received charge sheet but failed to submit reply. He was summoned time & again to submit reply or appear before EO but he did not bother to do so. Thus, the EO recommended him for ex-parte action.

Later on he was issued/served with final show cause notice vide office No. 688/EC, dated 10.03.2023 and summoned time & again to submit reply or appear before undersigned in OR but he did not bother to do so.

Keeping in view all the above facts as well as recommendation of enquiry officer & material available on record, the above named constable has deliberately absented himself from his lawful duties. Therefore, I, Superintendent of Police, Admin & Minority Wing SSU (CPEC), being the competent authority in the exercise of powers vested to me under section 5(4) of Khyber Pakhtunkhwa, Police Rules 1975 (amended in 2014) hereby awarded major punishment of "Dismissal from Service" and his absence period w.e.f. 29.10.2022 till date is treated as leave without pay and the Accountant SSU HQrs: is directed to reckon & recover the amount if paid to him during his absence alongwith Basic Recruit Course charges accordingly.

OB No. 471  
Dated 02/05/2023

  
(RAZAHANIF)  
SP Admin & Minority SSU (CPEC),  
Khyber Pakhtunkhwa, Peshawar.

17-05-2023

Copy of the above is forwarded for information to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. District Police Officer, Abbottabad.
3. SP North SSU (CPEC) at Mansehra.
4. DSP HQrs: SSU (CPEC).
5. PA to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
6. PA to Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
7. Accountant, SRC, I.O, OASI, I/C HRMS, I/C KOT and I/C Clothing Godown HQrs. SSU (CPEC).
8. Mr. Hassan Ali S/O Chanzeb Khan, Munsoor town PS Mirpur, Dist: Abbottabad.



CFC  
018



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



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

No. 2099-2103/EC

dated Peshawar the 19/07/2024

**ORDER**

This order will dispose-off the formal departmental appeal preferred by Ex-Constable Hassan Ali No. 1922 of Special Security Unit (CPEC) against the order of SP Admin & Minority SSU (CPEC), wherein he was awarded major punishment of "Dismissal from Service" on the allegations that he was transferred to District DI:Khan on complaint basis vide order No. 8631-35/OASI, dated 24.10.2022 but he failed to make his arrival at new place of posting and absented himself from lawful duties w.e.f. 29.10.2022 till the date of dismissal from service i.e. 02.05.2023 (186 days) without any sanctioned 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 inquiry, the enquiry officer reported that the accused constable was summoned time & again to receive charge sheet and submit reply but in vain. Thus, the enquiry officer recommended him for ex-parte action.

Later on he was issued/served with final show cause notice and repeatedly summoned to submit reply & appear before the competent authority for personal hearing but all attempts proved futile.


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. 1311-24/EC, dated 02.05.2023.

Feeling aggrieved against the impugned orders of SP Admin & Minority SSU (CPEC), Khyber Pakhtunkhwa, Peshawar, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 15.07.2024.

During the course of personal hearing, the applicant failed to prove himself innocent of the charges leveled against him. 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. Also his appeal is badly time barred.

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 & badly time barred.

Order announced.

  
(IRFAN TARIQ)<sup>PSP</sup>  
COMMANDANT,  
Special Security Unit (CPEC),  
Khyber Pakhtunkhwa,  
Peshawar.

19-07-2024

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. Ex-FC Hassan Ali No. 1922.

**OFFICE OF MUHAMMAD ALI QAZI**  
*Advocate High Court, Abbottabad*

To

1. The Commandant Special Security Unit (CPEC), Central Police Offices S.A.Q road Peshawar Cantt Khyber Pakhtunkhwa, Peshawar.
2. SP Admin & Minority SSU (CPEC), Central Police Offices S.A.Q road Peshawar Cantt Khyber Pakhtunkhwa, Peshawar.

Subject: **NOTICE OF FILING OF SERVICE APPEAL.**

On the advice of my client, *Hassan Ali No. 1922 SSU (CPEC), S/O Chanzeb Khan, R/O Mansoor Town PS Mirpur, District Abbottabad*, a service appeal is being filed before the Honourable Khyber Pakhtunkhwa Service Tribunal Peshawar. A notice/ intimation of the same is being sent to you for information/ necessary action under the law. Copy of Service Appeal is attached herewith.

Dated: 15/08/2024

*M. Ali Qazi*  
(MUHAMMAD ALI QAZI)  
Advocate High Court, Abbottabad



کورٹ فیس  
تقاضی

# وکالت نامہ

بعدالت سروس ٹریبونل خیبر پختونخواہ لہذا

عنوان: حسن علی بنام کیماڈنٹ سپینل سیکورٹی

منجانب: ایبلاڈ

نوعیت مقدمہ: سروس ایبل

## باعث تحریر آنکہ

مقدمہ مندرجہ میں اپنی طرف سے واسطے پیروی و جواب دی کل کاروائی متعلقہ آن مقام ایبٹ آباد، قاضی محمد ارشد ایڈووکیٹ سپریم کورٹ آف پاکستان، محمد علی قاضی ایڈووکیٹ کو وکیل مقرر کر کے اقرار کرتا ہوں کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب موصوف کو کرنے راضی نامہ و تقرر ثالث فیصلہ برحلف دینے اقبال دعویٰ اور بصورت دیگر ڈگری کرانے اجراء وصولی چیک روپیہ و عرضی دعویٰ کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کی کل یا کسی جزوی کاروائی کے لئے کسی اور وکیل یا مختار صاحب قانونی کو اپنے ہمراہ اپنی بجائے تقرر کا اختیار بھی ہوگا اور صاحب مقرر شدہ کو بھی وہی اور ویسے ہی اختیارات ہوں گے اور اس کا ساختہ پر داخستہ مجھ کو منظور و قبول ہوگا۔ دوران مقدمہ جو خرچ و ہرجانہ التوائے مقدمہ کے سبب ہوگا اس کے مستحق وکیل صاحب ہوں گے۔ نیز بقایا رقم وصول کرنے کا بھی اختیار ہوگا۔ اگر کوئی پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب موصوف پابند ہوں گے کہ پیروی مقدمہ مذکورہ کریں اور اگر مختار مقرر کردہ میں کوئی جز و بقایا ہو تو وکیل صاحب موصوف مقدمہ کی پیروی کے پابند نہ ہوں گے۔ نیز درخواست براد استجارت ناش بصیغہ مفلسی کے دائر کرنے اور اس کی پیروی کا بھی صاحب موصوف کو اختیار ہوگا۔

لہذا وکالت نامہ تحریر کر دیا تاکہ سند رہے۔

بمقام: الرقوم: 15-8-24

Accepted By

Qagi

مہر محمد ایبٹ آباد  
 محمد علی قاضی (SPECA) ولد تری زیب خان سکندر منصور ٹھکانہ  
 حسن علی نمبر 1922