


# FORM OF ORDER SHEET

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

**Appeal No.** 2436/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	11/11/2024	<p>The appeal of Mr. Asad Habib resubmitted today by Mr. Umar Farooq Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on 19/11.2024. Parcha Peshi given to counsel for the appellant.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

The appeal of Mr. Asad Habib received today on 06.11 2024 by registered post, is incomplete for the following reason and is being returned to the appellant's counsel for completion and resubmission within 15 days:

1. Copy of departmental appeal is not attached with the appeal be placed on it.
2. Annexures of the appeal are unattested.

No. 1034 /Inst./2024/KPST,

Dt. 06/11 /2024.

*Amalilloh*  
ADDITIONAL REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Umar Farooq Adv.  
High Court at Peshawar.

*Respected Sir.*

① It is submitted with enough appeal having no copy of departmental appeal but page no- 21 of the appeal would reveal that it has been passed upon departmental appeal.

② The annexures have been attached, please put up before court.

*S. J. J.*  
04/07/24

Fix it before S.B. *R*

11/11/24.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 2436 /2024

Asad Habib... Appellant

Versus


The Commandant (SSU) and another... Respondents

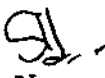
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Appellant

Through

  
Umar Farooq,

  
Sofia Noreen  
Advocates Supreme Court  
umripk@gmail.com

&

  
Muhammad Amin Ayub  
Advocate, High Court  
Cell # 0313-9040434

Dated: 06/11/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2436/2024

Asad Habib

Ex-Constable No.865

Special Security Unit, (CPEC) ..... Appellant

VERSUS

1. The Commandant

Special Security Unit, (CPEC)

Khyber Pakhtunkhwa, Peshawar

2. The Senior Superintendent (Admin) & Minority

Special Security Unit, (CPEC)

Khyber Pakhtunkhwa, Peshawar ..... Respondents

SERVICE APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974 AGAINST THE ORIGINAL IMPUGNED ORDER DATED 10.11.2023 WHEREBY APPELLANT WAS AWARDED MAJOR PUNISHMENT OF DISMISSAL FROM SERVICE AGAINST WHICH HE PREFERRED DEPARTMENTAL APPEAL BUT THE SAME WAS UNLAWFULLY REJECTED VIDE IMPUGNED APPELLATE ORDER DATED 06.09.2024.

PRAYER:

On acceptance of the instant appeal, the impugned original order dated 10.11.2023 passed by Respondent No.2 and the impugned appellate order dated 06.09.2024 communicated on 25.10.2024 passed by Respondent No.1, may graciously be set aside and appellant be re-instated into service with all back benefits.

Respectfully Sheweth,

Facts giving rise to the present appeal are as under:-

- i. That appellant hails from respectable family of District Mardan. He joined the Police Force as a Constable way back in the year 2019. It is apprised that during that period appellant performed his duties elegantly and was never ever

proceeded against departmentally. Appellant being citizen of the Country having all the fundamental rights which have been envisaged in the Constitution of the Islamic Republic of Pakistan, 1973 and is supposed to be treated in accordance with law and rules.

2. That while discharging his duties against the subject post, appellant got casual leave and left the duty station on 15.09.2023. After availing the same appellant was going to join his duty on 17.09.2023 when in the meanwhile at 03.45 PM some 15/20 persons dressed in Police uniform came in official pickup and entered into the house of the appellant and took him. Consequently, father of the appellant came to Police Station Saddar Mardan for lodging First Information Report (FIR) in respect of missing of appellant. However, instead of chalking out an FIR Naqal Mad No.7 dated 17.09.2023 was registered. It is pertinent to aver here that Police party of Police Station Saddar Mardan, under the supervision of ASI Atta-Ullah raided the house of the appellant and searched the house.
3. That in this context of the matter father of the appellant approached the Station House Officer (SHO) of Police Station Saddar Mardan to get information of appellant but he said that appellant was not in his custody/knowledge. Since they were not lodging FIR against the culprits, therefore, the father of the appellant being endured to continue his struggle and promptly invoked the jurisdiction of the learned Justice of Peace, Mardan by way of filing an application under Section 22-A Cr.PC against the State functionary, thereon notices were issued to which they submitted their respective comments and after extensive arguments the learned Justice of Peace was pleased to direct the SHO to lodge FIR vide Order dated 20.11.2023 (*Annex:-A*).
4. That pursuant to the order an FIR No. 1655, U/S 365, dated 28.11.2023, Police Station Saddar Mardan was chalked out against the unknown offenders (Copy of the FIR is attached as *Annex:-B*). It is significant to adduce here that appellant released from the confinement of the wrongdoers on 18.12.2023 at morning time. Since appellant was brutally tortured therefore, on the very next day i.e. on 19.12.2023 he was brought by the family members to the Mardan Teaching Hospital for treatment as is evident from the Out-Patient Department

Slip (OPD) (*Annex:-C*) wherein Doctors' advised him two week bed rest. After recovery, appellant visited the office of the Respondents on 03.01.2024 for joining his duties wherein he was intimated that he had already been dismissed from service by virtue of original impugned order dated 10.11.2023 (*Annex:-D*). After getting the impugned order appellant preferred departmental appeal on the same day by explaining all the facts in respect of his abduction but in vain.

5. That as-a matter of fact instead of re-instating appellant into service all of sudden Respondents wrote a letter dated 19.03.2024 (*Annex:-E*) whereby appellant was directed to appear before the Standing Medial Board for ascertaining the fitness through Psychologist. Instantly the Board was constituted on 25.04.2024 (*Annex:-F*) wherein it was opined that:-

*"Ex-Constable Asad Habib No.865 was assessed by the board members. He has no major mental illness on current mental state examination. The board is of the opinion that he can continue his services as Constable if there is no other inquires against him".*

6. That the opinion of the Board was communicated to Respondents by means of letter dated 14.05.2024 (*Annex:-G*). Appellant was hopeful that he would be re-instated into service but was handed down the impugned appellate order dated 06.09.2024 (*Annex:-H*) communicated on 25.10.2024 (*Annex:-I*) whereby Departmental Appeal of the appellant was unlawfully rejected.
7. That appellant being aggrieved of the impugned original order dated 10.11.2023 and impugned appellate order dated 06.09.2024, communicated on 25.10.2024, files the instant Service Appeal inter-alia on the following grounds:-

**Grounds:**

- A. That Respondents have not treated appellant in accordance with law, rules and policy on subject and acted in violation of Article 4 & 10A of the Constitution of Islamic Republic of Pakistan, 1973 and unlawfully issued the impugned orders, which are unjust, unfair and hence not sustainable in the eye of law.

- B. That admittedly appellant was abducted by unknown persons when he was availing leave on 17.09.2023, father of the appellant promptly approached the Police Station Saddar Mardan wherein instead of lodging FIR a Naqal Mad No.07 dated 17.09.2023 was registered. Consequently, father of the appellant filed an application under section 22-A CRPC which was allowed on 20.11.2023 upon which the learned Justice of Peace ordered to the SHO to chalk out an FIR which was registered on 28.11.2023, U/S 365 PPC against the unknown culprits. Ultimately, appellant was released from confinement on 18.09.2023 and was proceeded to hospital because appellant was severely tortured. After recovery appellant wanted to take over the charge of his post but he was apprised that he had been dismissed from service vide order dated 10.11.2023.
- C. That when appellant explained the whole story, thereon he was directed to appear before the Standing Medical Board for ascertaining the mental health of the appellant, meaning thereby that Respondents were well aware of the fact of the appellant being tortured. It is also evident from the Board's opinion that appellant could continue his service and he is medically fit but this important aspect of the matter was altogether ignored. Had the Respondents the fact of the abduction of the appellant did not concede then they would not have arranged/conducted the Board for the appellant because under the law Medical Board is constituted for the Civil Servant or Government as the case may be.
- D. That the innocence of the appellant is crystal clear from the facts and circumstances of the case because there were unavoidable situations, which fact was brought by the appellant into the notice of the Respondents by way of filing Departmental Appeal. The legislature has catered in law the word willful absence for the guilty civil servant, now it has to be seen that whether the act of the appellant falls within the ambit of willful absence? The answer is in negative because appellant was abducted and was not in position to intimate the Respondents Department.
- E. That the malafide of the Respondents is visible from the acts and omission because they wanted to remove appellant from service at any cost. Appellant

appeared before the Board wherein he declared to be fit person for job but in spite of that fact he was unlawfully debarred from service.

- F. That it is steadfast scheme of service law that whenever an accused is subjected to departmental proceedings, a charge is framed in the shape of Charge Sheet and Statement of Allegations. The basic aim of the same is to inform the delinquent civil servant of the charges without any ambiguity and he has to be informed that what kind of misconduct committed by him. Therefore, the basic requirement of initiation of departmental proceeding was not complied with because neither Charge Sheet, Statement of Allegations nor Show Cause Notice served upon the appellant. Thus the charges are not covered under Rule-3 of the Khyber Pakhtunkhwa Police Rules-1975 and thereon the impugned orders are liable to be set aside.
- G. That the edifice of the departmental proceedings against the appellant is of willful absence from duties. Now the question is that whether Appellate Authority/Respondent No.1 was not under legal obligations to give finding upon the assertions of the appellant in respect of his abduction. It was the primary duty of the Inquiry Officer/appellate authority to ascertain the truth behind the charges as leveled against delinquent civil servant but the so called inquiry conducted by the Respondents at the back of the appellant which is contravention of Article-10A of the Constitution of Islamic Republic of Pakistan, 1973, it would not be wrong to add here that on the basis of surmises and conjunctures appellant has been inflicted upon major punishment of dismissal from service, which is liable to be set aside.
- H. That a set procedure under Rule-6 of the Police Rules-1975 has been catered for proceedings but this important aspect of the matter was outright overlooked by the Respondent Department and conducted a Fact Finding Inquiry under Rule-5 of the Rules *ibid*. It is further contended that whenever the Competent Authority is satisfied with the recommendations of the Fact Finding Inquiry and he is of the opinion that there is no need to conduct regular inquiry against the delinquent civil servant then reasons are mentioned and regular inquiry is dispensed with but this important aspect of the matter was also ignored by the competent authority as neither reasons for dispensing with the regular inquiry



nor final Show Cause Notice was served to the appellant, which is not tenable in the eye of law, therefore, the basic order against the appellant is without any lawful authority and it is an established principle of law that whenever the initiation of a departmental inquiry is based upon unlawful order then the superstructure built thereon would fall to the ground automatically.

- I. That Section-16 of the Khyber Pakhtunkhwa Civil Servant Act, 1973 read with Rule-3 of the Khyber Pakhtunkhwa Police Rules, 1974 necessitate that civil servant has to be treated in accordance with law and rules. Therefore, Respondents adopted summary procedure rather the gravity of the charges leveled against the appellant required strict compliance with said rules and it was the basic duty to conduct a regular inquiry. Moreover, the whole proceedings have been carried out in violation of Article-10A of the Constitution of the Islamic Republic of Pakistan, 1973.
- J. That it is a settled legal principle that where major penalty is proposed then only a regular enquiry is to be conducted wherein the accused must be associated with all stages of the enquiry including the collecting of oral and documentary evidence in his presence and he must be confronted to the same and must be afforded an opportunity of cross-examining the witnesses. Thus the impugned orders are nullity in the eye of law and hence liable to be set aside. Moreover, copy of the inquiry was not provided to appellant.
- K. That no opportunity of personal hearing was not afforded to the appellant neither by the competent authority, nor by the Enquiry Officer which is the mandatory requirements of law. Reliance is placed on 2003 SCMR 1126 which states that:-

*“where the civil servant was not afforded a chance of personal hearing before passing of termination order, such order would be void ab-initio.”*

Further reliance is placed on PLD 2008 SC 412 which states as under:-

*“Natural Justice, principles of — Opportunity of hearing — Scope —  
- order adverse to interest of a person cannot be passed without*

*providing him an opportunity of hearing — Departure from such rule may render such order illegal.”*

Thus appellant was condemned unheard as the action has been taken at the back of the appellant which is against the principle of natural justice.

L. That the appellant has served the Department for about than 22 years and has consumed his precious life in the service and keeping in view his unblemished service the imposition of the major penalty in peculiar facts and circumstances of the case is harsh, excessive and does not commensurate with the guilt of the appellant.

M. That the impugned orders are without any cogent reasons hence appellant was condemned unheard, thus void, ab-initio as well as against the principle of natural justice. Furthermore, Rule-5 of the Khyber Pakhtunkhwa Civil Servant (Appeals) Rules, 1986 and Section-24-A of General Clauses Act. which stipulate that:-

*“5.(1) The appellate authority, after making such further inquiry or calling for such information or record or giving the appellant an opportunity of being heard, as it may consider necessary, shall determine-*

*(a) Whether the facts on which the order appealed against was based have been established.*

*(b) Whether the facts established afford sufficient grounds for taking action; and*

*(c) Whether the penalty is excessive, adequate or inadequate.*

N. That appellant would like to offer some other additional grounds during the course of arguments when the stance of the Respondents is known to the appellant.


It is, therefore, humbly prayed that the instant appeal may graciously be accepted as prayed for above.

Any other relief as deemed appropriate in the circumstances of case not specifically asked for, may also be granted to appellant.


  
Appellant

Through

  
Umar Farooq,

  
Sofia Noreen  
Advocates Supreme Court  
umripk@gmail.com

&

  
Muhammad Amin Ayub  
Advocate, High Court  
Cell # 0313-9040434

Dated: 06/11/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. \_\_\_\_\_/2024

Asad Habib..... Appellant

Versus

The Commandant (SSU) and another ..... Respondents

**Affidavit**

I, Asad Habib Ex- Constable No.865 Special Security Unit, (CPEC), do hereby solemnly affirm and declare on oath that the contents of this Appeal are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

*Asad*  
Deponent

16/01/67571069

Identified by

*Muhammad Amin Ayub*  
Muhammad Amin Ayub  
Advocate, Peshawar



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. \_\_\_\_\_/2024

Asad Habib..... Appellant

Versus

The Commandant (SSU) an another ..... Respondents

**Application for condonation of delay (if any) in filing the instant Service Appeal.**

Respectfully Sheweth,

1. That the titled appeal is being filed in this Hon'ble Tribunal which is yet to be fixed for hearing.
2. That admittedly appellant was abducted by unknown persons when he was availing leave on 17.09.2023. Father of the appellant promptly approached the Police Station Saddar Mardan wherein instead of lodging FIR a Naqal Mad No.07 dated 17.09.2023 was registered. Consequently, father of the appellant filed an application under section 22-A C.R No.PC before the Justice of Peace which was allowed on 20.11.2023 upon which the learned Justice of Peace ordered to the SHO to chalk out an FIR which was registered on 28.11.2023, U/S 365 PPC against the unknown culprits. Ultimately, appellant was released from confinement on 18.09.2023 and was proceeded to hospital because appellant was severely tortured. After recovery appellant wanted to take over the charge of his post but he was apprised that he had been dismissed from service vide order dated 10.11.2023.
3. That appellant vigilantly pursued the instant matter but could not submit departmental appeal owing to above circumstances. Moreover, it has been held time and again by the Apex Court that the question of limitation is not admissible because Apex Court encourages decision of the matters on merits rather technicalities. It is mixed question of facts and law and it should not be made a hurdle where the claim of the claimant is based upon legal footings and where there is clear apprehension that if the said relief was not granted to him, it will adversely affect the service career of an employee.
4. That valuable rights of the appellant are involved in the instant case and it is highly in the interest of justice to condone the delay otherwise the appellant will be put to dire troubles.
5. That it has become a settled legal principle that technicalities including limitation are to be avoided for the safe administration of justice.

It is, therefore, humbly prayed that the delay (if any) caused in filing the instant appeal may graciously be condoned.

*Asad*  
Applicant/Appellant

Through

*Muhammad Amin Ayub*  
Muhammad Amin Ayub  
AHC

Dated: 06/11/2024

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. \_\_\_\_\_/2024

Asad Habib..... Appellant

Versus

The Commandant (SSU) an another ..... Respondents

**Affidavit**

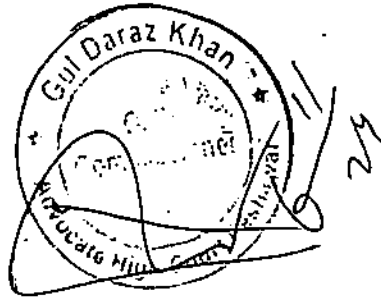
I, Asad Habib Ex- Constable No.865 Special Security Unit, (CPEC), do hereby solemnly affirm and declare on oath that the contents of this Application are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal.

*Asad*  
Deponent

16/06/2024

Identified by

*Muhammad Amin Ayub*  
Muhammad Amin Ayub  
Advocate, Peshawar



AKINB A - 12 - 0

Page 1 of 2

IN THE COURT OF LUBNA ZAMAN  
ADDITIONAL SESSIONS JUDGE-VI  
EX-OFFICIO JUSTICE OF PEACE, MARDAN

Petition No.106/6 of 2023

*Ghulam Habib... Versus ... DPO Mardan etc*

Order-6  
20.11.2023

APP for the State present. Counsel for petitioner also present. Comments of the SHO concerned already received.

Petitioner namely Ghulam Habib son of Khaista Gul r/o Sheikh Yousaf Charsadda Road, Mardan has filed the instant application U/S 22-A Cr.PC for issuing directions to respondents for lodging FIR for missing as well as illegal confinement of his son.

Arguments heard and file perused.

Perusal of case record would reveal that the petitioner has alleged in the petition that his son Asad Habib was recruited in elite service and came to his house on leave on 15.09.2023. When he was returning to duty on 17.09.2023 in the meanwhile at 03.45 PM some 15.20 persons dressed in police uniform came in official pickup and entered into the house and took his son alongwith them. The petitioner submitted application to DPO Mardan on 14.09.2023 but his son was not recovered. The petitioner contacted his son on his mobile SIM No.0318-4967267 on 18.09.2023 at 01.00 AM night time upon which his son responded to the phone call and told the petitioner to bring his wallet and touch mobile phone to police station Saddar, Mardan, however, the petitioner could not find the wallet and touch mobile phone of his son in the room. When he went to police station Saddar, the

*[Signature]*  
LUBNA ZAMAN  
AD&S-VI, MARDAN

police officials did not let him meet his son and later on he again contacted his son during the daytime at 01.00 PM. In the meanwhile Atta Ullah Khan ASI alongwith police officials came to their house and conducted house search but could not find the wallet and touch mobile phone. He made requests for registration of FIR to the high ups but to no avail.

The respondent SHO PS Saddar, Mardan has submitted comments and admitted that the son of the petitioner was on duty in the Elite Force. He reported that the report of the petitioner regarding the missing whereabouts of his son was lodged vide Mad No.7 dated 17.09.2023 at PS Saddar, Mardan and inquiry is in progress. No progress report of the inquiry is annexed with the comments. The respondents have also not shown any sufficient reason for refusal to register the FIR.

For reasons given above as a cognizable offence has been committed, therefore, the SHO PS Saddar, Mardan is bound to register the FIR. The petition is allowed. File be consigned to record room after completion.

Announced  
20.11.2023

(LUBNA ZAMIN)  
Additional Sessions Judge-VI/  
Ex-Officio Justice of Peace,  
Mardan.

LUBNA ZAMIN  
20.11.2023



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Main body of handwritten text, likely a report or account, written in Urdu. It contains several paragraphs of text.

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پولیس نمبر: 004466--

پولیس فارم نمبر 24-5(1)

-15-

ابتدائی اطلاعی رپورٹ نسبت جرم قابل دست اندازی پولیس رپورٹ شدہ زیر دفعہ 154 مجموعہ ضابطہ نوحداری

نمبر: 1655/23 تھانہ: صدر ضلع: مردان ای ٹیک نمبر: 00000

تاریخ و وقت: 17-09-2023 03:30 PM

1	تاریخ و وقت رپورٹ	تھانہ سے روانگی کی تاریخ و وقت	6
2	نام و سکونت اطلاع دہندہ مستفیث	غلام حبیب ولد خاستہ رحمان، پتھر خان پور، پشاور، خیبر پختونخوا	
3	مختصر کیفیت جرم (معد دفعہ) دہال اگر کچھ کھو گیا ہے	بجریہ	
4	جائے وقوعہ و فاصلہ تھانہ سے اور سمت	نزد مکان مدعی واقع ضلع پشاور	
5	کارروائی متعلقہ تفتیش اگر اطلاع درج کرنے میں کچھ توقف ہوا ہو تو اس کی وجہ بیان کی جاوے	مدعی کی درخواست پر زیر دفعہ 22A حسب الحکم عدالت کی درخواست درج کیا گیا۔	

حفظ: ATTA ULLAH بیلٹ نمبر: 484/MR عہدہ: P/ASI

(ابتدائی اطلاع نیچے درج کریں)

تفتیش مندرجہ خانہ نمبر 2 نے بحوالہ 7 روز نامہ 17.09.2023 تھانہ صدر میں پرائیمری اسد حبیب کی لے جانے کی رپورٹ بر خلاف 2 موز کار، پک سوار کسان اسانے نامعلوم جنسی رپورٹ پر حسب ضابطہ انگریزی 156(2) ض ف شروع کر کے دوران انگریزی رپورٹ کنندہ نے عدالت حضور میں 22A ض ف دائر کر کے جس پر عدالت حضور نے مقدمہ رجسٹر کرنے کا تحریری حکم صادر فرمایا جس کے مطابق صاحب مردان کی اسد حبیب کی missing کا مقدمہ بر خلاف مزمان نامعلوم درج رجسٹر کر کے فتول IR انگریزی کاغذات حکم عدالت بغرض تفتیش حوالہ انگریزی شعبہ تفتیش کے جانے ہیں۔ پتھر خان پور۔ نقل مذیل ہے۔ و حوالہ انگریزی عطیاء اللہ خان ASI 7 روز نامہ کی غلام ولد خاستہ گل قوم انخان بھر 67/68 سال ساکن چار سدہ روڈ ضلع پشاور بوقت 22:00 بجے مورخہ 17.09.2023 بمقام ضری تھانہ آ کر یوں رپورٹ کرتا ہے۔ کہ آج بوقت 15:30 بجے گھر خود سے نکل کر سوڈا لینے کے لئے بازار جا رہا تھا۔ جب میں گھر خود سے توڑا آگے جا کر تو اس دوران 2 عدد موز کار اور 2 عدد سفید رنگ کے پک اب آ کر جس میں کسان سوا پونے پونے پیرام اسد حبیب جو کہ عکس پولیس میں ملازم اور نوشہرہ سنٹر میں ڈیوٹی کرتا ہے۔ میں انکو مہمان سمجھ کر میں بھی فوراً کے پیچھے آ کر موز کارہ گاڑیوں سے اتر کر ہمارے گھر جا کر پیرام حبیب کو اپنے ساتھ لے گیا۔ اور اسکا موبائل فون بھی اپنے ساتھ لے گیا۔ پتھر نہیں ہے کہ ان لوگوں نے پیرام عکس میں کسی غلطی یا قانونی کارروائی کی بنا پر لے گیا ہے۔ مزید حالات و واقعات کی نسبت اطلاع رپورٹ کرتا ہوں۔ معلومات ہونے پر دوبارہ رجوع کرونگا۔ رپورٹ لکھی جاوے گی۔ العبادہ و کارروائی تھانہ حسب گفتہ سائیکل رپورٹ درج ہالہ انگریزی کرنا گیا اور رپورٹ کے زیر رپورٹ و دستخط کی جسکی میں تصدیق کرتا ہوں۔ رپورٹ میں رپورٹ کنندہ نے کسی کے ساتھ دلہدی وغیرہ ظاہر نہیں کی ہے۔ رپورٹ منسلوک ہے انگریزی کاغذات و واقعات جناب SHO صاحب کے نوٹس میں لائی جا کر نقل مد علیحدہ مرتب کر کے بغرض کارروائی انگریزی بلحاظ بیٹ حوالہ انگریزی کی رنگ روڈ عطیاء اللہ خان ASI کرنا گیا۔

P/ASI ATTA ULLAH

28-11-2023

Normal blood - there  
leaf - for 02 nos.

1260 Durgam 1000  
1260 Durgam 1000  
1260 Durgam 1000  
1260 Durgam 1000

12/16

NAME: C. S. J. J.  
YEARLY NO: 51  
DATE: 19/12/2023

OUT-PATIENTS DEPARTMENT  
DISTRICT HEAD QUARTER  
TEACHING HOSPITAL MARDAN  
Rs. 10/-

And-Ca  
-16-

Investigation Dept  
M. M. M.  
02 cases  
Admission in  
Sectory  
Confusion  
From 2000 hrs  
To 1000 hrs  
Residual signs  
No. of cases



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

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



No. 5314-26 EC/SSU,

dated Peshawar the 10/11/2023.

Annex-D  
-17-

**ORDER**

This order will dispose-off departmental inquiry initiated against Constable Asad Habib No. 865 of Special Security Unit (CPEC), District Mardan.

Brief facts of the case are that Constable Asad Habib No. 865 had absented himself from Basic Elite training Course at EPTC Nowshera w.e.f. 17.09.2023 till date without any sanctioned leave or prior permission of the competent authority due to which he was also dropped from the said course, received vide Dy: Commandant Elite Force letter No. 14407-08/EF, dated 05.10.2023.

In this regard, his pay was stopped & proper departmental proceeding was initiated against him. He was issued charge sheet & summary of allegations vide this office Endst: No. 4819/EC, dated 09.10.2023 and Mr. Ibrahim Khan DSP SSU (CPEC) Mardan Region was nominated as enquiry officer to conduct inquiry into the matter and submit his findings report. After completion of all codal formalities, EO submitted his findings report, wherein he reported that the alleged constable had been summoned repeatedly to submit a reply or appear before the inquiry officer for personal hearing, but all attempts proved futile. He was contacted through his personal mobile cell phone number, 0314-7074091 but his phone was switched off. Subsequently, the charge sheet was received by his father, who also recorded statement to the inquiry officer. In his statement, he stated that his son is not present at home and assured that he would inform his son about the ongoing departmental proceedings once he return. However, as of now, there has been no response or communication from the alleged constable. The inquiry officer also recorded statement of MASI EPTC Nowshera, wherein he stated that the alleged constable had absented himself from his training on 17.09.2023 and is still absent till date. Thus, the inquiry officer recommended that ex-parte action may be taken against him or he may be awarded major punishment.

Later, he was issued final show cause notice vide this office No. 5183/EC, dated 02.11.2023. He was summoned time & again through all available means to submit a reply and appear before the undersigned for a personal hearing in the orderly room held on 03.11.2023. However, he consistently badly failed to comply, indicating his lack of interest towards his official obligations.

Keeping in view all the above facts as well as recommendation of enquiry officer & material available on record, the above named constable had deliberately absented himself from his lawful duties & not taking any interest in the discharge of his lawful duties. Therefore, I, Superintendent of Police, Admin & Minority Wing SSU (CPEC) HQrs, 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 him major punishment of "Dismissal from Service" and his absence period from duty w.e.f. 17.09.2023 till date is hereby treated as leave without pay with immediate effect.

14/10/23  
10/11/23

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

Copy of the above is forwarded for information to the:

1. Accountant General, Khyber Pakhtunkhwa.
2. Deputy Commandant Elite Force w/r to his letter No. quoted above.
3. District Police officer, Mardan.
4. DSP Mardan Region SSU (CPEC).
5. PA to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
6. PA to Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
7. Accountant, SRC, RI, OASI, I/C HRMS, I/C KOT and Clothing Godown SSU (CPEC).
8. Official Concerned.



**DIRECTORATE GENERAL HEALTH SERVICES**  
**KHYBER PAKHTUNKHWA PESHAWAR**

All communications should be addressed to the Director General Health Services  
Peshawar and not to any official by name E-Mail Address [K.P.Dgshs@yahoo.com](mailto:K.P.Dgshs@yahoo.com)  
Office # 091-9210269 Exchange # 091-9210187, 9210196 Fax # 091-9210230

NO: 521-22/Medical/SMB

Dated: 19/03/2024

To


The Medical Superintendent  
Services Hospital, Peshawar.

Subject:- **STANDING MEDICAL BOARD FOR ASCERTAINMENT OF DISEASE/FITNESS THROUGH PSYCHOLOGIST IN RESPECT OF EX-CONSTABLE ASAD HABIB NO.865.**

Reference Deputy Commandant Special Security Unit (CPEC) Khyber Pakhtunkhwa Peshawar letter No.1813/EC/SSU Dated.11/03/2024 ,on the subject noted above in respect of **EX-CONSTABLE ASAD HABIB NO.865**, for conduction of **SMB For ASCERTAINMENT OF DISEASE/FITNESS THROUGH PSYCHOLOGIST.**

You are therefore, requested to arrange his Standing Medical Board and proceeding of the Board may please be communicated to the quarter concerned with intimation to this Directorate.

This issue upon the approval of DGHS, KP.

  
Addl: **DIRECTOR GENERAL(Admn)**  
DIRECTORATE GENERAL HEALTH  
SERVICES, KHYBER PAKHTUNKWA,  
PESHAWAR.

Copy forwarded to the:

1. Deputy Commandant Special Security Unit (CPEC) Khyber Pakhtunkhwa Peshawar, with reference to his letter No. quoted above with the request to direct the official concerned to appear before the Medical Superintendent Services Hospital Peshawar, for medical examination to be carried by the Standing Medical Board/Standing Invalidating Committee on 20.03.2024 along with relevant documents .
2. PA to Director General Health Services Khyber Pakhtunkhwa Peshawar

PNW/F-19.


**OFFICE OF THE CHAIRMAN STANDING MEDICAL BOARD/ MEDICAL SUPERINTENDENT SERVICES, HOSPITAL, PESHAWAR**

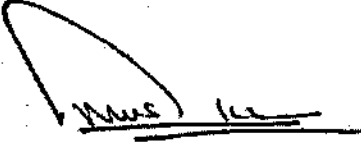
The Provincial Standing Medical Board comprising the following members assembled in the office of the Medical Superintendent Services, Hospital, Peshawar to examine Ex-Constable Asad Habib No. 865.


Ex-Constable Asad Habib No. 865 was assessed by the board members. He has no major mental illness on current mental state examination. The board is of the opinion that he can continue his services as Constable if there is no other Inquires against him.


Station Peshawar:-

Dated: - 25/04/2024

  
(Dr. Niaz Muhammad)  
Chairman  
Standing Medical Board  
Medical Superintendent  
Police/Services, Hospital,  
Peshawar.

  
(Dr. Muallim Khan)  
Senior Psychiatrist  
Sarhad Hospital for Psychiatry Diseases  
Peshawar

  
(Dr. Aziz Muhammad)  
Assistant Prof; Psychiatry  
Khyber Teaching Hospital  
Peshawar... Member...

  
(Dr. Khwaja Muhammad Younas)  
Consultant Psychiatrist  
Central Prison Peshawar

  
(Dr. Asif Izhar)  
Medical Specialist  
Services Hospital Peshawar



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

Phone: (OM) 091 9210309 (Exch) 091 9221472 Fax: 091 9210341

PANNE G  
-20.

No. 3574-15 /MS/SMB/2023-24


Dated. 14/05/2024

Deputy Commandant  
Special Security Unit (CPEC)  
Khyber Pakhtunkhwa, Peshawar.

Subject: - **STANDING MEDICAL BOARD**

Memo: - With reference to your office letter No. 1813/EC/SSU, Dated. 11/03/2024 addressed to Director General Health Services, Khyber Pakhtunkhwa Peshawar on the subject noted above.

Ex-Constable Asad Habib No. 865 was examined by the Standing Medical Board held in this office on 25/04/2024. The proceedings of the Standing Medical Board are sent herewith for further necessary action.

  
Chairman,  
Standing Medical Board  
Medical Superintendent  
Police/Service Hospital  
Peshawar

Copy to.

- Director General Health Services Khyber Pakhtunkhwa Peshawar for information with reference to his letter No. 521-22/Medical/SMB Dated. 19/03/2024.



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

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



No. 2593-98 /EC,

dated Peshawar the 06/09/2024.

**ORDER**

*ANNEX H - 21 -*

This order will dispose-off the formal departmental appeal preferred by Ex-Constable Asad Habib No. 865 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 had absented himself from Basic Elite training Course at EPTC Nowshera w.e.f. 17.09.2023 till date without any sanctioned leave or prior permission of the competent authority due to which he was also dropped from the said course, received vide Dy: Commandant Elite Force letter No. 14407-08/EF, dated 05.10.2023.

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 through all available means but all attempts proved futile. Thus, the inquiry officer recommended him for major punishment.

Later, he was issued/served with final show cause notice and repeatedly summoned through all available means to submit a reply and appear before the undersigned for a personal hearing in the orderly room held on 03.11.2023. However, he consistently badly failed to comply, indicating his lack of interest towards his official obligations.

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. 5314-26/EC, dated 10.11.2023.

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 03.09.2024.

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.**

(MUHAMMAD SULEMAN) PSP  
COMMANDANT,  
Special Security Unit (CPEC),  
Khyber Pakhtunkhwa,  
Peshawar.

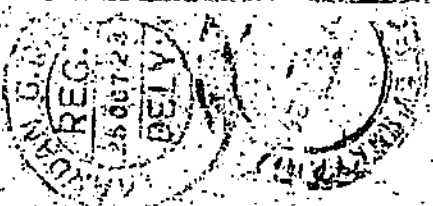
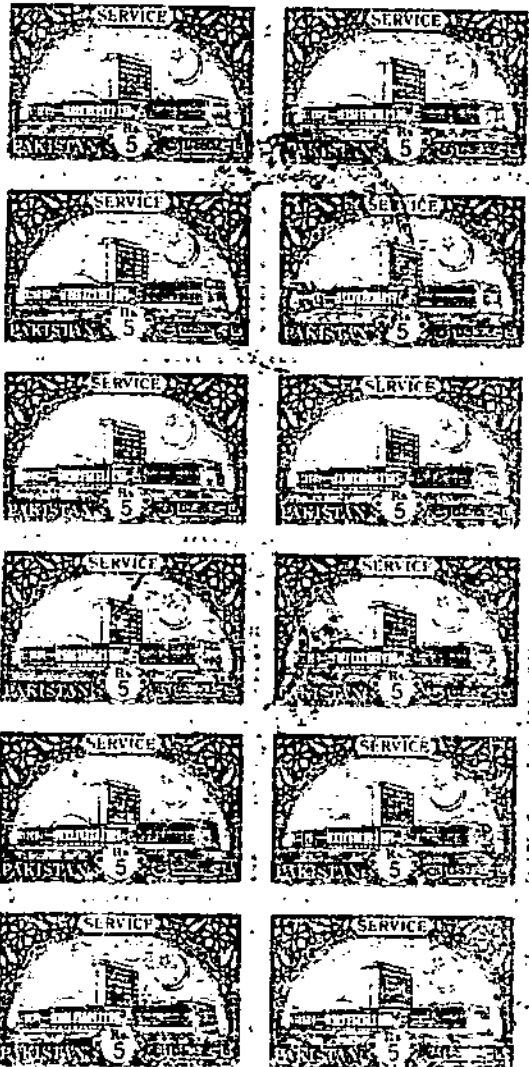
Copy of the above is forwarded for information to the:

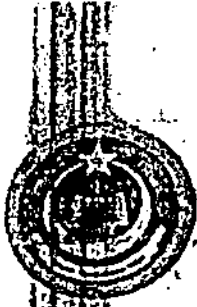
1. Dy: Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
2. SP Admin & Minority SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
3. PA to Commandant SSU (CPEC), Khyber Pakhtunkhwa Peshawar.
4. Ex- FC Asad Habib No. 865.



ANNEX I - 22 -

From: SSU (Spec) Pesnawar





**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

116

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email [dpo\\_mardan@yahoo.com](mailto:dpo_mardan@yahoo.com)  
Facebook: District Police Mardan

2019

**ORDER**

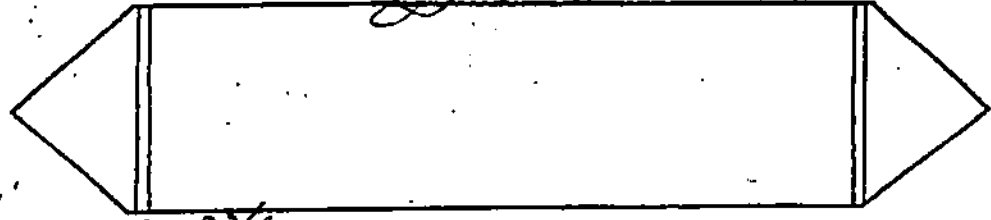
Mr. Asad Habib S/o Ghulam Habib R/o Sheikh Yousaf Sadder Tehsil & District Mardan, has been qualified in Recruitment process conducted by ETEA 2019, is hereby appointed as Constable B.P.S-07 (10990-610-29290) on three years' probation period, with effect from 30.12.2019, and allotting him Constabulary No. 3688 with immediate effect.

Height 5 - 8 ½  
Chest 33 x 35  
Education FA  
Date of Birth 16.04.1998  
O.B No. 2816  
Dated 25.12.2019



District Police Officer  
Mardan

### بعدالت سرٹیفیکیٹ



2024ء منتخب امیدوار  
اس لیے بنام مکتوب تحریر

موزخہ  
مقدمہ  
دعویٰ  
جرم

### باعث تحریر آنکھ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ انصاف ایس ایس ڈی کے  
آن مقام کے لیے

مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ حلف دیئے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور صولی چیک درو پیار عرضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائس پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخ  
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ لیا اپنے بجائے تقرر کا اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو کسی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ  
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے سبب سے ہوگا۔  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سند ہے۔

الرقوم 2024

20

واہ العی

کے لئے منظور ہے Acceptance

Umar  
Sofyan Noorah

Attended  
Accepted

Signature

بمقام