

02nd June, 2022

Counsel for the appellant present and submits that against impugned order dated 04.10.2020 whereby the appellant was invalidated out of service w.e.f 15.09.2020, filed departmental appeal on 03.08.2021 which was rejected on 13.09.2021, he then filed revision petition on 13.09.2021 which was also rejected on 25.01.2022, thereafter filed the instant service appeal on 08.02.2022. This appeal appears to be within time and admitted for full hearing subject to all just and legal objections by the other side. The appellant is directed to deposit security and process fee and security within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 27.07.2022 before S.B.

Rs. 600/-
Appellant Deposited
Security & Process Fee
7/6/2022



(Kalim Arshad Khan)
Chairman

22th April, 2022

Appellant present in person. His counsel is not in attendance. Appellant seeks adjournment. Last opportunity is granted subject to cost of Rs. 5000/-. To come up for preliminary hearing on 03.06.2022 before S.B.






Chairman

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 182/2022


S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/02/2022	<p>The appeal of Mr. Asif Khan resubmitted today by Mr. Hassan U.K Afridi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	04.04.2022	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put there on <u>04-04-2022</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the appellant present.</p> <p>Let a pre-admission notice be given to other side. To come up for preliminary hearing on 22.04.2022 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Mr. Asif Khan S/O Wasil Khan, R/O Mohallah New Abadi, Jungle Khel District Kohat received today i.e. on 08.02.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.


1. Memorandum of the appeal is unsigned which may be signed by the appellant.
2. Checklist attached with the appeal is unfilled.
3. Certificate be given to the effect that appellant has not been filed any service appeal earlier on the subject matter before this Tribunal.

No. 290 /S.T,

Dt. 08/02 /2022


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Hassan U.K Afridi Adv. Pesh.

~~Re-submitted~~
after complete of the
said appeal.

10/2/2022

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

CHECK LIST

Case Title: Asif Khan v/s Government of KPK

S#	CONTENTS	YES	NO
1	This Appeal has been presented by: _____	✓	
2	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	✓	
3	Whether appeal is within time?	✓	
4	Whether the enactment under which the appeal is filed mentioned?	✓	
5	Whether the enactment under which the appeal is filed is correct?	✓	
6	Whether affidavit is appended?	✓	
7	Whether affidavit is duly attested by competent Oath Commissioner?	✓	
8	Whether appeal/annexures are properly paged?	✓	
9	Whether certificate regarding filing any earlier appeal on the subject, furnished?	x	✓
10	Whether annexures are legible?	✓	
11	Whether annexures are attested?	✓	
12	Whether copies of annexures are readable/clear?	✓	
13	Whether copy of appeal is delivered to AG/DAG?	✓	
14	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	✓	
15	Whether numbers of referred cases given are correct?	✓	
16	Whether appeal contains cutting/overwriting?	x	✓
17	Whether list of books has been provided at the end of the appeal?	✓	
18	Whether case relate to this court?	✓	
19	Whether requisite number of spare copies attached?	✓	
20	Whether complete spare copy is filed in separate file cover?	✓	
21	Whether addresses of parties given are complete?	✓	
22	Whether index filed?	✓	
23	Whether index is correct?	✓	
24	Whether Security and Process Fee deposited? On _____	✓	
25	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On _____	✓	
26	Whether copies of comments/reply/rejoinder submitted? On _____	✓	
27	Whether copies of comments/reply/rejoinder provided to opposite party? On _____	✓	

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name: HASSAN-UR-REHMAN

Signature: _____

Dated: _____

8/2/22

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. 182/2022

Asif Khan.....Appellant

V E R S U S

Government of Khyber Pakhtunkhwa through Secretary
Home & others.....Respondents

I N D E X

S#	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of parties		7
4.	Appointment order		8-9
5.	Pensioner data verification sheet		10
6.	Standing medical Board		11-13
7.	Impugned order of invalided dated 04.10.2020		14
8.	Petition /appeal to DIG		15-18
9.	Impugned order of DIG dated 13.09.2021		19
10.	Revision before IGP		20-24
11.	Impugned order of IGP dt.25.01.2022		25
12.	Wakalatnama		26

Appellant

Through

Dated 18.02.2021

Hassan U.K Afridi

Advocate

Supreme Court of Pakistan

Cell No.0300-9151963

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Service Appeal No. _____/2022

Asif Khan Son of Wasil Khan,
R/o Mohallah New Abadi, Jungle Khel, Kohat
.....Appellant

V E R S U S

1. Government of Khyber Pakhtunkhwa through
Secretary Home Civil Secretariat, Khyber
Pakhtunkhwa, Peshawar
2. Inspector General of Police, Khyber Pakhtunkhwa
Peshawar
3. Deputy Inspector of Police/Regional Police, Kohat
4. District Police Officer, Kohat
.....Respondents

**SERVICE APPEAL UNDER SECTION 4 OF THE
KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974, AGAINST THE
IMPUGNED ORDER VIDE DATED 04.10.2020
WHEREBY THE DEPARTMENTAL APPEAL OF
THE APPELLANT REJECTED/FILED VIDE
DATED 13.09.2021 PASSED BY THE
RESPONDENT NO.3 AND REVISION BEFORE
THE RESPONDENT NO.2 ALSO**

REJECTED/FILED VIDE DATED 25.01.2022
WHILE ALL THE ABOVE IMPUGNED ORDERS
AS MENTIONED ABOVE ARE AGAINST LAW
AND ARE LIABLE TO BE SET ASIDE.

Prayer in Appeal:-

On acceptance of this service appeal, the impugned orders as mentioned in the heading of the appeal may kindly be set aside and the respondents may kindly be directed to order for constitution of fresh medical board for examination of appellant and if appellant medically fit, then the appellant may please be reinstated in service, in accordance with law with all back benefits.

Any other relief, deemed fit and necessary in the given circumstances of the case may also be awarded in favour of the appellant was against respondents

Respectfully Sheweth:-

Facts of the case

1. That the appellant was appointed as constable in the department of respondents in District Kohat on 02.06.2006.
2. That from the date of appointment, the appellant performed his duties well and satisfactory and also qualified the lower school course and qualified A1 and B1 examinations.
3. That during service the appellant fell sick and medical board has been constituted and on the result of medical board, the appellant has been invalidated from service, vide order dated 04.10.2020.
4. That the appellant continued his treatment and now the appellant retained his health as he made his checkup privately.
5. That the appellant then filed petition/appeal before the respondent No.3, in this regard, which has been filed/rejected on 13.09.2021.
6. That the appellant then filed revision petition before the respondent No.2, which has also been filed/rejected on 25.01.2022, hence this

instant appeal before the Hon'ble Tribunal on the following amongst the other grounds:

GROUND S:

- A. That the impugned orders of the respondents as mentioned in the handing of the appeal, are against law and justice and are liable to be set aside.
- B. That the appellant has not been dealt in accordance with law and rules.
- C. That under the rules, if any civil servant who had been invalidated during tenure of his service, could be reinstated if subsequently it was declared that he could efficiently discharge his duty, even if he had availed his pension and dues.
- D. That the appellant now fit for service as the appellant made his checkup privately.
- E. That the appellant has fundamental right under the Constitution for his medical checkup by constitution of medical board.

- F. That the appellant is ready to deposit the pension amount in government exchequer after his reinstatement.
- G. That some other ground may be adduced at the time of arguments with the permission of this Honourable Court.

It is, therefore most humbly prayed On acceptance of this service appeal, the impugned orders as mentioned in the heading of the appeal may kindly be set aside and the respondents may kindly be directed to order for constitution of fresh medical board for examination of appellant and if appellant medically fit, then the appellant may please be reinstated in service, in accordance with law with all back benefits

Any other relief, deemed fit and necessary in the given circumstances of the case may also be awarded in favour of the appellant was against respondents

Appellant
Through

Hassan U.K Afridi
Advocate
Supreme Court of Pakistan

Dated 08.02.2022

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Name of Appointment and Establishment	Whether substantive or officiating and whether permanent or temporary	If officiating, here state substantive appointment if any	Pay in substantive appointment	Additional pay for officiating	Other emoluments falling under the term "Pay"	Date of Appointment	Initials of attesting officer in attestation of columns 1 to 7
1	2	3	4	5	6	7	8

Appointed as Constable BPS
 in Kohat District Police S.C. 7
 02.6.2006 And pay fixed 2415-115
 @ of Rs. 2415/- p.m.
 OB: No. 610
 dated 02.6.2006

[Signature]
 District Police Officer
 Kohat

Attested

Pay fixed
 BPS-5
 @ Rs. 2280/- p.m. c. from

[Signature]
 1/7/07
 D.P.O Kohat

Pay fixed provisionally in the revised
 BPS-5 - 234-16-814
 @ Rs. 3500/- p.m. c. from 1/7/08
 D.P.O Kohat

District Police Officer
 Kohat

P.L. of
 Rs. 2915/- p.m. c. from

P.L. of Constable
 No. 2660 dated 12-08
 N. Kohat

2007
 PAYMENT ADVISORY GENERAL
 PAYMENT ADVISORY REVISIED BASIC
 2780-135-683005
 W.E.F. 1-07-2007
 1-12-2007
 With Next Increment on

Transferred to Elite
 Force Pesh: vide PPO: NWFP,
 Peshawar memo: 152-Fs/EP
 dated 11/4/2009

Accounts Officer
 Fixation Party N.W.F.F. Peshawar

District Police Officer
 Kohat

2-6-06 7031-S-
 have been verified from pay bill
 & the date of issue is also correct
[Signature]
 District Police Officer
 Kohat

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10

Date of issue : 14.10.2020
 PPO Type: FRESH
 PPO Number: 00097661-01
 File No.
 Pension Register No:
 Pensioner's Name : ASIF KHAN
 Father / Husband name : WASIL KHAN
 Designation: CONSTABLE
 NIC No.: 1430110985913
 Grade / Scale : 07
 Department/Min: LAW AND ORDER KOHAT
 Pensioner's Type: SELF
 Pension Type: MEDICAL/INVALID PENSION
 Date of Birth : 01.04.1984
 Date of appointment: 02.06.2006
 Date of retirement: 15.09.2020
 Date of Death:
 Date of commencement : 16.09.2020
 Date of Restoration : 12.04.2018
 Accounts office ID: KT
 Accounts office Name : Kohat
 Federal / Province : Khyber Pakhtunkhwa
 Length of Qualifying Service : 14 years, 3 months, 13 days
 Old PPO Number :
 No. and Date of sanction of pension / Letter No. :
 and the date of the other Audit and Accounts officer authorising
 the Pension/Gratuity/Commutation
 Permanent Address: VILLAGE JANGLE KHIL KOHAT

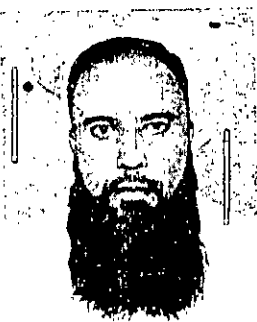
Note : RS=18636/-MAY PLEASE BE RECOVERED ON ACCOUNT OF PAY AND ALLOWANCE WEF: 16.09.2020 TO 10.09.2020 FROM HIS PEN COMMITTEE

Age : 37 years
 Last Drawn pay/Emoluments(Rs.): 17700.00
 Gross Pension(Rs.) : 5782.00
 1/4th Surrendered Portion (Rs.) :
 Commuted Portion (Rs.) : 2023.70
 Net Pension (Rs.) : 3758.30
 Net Family Pension (Rs.) : 0.00
 Amount of Commutation(Rs.) : 670026.00
 With Held Amount (Rs.) : 0.00
 Life Time Arrears (Rs.) : 0.00
 Arrears Of Pension (Rs.) : 0.00
 Special Additional Pension (Es.) : 0.00
 Commutation Percentage : 35.00
 Commutation Table value : 27.59
 Recovery on A/C of
 Debitable to Govt : Khyber Pakhtunkhwa
 Total Net Share
 Federal : 0.00 Punjab : 0.00
 Sindh : 0.00 NWFP : 0.00
 Balochistan : 0.00 Military : 0.00
 AJK : 0.00 Autonomous : 0.00

Payment Mode : HABIB BANK LIMITED
 Bank Branch : HANGU ROAD, KOHAT,
 HANGU ROAD, KOHAT.
 Bank Account Number : 7900871503
 Employee Station : LAW & ORDER KOHAT

He/She is also entitled to the following increases

Sr No	Period	Increase % or amount	Increase Amount	W.E.F.
1	JUL 2011	15.00 %	563.75	16.09.2020
2	JUL 2015	10.00 %	432.21	16.09.2020
3	JUL 2016	10.00 %	475.43	16.09.2020
4	JUL 2017	10.00 %	522.97	16.09.2020
5	JUL 2018	10.00 %	575.27	16.09.2020
6	JUL 2019	10.00 %	632.79	16.09.2020
7	0	Rs. 0.00	0.00	
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A sum of Rs. 670026.00 (Rupees SIX HUNDRED SEVENTY THOUSAND TWENTY-SIX) on account of commuted value of pension is also payable.

The Payment value is debitable to the head.

Major Object A04 Transfer Payments.
 Minor Object A041 Superannuation Allowance and Pension
 Detailed Object A04101 Pension
 A04102 Commuted value Pension.
 A04103 Gratuity Civil
 A04104 Other Pension.
 A04105 Gratuity Pension (Where Pension is not mature)
 A04170 Others

(Signature)

District Controller of Accounts,
 (Designation) Kohat

To
 The

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

Tel: 0922-926016 Fax 9260125

No.11754/SRC dated Kohat the 15/09/2020

To

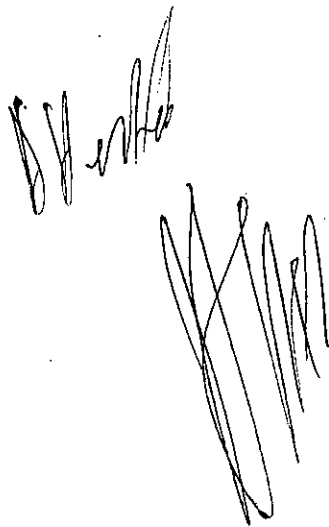
The Medical Superintendent
District Hqrs. Hospital
KDA, Kohat

Subject: **STANDING MEDICAL BOARD**

It is submitted that IHC Asif Khan No.657 of this District Police has preferred an application requesting therein that he is suffering from heart disease and unable to continue more active police service.

He is therefore referred to you with the request that proper Standing Medical Board may please be constituted to ascertain as to whether he is fit for active service.

Sd/-
DISTRICT POLICE OFFICER,
KOHAT





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OFFICE OF THE
DISTRICT POLICE OFFICER,
KOHAT

Tel: 0922-9260116 Fax 9260125

No. 1175/1 ISRC dated Kohat the 15/02/2020.

To: The Medical Superintendent,
District Hqs: Hospital,
KDA, Kohat.

Subject: STANDING MEDICAL BOARD

Memorandum

It is submitted that LHC Asif Khan No. 657 of this District Police has preferred an application requesting therein that he is suffering from heart disease and unable to continue more active police service.

He is therefore referred to you with the request that proper Standing Medical Board may please be constituted to ascertain as to whether he is fit for active service.

DISTRICT POLICE OFFICER,
KOHAT

A

**OFFICE OF THE
Medical Superintendent
DHQ Teaching Hospital
KDA KOHAT
No.4509/F0**

Dated Kohat the 01/10/2020

To

The District Police Officer
Kohat

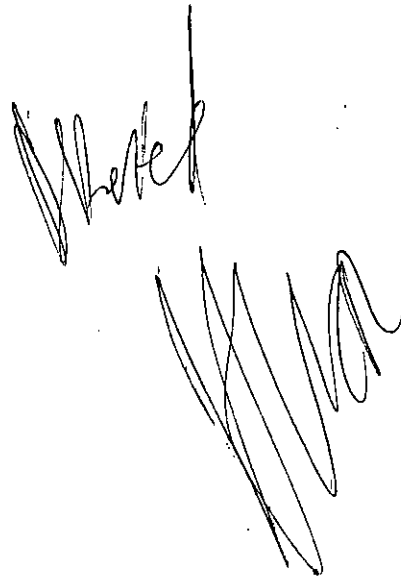
Subject: **STANDING MEDICAL BOARD**

Memo:

Reference your office No.11754/SRC dated 15.09.2020 and this office letter No.,4418/F-6 dated 21.09.2020 on the subject cited above and to re-enclose herewith the option of the Standing Medical Board in respect of LHC Asif Khan No.657 of District Police, Kohat, working under your control, for further necessary action.

Encl. as above

Sd/-
MEDICAL SUPERINTENDENT
DHQ TEACHING HOSPITAL
KOHAT
01.10.2022



OFFICER OF THE
MEDICAL SUPERINTENDENT
DHO TEACHING HOSPITAL
FATA KOHAT

No. 15/9
Dated Kohat the 01/10/2020

The District Police Officer
Kohat.

STANDING MEDICAL BOARD

Subject:-

Memor:

Reference your office No.11754/SRC dated 15.09.2020 and this office
letter No.4918/F-6 dated 21.09.2020 on the subject cited above and to re-enclose
herewith the opinion of the Standing Medical Board in respect of LTIC Asif Khan No.657
of District Police Kohat, working under your control, for further necessary action.

MEDICAL SUPERINTENDENT
DHO TEACHING HOSPITAL
KOHAT

01/10/2020

Encl: as above

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**PROCEEDING OF STANDING MEDICAL BOARD
DISTRICT HEADQUARTER HOSPITAL KDA KOHAT**

The Standing medical Board has examined LHC Asif Khan No.657
of District Police Kohat, having CNIC No.14301-1098591-3.

Complaining of HTN + IHD

Opinion of Cardiologist

Advised

➤ ECG/ECHO/RBS/LVII

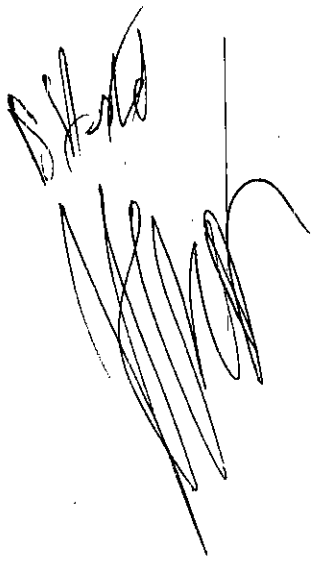
- Patient is having HTC with LVH and RBBB pattern ECG
- Has high risk of developing IHD
- Not fit for heavy and high risk duty.

He is not fit for further government services.

ME EXAMINATION

Dated Kohat the 15.09.202

1. **CO-OPTED MEMBER**.....sd/-
Dr. Homan Khan
2. **MEMBER**sd/-
Dr. Akhtar Ali
3. **MEMBER**.....sd/-
Dr. Mohammad Nasir
4. **CHAIRMAN**.....sd/-
Dr. Rahim Khan



**PROCEEDING OF STANDING MEDICAL BOARD
DISTRICT HEADQUARTER HOSPITAL KDA KOHAT**

The Standing Medical Board has examined LHC Asif Khan No.657 of District Police Kohat, having CNIC No.14301-1098591-3.

- Complaining of HTN + IHD

Opinion of Cardiologist:

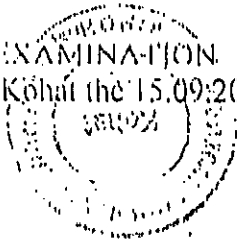
Advised

✓ ECG / ECHO / RBS / LVH

- Patient is having HTN with LVH and RBBB pattern ECG
- Has high risk of developing IHD
- Not fit for heavy and high risk duty.

He is not fit for further government services.

SMB EXAMINATION
dated Kohat the 15.09.2020



1. CO-OPTED MEMBER.....
 Dr. Hamid Khan ^{Mac} *[Signature]*
 Cardiologist
 DHQ Teaching Hospital
 Kohat

2. MEMBER.....
 Dr. Akhtar Ali *[Signature]*
 Medical Specialist
 DHQ Teaching Hospital
 Kohat

3. MEMBER.....
 Dr. Mohammad Nadeem *[Signature]*
 Surgical Specialist
 DHQ Teaching Hospital
 Kohat

4. CHAIRMAN.....
 Dr. Rahim Khan *[Signature]*
 DHQ Teaching Hospital
 Kohat

Police Department

Kohat District

ORDER:

As recommended by Standing Medical Board LHC Asif Khan No.657 of District Police Office Kohat, do hereby invalidated out of service w.e.f 15.09.2020 on medical Board.

Sd/-
**DISTRICT POLICE OFFICER,
KOHAT**

OB No.70/-/SRC
Dated 04-10-2020

Copy to all concerned

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POLICE DEPARTMENT

KOHAT DISTRICT

ORDER

As Recommended by Standing Medical Board LHC Asif Khan No. 657 of

Police Officer Kohat is hereby ~~invalided out~~ of service w.e.f 15.09.2020 on Medical grounds.


DISTRICT POLICE OFFICER,
KOHAT

OB NO 701 /SRC

DATED 04-10 /2020

.....
Copy to all concerned

THE HONOURABLE DEPUTY INSPECTOR GENERAL OF POLICE
KOHAT REGION KOHAT

- i. Petition for constitution of Medical Board for medical examination of the Petitioner.
- ii. Request for Reinstatement of the petitioner after declaring fit the petitioner by medical board.
- iii. Request for set asiding order of the Worthy DPO Kohat dated 04-10-2020 vide which the petitioner was invalidated out from service w.e.f. 15-09-2020.

Respected Sir,

Respectfully, the petitioner may kindly be allowed to submit the following for your kind and sympathetic consideration;

1. That petitioner was enrolled as constable in the year 2006.
2. That the petitioner after his enrollment in the Police Deptt: started his performance with efficiency and hard work.
3. That as a result of his hard work, the petitioner in the year 2014 had qualified the Lower School Course similarly he also qualified A1 and B1 examinations.
4. That unfortunately, the petitioner during his service fell sick and he requested for constitution of medical Board, so that he could start his proper medical treatment.
5. That medical Board was accordingly constituted and resultantly vide the medical opinion dated 15-9-2020 it was detected that the petitioner was having "HTN with LVH and RBBB pattern ECG. (Copy enclosed).
6. That Worthy District Police Officer Kohat without taking the petitioner in confidence. Unilaterally issued order dt:04-10-

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2020 vide which the petitioner was invalidated out from service with effect from 15-9-2020 on Medical ground.

(Copy of the order is enclosed).

7. That on account of the above mentioned order service of the petitioner in the Police Deptt. came to an end.
8. That at the time of invalidation of the petitioner, he was serving as Lance Head Constable (LHC).
9. That on the order of the Worthy DPO Kohat dt:04-10-2020, the petitioner has following reservations.

Grounds for the Petition:

- A. That the order of the Worthy DPO Kohat dt:04-10-2020 does not satisfy the ends of justice therefore, it requires to be revisited by the authorities concerned.
- B. That the petitioner by moving application for constitution of the Medical Board was having no intention to be invalidated out from service on the health ground.
- C. That by moving the petition, the petitioner in fact wanted to trace out the disease with which he was suffering and thereafter to switch over to his treatment so that to ensure his early recovery but unfortunately application for constitution of the Medical Board was taken otherwise.
- D. That due to sickness the petitioner was not in a position to raise the voice of his concern however he continued his medical treatment and at present with the blessing of ALLAH the petitioner has completely recovered and is fit to serve the Police Deptt.
- E. That the petitioner is career Police Officer and he is having an ambition to achieve the maximum level of

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- J. That the petitioner is ready to return / pay back the GP Fund and all other pensionary benefits being received by him.
- K. That in the era of price like, unemployment, the petitioner being an experienced Police official will be a beneficiary to the Police Deptt: on one hand and will be able to maintain his family with honor on the other.

Prayer:

It is therefore, requested that;

- i. A Medical Board may kindly be directed to be constituted for medical examination of the petitioner.
- ii. Upon finding the petitioner medically fit, the petitioner may kindly be reinstated in service.
- iii. All pensionary benefits be received by the petitioner may kindly be directed to be returned to the public exchequer.
- iv. The petitioner and his family will pray for your long life and prosperity for this act of kindness.

Yours Obediently,

Dated: 03-08-2021.

ASIF KHAN
LHC (Retd) No: 657
CNIC # 14301-1098591-3
Cell No. 0344-9243240.

Phone No: 9260112.

Fax No: 9260114.

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From: - The Regional Police Officer,
Kohat Region, Kohat.

To: - The District Police Officer, Kohat.

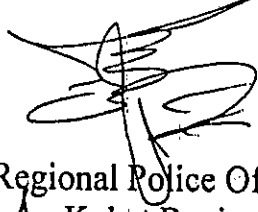
No. 14841 /EC, Dated Kohat the 13 / 8 /2021.

Subject: - APPLICATION.

MEMO:

I am directed to refer to your office Letter No. 11391/SRC, dated 08.09.2021 on the subject quoted above and to state that application of Retired LHC Asif Khan No. 657 was examined and filed by W/RPO Kohat.

I am further directed to request you to inform the official accordingly, please.


Regional Police Officer,
Kohat Region

THE HONOURABLE INSPECTOR GENERAL OF POLICE (KPK)
PESHAWAR

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- i. Review of / Revision Petition for set a siding order of the Worthy DIG Kohat vide memo No.14841/EC dt: 13-09-2021 being not in accordance with law / rules.
- ii. Petition for constitution of Medical Board for Medical examination of the petitioner.
- iii. Request for Reinstatement of the petitioner after declaring fit the petitioner by Medical Board.

Respected Sir,

Respectfully, the petitioner may kindly be allowed to submit the following for your kind and sympathetic consideration;

1. That petitioner was enrolled as constable in the year 2006.
2. That the petitioner after his enrollment in the Police Deptt: started his performance with efficiency and hard work.
3. That as a result of his hard work, the petitioner in the year 2014 had qualified the Lower School Course similarly he also qualified A1 and B1 examinations.
4. That unfortunately, the petitioner during his service fell sick and he requested for constitution of medical Board, so that he could start his proper medical treatment.
5. That medical Board was accordingly constituted and resultantly vide the medical opinion dated 15-9-2020 it was detected that the petitioner was having "HTN with LVH and RBBB pattern ECG. (Copy enclosed).

6. That Worthy District Police Officer Kohat without taking the petitioner in confidence. Unilaterally issued order dt:04-10-2020 vide which the petitioner was invalidated out from service with effect from 15-9-2020 on Medical ground. (Copy of the order is enclosed).

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7. That on account of the above mentioned order service of the petitioner in the Police Deptt: came to an end.

8. That at the time of invalidation of the petitioner, he was serving as Lance Head Constable (LHC).

9. That on the order of the Worthy DPO Kohat dt:04-10-2020 the petitioner was having factual and legal reservations, due to which the petitioner filed his petition before the Worthy DIG Kohat Region Kohat but same was filed vide memo No.14841/EC dt:13-9-2021 without expressing any reason or lawful justification. (Copy of the order is enclosed)

10. That the impugned order of the worthy DIG Kohat Region Kohat has aggrieved the petitioner, therefore, following are some of the grounds of review/ revision which may kindly be considered sympathetically:

Grounds for the Petition:

A. That the order of the Worthy DPO Kohat at dt:14-10-2020 and order of the DIG Kohat do not satisfy the ends of justice, therefore, they require to be revisited by the authorities concerned.

B. That the petitioner by moving application for constitution of the Medical Board was having no intention to be invalidated out from service on the health ground.

C. That by moving the petition, the petitioner in fact wanted to trace out the disease with which he was suffering and

thereafter to switch over to his treatment so that to ensure his early recovery but unfortunately application for constitution of the Medical Board was taken otherwise.

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- D. That due to sickness the petitioner was not in a position to raise the voice of his concern however he continued his medical treatment and at present with the blessing of ALLAH the petitioner has completely recovered and is fit to serve the Police Deptt.
- E. That the petitioner is career Police Officer and he is having an ambition to achieve the maximum level of promotions being available to him under the law and rules.
- F. That the order dt:04-10-2020 is legally defective because it has invalidated out the petitioner from service with effect from 15-9-2020 instead of with immediate effect i.e. 04-10-2020, while order of the DIG Kohat dt:13-9-2021 is mechanical one because he has not applied his judicial mind.
- G. That the proceedings of the Medical Board also contain glaring contradictions and inconsistencies because the proceedings dated 15-9-2020 at the one place stated that the petitioner is not fit for heavy and high risk duty while in the following line it has been opined that the petitioner is not fit for further Government Service. Such contradictions have made the proceedings of the Medical Board as legally defective and highly doubtful thus such proceedings have got not legal impact on the rights of the petitioner while on the other side no definite order can be issued by the competent authority on such a legally defective and flimsy medical opinion.
-

H. That if the medical proceedings are perused, it will reveal that in the Medical Board no specialist regarding HTN, LVH and RBBB was present. It is very surprising that how in the absence of a specialist doctor it was opined that the petitioner was suffering from the diseases mentioned in the Medical Board proceedings. Hence no action can be legally taken on such a legally defective medical opinion.

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I. That the petitioner has completed 37 years of his age and for arriving at the age of superannuation, he has left 23 years. The petitioner enjoys good mental and body health and he is fit to serve the Police Deptt: with more zeal and zest.

J. That the Honourable Supreme Court of Pakistan vide its judgment dt:30-11-1993 has justified reinstatement of an employee if he is found medically fit for service after invalidating out from service on medical ground. (Copy of judgment is enclosed).

K. That the petitioner is ready to return / pay back the GP Fund and all other pensionary benefits being received by him.

L. That in the era of price like, unemployment, the petitioner being an experienced Police official will be a beneficiary to the Police Deptt: on one hand and will be able to maintain his family with honor on the other.

Prayer:

It is therefore, requested that;

i. That the impugned order of the Worthy DIG Kohat Region Kohat dt:13-9-2021 being not in

accordance with law/rules and facts may kindly be set aside.

- ii. A Medical Board may kindly be directed to be constituted for medical examination of the petitioner.
- iii. Upon finding the petitioner medically fit, the petitioner may kindly be reinstated in service.
- iv. All pensionary benefits received by the petitioner may kindly be directed to be returned to the public exchequer from the petitioner.

The petitioner and his family will pray for your long life and prosperity for this act of kindness.

Yours Obediently,

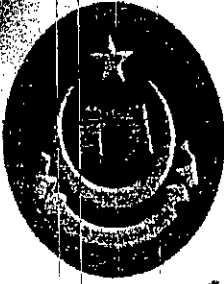
Dated: 13-09-2021.

ASIF KHAN

LHC (Retd) No:657

CNIC # 14301-1098591-3

Cell No. 0344-9243240.



25

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA,
Central Police Officer,
Peshawar.

Gmail:- E4branchcpo@gmail.com

No. 956 /E-IV, dated Peshawar, the 25/1/2022

To:

✓ The Regional Police Officer,
Kohat Region.

Subject: REVISION PETITION

Memo.

Please refer to your office letter No. 16357/EC dated 08.10.2021 on the subject noted above.

After perusal the Competent Authority has filed the subject case, Moreover the Original Service Roll/ Fauji Missal in respect of retired LHC Asif Khan of your region is sent herewith for record in your office which may please be acknowledge.


(NOOK AFGHAN)
Registrar

For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar

(WAKALAT-NAMA)

26

CASE NO. _____/2022 Before the Khyber Pakhtoon Khwa, Service Tribunal

FOR: Appellat Peshawar

Title: Asif Khan appellat

VERSUS

Govt of KP etc (Rt)

I/WE do hereby appoint and constitute Mr. **HASSAN U.K. AFRIDI ADVOCATE,** Supreme Court of Pakistan (High Court Peshawar), be the advocate for me/us in the following acts, deeds and things or any of them that is to say in above mentioned case:-

1. To act, appear and plead in the above-mentioned case in this court or any other court in which the same may be tried in the first instance or in L.P. Appeal or review or execution or any other stage of its progress until its final decision.
2. To present pleadings, appeals, cross-objection, or petition for execution, revision, review, withdrawal, compromise or other petitions affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
3. To withdraw or comprise the said case or submit to arbitration any differences or dispute that shall arise touching in any nner relating to the said case.
4. To receive grant receipt there for, and do all other acts and things, which may be necessary to be done for the progress and in the course of the prosecution of the said course.
5. To employ any other legal practitioner, authorizing him to exercise the power and authorities hereby conferred on advocate, wherever he may think fit to do so. In addition, V/we, hereby agree to ratify whatever the advocate or his substitute shall do in the said case. And I/we, hereby agreed not to hold the advocate or his substitute responsible for the result of the said case in the consequences of his absence from the court when the said case is called up for hearing. Moreover, I/we, hereby agree that in the event of whole or any part of the fee agreed by me to be paid to advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid. In addition, in witness whereof I/we, here set my/our hand to these present the contents of which have been explained to and understood by me/us.

Client's Signature OR thumb impression _____

POSTED ACCEPTED, DATED: _____

HASSAN U.K. AFRIDI
ADVOCATE OF SUPREME COURT
ENR-6040

Asif Khan

(WAKALAT-NAMA)

26

CASE NO. _____/2022 *Before the Khyber Pakhtoon Khwa, Service Tribunal*

FOR: *Appellant* *Peshawar*

Title: *Asif Khan* *appellant*

VERSUS

Govt of K.P.K etc *(Respondent)*

I/WE do hereby appoint and constitute Mr. **HASSAN U.K. AFRIDI ADVOCATE**, Supreme Court of Pakistan (High Court Peshawar), be the advocate for me/us in the following acts, deeds and things or any of them that is to say in above mentioned case:-

1. To act, appear and plead in the above-mentioned case in this court or any other court in which the same may be tried in the first instance or in L.P. Appeal or review or execution or any other stage of its progress until its final decision.
2. To present pleadings, appeals, cross-objection, or petition for execution, revision, review, withdrawal, compromise or other petitions affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
3. To withdraw or comprise the said case or submit to arbitration any differences or dispute that shall arise touching in any nner relating to the said case.
4. To receive grant receipt there for, and do all other acts and things, which may be necessary to be done for the progress and in the course of the prosecution of the said course.
5. To employ any other legal practitioner, authorizing him to exercise the power and authorities hereby conferred on advocate, wherever he may think fit to do so. In addition, V/we, hereby agree to ratify whatever the advocate or his substitute shall do in the said case. And I/we, hereby agreed not to hold the advocate or his substitute responsible for the result of the said case in the consequences of his absence from the court when the said case is called up for hearing. Moreover, I/we, hereby agree that in the event of whole or any part of the fee agreed by me to be paid to advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid. In addition, in witness whereof I/we, here set my/our hand to these present the contents of which have been explained to and understood by me/us.

Client's Signature OR thumb impression _____

POSTED ACCEPTED, DATED: _____

[Signature]
HASSAN U.K. AFRIDI
 ADVOCATE OF SUPREME COURT
 ENFC-00

Asif Khan

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

SB

No.

182

Appeal No. of 20²².

Asif Khan

Appellant/Petitioner

Through Secy Home Civil Secretariat, KPK, Peshawar

Respondent

Respondent No. (1)

Notice to: —

Govt of KPK through Secy Home Civil Secretariat
KPK, Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on.....^{22/04/2022}.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition. ✓

Pre-Admission Notice

Copy of appeal is attached. ~~Copy of appeal has already been sent to you vide this office Notice No.....dated.....~~

5th

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....^{April}.....20²².

Handwritten notes and signatures: 15/4/2022, etc.

Registrar, w

Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

Handwritten notes at the bottom: Secy, etc.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR.

No.

SBAppeal No. 182 of 20 22Asif Khan Appellant/Petitioner

Versus

Through Secy Home Civil Secretariat, KPK, Peshawar RespondentRespondent No. (2)

Notice to: —

Inspector General of Police, KPK, Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 22/04/2022 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement along with any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Pre-Admission Notice

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this 5th

Day of April 20 22

Registrar,

Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

- Note:
1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
 2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. SB

No.

Appeal No. 182 of 20 22

Asif Khan Appellant/Petitioner

Versus

Govt. of KPK through Sg. Ho Respondent

Respondent No. 3

Notice to: —

Deputy Inspector of Police/Regional Police Kohat

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 27/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No. dated.....

Given under my hand and the seal of this Court, at Peshawar this 8th

Day of June 20 22

for Reply

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same to that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR,
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.**

No.

Appeal No. 182 of 20 22

Asif Khan

Appellant/Petitioner

Regd

Grant of KPK through Secy Home

Respondent

Respondent No. 4

Notice to: —

Dist. Police Officer Kohat.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 27/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 8th

Day of June 20 22

for Reply

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. *S.B*

No.

Appeal No..... *182* of 20 *22*

..... *Asif Khan* Appellant/Petitioner

Versus

Govt. of KPK Through Say: Home Respondent
Respondent No..... *2*

Notice to: —

Inspector General of Police KPK Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on..... *27/7/22* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this

office Notice No..... dated.....

Given under my hand and the seal of this Court, at Peshawar this..... *8th*

Day of..... *June* 20 *22*

for Reply

20-6-2022

[Signature]

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same to that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

"B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
JUDICIAL COMPLEX (OLD), KHYBER ROAD, S.B
PESHAWAR.

No.

Appeal No. 182 of 20 22

Asif Khan Appellant/Petitioner

Versus

Govt. of KPK through Secy. Home Respondent

Respondent No. 1

Notice to: —

Govt. of KPK through Secretary Home
KPK Peshawar.

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on 27/7/22 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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~~Copy of appeal is attached.~~ Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this 8th

Day of June 20 22

for Reply
of 28/6/22
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same as that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.