32/2014

25.04.2017 Appellant alongwith his counsel present. Mr. Ihsanullah, ASI with Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents also present. Arguments heard and record perused.

Vide our detailed judgment of today consisting of five pages placed in connected Service Appeal No. 28/2014 "titled Muhammad Saeed Khan-Versus-Commandant FRP, KPK, Peshawar and other, we accept the present appeal, set-aside the impugned order and reinstate the appellant in service, however, the respondents are placed at liberty to conduct a regular inquiry against the appellant within two months after receipt of this judgment and there-after pass proper order. The intervening period of dismissal of the appellant and his reinstatement shall be decided subject to the outcome of the de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
25.04.2017

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

(MUHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN

13.02.2017

Counsel for appellant and Mr. Ihsanullah, ASI alongwith Mr. Kabirullah Khattak, Assistant AG for respondents present. Learned counsel for appellant submitted a list of constables who had maximum qualificational education of 8th & 9th class and who had age up to 40 & 45 years and requested that all these persons have less qualification whereas the appellant had been treated with discrimination as he was ousted from service on production of Matric certificate. Learned counsel for appellant requested that that department should bring all the record as per list so that the matter could be brought before the Tribunal for just decision. Request is accepted. The department is directed to produce record as per list submitted by appellant counsel. To come up for record and arguments on 25.04.2017 before D.B.

(AHMAD HASSAN)
MEMBER

(ASHFAQUE TAJ)
MEMBER

22.08.2016 Agent to counsel for the appellant and Mr. Muhammad Jan, GP for respondents present. Agent to counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 30-11-16.

Member Member

30.11.2016 Appellant with counsel and Mr. Ihsanullah, ASI alongwith Additional AG for respondents present. Copy of letter No. 774/SSC/Cert/BISE/Peshawar dated 12.05.2016 of Board of Intermediate & Secondary Education Peshawar addressed to Commandant FRP Peshawar alongwith its annexures were produced by learned Additional AG. Its copy also provided to the counsel for the appellant. Contrarily, statement of FRP titled "Statement of FRP HQRs Illiterate officials since 2010 update" was submitted by learned counsel for the appellant pressing that according to the said statement even other constables were recruited in relaxation of age etc thus discriminating case of the appellant. Copy of the said also handed over to the learned Additional AG. Learned counsel for the appellant requested for adjournment. Adjournment granted. To come up for arguments on 13.2.17 before D.B.

(ABDUL LATIF)
MEMBER

(PIR BAKHSH SHAH)
MEMBER

BOARD OF INTERMEDIATE & SECONDARY EDUCATION
PESHAWAR

No. 774/SSC/Cert/BISE/Peshawar Dated: 12/05/2016

To,

Deputy Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

Subject; **VERIFICATION OF MATRICULATION (SSC) CERTIFICATE**

Memo;

Reference to your letter No: 2206/FRP/Hqrs Pesh Dated; 12-05-2016

Enclosed please find herewith (02) Photostat copy/copies of Original Certificate of SSC Examination in respect of the candidate mentioned in your letter with the remarks noted against each.

S.NO- (1) I am directed to inform you that the particulars of attached SSC Certificate Bearing R.NO. 35122 of Haleem Gul S/O Musilm Khan is checked and found correct except date of birth. According to this office record the correct date of birth of the candidate is 06/02/1982. Furthermore mention in the attached SSC Certificate 06/02/1986 is incorrect and FAKE.

S.NO. (2) I am directed to inform you that the particular of attached SSC Certificate bearing S.NO 291311 R.NO-17258 Sajid S/O Mira Khan is checked and found FAKE/BOGUS and not issued by this office.

Assistant Secretary (Certificate)
Board of Intermediate & Secondary
Education Peshawar

Asstt: Secretary Cert; (SSC)
Board of Intermediate and Secondary
Education, Peshawar.

1

ORDER

This office order relates to the disposal of departmental proceedings against Constable Haleem Gul No. 2206 of FRP/Hqrs Peshawar. He was enlisted in Police Department on 04.02.2011 on the basis of metric/SSC qualification, for which he has submitted SSC certificate with Roll No. 20135 of session 1998/Supplementary of BISE Peshawar at the time of recruitment. Educational documents of all officials have been submitted to concerned Boards for verification. During the checking/verification of educational documents, SSC/DMC of Constable Haleem Gul No. 2206 were reported fake/bogus by the Controller of BISE, Peshawar vide his letter No. 276/SSC/Secrecy/BISE, dated 30.04.2013.

On receipt of this information he was placed under suspension vide this office OB No. 353 dated 08.05.2013 and was issued Show Cause Notice to explain his position. However his reply was received, which has been found unsatisfactory. He was subsequently summoned to appear before the undersigned for personal hearing in Orderly Room so he may get full opportunity to explain himself against the alleged charges. He was heard in detail by the undersigned but failed to offer any satisfactory explanation and admitted his misdeed when the evidence in the form of official report of BISE Peshawar was placed before him.

Keeping in view the above circumstances the delinquent official Constable Haleem Gul No. 2206 stands guilty for cheating/fraud by submission of fake/bogus certificates for enlistment in Police Department. This act on his part constitutes gross misconduct under Police Rule, 1975 and attracts major punishment of dismissal from service in view of the gravity of his guilt.

In view of above the delinquent Constable Haleem Gul No. 2206 is hereby dismissed from service with immediate effect.

Order announced.

Deputy Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

No. 435-40 PA/FRP/HQrs: dated Peshawar, the 29 / 05 /2013.

Copy of the above is forwarded for information & n/action to:-

1. The Addl: IGP/Commandant, FRP Khyber Pakhtunkhwa.
2. The Accountant /FRP/HQrs: Peshawar.
3. The RI/FRP/HQrs: Peshawar
4. The SRC/FRP/HQrs: Peshawar
5. The OSI FRP/HQrs: Peshawar
6. The FMC/ FRP/HQrs: Peshawar with original Enquiry file.

Encl(04) Papers in original

SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

I, Deputy Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar, as Competent Authority do hereby serve you Constable Haleem Gul No. 2206, of FRP HQrs: Peshawar.

Whereas you Constable Haleem Gul No. 2206 of FRP HQrs: Peshawar had been enlisted in Frontier Reserve Police on the basis of Secondary School Certificate which is a minimum required qualification for recruitment as constable. However on verification of your SSC Certificate with Roll No.20135 of year 1998 from the BISE Peshawar, it has been reported vide letter No.276/SSC/Secrecy/BISE dated 30-04-2013 that your certificate is bogus. Your this act constitutes gross misconduct on your part under the Police Rules 1975 and other relevant Rules.

You are, therefore, called upon to explain yourself in regard to above so as to why not major penalty of dismissal/discharge from service should not be imposed upon you.

If no reply to this Show Cause Notice is received within seven days of its issuance in the normal course of circumstances, it shall be presumed that you have no defence to put in and consequently ex-parte action shall be taken against you.

Deputy Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

Reply Received Dated at FRP.

H/DC/IBP/HQrs

S.No. 35122

Roll No. 20135

Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION 1998 – SUPPLEMENTARY

(Science Group)

The Candidate may be directed to provide original Certificate

This is to Certify that Haleem Gul Son / Daughter of Muslim Khan and a resident of Charsadda District has passed the Secondary School Certificate Examination of the Board of Intermediate and Secondary Education, Peshawar held in Oct./Nov. 1998 as a Private candidate. He / She obtained 404 Marks out of 850 and has been placed in Grade D Representing Fair

The Candidate passed in the following subjects:

1. English
2. Urdu
3. Islamiyat
4. Pakistan Studies
5. Mathematics
6. Physics
7. Chemistry
8. Biology

Date of birth according to admission form February 6, 1980

6-2-1980

Asstt. Secretary

Head Master

Secretary

This certificate is issued without alteration or erasure.

21.3.2016 Counsel for the appellant (Mr. Saadullah Khan Marwat, Advocate) and Mr. Muhammad Jan, Government Pleader for the respondents present. Arguments heard.

During the course of arguments, it was brought into our notice that similar nature of appeals are pending for arguments before this Bench on 10.5.2016, hence this appeal be also clubbed with connected appeals of Shakirullah etc. fixed on the same date. To come up for arguments in the said appeals and order in the instant appeal on 10.5.16

MEMBER MEMBER

10.5.2016 Counsel for the appellant and Addl. AG for respondents present. Learned Addl.AG requested for adjournment as he intends to produce documentary evidence regarding the authenticity of matriculation certificate of the appellant. Last opportunity granted for production of the said documents. To come up for final hearing before D.B on 22.08.2016.

Member Chairman

25.08.2015 Counsel for the appellant and Mr. Ihsanullah, ASI (legal) alongwith Addl: A.G for respondents present. Rejoinder not submitted. Requested for adjournment. The appeal is assigned to D.B for rejoinder and final hearing for 3.12.2015.

Chairman

03.12.2015 Counsel for the appellant and Mr Mr. Ziaullah, GP for respondents present. Rejoinder on behalf of the appellant submitted copy of which is placed on file. To come up for arguments on 21.3.2016.

Member Member

22.8.2014 Appellant with counsel (Arbab Said-ul-Kamal, Advocate) present. Notices to the respondents could not be issued due to non-deposit of security and process fee. Application for extension of time has been moved on behalf of the appellant. Therefore, security and process fee be deposited within a week, whereafter notices be issued to respondents for written reply/comments alongwith connected appeals on 13.11.2014.

Appellant Deposited
Security & Process Fee
Rs.....Bank
Receipt is Attached with File.

Chairman

13.11.2014 No one is present on behalf of the appellant. Mr. Ihsanullah, ASI on behalf of respondents with Mr. Muhammad Adeel Butt, AAG present. The Tribunal is incomplete. To come up for written reply/comments alongwith connected appeals on 06.03.2015.

Reader

06.03.2015 Counsel for the appellant and Mr. Ihsanullah, ASI (legal) on behalf of respondents alongwith Assistant A.G present. Requested for further time to submit written reply. Time granted. To come up for written reply on 22.5.2015.

Member

22.05.2015 Appellant in person and Mr. Ihsanullah, ASI (legal) alongwith Addl; A.G for respondents present. Written reply submitted, copy whereof supplied to the appellant. To come up for rejoinder on 25.8.2015.

Member

Appeal No. 32/2014.

28.05.2014

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 02.12.2013 of respondent No.1 whereby the departmental appeal filed by the appellant against dismissal order dated 29.05.2013 was rejected for no legal reason. The learned counsel for the appellant argued before the court that the appellant was dismissed from service on the ground that Secondary School Certificate submitted by the appellant at the time of recruitment, was found fake/bogus, however the learned counsel for the appellant produced before the court verification letter issued by Secrecy Officer of the Board of Intermediate and Secondary Education, Peshawar wherein the Detailed Marks Certificate of the appellant verified and found correct.

Since the matter needs further consideration and the appeal is within time, therefore, admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 22.08.2014.

Member

28.05.2014

This case be put before the Final Bench for further proceedings.

Chairman

05.03.2014 Counsel for the appellant present and requested for adjournment. To come up for preliminary hearing on 08.04.2014.

Member

08.04.2014 Counsel for the appellant present and requested for adjournment due to general strike of the Bar. To come up for preliminary hearing on 28.05.2014.

Member

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 32/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	07/01/2014	The appeal of Mr. Haleem Gul resubmitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing. REGISTRAR
2	8-1-2014	This case is entrusted to Primary Bench for preliminary hearing to be put up there on 5-3-2014 CHAIRMAN

The appeal of Mr. Haleem Gul Ex-Constable FRP Hqr. Peshawar received today i.e. on 01.01.2014 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

1- In the memo of appeal many places have been left blank which may be filled in.
2- Copy of reply to Show Cause Notice mentioned in the memo of appeal is not attached with the appeal which may be placed on it.
3- Copy Impugned order dated 22.05.2013 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
4- Copy of verified Metric certificate mentioned in para-5 of the memo of appeal (Annexure-D) is not attached with the appeal which may be placed on it.
5- Wakalat nama in favour of appellant is not attached with the appeal which may be placed on file.
6- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 18 /S.T,

Dt. 2/1 /2013.

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Sir,

Formalities are complete. As far as Annex-D is concerned, the date is 29.5.13 which is corrected DMC & Matric certificate is not available at present, the same will be placed on file before hearing.

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No.32 /2014

Haleem Gul Versus Commandant & others

INDEX

S.No	Documents	Annex	P.No.
1.	Memo of Appeal		1-2
2.	Show Cause Notice,	"A"	3
3.	Reply of Show Cause Notice,	"B"	4-5
4.	Dismissal Order, 29.05.2013	"C"	6
5.	Verification Letter, 25.07.2013	"D"	7-8
5.	Representation,	"E"	9-10
6.	Rejection of Representation, 02.12.2013	"F"	11
7.	Reinst Order of Asmat Ullah, 03.12.2013	"G"	12

Appellant

Through

Dated. 01.01.2014

Saad Ullah Khan Marwat
Advocate.
21-A Nasir Mension,
Shoba Bazar, Peshawar.
Ph: 0300-5872676

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 32 /2014

Haleem Gul S/o Muslim Khan, R/o Moh M. Abad,
Umarzai, Charsadda, Ex Constable No. 2206
FRP Hqr, Peshawar. . . . . Appellant

Versus

1. Commandant, FRP, KP, Peshawar.
2. Deputy Commandant, FRP, KP,
Peshawar. . . . . Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT, AGAINST OFFICE ORDER NO. 8649-50/FC, DATED 02.12.2013 OF RESPONDENT NO. 1, WHEREBY APPEAL AGAINST DISMISSAL ORDER DATED 29.05.2013 OF RESPONDENT NO. 2 WAS REJECTED FOR NO LEGAL REASON.

⇔<=>⇔<=>⇔<=>⇔<=>⇔

Respectfully Sheweth:

1. That having the requisite educational qualification and after advertising of numerous posts of constables in FRP, appellant applied to the same and was appointed as such vide order dated 4-2-11 by respondent No. 2.

2. That SSC Certificate of the appellant was verified from the Board and the same was reported as fake / bogus but such allegations are incorrect.

3. That appellant was issued show cause notice by respondent No. 2 regarding the aforesaid allegations which was replied by denying the same. (Copies as annex "A" & "B")

4. That no inquiry was ever conducted as per the mandate of law, yet appellant was then dismissed from service vide order dated 29.05.2013 by respondent No. 2. (Copy as annex "C")

5. That Metric Certificate of appellant was verified on 25.07.2013 by Secrecy Officer of the Board and was found correct as per DMC. (Copy as annex "D")

6. That appellant submitted representation before appellate authority which was rejected on 03.12.2013. (Copies as annex "E" & "F")

7. That Asmat Ullah constable was also dealt with similarly and equally like appellant on the same allegations but his representation was accepted

vide order dated 03.12.2013 and he was reinstated in service by respondent No. 1. (Copy as annex "G")

Hence this appeal, inter alia, on the following grounds:-

GROUNDS:

a. That appellant served the force for considerable period and the allegations leveled against him were incorrect.

b. That similarly and equally placed constable was reinstated in service while appellant was dismissed, thus he was not treated at par with others and discriminated.

c. That major punishment of dismissal from service was imposed upon appellant but the procedure enumerated in the rules was not complied with, so appellant is liable to reinstatement in service on this score alone.

d. That only show cause notice was served upon appellant and in the show cause notice too, neither inquiry procedure was dispensed with nor any reason for dispensation in the show cause notice was ever given, so the impugned order is of no legal effect.

e. That on the same allegations, some were reinstated while some were dismissed, so appellant was not equally treated while on the other hand, similarly and equally placed employees be treated similarly and equally to avoid discrimination as per law, rules and judgments of the apex Court.

f. That on one hand, respondent No. 2 served appellant with show cause notice while on the other hand, he himself dismissed him from service, so he acted as double edge weapon, i.e judge as well as prosecutor.

g. That the impugned orders are based on malafide and discrimination, hence not tenable

It is, therefore, most humbly prayed that on acceptance of the appeal, the impugned appellate order dated 02.12.2013 of respondent No. 1 or order dated 22.05.2013 or respondent No. 2 be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper and just in circumstances of the case.

Appellant

Through

Dated. 01.01.2014

Saad Ullah Khan Marwat

Arbab Saiful Kamal
Advocates.

A 3

SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

I, Deputy Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar as Competent Authority do hereby serve you Constable, Haleem Gul No. 2206, of FRP Hqrs: Peshawar.

Whereas you Constable, Haleem Gul No. 2206, of FRP Hqrs: Peshawar had been enlisted in Frontier Reserve Police on the basis of Secondary School Certificate which is a minimum required qualification for recruitment as constable. However, on verification of your SSC Certificate with Roll No. 20135 of year, 2002 from the BISE Peshawar, it has been reported vide letter No. 276/SSC/Secrecy/BISE, dated 30.04.2013 that your certificate is bogus. Your this act constitutes gross misconduct on your part under the Police Rules, 1975 and other relevant Rules.

You are, therefore, called upon to explain yourself in regard to above so as to why not major penalty of dismissal / discharge from service should not be imposed upon you.

If no reply to this Show Cause Notice is received within seven days of it issuance in the normal course of circumstances, it shall be presumed that you have no defence to put in and consequently ex-parte action shall be taken against you.

Attested

Sd
Deputy Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

B 4

عزت مآب جناب ڈپٹی کمانڈنٹ فرنٹیئر ریزرو پولیس
صوبہ خیبر پختونخوا پشاور

عنوان : Reply of the Show Cause

جناب عالی:

درخواست گزار حسب ذیل عرض رساں ہے

1۔ یہ کہ درخواست گزار محکمہ پولیس میں ایف آر پی ہیڈ کوارٹر پشاور میں بطور کنسٹیبل بھرتی ہوا درخواست گزار کا نمبر 2206 ہے۔

2۔ یہ کہ درخواست گزار کو محکمہ پولیس سے دلی لگاؤ ہے اور محکمہ پولیس میں رہ کر ملک وقوم کی خدمت کرنا روز اول سے درخواست گزار کا خواب رہا ہے جو کہ بعد از بھرتی کما حقہ پورا ہوتا ہوا دکھائی دے رہا ہے۔

3۔ یہ کہ درخواست گزار اپنی خدمات سرانجام دے رہا تھا کہ اس دوران آپ صاحبان کی طرف موصول شدہ شوکاز نوٹس درخواست گزار کو موصول ہوا جس میں درخواست گزار کو ہدایات جاری کی گئی ہیں درخواست گزار کی بھرتی کے بعد جب متعلقہ حکام نے درخواست گزار کی تعلیمی اسناد (میٹرک، پاس سرٹیفکیٹ) نمبر 2135 سال 2002 کی بابت بورڈ آف انٹرمیڈیٹ اینڈ سیکنڈری ایجوکیشن مردان سے درخواست گزار کی تعلیمی سند کی تصدیق کے بارے میں رجوع کیا تو یہ حقائق سامنے آئے کہ درخواست گزار کی تعلیمی سند جعلی، فرضی اور بوگس ہے۔

4۔ یہ کہ درخواست گزار نے بوقت جمع کئے جانے درخواست برائے بھرتی در اندر محکمہ پولیس، جو تعلیمی سند یا سرٹیفکیٹ ہمراہ درخواست الف کئے تھے وہ بالکل صحیح و درست ہے اور اس میں کسی قسم کا بھی ابہام یا شک وغیرہ نہ ہے اور وہ ہرگز ہرگز جعلی، فرضی و بوگس نہیں ہیں۔

5

5- یہ کہ درخواست گزار اس جواب کے توسط سے آپ صاحبان سے عاجزانہ گزارش آپ صاحبان کے حضور عرض گزاشت کرتا ہے کہ درخواست گزار کے جمع کردہ تعلیمی کاغذات / میٹرک پاس سرٹیفکیٹ آپ صاحبان متعلقہ تعلیمی بورڈ سے دوبارہ تصدیق کروائیں البتہ یہاں یہ بات قابل غور ہے کہ بوقت جمع کرانے درخواست برائے بھرتی اگر درخواست گزار کے تعلیمی کاغذات / سرٹیفکیٹ کسی طرح سے غلطی سے یا عدم توجہی کسی دوسرے درخواست گزار کی درخواست کے ساتھ لف ہوگئے ہو اور دیگر کسی دوسرے کے کاغذات اگر درخواست گزار کی درخواست کے ساتھ بوجہ غلطی یا عدم توجہی منسلک ہوگئے ہو تو اس بابت درخواست گزار اس جرم سے بری الزمہ ہے اور آپ صاحبان سے یہ ملتمس ہے کہ مذکورہ شوکاز نوٹس درخواست گزار کے حق میں اس جواب کو Consider کرتے ہوئے واپس لیا جاوے مزید برآں یہ کہ درخواست گزار اپنی اس درخواست کے ساتھ، جو کہ شوکاز نوٹس کا جواب ہے اپنے وہی تعلیمی کاغذات / سرٹیفکیٹ دوبارہ لف کر رہا ہے تاکہ ہر قسم کے اٹھنے والے شکوک و شبہات سے قطع نظر کیا جاوے اور درخواست کیساتھ منسلک تعلیمی اسناد / سرٹیفکیٹ برائے تصدیق لازمی طور پر بورڈ آف انٹرمیڈیٹ کو بھجوائے جاوے۔

لہٰذا درخواست کی جاتی ہے کہ بمنظوری درخواست ہذا درخواست گزار کے اس جواب کو Consider کرتے ہوئے درخواست گزار کے جملہ اسناد تعلیمی منسلک شدہ ہمراہ درخواست بھرتی، دوبارہ تصدیق کیلئے بھجوایا جاوے نیز اس دوران درخواست گزار کو جاری کردہ شوکاز نوٹس واپس لیا جاوے اور درخواست گزار کی نوکری کو بصورت ماضی Consider کیا جاوے۔

المرقوم 9-05-2013

حلیم گل
سائقہ کانسٹیبل نمبر FRP 2206
ہیڈ کوارٹر پی ڈی

C

6 حلیم گل

ORDER

This office order relates to the disposal of departmental proceedings against Constable Haleem Gul No. 2206 of FRP/Hqrs Peshawar. He was enlisted in Police Department on 04.02.2011 on the basis of metric/SSC qualification, for which he has submitted SSC certificate with Roll No. 20135 of session 1998/Supplementary of BISE Peshawar at the time of recruitment. Educational documents of all officials have been submitted to concerned Boards for verification. During the checking/verification of educational documents, SSC/DMC of Constable Haleem Gul No. 2206 were reported fake/bogus by the Controller of BISE, Peshawar vide his letter No. 276/SSC/Secrecy/BISE, dated 30.04.2013.

On receipt of this information he was placed under suspension vide this office OB No. 353 dated 08.05.2013 and was issued Show Cause Notice to explain his position. However his reply was received, which has been found unsatisfactory. He was subsequently summoned to appear before the undersigned for personal hearing in Orderly Room so he may get full opportunity to explain himself against the alleged charges. He was heard in detail by the undersigned but failed to offer any satisfactory explanation and admitted his misdeed when the evidence in the form of official report of BISE Peshawar was placed before him.

Keeping in view the above circumstances the delinquent official Constable Haleem Gul No. 2206 stands guilty for cheating/fraud by submission of fake/bogus certificates for enlistment in Police Department. This act on his part constitutes gross misconduct under Police Rule, 1975 and attracts major punishment of dismissal from service in view of the gravity of his guilt.

In view of above the delinquent Constable Haleem Gul No. 2206 is hereby dismissed from service with immediate effect.

Order announced.

Deputy Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

No. 6210-60 PA/FRP/HQrs: dated Peshawar, the 29 / 05 /2013.

Copy of the above is forwarded for information & n/action to:-

1. The Addl: IGP/Commandant, FRP Khyber Pakhtunkhwa.
2. The Accountant /FRP/HQrs: Peshawar.
3. The RI/FRP/HQrs: Peshawar
4. The SRC/FRP/HQrs: Peshawar
5. The OSI FRP/HQrs: Peshawar
6. The FMC/ FRP/HQrs: Peshawar with original Enquiry file.

Attested

حلیم گل

E

حلیم گل 9

بخدمت جناب کمانڈنٹ صاحب فرنٹیئر ریزرو پولیس (FRP) خیبر پختونخواہ۔

عنوان: اپیل برائے بحالی سروس برعہدہ کانسٹیبل۔

جناب عالی!
ذیل گزارش ہے۔

۱۔ یہ کہ مذکورہ آسامیوں کی مشتہری کے بعد سائل نے برائے بھرتی کانسٹیبل بمع میٹرک سرٹیفکیٹ درخواست گزاری۔

۲۔ یہ کہ مجوزہ طریقہ کار اپنانے کے بعد سائل کو محکمانہ سلیکشن کمیٹی کی سفارشات کے بعد بحیثیت کانسٹیبل بھرتی کیا۔

۳۔ یہ کہ چارج رپورٹ کے بعد سائل نے اپنی فرائضی مبنی کی انجام دہی شروع کی اور نہایت خوش اسلوبی سے خدمات سرانجام دے رہا تھا۔

۴۔ یہ کہ محکمے نے سائل کو شوکاز نوٹس جاری کیا کہ سائل کے تعلیمی اسناد فرضی و جعلی ہیں چونکہ سائل کے تعلیمی اسناد بالکل اصلی ہیں جس کی متعلقہ بورڈ سے تصدیق کی جا سکتی ہے۔

۵۔ یہ کہ سائل نے مذکورہ شوکاز نوٹس کا جواب داخل کیا اور اُس میں بھی سائل نے خصوصی طور پر ذکر کیا کہ سائل کے تعلیمی اسناد بالکل صحیح اور درست ہیں جس کو متعلقہ بورڈ

سے تصدیق کر سکتے ہیں۔ چونکہ سینکڑوں کی تعداد میں بھرتی کیلئے امیدواران نے تقاضی اسناد جمع کرائے تھے اور شاید بعض میں کچھ سقم بھی ہو لیکن سائل نے جو تعلیمی اسناد جمع کیئے تھے وہ بلکل صحیح تھے جس کی بورڈ سے بھی تصدیق کروائی گئی ہے۔

۶۔ یہ کہ بلا کسی وجہ و جواز کے سائل کو مورخہ 22.05.2013 کو سروس سے برطرف کیا گیا۔

۷۔ یہ کہ برخاستگی سے قبل معاملہ مذکورہ میں نہ تو کوئی انکوائری کرائی گئی ہے اور نہ ہی اس میں سائل کو شامل کیا گیا ہے اور نہ ہی کوئی انکوائری آفسر مقرر ہوا ہے۔ یکطرفہ کاروائی سے سائل کو نشانہ بنایا گیا ہے۔ جو خلاف قانون ہے۔

۸۔ یہ کہ مذکورہ بالا شوکاز نوٹس میں باقاعدہ انکوائری کے خاتمے کی بھی کوئی وجہ نہیں دی گئی ہے۔

لھذا برطرفی خلاف قانون و واقعات ہے۔

جناب سے مودبانہ التماس ہے کہ حکم مورخہ 22.05.2013 جاری کردہ ڈپٹی کمانڈنٹ ایف۔آر۔پی پشاور کو کالعدم قرار دے کر سائل کو سابقہ تمام مراعات کے ساتھ سروس پر بحال کرنے کا حکم صادر فرمائیں۔ ممنوع رہونگا۔

العـــــــارض

حلیم گل

حلیم گل فالور کانسٹیبل

سابقہ کانسٹیبل نمبر FRP 2206 ہیڈکوارٹر پشاور

F 11 D حلیم گل

ORDER.

This order shall dispose off on the appeal of Ex-Follower Constable Haleem Gul No. 2206 of FRP HQrs: Peshawar, against the order of Deputy Commandant FRP Khyber Pakhtunkhwa wherein he was dismissed from service.

Brief facts of case are that while verification of Ex-Constable Haleem Gul No. 2206 Matric/SSC documents from BISE Peshawar, was reported fake/bogus by the controller of BISE Peshawar vide his letter No. 276/SSC/Secrecy/BISE dated 30.04.2013.

On receipt of information he was placed under suspension and was issued Show Cause Notice. His reply to the Show Cause Notice received, and found un-satisfactory. He was summoned to appear before the Deputy Commandant FRP Khyber Pakhtunkhwa in orderly Room to explain his position. He was heard in person, but he failed to offer any satisfactory explanation and admitted his misdeed when the evidence in the form of official report of BISE Peshawar was placed before him.

Keeping in view the above circumstances the delinquent official stand guilty for cheating/fraud by submission of fake/bogus Certificates for enlistment in Police Department, his this act was gross misconduct and dismissed from service by the Deputy Commandant FRP Khyber Pakhtunkhwa Peshawar vide his Order Endst: No. 435-40/PA dated 29.05.2013.

From perusal of his original Matric certificate it has found that at the time of enlistment he was overaged by 03 year, 11 months and 28 days, but produced fake/bogus certificate and got recruitment by fraudulently. In this connection an enquiry has also been entrusted to Inspector Riaz Khan of FRP HQrs: Peshawar, who after enquiry found him guilty of the charges, therefore there is no cogent reason to interfere in the order of Deputy Commandant FRP Khyber Pakhtunkhwa. **Therefore his appeal is rejected.**

Addl: IGP/Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar

No. 8649-50/EC dated Peshawar the 22/12/2013.

Copy of above is sent for information and N/A to:-

1. SRC FRP HQrs: Peshawar.
2. Ex-Follower Constable Haleem Gul No. 2206 S/o Muslim Khan R/o Moh: Mohammad Abad Police Station Umarzai District Charsadda.

Attested
حلیم گل

ORDER. 9 12 1

This order shall dispose off on the appeal Ex-Constable Asmat Ullah No. 1845 of FRP HQrs: Peshawar, against the order of Deputy Commandant FRP Khyber Pakhtunkhwa wherein he was dismissed from service.

Brief facts of case are that while verification of SSC/DMC documents of Ex-Constable Asmat Ullah No. 1845 from BISE Peshawar, was reported fake/bogus by the controller of BISE Peshawar vide his letter No. 277/SSC/Secrecy/BISE dated 30.04.2013. On receipt of information he was placed under suspension and was issued Show Cause Notice. His reply to the Show Cause Notice received, and found unsatisfactory. He was summoned to appear before the Deputy Commandant FRP Khyber Pakhtunkhwa in orderly Room to explain his position. He was heard in person, but he failed to offer any satisfactory explanation and admitted his misdeed when the evidence in the form of official report of BISE Peshawar was placed before him.

Keeping in view the above circumstances the delinquent official stand guilty for cheating/fraud by submission of fake/bogus Certificates for enlistment in Police Department, his this act was gross misconduct and dismissed from service by the Deputy Commandant FRP Khyber Pakhtunkhwa Peshawar vide his Order Endst: No. 398-03/PA dated 22.05.2013.

From the perusal of his service record it has found that according to his school leaving certificate his education was up-to 9th, order for education relaxation vide No.5842 dated 18.08.2010 and order of relaxation of age vide No. 5843 dated 18.08.2010 were accorded by the then Addl: IGP/Commandant FRP as well as enlistment order vide OB No. 644 dated 27.08.2010 also exists in his service roll which is crystal clear that he was recruited as follower constable with the education of 9th. His SSC Certificate was sent for verification, declared fake by the Board of Intermediate and Secondary Education Peshawar and later-on he was terminated. On the perusal of his service roll no Photostat copy of SSC certificate found. The sender of SSC certificate for verification was bound to keep the copy of SSC certificate in service record, which is not available in his service record which create doubts that who had produced this certificate either by constable or someone else. The benefit of doubt goes to the delinquent as admitted law. In my opinion at this stage his termination from service is wrong as he was recruited as follower constable for which relaxation was given by the competent authority.

Keeping in view of the above mentioned facts, I take a lenient view, reinstated him in service, the period he remain out of service treated as leave without pay.

Attested

Addl: IGP/Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

No. 8711-13 /EC dated Peshawar the 03/12/2013. 28-11-2013

Copy of above is sent for information and n/a to the:-

1. Accountant/SRC/OSI FRP HQrs: Peshawar.

بعدالت جناب سروس ٹریبونل صوبہ سرحد پشاور

منجانب ایلانٹ

حلیم گل بنام کمانڈنٹ وغیرہ

دعویٰ اپیل

باعث تحریر اینکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ آں مقام پشاور کیلئے سعد اللہ خان مروت ایڈوکیٹ ہائی کورٹ کو وکیل مقرر کرکے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا نیز وکیل صاحب کو کرنے راضی نامہ وتقرر ثالث وفیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک وروپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرانے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظر ثانی وپیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پرداختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ وہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا وخرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حدود سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہٰذا وکالت نامہ لکھ دیا کہ سند رہے۔

المرقوم

العبد العبد العبد

سعد اللہ خان مروت
ایڈوکیٹ

ارباب سیف اکمال
ایڈوکیٹ

حسن روبینہ ناز
ایڈوکیٹ

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 32/2014

Haleem Gul .....(Appellant)

VERSUS

Commandant FRP/Khyber Pakhtunkhwa Peshawar &.....

Others.....(Respondents)

Subject:- **COMMENTS ON BEHALF OF RESPONDENTS.**

Respectfully Sheweth!

Preliminary Objections:-

1. That the appellant has no cause of action.
2. The appellant is not maintainable in the present form.
3. The appeal is bad for non- joining necessary and mis-joining of necessary parties.
4. The appellant is estopped by his own conduct to file the appeal.
5. The appeal is barred by law and limitation.
6. The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1) Pertains to record, however appellant submitted copy of secondary certificate session -1998 Roll No. 20135 at the time of Recruitment wherein his date of birth was recorded 06.02.1998.(copy enclosed as Annexure –A.) The certificate produced by the appellant was reported fake/bogus by the controller of Intermediate and Secondary Education Peshawar vide his office letter No. 276/SSC/Secrecy/BISE, dated 30.04.2013 (copy enclosed as Annexure-B). actually the appellant was over age by 03 year 11 Months and 28 days therefore appellant changes his date of birth and session of the examination to cover his age thus committed fraud , cheating and forgery therefore he was removed from service.

2) Incorrect, appellant did not rebut the report of controller of examination received vide above letter refer.

3) Incorrect, the reply of appellant received in response to show cause notice was found unsatisfactory and the

allegations of managing his enlistment through bogus and forged Secondary School Certificate were proved therefore the impugned order was passed.

4) Incorrect, show cause based on facts was issued to appellant and he failed to defend the charge of fraud, forgery and cheating in his reply and personal hearing, therefore there was no need on conducting further departmental proceedings.

5) Incorrect, the SSC certificate of appellant was verified and declared bogus by the competent authority vide proper official letter.

6) Incorrect, the departmental appeal of appellant was rejected vide speaking order 03.12.2013.

7) Incorrect, each is decided on its own facts, case of Asmat Ullah is totally different from the instant appeal.

GROUNDS:-

(A) Incorrect, appellant has been treated in accordance with law and rules. He managed his enlistment in police department through bogus and forged Secondary School Certificate. Therefore, he was correctly removed from service.

(B) Incorrect, each case is decided on its own facts and merit, actually competent authority had granted relaxation to the said Constable, so the instant appeal is totally different from that of Mr. Asmat ullah.

(C) Incorrect, appellant failed to rebut the report of Controller of examination who verified the SSC Certificate of appellant as bogus.

(D) Incorrect, show cause notice was issued to appellant was valid proof in shape of letter No. 277/SSC/secrecy/BISE, dated 30.04.2013 received from Board of Intermediate & Secondary Education Peshawar wherein the certificate submitted by appellant during recruitment was verified bogus.

(E) Incorrect, each case is to be decided on its own facts and merit.

(F) Incorrect, competent authority is empowered of taking action against the subordinates officials who failed to rebut the allegations conveyed through proper show cause notice.

(G) Incorrect, the impugned order are legal justified and have been passed in accordance with law and Rules.

It is therefore, prayed that the appeal of appellant may be dismissed with costs.

Commandant,
Frontier Reserve Police
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 1)

Deputy Commandant,
FRP/Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 2)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No. 32/2014

Haleem Gul .....(Appellant)

VERSUS

Commandant FRP/Khyber Pakhtunkhwa Peshawar &.....

Others.....(Respondents)

Subject:- **COMMENTS ON BEHALF OF RESPONDENTS.**

Respectfully Sheweth!

Preliminary Objections:-

1. That the appellant has no cause of action.
2. The appellant is not maintainable in the present form.
3. The appeal is bad for non- joining necessary and mis-joining of necessary parties.
4. The appellant is estopped by his own conduct to file the appeal.
5. The appeal is barred by law and limitation.
6. The appellant has not come to the Honorable Tribunal with clean hands.

FACTS:-

1) Pertains to record, however appellant submitted copy of secondary certificate session -1998 Roll No. 20135 at the time of Recruitment wherein his date of birth was recorded 06.02.1998.(copy enclosed as Annexure –A.) The certificate produced by the appellant was reported fake/bogus by the controller of Intermediate and Secondary Education Peshawar vide his office letter No. 276/SSC/Secrecy/BISE, dated 30.04.2013 (copy enclosed as Annexure-B). actually the appellant was over age by 03 year 11 Months and 28 days therefore appellant changes his date of birth and session of the examination to cover his age thus committed fraud , cheating and forgery therefore he was removed from service.

2) Incorrect, appellant did not rebut the report of controller of examination received vide above letter refer.

3) Incorrect, the reply of appellant received in response to show cause notice was found unsatisfactory and the

allegations of managing his enlistment through bogus and forged Secondary School Certificate were proved therefore the impugned order was passed.

4) Incorrect, show cause based on facts was issued to appellant and he failed to defend the charge of fraud, forgery and cheating in his reply and personal hearing, therefore there was no need on conducting further departmental proceedings.

5) Incorrect, the SSC certificate of appellant was verified and declared bogus by the competent authority vide proper official letter.

6) Incorrect, the departmental appeal of appellant was rejected vide speaking order 03.12.2013.

7) Incorrect, each is decided on its own facts, case of Asmat Ullah is totally different from the instant appeal.

GROUNDS:-

(A) Incorrect, appellant has been treated in accordance with law and rules. He managed his enlistment in police department through bogus and forged Secondary School Certificate. Therefore, he was correctly removed from service.

(B) Incorrect, each case is decided on its own facts and merit, actually competent authority had granted relaxation to the said Constable, so the instant appeal is totally different from that of Mr. Asmat ullah.

(C) Incorrect, appellant failed to rebut the report of Controller of examination who verified the SSC Certificate of appellant as bogus.

(D) Incorrect, show cause notice was issued to appellant was valid proof in shape of letter No. 277/SSC/secrecy/BISE, dated 30.04.2013 received from Board of Intermediate & Secondary Education Peshawar wherein the certificate submitted by appellant during recruitment was verified bogus.

(E) Incorrect, each case is to be decided on its own facts and merit.

(F) Incorrect, competent authority is empowered of taking action against the subordinates officials who failed to rebut the allegations conveyed through proper show cause notice.

(G) Incorrect, the impugned order are legal justified and have been passed in accordance with law and Rules.

It is therefore, prayed that the appeal of appellant may be dismissed with co sts.

Commandant,
Frontier Reserve Police
Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 1)

Deputy Commandant,
FRP/Khyber Pakhtunkhwa,
Peshawar.
(Respondent No. 2)

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 30/2014

Rahat Gul Versus Commandant & Others

REJOINDER

Respectfully Sheweth,

PRELIMINARY OBJECTION.

All the (06) Six preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action, appeal is not maintainable, the same is bad for non and mis joinder of necessary parties, estopped by his own conduct, appeal is time barred and appellant has not come to the Tribunal with clean hands.

ON FACTS

1. In response to para No. 1 of the comments, it is submitted that appellant was appointed as per the prescribed manner of appointment after verification of his antecedents from the Board as per condition given in the appointment order. In the process of verification form the Board, appellant was not associated with the same. Even prior to order of dismissal from service, he was not served with any charge sheet or any inquiry was conducted regarding the subject matter. Thus he was condemned unheard which is against the norms of justice.

2. Not correct. The para of the appeal is correct. Similarly allegation were leveled against Constable Asmat Ullah No. 1514 of FRP Hqr, Peshawar by dismissing him from service but on appeal to Commandant FRP, KP not only his upper age limit was condoned while No. 5843 dated 18.08.2010 and his educational qualification being under matric was also relaxed while No. 5842 dated 18.08.2010 accorded by AIGP/Commandant FRP. The fake

certificate, if any, were not produced by the appellant to the authority vide order dated 03.12.2013.

In numerous cases, not only upper age limit was relaxed by the authority up to 30, 33, 34 years but educational qualification being nil 5th Class, 8th Class, 9th Class were also relaxed. (Copy attached)

3. Not correct. The para of the appeal is correct. The law has not fixed any standard for satisfaction of the authority. The impugned order of termination dated 22.05.2013 is in total disregard of law and rules on the subject.

4. Not correct. When law has formulated way to proceed against Civil Servant, then such thing shall be done in that particular way and not in any other manner. As stated earlier, neither any charge sheet was served upon appellant regarding the subject matter nor any inquiry, being mandatory, was conducted by the authority.

5. Not correct. After verification of the certificates from the Board, appellant was handed over charge of the assignment for assumption of duty.

6. Not correct. The para of the appeal is correct.

7. Not correct. The case of appellant viz-a-viz Constable Asmat Ullah is/was at par with each other, yet appellant was discriminated.

GROUNDS:

a. Not correct. Discrimination was made by the authority on accepting the departmental appeal of Ex-Constable Asmat Ullah and by dismissing the same of appellant by the said authority.

b. Not correct. The case of appellant viz-a-viz of Asmat Ullah Constable were at par with each other.

c. Not correct. If any way is formulated/expressed by law, the same shall be done as per the mandate of law.

d. Not correct. The ground of the appeal regarding dispensation of Inquiry is not correct. 2007 SCMR 1726, 2007 TD (Service) 344.

e. Not correct. The ground of the appeal is correct.

f. Not correct. The authority is not empowered with unbridled and unfettered power to remove, shunt away, dismiss, etc servant from service at her own whims and wishes without adopting legal procedure. Cogent legal reasons is given in the ground of appeal regarding double edge weapon.

g. Not correct. The ground of the appeal is correct.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

Appellant

Through

Saadullah Khan Marwat

Dated: 3 .12.2015

Arbab Saif Ul Kamal

Miss Rubina Naz
Advocates,

AFFIDAVIT

I, Rahat Gul, Appellant do hereby solemnly affirm and declare that contents of **Appeal** & **Rejoinder** are true and correct to the best of my knowledge and belief while that of the respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

DEPONENT

STATEMENT OF FRP HQRS ILLITERATE OFFICIALS SINCE 2010 UPDATE

S. No	Name	B. No	D.O E	D.O B	Edu	Over Age
1.	Muhammad Iqbal	3288	01.01.2010	28.08.1986	8th	
2.	Ibrahim	688	09.04.2010	01.01.1987	8th	
3.	M. Arshid	1057	09.08.2010	07.04.1984	9th	
4.	Muhammad Arif	3301	18.08.2010	29.12.1981	8th	29 year
5.	Asmat Ullah	130	27.08.2010	03.08.1985	9th	
6.	Izhar Ali	1570	02.09.2010	13.02.1987	9th	
7.	Salman	1624	14.09.2010	28.03.1992	8th	
8.	Ghalib Shah	2725	16.09.2010	02.01.1983	8th	28 year
9.	Muhammad Waqas	870	03.11.2010	1982	8th	28 year
10.	Sabaz Ali	4412	20.10.2010	20.04.1982		28 year
11.	Shehriar	2241	31.12.2010	14.02.1990	Nill	
12.	Abid Ullah	949	03.01.2011	08.04.1991	9th	
13.	Eidi Amin	1474	24.01.2011	13.09.1986	Nil	
14.	Mati Ullah	753	24.01.2011	16.03.1992	Nil	
15.	Tehmeed	2271	04.02.2011	08.08.1982	Nil	28 year
16.	Muhammad Tahir	2399	09.03.2011	08.02.1983	8th	28 year
17.	Shashti Gul	1437	04.04.2011	02.03.1987	9th	
18	Rehman Ali	2412	06.04.2011	01.01.1989	9th	
19	Muhammad Yousaf	1378	04.06.2011	01.01.1983	9th	28 year
20.	Amjid Ali	698	04.06.2011	05.04.1985	Nil	
21.	Hassan Khan	711	04.06.2011	15.04.1985	Nil	
22.	Sahib Zada Muhammad Adnan	1728	04.06.2011	17.09.1989	Nil	
23.	Imran	216	04.06.2011	01.01.1984	6th	
24.	Gul Riaz	1730	04.06.2011	25.08.1981	8th	30 year
25.	Syed Naeem ul Hadi	1385	04.06.2011	15.09.1985	Nil	26 year
26.	Ijaz Ahmad	2127	02.08.2011	05.01.1991	8th	
27.	Inayat Karim	3910	02.11.2011	01.11.1981		29 year

28.	Khalid Khan	846	28.11.2011	07.01.1993	Nil	
29.	Umair Ali	1446	17.12.2011	15.02.1983	9th	29 year
30.	Muhammad Umair	162	04.01.2012	02.01.1993	Nil	
31.	Mir Hussain	1016	04.01.2012	01.01.1986	8th	
32.	Muhammad	1780	04.01.2012	01.01.1990	9th	
33.	Naseer Khan	2218	04.01.2012	05.02.1991	8th	
34.	Farman Ullah	2235	04.01.2012	01.01.1978	8th	34 year
35.	Qusmat Ali	6373	04.01.2012	16.01.1987	8th	
36.	Muhammad Rafiq	207	04.01.2012	02.06.1979	8th	33 year
37.	Hayat Khan	2328	04.01.2012	01.01.1987	5th	
38.	M Salaman Shah	2698	04.01.2012	21.04.1986	8th	
39.	Khaista Rahman	2276	18.02.2012	15.02.1994	9th	
40.	Mehtab Hussain	4650	19.09.2012	06.01.1991	8th	
41.	Zahir Shah	2079	04.12.2012	10.05.1972	Nil	40 year
42.	Marfat Shah	2350	14.12.2012	07.07.1977	8th	35 year
43	Arshad Ali	4503	31.01.2013	30.06.1977	8th	36 year
44.	Salman Faras	2595	09.05.2013	10.04.1983	9th	30 year
45.	Mudassir Shah	1648	27.08.2013	13.03.1992	Nil	
46.	Mubassir	1656	27.08.2013	03.06.1992	Nil	
47.	Rizwan	1066	02.09.2013	21.01.1993	8th	
48.	Syed Haris Khan	2657	02.09.2013	3.4.1995	8th	
49.	Shahid	1710	11.09.2013	01.04.1991	Nil	
50.	Hazrat Bilal	758	11.9.2013	16.02.1990	Nil	
51.	Abid Alam	2246	13.9.2013	15.04.993	Nil	
52.	Noor Muhammad	666	23.09.2013	01.04.1984	8th	30 year
53.	Muhammad Owais	1157	24.09.2013	10.2.92	9th	
54.	Asfandiar	1287	24.09.2013	12.8.93	5th	
55.	Waqar Ahmad	310	01.10.2013	06.01.1993	8th	
56.	Shah Hussain	4094	04.10.2013	29.05.1984	Nil	30 year
57.	Muhammad Qasim	380	28.10.2013	28.10.1993	Nil	
58.	Asif Raza	1692	28.10.2013	02.10.1993	Nil	
59.	Muzamil	2010	28.10.2013	01.01.1985	8th	

60.	Gul Aslam	6722	28.10.2013	28.03.1987	Nil	
61.	Naheed Khan	2826	28.10.2013	30.05.1988	8th	
62.	Ashraf Khan	2897	28.10.2013	01.01.1983	5th	30 year
63.	Jahangir Khan	3285	28.10.2013	01.01.1989	8th	
64.	Saif Ullah	2256	29.11.2013	01.01.1988	Nil	
65.	Sher Baz Khan	2277	12.12.2013	15.01.1989	Nil	
66.	Alam zaib	596	01.01.2014	28.12.01982	Nil	32 year
67.	Muhammad Ayaz	1539	28.06.2011	30.04.1982	9th	29 year
68.	Azmat	1499	01.04.2012	01.02.1983		29 year
69.	Abbas Ali	727	12.12.2011	04.10.1983		29 year
70.	Sadat	972	04.01.2012	06.05.1981		29 year

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 32/2014

Haleem Gul Versus Commandant & Others

REJOINDER

Respectfully Sheweth,

PRELIMINARY OBJECTION.

All the (06) Six preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action, appeal is not maintainable, the same is bad for non and mis joinder of necessary parties, estopped by his own conduct, appeal is time barred and appellant has not come to the Tribunal with clean hands.

ON FACTS

1. In response to para No. 1 of the comments, it is submitted that appellant was appointed as per the prescribed manner of appointment after verification of his antecedents from the Board as per condition given in the appointment order. In the process of verification form the Board, appellant was not associated with the same. Even prior to order of dismissal from service, he was not served with any charge sheet or any inquiry was conducted regarding the subject matter. Thus he was condemned unheard which is against the norms of justice.

2. Not correct. The para of the appeal is correct. Similarly allegation were leveled against Constable Asmat Ullah No. 1514 of FRP Hqr, Peshawar by dismissing him from service but on appeal to Commandant FRP, KP not only his upper age limit was condoned while No. 5843 dated 18.08.2010 and his educational qualification being under matric was also relaxed while No. 5842 dated 18.08.2010 accorded by AIGP/Commandant FRP. The fake

certificate, if any, were not produced by the appellant to the authority vide order dated 03.12.2013.

In numerous cases, not only upper age limit was relaxed by the authority up to 30, 33, 34 years but educational qualification being nil 5th Class, 8th Class, 9th Class were also relaxed. (Copy attached)

3. Not correct. The para of the appeal is correct. The law has not fixed any standard for satisfaction of the authority. The impugned order of termination dated 22.05.2013 is in total disregard of law and rules on the subject.

4. Not correct. When law has formulated way to proceed against Civil Servant, then such thing shall be done in that particular way and not in any other manner. As stated earlier, neither any charge sheet was served upon appellant regarding the subject matter nor any inquiry, being mandatory, was conducted by the authority.

5. Not correct. After verification of the certificates from the Board, appellant was handed over charge of the assignment for assumption of duty.

6. Not correct. The para of the appeal is correct.

7. Not correct. The case of appellant viz-a-viz Constable Asmat Ullah is/was at par with each other, yet appellant was discriminated.

GROUNDS:

a. Not correct. Discrimination was made by the authority on accepting the departmental appeal of Ex-Constable Asmat Ullah and by dismissing the same of appellant by the said authority.

b. Not correct. The case of appellant viz-a-viz of Asmat Ullah Constable were at par with each other.

c. Not correct. If any way is formulated/expressed by law, the same shall be done as per the mandate of law.

d. Not correct. The ground of the appeal regarding dispensation of Inquiry is not correct. 2007 SCMR 1726, 2007 TD (Service) 344.

e. Not correct. The ground of the appeal is correct.

f. Not correct. The authority is not empowered with unbridled and unfettered power to remove, shunt away, dismiss, etc servant from service at her own whims and wishes without adopting legal procedure. Cogent legal reasons is given in the ground of appeal regarding double edge weapon.

g. Not correct. The ground of the appeal is correct.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

Appellant

Through

Saadullah Khan Marwat

Dated: 3 .12.2015

Arbab Saif Ul Kamal

Miss Rubina Naz
Advocates,

AFFIDAVIT

I, Haleem Gul, Appellant do hereby solemnly affirm and declare that contents of **Appeal** & **Rejoinder** are true and correct to the best of my knowledge and belief while that of the respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

DEPONENT

STATEMENT OF FRP HQRS ILLITERATE OFFICIALS SINCE 2010 UPDATE

S. No	Name	B. No	D.O E	D.O B	Edu	Over Age
1.	Muhammad Iqbal	3288	01.01.2010	28.08.1986	8th	
2.	Ibrahim	688	09.04.2010	01.01.1987	8th	
3.	M. Arshid	1057	09.08.2010	07.04.1984	9th	
4.	Muhammad Arif	3301	18.08.2010	29.12.1981	8th	29 year
5.	Asmat Ullah	130	27.08.2010	03.08.1985	9th	
6.	Izhar Ali	1570	02.09.2010	13.02.1987	9th	
7.	Salman	1624	14.09.2010	28.03.1992	8th	
8.	Ghalib Shah	2725	16.09.2010	02.01.1983	8th	28 year
9.	Muhammad Waqas	870	03.11.2010	1982	8th	28 year
10.	Sabaz Ali	4412	20.10.2010	20.04.1982		28 year
11.	Shehriar	2241	31.12.2010	14.02.1990	Nill	
12.	Abid Ullah	949	03.01.2011	08.04.1991	9th	
13.	Eidi Amin	1474	24.01.2011	13.09.1986	Nil	
14.	Mati Ullah	753	24.01.2011	16.03.1992	Nil	
15.	Tehmeed	2271	04.02.2011	08.08.1982	Nil	28 year
16.	Muhammad Tahir	2399	09.03.2011	08.02.1983	8th	28 year
17.	Shashti Gul	1437	04.04.2011	02.03.1987	9th	
18.	Rehman Ali	2412	06.04.2011	01.01.1989	9th	
19.	Muhammad Yousaf	1378	04.06.2011	01.01.1983	9th	28 year
20.	Amjid Ali	698	04.06.2011	05.04.1985	Nil	
21.	Hassan Khan	711	04.06.2011	15.04.1985	Nil	
22.	Sahib Zada Muhammad Adnan	1728	04.06.2011	17.09.1989	Nil	
23.	Imran	216	04.06.2011	01.01.1984	6th	
24.	Gul Riaz	1730	04.06.2011	25.08.1981	8th	30 year
25.	Syed Naeem ul Hadi	1385	04.06.2011	15.09.1985	Nil	26 year
26.	Ijaz Ahmad	2127	02.08.2011	05.01.1991	8th	
27.	Inayat Karim	3910	02.11.2011	01.11.1981		29 year

28.	Khalid Khan	846	28.11.2011	07.01.1993	Nil	
29.	Umair Ali	1446	17.12.2011	15.02.1983	9th	29 year
30.	Muhammad Umair	162	04.01.2012	02.01.1993	Nil	
31.	Mir Hussain	1016	04.01.2012	01.01.1986	8th	
32.	Muhammad	1780	04.01.2012	01.01.1990	9th	
33.	Naseer Khan	2218	04.01.2012	05.02.1991	8th	
34.	Farman Ullah	2235	04.01.2012	01.01.1978	8th	34 year
35.	Qusmat Ali	6373	04.01.2012	16.01.1987	8th	
36.	Muhammad Rafiq	207	04.01.2012	02.06.1979	8th	33 year
37.	Hayat Khan	2328	04.01.2012	01.01.1987	5th	
38.	M Salaman Shah	2698	04.01.2012	21.04.1986	8th	
39.	Khaista Rahman	2276	18.02.2012	15.02.1994	9th	
40.	Mehtab Hussain	4650	19.09.2012	06.01.1991	8th	
41.	Zahir Shah	2079	04.12.2012	10.05.1972	Nil	40 year
42.	Marfat Shah	2350	14.12.2012	07.07.1977	8th	35 year
43	Arshad Ali	4503	31.01.2013	30.06.1977	8th	36 year
44.	Salman Faras	2595	09.05.2013	10.04.1983	9th	30 year
45.	Mudassir Shah	1648	27.08.2013	13.03.1992	Nil	
46.	Mubassir	1656	27.08.2013	03.06.1992	Nil	
47.	Rizwan	1066	02.09.2013	21.01.1993	8th	
48.	Syed Haris Khan	2657	02.09.2013	3.4.1995	8th	
49.	Shahid	1710	11.09.2013	01.04.1991	Nil	
50.	Hazrat Bilal	758	11.9.2013	16.02.1990	Nil	
51.	Abid Alam	2246	13.9.2013	15.04.993	Nil	
52.	Noor Muhammad	666	23.09.2013	01.04.1984	8th	30 year
53.	Muhammad Owais	1157	24.09.2013	10.2.92	9th	
54.	Asfandiar	1287	24.09.2013	12.8.93	5th	
55.	Waqar Ahmad	310	01.10.2013	06.01.1993	8th	
56.	Shah Hussain	4094	04.10.2013	29.05.1984	Nil	30 year
57.	Muhammad Qasim	380	28.10.2013	28.10.1993	Nil	
58.	Asif Raza	1692	28.10.2013	02.10.1993	Nil	
59.	Muzamil	2010	28.10.2013	01.01.1985	8th	

60.	Gul Aslam	6722	28.10.2013	28.03.1987	Nil	
61.	Naheed Khan	2826	28.10.2013	30.05.1988	8th	
62.	Ashraf Khan	2897	28.10.2013	01.01.1983	5th	30 year
63.	Jahangir Khan	3285	28.10.2013	01.01.1989	8th	
64.	Saif Ullah	2256	29.11.2013	01.01.1988	Nil	
65.	Sher Baz Khan	2277	12.12.2013	15.01.1989	Nil	
66.	Alam zaib	596	01.01.2014	28.12.01982	Nil	32 year
67.	Muhammad Ayaz	1539	28.06.2011	30.04.1982	9th	29 year
68.	Azmat	1499	01.04.2012	01.02.1983		29 year
69.	Abbas Ali	727	12.12.2011	04.10.1983		29 year
70.	Sadat	972	04.01.2012	06.05.1981		29 year

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 32/2014

Haleem Gul Versus Commandant & Others

REJOINDER

Respectfully Sheweth,

PRELIMINARY OBJECTION.

All the (06) Six preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action, appeal is not maintainable, the same is bad for non and mis joinder of necessary parties, estopped by his own conduct, appeal is time barred and appellant has not come to the Tribunal with clean hands.

ON FACTS

1. In response to para No. 1 of the comments, it is submitted that appellant was appointed as per the prescribed manner of appointment after verification of his antecedents from the Board as per condition given in the appointment order. In the process of verification form the Board, appellant was not associated with the same. Even prior to order of dismissal from service, he was not served with any charge sheet or any inquiry was conducted regarding the subject matter. Thus he was condemned unheard which is against the norms of justice.

2. Not correct. The para of the appeal is correct. Similarly allegation were leveled against Constable Asmat Ullah No. 1514 of FRP Hqr, Peshawar by dismissing him from service but on appeal to Commandant FRP, KP not only his upper age limit was condoned while No. 5843 dated 18.08.2010 and his educational qualification being under matric was also relaxed while No. 5842 dated 18.08.2010 accorded by AIGP/Commandant FRP. The fake

certificate, if any, were not produced by the appellant to the authority vide order dated 03.12.2013.

In numerous cases, not only upper age limit was relaxed by the authority up to 30, 33, 34 years but educational qualification being nil 5th Class, 8th Class, 9th Class were also relaxed. (Copy attached)

3. Not correct. The para of the appeal is correct. The law has not fixed any standard for satisfaction of the authority. The impugned order of termination dated 22.05.2013 is in total disregard of law and rules on the subject.

4. Not correct. When law has formulated way to proceed against Civil Servant, then such thing shall be done in that particular way and not in any other manner. As stated earlier, neither any charge sheet was served upon appellant regarding the subject matter nor any inquiry, being mandatory, was conducted by the authority.

5. Not correct. After verification of the certificates from the Board, appellant was handed over charge of the assignment for assumption of duty.

6. Not correct. The para of the appeal is correct.

7. Not correct. The case of appellant viz-a-viz Constable Asmat Ullah is/was at par with each other, yet appellant was discriminated.

GROUNDS:

a. Not correct. Discrimination was made by the authority on accepting the departmental appeal of Ex-Constable Asmat Ullah and by dismissing the same of appellant by the said authority.

b. Not correct. The case of appellant viz-a-viz of Asmat Ullah Constable were at par with each other.

c. Not correct. If any way is formulated/expressed by law, the same shall be done as per the mandate of law.

d. Not correct. The ground of the appeal regarding dispensation of Inquiry is not correct. 2007 SCMR 1726, 2007 TD (Service) 344.

e. Not correct. The ground of the appeal is correct.

f. Not correct. The authority is not empowered with unbridled and unfettered power to remove, shunt away, dismiss, etc servant from service at her own whims and wishes without adopting legal procedure. Cogent legal reasons is given in the ground of appeal regarding double edge weapon.

g. Not correct. The ground of the appeal is correct.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

Appellant

Through

Saadullah Khan Marwat

Dated: 3 .12.2015

Arbab Saif Ul Kamal

Miss Rubina Naz
Advocates,

AFFIDAVIT

I, Haleem Gul, Appellant do hereby solemnly affirm and declare that contents of **Appeal** & **Rejoinder** are true and correct to the best of my knowledge and belief while that of the respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

DEPONENT

STATEMENT OF FRP HQRS ILLITERATE OFFICIALS SINCE 2010 UPDATE

S. No	Name	B. No	D.O E	D.O B	Edu	Over Age
1.	Muhammad Iqbal	3288	01.01.2010	28.08.1986	8th	
2.	Ibrahim	688	09.04.2010	01.01.1987	8th	
3.	M. Arshid	1057	09.08.2010	07.04.1984	9th	
4.	Muhammad Arif	3301	18.08.2010	29.12.1981	8th	29 year
5.	Asmat Ullah	130	27.08.2010	03.08.1985	9th	
6.	Izhar Ali	1570	02.09.2010	13.02.1987	9th	
7.	Salman	1624	14.09.2010	28.03.1992	8th	
8.	Ghalib Shah	2725	16.09.2010	02.01.1983	8th	28 year
9.	Muhammad Waqas	870	03.11.2010	1982	8th	28 year
10.	Sabaz Ali	4412	20.10.2010	20.04.1982		28 year
11.	Shehriar	2241	31.12.2010	14.02.1990	Nill	
12.	Abid Ullah	949	03.01.2011	08.04.1991	9th	
13.	Eidi Amin	1474	24.01.2011	13.09.1986	Nil	
14.	Mati Ullah	753	24.01.2011	16.03.1992	Nil	
15.	Tehmeed	2271	04.02.2011	08.08.1982	Nil	28 year
16.	Muhammad Tahir	2399	09.03.2011	08.02.1983	8th	28 year
17.	Shashti Gul	1437	04.04.2011	02.03.1987	9th	
18.	Rehman Ali	2412	06.04.2011	01.01.1989	9th	
19.	Muhammad Yousaf	1378	04.06.2011	01.01.1983	9th	28 year
20.	Amjid Ali	698	04.06.2011	05.04.1985	Nil	
21.	Hassan Khan	711	04.06.2011	15.04.1985	Nil	
22.	Sahib Zada Muhammad Adnan	1728	04.06.2011	17.09.1989	Nil	
23.	Imran	216	04.06.2011	01.01.1984	6th	
24.	Gul Riaz	1730	04.06.2011	25.08.1981	8th	30 year
25.	Syed Naeem ul Hadi	1385	04.06.2011	15.09.1985	Nil	26 year
26.	Ijaz Ahmad	2127	02.08.2011	05.01.1991	8th	
27.	Inayat Karim	3910	02.11.2011	01.11.1981		29 year

28.	Khalid Khan	846	28.11.2011	07.01.1993	Nil	
29.	Umair Ali	1446	17.12.2011	15.02.1983	9th	29 year
30.	Muhammad Umair	162	04.01.2012	02.01.1993	Nil	
31.	Mir Hussain	1016	04.01.2012	01.01.1986	8th	
32.	Muhammad	1780	04.01.2012	01.01.1990	9th	
33.	Naseer Khan	2218	04.01.2012	05.02.1991	8th	
34.	Farman Ullah	2235	04.01.2012	01.01.1978	8th	34 year
35.	Qusmat Ali	6373	04.01.2012	16.01.1987	8th	
36.	Muhammad Rafiq	207	04.01.2012	02.06.1979	8th	33 year
37.	Hayat Khan	2328	04.01.2012	01.01.1987	5th	
38.	M Salaman Shah	2698	04.01.2012	21.04.1986	8th	
39.	Khaista Rahman	2276	18.02.2012	15.02.1994	9th	
40.	Mehtab Hussain	4650	19.09.2012	06.01.1991	8th	
41.	Zahir Shah	2079	04.12.2012	10.05.1972	Nil	40 year
42.	Marfat Shah	2350	14.12.2012	07.07.1977	8th	35 year
43	Arshad Ali	4503	31.01.2013	30.06.1977	8th	36 year
44.	Salman Faras	2595	09.05.2013	10.04.1983	9th	30 year
45.	Mudassir Shah	1648	27.08.2013	13.03.1992	Nil	
46.	Mubassir	1656	27.08.2013	03.06.1992	Nil	
47.	Rizwan	1066	02.09.2013	21.01.1993	8th	
48.	Syed Haris Khan	2657	02.09.2013	3.4.1995	8th	
49.	Shahid	1710	11.09.2013	01.04.1991	Nil	
50.	Hazrat Bilal	758	11.9.2013	16.02.1990	Nil	
51.	Abid Alam	2246	13.9.2013	15.04.993	Nil	
52.	Noor Muhammad	666	23.09.2013	01.04.1984	8th	30 year
53.	Muhammad Owais	1157	24.09.2013	10.2.92	9th	
54.	Asfandiar	1287	24.09.2013	12.8.93	5th	
55.	Waqar Ahmad	310	01.10.2013	06.01.1993	8th	
56.	Shah Hussain	4094	04.10.2013	29.05.1984	Nil	30 year
57.	Muhammad Qasim	380	28.10.2013	28.10.1993	Nil	
58.	Asif Raza	1692	28.10.2013	02.10.1993	Nil	
59.	Muzamil	2010	28.10.2013	01.01.1985	8th	

28.	Khalid Khan	846	28.11.2011	07.01.1993	Nil	
29.	Umair Ali	1446	17.12.2011	15.02.1983	9th	29 year
30.	Muhammad Umair	162	04.01.2012	02.01.1993	Nil	
31.	Mir Hussain	1016	04.01.2012	01.01.1986	8th	
32.	Muhammad	1780	04.01.2012	01.01.1990	9th	
33.	Naseer Khan	2218	04.01.2012	05.02.1991	8th	
34.	Farman Ullah	2235	04.01.2012	01.01.1978	8th	34 year
35.	Qusmat Ali	6373	04.01.2012	16.01.1987	8th	
36.	Muhammad Rafiq	207	04.01.2012	02.06.1979	8th	33 year
37.	Hayat Khan	2328	04.01.2012	01.01.1987	5th	
38.	M Salaman Shah	2698	04.01.2012	21.04.1986	8th	
39.	Khaista Rahman	2276	18.02.2012	15.02.1994	9th	
40.	Mehtab Hussain	4650	19.09.2012	06.01.1991	8th	
41.	Zahir Shah	2079	04.12.2012	10.05.1972	Nil	40 year
42.	Marfat Shah	2350	14.12.2012	07.07.1977	8th	35 year
43	Arshad Ali	4503	31.01.2013	30.06.1977	8th	36 year
44.	Salman Faras	2595	09.05.2013	10.04.1983	9th	30 year
45.	Mudassir Shah	1648	27.08.2013	13.03.1992	Nil	
46.	Mubassir	1656	27.08.2013	03.06.1992	Nil	
47.	Rizwan	1066	02.09.2013	21.01.1993	8th	
48.	Syed Haris Khan	2657	02.09.2013	3.4.1995	8th	
49.	Shahid	1710	11.09.2013	01.04.1991	Nil	
50.	Hazrat Bilal	758	11.9.2013	16.02.1990	Nil	
51.	Abid Alam	2246	13.9.2013	15.04.993	Nil	
52.	Noor Muhammad	666	23.09.2013	01.04.1984	8th	30 year
53.	Muhammad Owais	1157	24.09.2013	10.2.92	9th	
54.	Asfandiar	1287	24.09.2013	12.8.93	5th	
55.	Waqar Ahmad	310	01.10.2013	06.01.1993	8th	
56.	Shah Hussain	4094	04.10.2013	29.05.1984	Nil	30 year
57.	Muhammad Qasim	380	28.10.2013	28.10.1993	Nil	
58.	Asif Raza	1692	28.10.2013	02.10.1993	Nil	
59.	Muzamil	2010	28.10.2013	01.01.1985	8th	

60.	Gul Aslam	6722	28.10.2013	28.03.1987	Nil	
61.	Naheed Khan	2826	28.10.2013	30.05.1988	8th	
62.	Ashraf Khan	2897	28.10.2013	01.01.1983	5th	30 year
63.	Jahangir Khan	3285	28.10.2013	01.01.1989	8th	
64.	Saif Ullah	2256	29.11.2013	01.01.1988	Nil	
65.	Sher Baz Khan	2277	12.12.2013	15.01.1989	Nil	
66.	Alam zaib	596	01.01.2014	28.12.01982	Nil	32 year
67.	Muhammad Ayaz	1539	28.06.2011	30.04.1982	9th	29 year
68.	Azmat	1499	01.04.2012	01.02.1983		29 year
69.	Abbas Ali	727	12.12.2011	04.10.1983		29 year
70.	Sadat	972	04.01.2012	06.05.1981		29 year

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 31/2014

Sajid Versus Commandant & Others

REJOINDER

Respectfully Sheweth,

PRELIMINARY OBJECTION.

All the (06) Six preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action, appeal is not maintainable, the same is bad for non and mis joinder of necessary parties, estopped by his own conduct, appeal is time barred and appellant has not come to the Tribunal with clean hands.

ON FACTS

1. In response to para No. 1 of the comments, it is submitted that appellant was appointed as per the prescribed manner of appointment after verification of his antecedents from the Board as per condition given in the appointment order. In the process of verification form the Board, appellant was not associated with the same. Even prior to order of dismissal from service, he was not served with any charge sheet or any inquiry was conducted regarding the subject matter. Thus he was condemned unheard which is against the norms of justice.

2. Not correct. The para of the appeal is correct. Similarly allegation were leveled against Constable Asmat Ullah No. 1514 of FRP Hqr, Peshawar by dismissing him from service but on appeal to Commandant FRP, KP not only his upper age limit was condoned while No. 5843 dated 18.08.2010 and his educational qualification being under matric was also relaxed while No. 5842 dated 18.08.2010 accorded by AIGP/Commandant FRP. The fake

f. Not correct. The authority is not empowered with unbridled and unfettered power to remove, shunt away, dismiss, etc servant from service at her own whims and wishes without adopting legal procedure. Cogent legal reasons is given in the ground of appeal regarding double edge weapon.

g. Not correct. The ground of the appeal is correct.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

ساجد خان
Appellant

Through

Saadullah Khan Marwat

Dated: 3 .12.2015

Arbab Saif Ul Kamal

Miss Rubina Naz
Advocates,

AFFIDAVIT

I, Sajid, Appellant do hereby solemnly affirm and declare that contents of **Appeal** & **Rejoinder** are true and correct to the best of my knowledge and belief while that of the respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

ساجد خان
DEPONENT

STATEMENT OF FRP HQRS ILLITERATE OFFICIALS SINCE 2010 UPDATE

S. No	Name	B. No	D.O E	D.O B	Edu	Over Age
1.	Muhammad Iqbal	3288	01.01.2010	28.08.1986	8th	
2.	Ibrahim	688	09.04.2010	01.01.1987	8th	
3.	M. Arshid	1057	09.08.2010	07.04.1984	9th	
4.	Muhammad Arif	3301	18.08.2010	29.12.1981	8th	29 year
5.	Asmat Ullah	130	27.08.2010	03.08.1985	9th	
6.	Izhar Ali	1570	02.09.2010	13.02.1987	9th	
7.	Salman	1624	14.09.2010	28.03.1992	8th	
8.	Ghalib Shah	2725	16.09.2010	02.01.1983	8th	28 year
9.	Muhammad Waqas	870	03.11.2010	1982	8th	28 year
10.	Sabaz Ali	4412	20.10.2010	20.04.1982		28 year
11.	Shehriar	2241	31.12.2010	14.02.1990	Nill	
12.	Abid Ullah	949	03.01.2011	08.04.1991	9th	
13.	Eidi Amin	1474	24.01.2011	13.09.1986	Nil	
14.	Mati Ullah	753	24.01.2011	16.03.1992	Nil	
15.	Tehmeed	2271	04.02.2011	08.08.1982	Nil	28 year
16.	Muhammad Tahir	2399	09.03.2011	08.02.1983	8th	28 year
17.	Shashti Gul	1437	04.04.2011	02.03.1987	9th	
18.	Rehman Ali	2412	06.04.2011	01.01.1989	9th	
19	Muhammad Yousaf	1378	04.06.2011	01.01.1983	9th	28 year
20.	Amjid Ali	698	04.06.2011	05.04.1985	Nil	
21.	Hassan Khan	711	04.06.2011	15.04.1985	Nil	
22.	Sahib Zada Muhammad Adnan	1728	04.06.2011	17.09.1989	Nil	
23.	Imran	216	04.06.2011	01.01.1984	6th	
24.	Gul Riaz	1730	04.06.2011	25.08.1981	8th	30 year
25.	Syed Naeem ul Hadi	1385	04.06.2011	15.09.1985	Nil	26 year
26.	Ijaz Ahmad	2127	02.08.2011	05.01.1991	8th	
27.	Inayat Karim	3910	02.11.2011	01.11.1981		29 year

60.	Gul Aslam	6722	28.10.2013	28.03.1987	Nil	
61.	Naheed Khan	2826	28.10.2013	30.05.1988	8th	
62.	Ashraf Khan	2897	28.10.2013	01.01.1983	5th	30 year
63.	Jahangir Khan	3285	28.10.2013	01.01.1989	8th	
64.	Saif Ullah	2256	29.11.2013	01.01.1988	Nil	
65.	Sher Baz Khan	2277	12.12.2013	15.01.1989	Nil	
66.	Alam zaib	596	01.01.2014	28.12.01982	Nil	32 year
67.	Muhammad Ayaz	1539	28.06.2011	30.04.1982	9th	29 year
68.	Azmat	1499	01.04.2012	01.02.1983		29 year
69.	Abbas Ali	727	12.12.2011	04.10.1983		29 year
70.	Sadat	972	04.01.2012	06.05.1981		29 year

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 31/2014

Sajid Versus Commandant & Others

REJOINDER

Respectfully Sheweth,

PRELIMINARY OBJECTION.

All the (06) Six preliminary objections are illegal and incorrect. No reason in support of the same is ever given as to why appellant has no cause of action, appeal is not maintainable, the same is bad for non and mis joinder of necessary parties, estopped by his own conduct, appeal is time barred and appellant has not come to the Tribunal with clean hands.

ON FACTS

1. In response to para No. 1 of the comments, it is submitted that appellant was appointed as per the prescribed manner of appointment after verification of his antecedents from the Board as per condition given in the appointment order. In the process of verification form the Board, appellant was not associated with the same. Even prior to order of dismissal from service, he was not served with any charge sheet or any inquiry was conducted regarding the subject matter. Thus he was condemned unheard which is against the norms of justice.

2. Not correct. The para of the appeal is correct. Similarly allegation were leveled against Constable Asmat Ullah No. 1514 of FRP Hqr, Peshawar by dismissing him from service but on appeal to Commandant FRP, KP not only his upper age limit was condoned while No. 5843 dated 18.08.2010 and his educational qualification being under matric was also relaxed while No. 5842 dated 18.08.2010 accorded by AIGP/Commandant FRP. The fake

certificate, if any, were not produced by the appellant to the authority vide order dated 03.12.2013.

In numerous cases, not only upper age limit was relaxed by the authority up to 30, 33, 34 years but educational qualification being nil 5th Class, 8th Class, 9th Class were also relaxed. (Copy attached)

3. Not correct. The para of the appeal is correct. The law has not fixed any standard for satisfaction of the authority. The impugned order of termination dated 22.05.2013 is in total disregard of law and rules on the subject.

4. Not correct. When law has formulated way to proceed against Civil Servant, then such thing shall be done in that particular way and not in any other manner. As stated earlier, neither any charge sheet was served upon appellant regarding the subject matter nor any inquiry, being mandatory, was conducted by the authority.

5. Not correct. After verification of the certificates from the Board, appellant was handed over charge of the assignment for assumption of duty.

6. Not correct. The para of the appeal is correct.

7. Not correct. The case of appellant viz-a-viz Constable Asmat Ullah is/was at par with each other, yet appellant was discriminated.

GROUNDS:

a. Not correct. Discrimination was made by the authority on accepting the departmental appeal of Ex-Constable Asmat Ullah and by dismissing the same of appellant by the said authority.

b. Not correct. The case of appellant viz-a-viz of Asmat Ullah Constable were at par with each other.

c. Not correct. If any way is formulated/expressed by law, the same shall be done as per the mandate of law.

d. Not correct. The ground of the appeal regarding dispensation of Inquiry is not correct. 2007 SCMR 1726, 2007 TD (Service) 344.

e. Not correct. The ground of the appeal is correct.

f. Not correct. The authority is not empowered with unbridled and unfettered power to remove, shunt away, dismiss, etc servant from service at her own whims and wishes without adopting legal procedure. Cogent legal reasons is given in the ground of appeal regarding double edge weapon.

g. Not correct. The ground of the appeal is correct.

It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

ساجد خان
Appellant

Through

Saadullah Khan Marwat

Dated: 3 .12.2015

Arbab Saif Ul Kamal

Miss Rubina Naz
Advocates,

AFFIDAVIT

I, Sajid, Appellant do hereby solemnly affirm and declare that contents of **Appeal** & **Rejoinder** are true and correct to the best of my knowledge and belief while that of the respondents are illegal and incorrect.

I reaffirm the same on oath once again to be true and correct as per the available record.

ساجد خان
DEPONENT

Before the Service tribunal KPK, Peshawar

Haleem Gul VS Commandant & others.

Application for Extension of time for depositing Security/process fees etc

Respectfully Sheweth,

1- That in the above mentioned appeal is fixed for reply of respondents for today but due to some misunderstanding the applicant could not deposited the Security/process fee etc.

2) That now the applicant wants to deposit the Security/process fee etc.

It is therefore most humbly prayed that applicant be allowed extension of time for depositing Security/process fee etc

Applicant

Dt- 22/8/14.

Through Asad Saeed Khan