

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

SERVICE APPEAL NO. 28/2014

Date of institution ... 01.01.2014
Date of judgment ... 25.04.2017

Muhammad Saeed Khan Versus Commandant, FRP, KPK, Peshawar and other.

SERVICE APPEAL NO. 29/2014

Date of institution ... 01.01.2014
Date of judgment ... 25.04.2017

Nizar Ahmed Versus Commandant, FRP, KPK, Peshawar and other.

SERVICE APPEAL NO. 30/2014

Date of institution ... 01.01.2013
Date of judgment ... 25.04.2017

Rahat Gul Versus Commandant, FRP, KPK, Peshawar and other.

SERVICE APPEAL NO. 31/2014

Date of institution ... 01.01.2014
Date of judgment ... 25.04.2017

Sajid Versus Commandant, FRP, KPK, Peshawar and other.

SERVICE APPEAL NO. 32/2014

Date of institution ... 01.01.2014
Date of judgment ... 25.04.2017

Haleem Gul Versus Commandant, FRP, KPK, Peshawar and other.

SERVICE APPEAL NO. 334/2014

Date of institution ... 14.02.2014
Date of judgment ... 25.04.2017

Shabir Ahmed Versus Commandant, FRP, KPK, Peshawar and other.

SERVICE APPEAL NO. 335/2014

Date of institution ... 14.02.2014
Date of judgment ... 25.04.2017

Tahir Ud Din Versus Commandant, FRP, KPK, Peshawar and other.

M. Amin
25.4.2017

SERVICE APPEAL NO. 336/2014

Date of institution ... 17.02.2014
Date of judgment ... 25.04.2017

Salim Khan Versus Commandant, FRP, KPK, Peshawar and other.

SERVICE APPEAL NO. 526/2014

Date of institution ... 14.04.2014
Date of judgment ... 25.04.2017

Syed Waseem Shah Versus Commandant, FRP, KPK, Peshawar and other.

Mr. Arbab Saif-ul-Kamal, Advocate. .. For appellants.
Mr. Muhammad Adeel Butt, Additional Advocate General .. For respondents.

MR. MUHAMMAD AMIN KHAN KUNDI .. MEMBER (JUDICIAL)
MR. MUHAMMAD AZIM KHAN AFRIDI .. CHAIRMAN

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER: The above mentioned service appeals have been filed by the appellants against orders passed by respondent No. 2 whereby they have been dismissed from service and their departmental appeals have also been rejected by respondent No. 1 hence the present service appeals. Since there is a common question of law and facts in all the above mentioned service appeals therefore all the aforesaid mentioned service appeals are disposed of through this single judgment.

2. Brief facts of the case are that appellants were appointed as Constables in FRP Police Department and there-after they were performing their duties regularly. However, during the course of their service the department have sent their educational documents/metric certificates to the concerned Board for checking/verification and after checking/verification, the educational documents/metric certificates of the appellants were reported fake/bogus by the

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25.4.2017

Controller of Board of Intermediate and Secondary Education Peshawar therefore the respondents issued a show-cause notice to the appellants and there-after dismissed them from service.

3. Learned counsel for the appellants contended that the appellants were appointed as Constables in FRP Police Department and they were performing their duties regularly. It was further contended that during their service they were dismissed from service on the charge that their educational documents/metric certificates produced by them were reported as fake and bogus by the Controller of Board of Intermediate and Secondary Education Peshawar. It was further contended that the educational documents/metric certificates produced by the appellants to the respondents were genuine but the respondents have illegally dismissed them from service on the alleged report of Controller of Board of Intermediate and Secondary Education Peshawar. It was further contended that major penalty was imposed upon the appellants but neither proper regular inquiry was conducted by the respondents nor any charge sheet was ever issued against them nor any statement of allegations were framed. It was further contended that the respondents had also dismissed one Asmatullah from the service on the charge of producing bogus/^{fake m}suspicion metric certificate but later on the respondents had reinstated him vide order dated 29.04.2013 and that the copy of the said order was available on the record therefore it was contended that the appellants were discriminated and the appellants deserve to reinstatement in service. It was contended that the appellants were condemned unheard and the respondents have violated the principles of natural justice therefore the impugned orders are illegal and liable to be set-aside.

4. On the other hand learned Additional Advocate General opposed the contention of learned counsel for the appellants and contended that the appellants were appointed as Constables in FRP Police Department. It was further contended that when the respondents have sent their educational documents/metric certificates to the Controller of Board of Intermediate and Secondary Education Peshawar then

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the education documents/metric certificates of the appellants were found fake/bogus by the Controller of Board of Intermediate and Secondary Education Peshawar therefore the respondents had given the appellants a show-cause notice under the Police Rules 1975 and they were asked to explain as to why major penalty of dismissal from service could not be imposed upon them but their replies were found not satisfactory therefore the respondents have rightly dismissed the appellants from the service. It was further contended that since the educational documents produced by the appellants were found bogus/fake by the concerned Board after verification therefore there was no need of proper inquiry and the respondents have rightly dismissed the appellants after giving them show-cause notice and prayed for dismissal of appeals.

5. We have heard the arguments on both sides and gone through the record.
6. Perusal of the record reveals that the appellants were appointed as Constables in FRP Police Department by the competent authority however during the course of their services the respondents had sent their educational documents/metric certificates to the concerned Board for verification and after verification, the educational documents/certificates were allegedly reported fake and bogus therefore show-cause notices were issued to the appellants and they were dismissed from the service. Admittedly the respondents have imposed major penalty upon the appellants and the appellants were dismissed from their services therefore the respondents were required to frame charge sheet statement of allegations against the appellants and the appellants were to be asked to submit reply of the statement of allegations and a proper inquiry was to be conducted but the record reveals that neither charge sheet has been framed by the respondents against the appellants nor any statement of allegations has been given to them nor a proper regular inquiry has been conducted by the respondents and the respondents have dismissed the appellants from service in slipshod manners without a proper inquiry therefore the impugned orders of the dismissal of the appellants from service are liable to be set-aside. In this regard Supreme Court

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Monthly Review 2008 page 1369 CPLA No. 466 of 2008 titled Naseeb Khan-Versus-Divisional Superintendent Pakistan Railways Lahore and another respondents is cited for advantage wherein it has been held that

Removal from Service (Special Powers) Ordinance (XVII of 2000)---

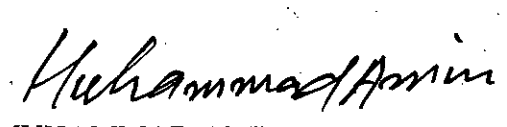
----S. 5--- Misconduct---Dismissal from service---None-holding of departmental inquiry---Violation of principles of natural justice--- Effect---Held, in case of imposing a major penalty, the principles of natural justice required that a regular inquiry was to be conducted in the matter and opportunity of defence and personal hearing was to be provided to the civil servant proceeded against, otherwise civil servant would be condemned unheard and major penalty of dismissal from service would be imposed upon him without adopting the required mandatory procedure, resulting in manifest injustice.

7. In light of the above discussion we are constrained to accept the aforesaid appeals, set-aside the impugned orders and reinstate all the aforesaid appellants in service, however, the respondents are placed at liberty to conduct a regular inquiry against the appellants within two months after receipt of this judgment and there-after pass proper orders. The intervening period of dismissal of the appellants and their reinstatement shall be decided subject to the outcome of the de-novo inquiry. Parties are however left to bear their own costs. File be consigned to the record room.

ANNOUNCED

25.04.2017


(MUHAMMAD AZIM KHAN AFRIDI)
CHAIRMAN

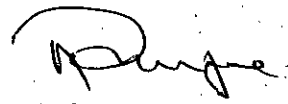

(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

Appeal No. 28/2014 & @ other cases

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

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 on file, 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

Appeal No. 28/2014

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

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 produce^{tion} of the said documents. To come up for final hearing before D.B on 22.08.2016.


Member


Chairman

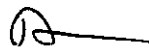
25.08.2015

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

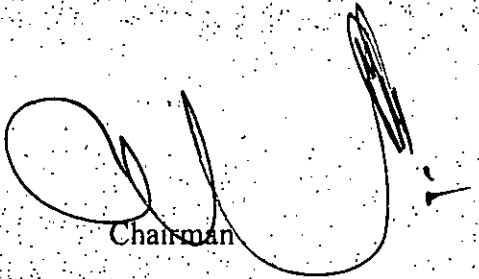

Member


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.....
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.

06.03.2015

Counsel for the appellant and Mr. Ihsanullah, ^{Reader} 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. 28/2014.
Mr. Muhammad Saeed Khan

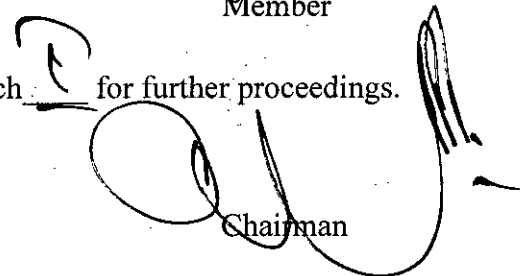
5. 28.05.2014

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 22.05.2013 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

6. 28.05.2014

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

Chairman

3.

05.03.2014

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



Member

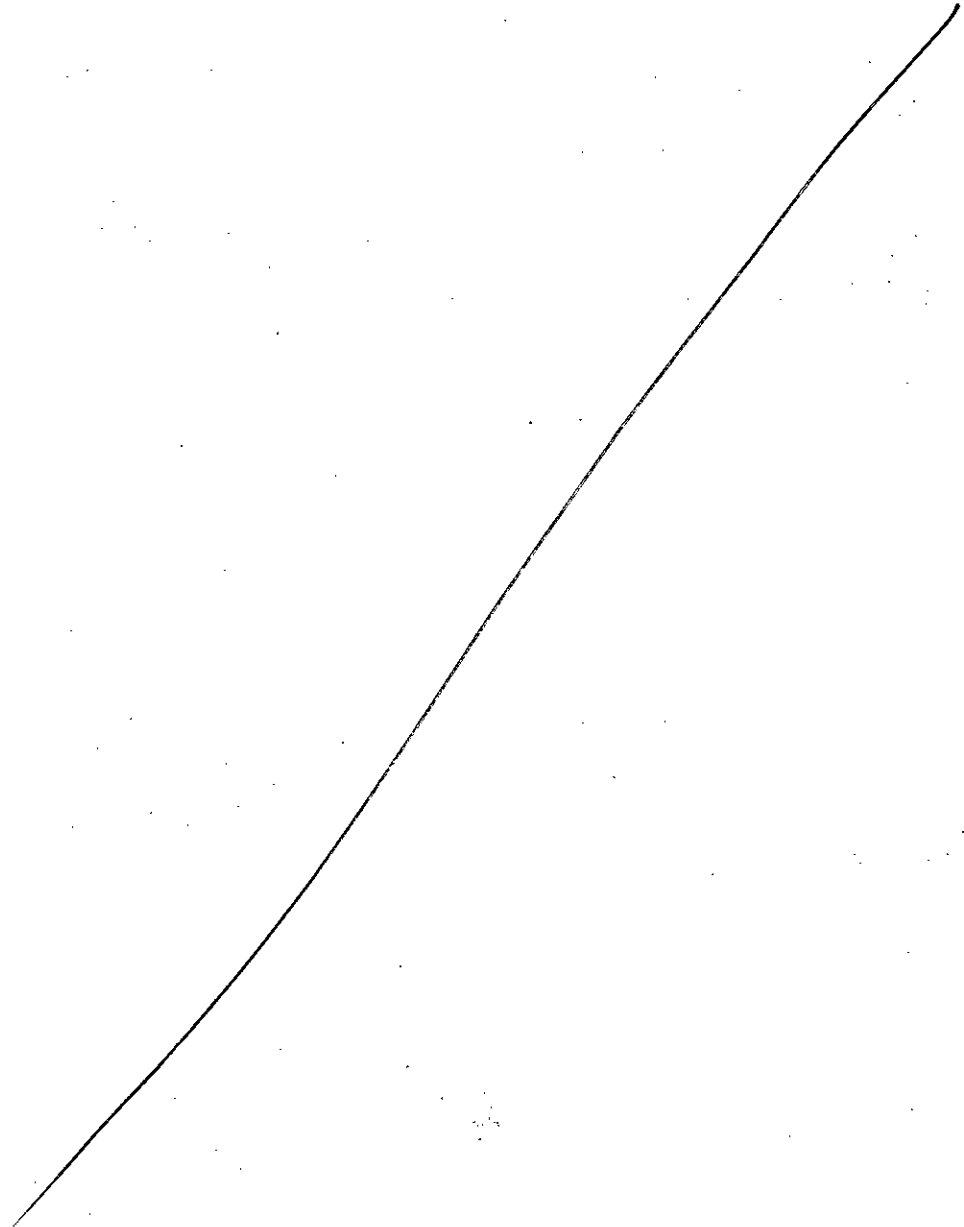
4,

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. 28/2014

| S.No. | Date of order Proceedings | Order or other proceedings with signature of Judge or Magistrate |
|-------|---------------------------|---|
| 1 | 2 | 3 |
| 1 | 07/01/2014 | <p>The appeal of Mr. Muhammad Saeed Khan 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.</p> <p style="text-align: right;"><i>Leano</i> REGISTRAR</p> |
| 2 | 8-1-2014 | <p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>5-3-2014</u></p> <p style="text-align: right;"><i>[Signature]</i> CHAIRMAN</p> |

The appeal of Mr. Muhammad Saeed Khan 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- 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.
- 2- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

No. 22 /S.T.

Dt. 02/01 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

Sir

Resubmitted after completion

by

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 28 /2014

M.Saeed Khan

Versus

Commandant & others

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Dated. 01.01.2014

Through

Appellant



Saad Ullah Khan Marwat
Advocate.

21-A Nasir Mension,
Shoba Bazar, Peshawar.

Ph:0300-5872676

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 28 /2014

Muhammad Saeed Khan S/o Aslam Khan,
R/o H. No. 93, Phase 1, Urmar Colony, Manki
Road, Cantt Nowshera, Ex Constable No. 670

FRP Hqr, Peshawar Appellant

Versus

1. Commandant, FRP, KP, Peshawar.

2. Deputy Commandant, FRP, KP,

Peshawar Respondents

[Handwritten notes and stamps]
01-01-2014

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,
AGAINST OFFICE ORDER NO. 8645-46/FC, DATED
02.12.2013 OF RESPONDENT NO. 1, WHEREBY
APPEAL AGAINST DISMISSAL ORDER DATED
22.05.2013 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 19-7-2011 by respondent No. 2.

[Handwritten notes]
2/1/14

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 22.05.2013 by respondent No. 2. (Copy as annex "C")

re-submitted to 433
and filed.

[Handwritten signature]
7/1/14

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:-

GROUND S:

- 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

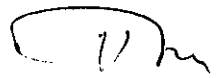
It is, therefore, most humbly prayed that on acceptance of the appeal, the impugned appellate order dated 02.12.2013 of respondent No. 1 or order dated 22.05.2013 of respondent No. 2 be set aside and appellant be reinstated in service with all back benefits, with such other relief as may be deemed proper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

Through

Dated. 01.01.2014

Appellant

Saad Ullah Khan Marwat


Arbab Saiful Kamal
Advocates.

A

3

06/13

SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

I, Deputy Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar, as Competent Authority do hereby serve you Constable Mohammad Saced Khan No. 670, of FRP HQrs: Peshawar.

Whereas you Constable Mohammad Saced Khan No. 670 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. 77821 of year 2003 from the BISE Peshawar, it has been reported vide letter No. 277/SSC/Secreey/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.

[Signature]
Deputy Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

[Signature]
[Signature]

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عزت مآب جناب ڈپٹی کمائنڈنٹ فرسٹینئر ریزرو پولیس
صوبہ خیبر پختونخوا ایشاور

عنوان : Reply of the Show Cause

جناب عالی:

درخواست گزار حسب ذیل عرض رساں ہے

1- یہ کہ درخواست گزار کو پونیس میں ایف آر پی ہیڈ کوارٹر پشاور میں بطور کنسٹیبل بھرتی ہوا
درخواست گزار کا نمبر 670 ہے۔

2- یہ کہ درخواست گزار کو محکمہ پولیس سے دلی لگا ہے اور محکمہ پولیس میں رہ کر ملک و قوم 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
دوسول شدہ شوکا زونٹوں درخواست گزار کو دوسول 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، یونیورسٹی) نمبر 2778، سال 2003ء کی بابت بورڈ آف انٹرمیڈیٹ اینڈ
سیکنڈری ایجوکیشن ریکرڈس سے درخواست گزار کی تعلیمی اسناد کی تصدیق کے بارے میں رجوع
کیا تو یہ حقائق سامنے آئے کہ درخواست گزار کی تعلیمی اسناد جعلی، فرضی اور بوگس ہے۔

4- یہ کہ درخواست گزار نے بوقت جمع کئے جانے درخواست برائے بھرتی دراندہ محکمہ پولیس، جو تعلیمی
اسناد یا یونیورسٹی ہمراہ درخواست لف کئے تھے وہ بالکل صحیح و درست ہے اور اس میں کسی قسم کا بھی
ابہام یا شک و غیرہ نہ ہے اور وہ ہرگز ہرگز جعلی، فرضی اور بوگس نہیں ہیں۔

5- یہ کہ درخواست گزار اس جواب کے توسط سے آپ صاحبان سے حائفائے گزارش آپ صاحبان کے حضور عرض گزارا کرتا ہے کہ درخواست گزار کے جمع کردہ تعلیمی کاغذات ریٹرنک 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 ہو گئے ہو اور دیگر کسی دوسرے کے کاغذات اگر درخواست گزار کی درخواست کے ساتھ بوجہ غلطی یا عدم توجہی منسلک ہوئے ہوں گے تو اس بابت درخواست گزار اس جرم سے بری الزم ہے اور آپ صاحبان سے یہ متمسک ہے کہ مذکورہ شوکاژ 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 شوکاژ نوٹس کا جواب ہے اپنے وہی تعلیمی کاغذات سرٹیفکیٹ دوبارہ لف کر رہا ہے تاکہ ہر قسم کے اٹھنے والے لٹکوک 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۔

لہذا درخواست کی جاتی ہے کہ منظور کی 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 بھجوا لیا جاوے نیز اس دوران درخواست گزار کو جاری کردہ شوکاژ نوٹس واپس لیا جاوے اور درخواست گزار کی نوکری کو بصورت ماضی Consider کیا جاوے۔

المرتوم 9-05-2013

محمد سعید خان
 سائبر کالینج FRP 670
 ہیڈ کوارٹر کینے رو

c 6

ORDER

This office order relates to the disposal of departmental proceedings against Constable Mohammad Saeed Khan No. 670 of FRP/IQrs Peshawar. He was enlisted in Police Department on 19.12.2011 on the basis of metric/SSC qualification, for which he has submitted SSC certificate with Roll No.77821 of session 2003/Annual 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 Mohammad Saeed Khan No. 670 were reported fake/bogus by the Controller of BISE, Peshawar vide his letter No. 277/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 Mohammad Saeed Khan No. 670 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 Rules, 1975 and attracts major punishment of dismissal from service in view of the gravity of his guilt.

In view of above the delinquent Constable Mohammad Saeed Khan No. 670 is hereby dismissed from service with immediate effect.

Order announced.

Alleged
Not

Esai

**Deputy Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar**


No. 410-15 PA/FRP/IQrs: dated Peshawar, the 22/ 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/IQrs: Peshawar.
3. The RI/FRP/IQrs: Peshawar
4. The SRC/FRP/IQrs: Peshawar
5. The OSI FRP/IQrs: Peshawar

Serial No: 31116

Roll No: 77821


BOARD OF INTERMEDIATE & SECONDARY EDUCATION
PESHAWAR
DETAILED MARKS CERTIFICATE

Secondary School Certificate Examination: July - 7

Name: Muhammad Saad Khan Father's Name: Muhammad Aslam Khan
Institution/District: _____ Date of Birth: _____

| SUBJECTS | Marks Obtained | | | | | | Remarks |
|-----------------|----------------|-----|--------|-----------|-------|------------|---|
| | Max: | P/M | Theory | Practical | Total | P/F | |
| English | 150 | 49 | | | | 54 | Verified for d. Secretary Officer Board of Intermediate and Secondary Education Peshawar |
| Urdu | 150 | 49 | | | | 48 | |
| Islamyat (Comp) | 75 | 25 | | | | 46 | |
| Pak. Studies | 75 | 25 | | | | 27 | |
| Riazi (New) | 100 | 33 | | | | 42 | |
| General Science | 100 | 33 | | | | 33 | |
| Art | 100 | 33 | | | | 45 | |
| 15 | 100 | 33 | | | | 50 | |
| Total | 850 | | | | | 346 | |

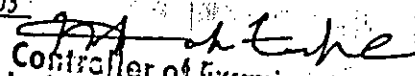
Total (in words): Three Hundred & Forty Six 29/8/2013

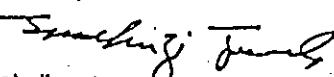
Prepared by: _____

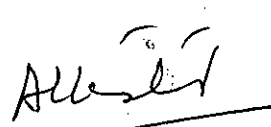
VERIFIED

Checked by: _____

Dated: 14 JUN 2003


 Controller of Examinations
 Board of Intermediate and Secondary
 Education Peshawar.
26-5-13


 Controller of Examinations
 Board of Intermediate and Secondary
 Education, Peshawar.


2013

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION PESHAWAR

No. 744 SSC Secrecy/BISE, Peshawar

Date: 29/8/2013

From: The Secrecy Officer,
BISE Peshawar.

To: The Addl. Insp. / Government
Frontier Regions, Pabir
Khyber Pakhtunkhwa
Peshawar.

Subject: VERIFICATION

Memo:

Reference your letter No. 4773 Dated: 25-7-2013

Detailed Marks Certificate of the following Student/ Students has/have checked and found correct.

| S.No | Name | Roll No | Session | Marks |
|--|------------------------|---------------|---------------|-----------------|
| 1 | <u>Mazhar Ahmad</u> | <u>872838</u> | <u>A/2002</u> | <u>verified</u> |
| 2 | <u>Salim Khan</u> | <u>107121</u> | <u>A/03</u> | <u>verified</u> |
| 3 | <u>Tahir-ul-Din</u> | <u>110642</u> | <u>A/06</u> | <u>verified</u> |
| 4 | <u>Sajid</u> | <u>17258</u> | <u>S/07</u> | <u>verified</u> |
| 5 | <u>Mohd Saeed Khan</u> | <u>77821</u> | <u>A/03</u> | <u>verified</u> |
| 6 | <u>Rahat Gul</u> | <u>24436</u> | <u>A/2001</u> | <u>verified</u> |
| 7 | <u>Shabir Ahmad</u> | <u>133975</u> | <u>A/09</u> | <u>verified</u> |
| <u>Total DMC (7) checked & found correct</u> | | | | |
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Asst
29/8

Secrecy Officer
Board of Intermediate and Secondary
Education Peshawar
29/8/2013

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

عنوان: اپیل برائے بحالی سروس برعہدہ کانٹینیل۔

جناب عالی!

ذیل گزارش ہے۔

- ۱۔ یہ کہ مذکورہ آسامیوں کی مشتہری کے بعد سائل نے برائے بھرتی کانٹینیل بمع میٹرک سرٹیفیکیٹ درخواست گزاری۔
- ۲۔ یہ کہ مجوزہ طریقہ کار اپنانے کے بعد سائل کو حکمانہ سلیکشن کمیٹی کی سفارشات کے بعد بحثیت کانٹینیل بھرتی کیا۔
- ۳۔ یہ کہ چارج رپورٹ کے بعد سائل نے اپنی فرانسیسی مینی کی انجام دہی شروع کی اور نہایت خوش اسلوبی سے خدمات سرانجام دے رہا تھا۔
- ۴۔ یہ کہ محکمے نے سائل کو شوکا ز 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 شوکا ز نوٹس کا جواب داخل کیا اور اس 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 تعلیمی اسناد جمع کرائے تھے اور شاید بعض میں کچھ سقم بھی ہو لیکن سائل نے جو تعلیمی اسناد جمع کئے تھے وہ بالکل 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 کارروائی سے سائل کو نشانہ بنایا گیا ہے۔ جو خلاف قانون ہے۔

۸۔ یہ کہ مذکورہ بالا شوکا ز نوٹس میں باقاعدہ انکوائری کے خاتمے کی بھی کوئی وجہ نہیں دی گئی ہے۔ لہذا 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 کا عدم قرار دے کر سائل کو سابقہ تمام مراعات کے ساتھ سروس پر بحال کرنے کا حکم صادر فرمائیں۔ ممنوع رہونگا۔

العـارض

13-6-13

محمد سعید خان ولد یحیٰی خان ساکن نوشہرہ کینٹ
ایس ڈی کالونی۔ سانگی روڈ۔ نوشہرہ
سابقہ کانسٹیبل نمبر 670 FRP۔ ایس ڈی وارٹر۔ پشاور

محمد سعید خان

F 11 *D. J. S.*

ORDER.

This order shall dispose off on the appeal of Ex-Constable Mohammad Saeed Khan No. 670 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 Mohammad Saeed Khan No. 670 Matric/SSC documents 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. 410-15/PA dated 20.05.2013.

From perusal of his original Matric certificate it has found that at the time of enlistment he was overaged by 04 year, 09 months and 16 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.**

Atto
no/3
12

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

No: *8645-46* /EC dated Peshawar the

02 / 12

29-11-2013
/2013.

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

1. SRC FRP HQrs: Peshawar.
2. Ex-Constable Mohammad Saeed Khan No. 670 S/o Aslam Khan R/o Phase-I Armor Colony Manki Road House No. 93 Cantt: District Nowshera.

ORDER.

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 O8 No. 544 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
10/3

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

No. 8711-13

/EC dated Peshawar the

031

12

2013.

98-11-203

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

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

بعد الت چاپ سرسٹریٹ ہونٹل صوبہ سرحد پشاور

منجانب اسد اللہ

بنام سمانڈنٹ دفتر

محمد سعید خان

دعویٰ اسل

باعث شکریہ اینکہ

مقررہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے سعد اللہ خان سرور سے ایڈووکیٹ ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے رضی نامہ و تقرر ثالث و فیصلہ برحسب دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور عرضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری بکطرفہ یا اپیل کی برآمدگی اور نسیبہ نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا تجزیہ کاروائی سے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تفرک کا اختیار ہوگا اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ پوراختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التواء مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بقایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام درجہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

المرقوم

العبد

العبد

العبد

ارباب سفیر انکال
ایڈووکیٹ

Sadhu
سعد اللہ خان سرور
ایڈووکیٹ

M Saad

من روایت تازہ
ایڈووکیٹ

Before The Service Tribunal, KPK, Peshawar

M. Saeed Khan vs. Commandant of others

Application for Extension of time for
depositing process fees / security etc.

Respectfully sheweth,

1. That the above mentioned appeal is pending
adjudication in this honorable tribunal in
which today is fixed for hearing but
due to some misunderstanding the
applicant could not deposit the
security / process fees.

② That now the applicant wants to deposit
the security / process fees etc.

It is therefore most humbly prayed that
on acceptance of this application, the applicant
be allowed to deposit security / process fees etc.

At 22/2/14.

Applicant
Through Attab Safiq Khalid

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR.

Service Appeal No. 28/2014

Saeed Khan S/o Aslam Khan(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 the necessary parties.
4. The appellant is e-stopped 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-2003 Roll No. 77821 at the time of Recruitment wherein his date of birth was recorded 03.10.1987.(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). reportedly the appellant was over age by 04 years 09 Months and 16 days, therefore appellant change 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 02.12.2013.
- 7) Incorrect, each is decided on its own facts, case of Asmat ullah is totally different from the instant appeal.

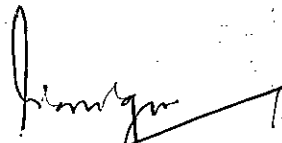
GROUND:-

- (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/secretary/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 legal and 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)

S.No. 183241

Roll No. 77821

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

Secondary School Certificate Examination

SESSION 2003- ANNUAL

(Humanities Group)

This is to Certify that Muhammad Saeed Khan Son / Daughter of Muhammad Aslam Khan
and a student of Nowshera District has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April, 2003 as a Private
candidate. He / She obtained 346 Marks out of 850 and has been placed in Grade D Representing Fair
The Candidate passed in the following subjects :

- | | | | |
|------------|---------------------|----------------|------------------------|
| 1. English | 3. Islamiyat | 5. Mathematics | 7. Islamic Studies |
| 2. Urdu | 4. Pakistan Studies | 6. G:Science | 8. Art & Model Drawing |

Date of birth according to admission form October 03, 1987

[Signature]
Asstt Secretary



[Signature]
Secretary

This certificate is issued without alteration

[Handwritten mark]

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR

S.A No. 28/2014

Saeed Khan

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 from 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.

GROUND S:


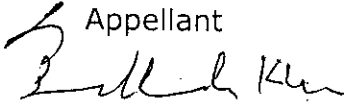
- a. Not correct. Discrimination was made by the authority on accepting the departmental appeal of Ex-Constable Asmat Ullah and by dismissing the same of appellant by the said authority.
- b. Not correct. The case of appellant viz-a-viz of Asmat Ullah Constable were at par with each other.
- c. Not correct. 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.

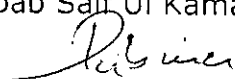
It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

Through

Dated: 3.12.2015


Appellant

Saadullah Khan Marwat


Arbab Saif Ul Kamal


Miss Rubina Naz
Advocates,

AFFIDAVIT

I, Saeed Khan, 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 | 8 th | |
| 2. | Ibrahim | 688 | 09.04.2010 | 01.01.1987 | 8 th | |
| 3. | M. Arshid | 1057 | 09.08.2010 | 07.04.1984 | 9 th | |
| 4. | Muhammad Arif | 3301 | 18.08.2010 | 29.12.1981 | 8 th | 29 year |
| 5. | Asmat Ullah | 130 | 27.08.2010 | 03.08.1985 | 9 th | |
| 6. | Izhar Ali | 1570 | 02.09.2010 | 13.02.1987 | 9 th | |
| 7. | Salman | 1624 | 14.09.2010 | 28.03.1992 | 8 th | |
| 8. | Ghalib Shah | 2725 | 16.09.2010 | 02.01.1983 | 8 th | 28 year |
| 9. | Muhammad Waqas | 870 | 03.11.2010 | 1982 | 8 th | 28 year |
| 10. | Sabaz Ali | 4412 | 20.10.2010 | 20.04.1982 | | 28 year |
| 11. | Shehriar | 2241 | 31.12.2010 | 14.02.1990 | Nil | |
| 12. | Abid Ullah | 949 | 03.01.2011 | 08.04.1991 | 9 th | |
| 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 | 8 th | 28 year |
| 17. | Shashti Gul | 1437 | 04.04.2011 | 02.03.1987 | 9 th | |
| 18. | Rehman Ali | 2412 | 06.04.2011 | 01.01.1989 | 9 th | |
| 19. | Muhammad Yousaf | 1378 | 04.06.2011 | 01.01.1983 | 9 th | 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 | 6 th | |
| 24. | Gul Riaz | 1730 | 04.06.2011 | 25.08.1981 | 8 th | 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 | 8 th | |
| 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 | 9 th | 29 year |
| 30. | Muhammad . Umair | 162 | 04.01.2012 | 02.01.1993 | Nil | |
| 31. | Mir Hussain | 1016 | 04.01.2012 | 01.01.1986 | 8 th | |
| 32. | Muhammad | 1780 | 04.01.2012 | 01.01.1990 | 9 th | |
| 33. | Naseer Khan | 2218 | 04.01.2012 | 05.02.1991 | 8 th | |
| 34. | Farman Ullah | 2235 | 04.01.2012 | 01.01.1978 | 8 th | 34 year |
| 35. | Qusmat Ali | 6373 | 04.01.2012 | 16.01.1987 | 8 th | |
| 36. | Muhammad Rafiq | 207 | 04.01.2012 | 02.06.1979 | 8 th | 33 year |
| 37. | Hayat Khan | 2328 | 04.01.2012 | 01.01.1987 | 5 th | |
| 38. | M Salaman Shah | 2698 | 04.01.2012 | 21.04.1986 | 8 th | |
| 39. | Khaista Rahman | 2276 | 18.02.2012 | 15.02.1994 | 9 th | |
| 40. | Mehtab Hussain | 4650 | 19.09.2012 | 06.01.1991 | 8 th | |
| 41. | Zahir Shah | 2079 | 04.12.2012 | 10.05.1972 | Nil | 40 year |
| 42. | Marfat Shah | 2350 | 14.12.2012 | 07.07.1977 | 8 th | 35 year |
| 43. | Arshad Ali | 4503 | 31.01.2013 | 30.06.1977 | 8 th | 36 year |
| 44. | Salman Faras | 2595 | 09.05.2013 | 10.04.1983 | 9 th | 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 | 8 th | |
| 48. | Syed Haris Khan | 2657 | 02.09.2013 | 3.4.1995 | 8 th | |
| 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 | 8 th | 30 year |
| 53. | Muhammad Owais | 1157 | 24.09.2013 | 10.2.92 | 9 th | |
| 54. | Asfandiar | 1287 | 24.09.2013 | 12.8.93 | 5 th | |
| 55. | Waqar Ahmad | 310 | 01.10.2013 | 06.01.1993 | 8 th | |
| 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 | 8 th | |

| | | | | | | |
|-----|------------------|------|------------|-------------|-----------------|---------|
| 60. | Gul Aslam | 6722 | 28.10.2013 | 28.03.1987 | Nil | |
| 61. | Naheed Khan | 2826 | 28.10.2013 | 30.05.1988 | 8 th | |
| 62. | Ashraf Khan | 2897 | 28.10.2013 | 01.01.1983 | 5 th | 30 year |
| 63. | Jahangir Khan | 3285 | 28.10.2013 | 01.01.1989 | 8 th | |
| 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 | 9 th | 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 |



BOARD OF INTERMEDIATE & SECONDARY EDUCATION
PESHAWAR

No. 772/SSC/Cert/BISE/Peshawar

Dated: 12/05/2016

To,


Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar


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

Memo;

Reference to your letter No: 6431 Dated; 12-05-2016

I am directed to inform you that latter Reference No-926 in behalf of Board of intermediate & secondary education Peshawar is checked and found FAKE/BOGUS and not issued by this office. The attached letter is tempered and the original letter is also attached for further necessary action and information please.


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


Asstt. Secretary Cert; (SSC)
Boe d of Intermediate and Secondary
Education, Peshawar



BOARD OF INTERMEDIATE & SECONDARY EDUCATION
PESHAWAR

No. 926/SSC/Cert/BISE/ Peshawar

Dated: 27/08/2015

To,

Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

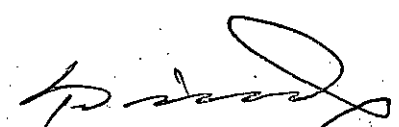
Subject; VERIFICATION OF MATRICULATION (SSC) CERTIFICATE

Memo;

Reference to your letter No.6431 Dated.07/08/2015

Enclosed please find herewith (05) Photostat copy/copies of Original Certificate of SSC Examination in respect of the candidate mentioned in your letter with the remarks noted against each.

| R.NO & Session | Name Father Name | Remarks |
|----------------|--|-----------------------------------|
| 110642-A-2006 | Tahir Ud Din S/O Zahir ud Din | Checked and found FAKE / BOGUS |
| 10721-A-2003 | Saleem Khan S/O Tahseen-Ullah | Checked and found FAKE / BOGUS |
| 77821-A-2003 | Muhammad Saeed Khan S/O Muhammad Aslam Khan | Checked and found FAKE / BOGUS |
| 87838-A-2002 | Nizar Ahmad S/O Khair Muhammad | Checked and found FAKE / BOGUS |
| 133975-S-2009 | Shabir Ahmed S/O Nawaz Khan | Checked and found FAKE / BOGUS |


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

Boys

S.No. 117623

Roll No. 110642

CHECKED & FOUND
FAIR & FOCUS



CHECKED & FOUND
FAIR & FOCUS

Board of Intermediate and Secondary Education

Peshawar

پشاور پاکستان

Secondary School Certificate Examination

SESSION 2006-ANNUAL

(Arts Group)



Boys

This is to Certify that

Tahir Ud Din

Son of

Zahir Ud Din

and a resident of

DISTRICT CHARRADA

has passed the Secondary School Certificate

Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April 2006 as a Private

candidate. He obtained 460 Marks out of 1050 and has been placed in Grade D Representing Fair

The Candidate passed in the following subjects:

- 1. English
- 2. Urdu
- 3. Islamiyat (Comp)
- 4. Pakistan Studies
- 5. General Science
- 6. Islamic History
- 7. Civics

Date of birth according to admission form March 01 1990

CHECKED & FOUND
FAIR & FOCUS

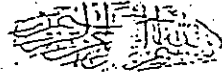
Asstt Secretary

Secretary

This certificate is issued without alteration or erasure

S.No. 844890

Roll No. 107121



CHECKED & FOUND
FAKE & BOGUS

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

Secondary School Certificate Examination

SESSION 2003 -- ANNUAL

(Humanities Group)

BOGUS

Mushtaq
Principal
Govt. School

This is to Certify that Saleem Khan S / Daughter of Tehseem Ul
and a student of District, Charsadda has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April, 2003 as a Private
candidate. He / She obtained 370 Marks out of 850 and has been placed in Grade D Representing Fair

The Candidate passed in the following subjects:

- | | | | |
|------------|---------------------|-----------------|--------------------|
| 1. English | 3. Islamiyat | 5. Mathematics | 7. Islamic Studies |
| 2. Urdu | 4. Pakistan Studies | 6. Gen. Science | 8. Pashto |

He / She has been awarded Grade D on the basis of internal assessment by the Institution concerned.

Date of birth according to admission form March 15, 1986

[Signature]
Asstt. Secretary

CHECKED & FOUND
FAKE & BOGUS

[Signature]
Secretary

CHECKED & FOUND
FAKE & BOGUS

This certificate is issued without alteration or erasure.

S.No. 183241

Roll No. 77821

CHECKED & FOUND
FAKE & BOGUS



CHECKED & FOUND
FAKE & BOGUS

Board of Intermediate and Secondary Education

Peshawar N.W.F.P. Pakistan

Secondary School Certificate Examination

SESSION 2003- ANNUAL
(Humanities Group)

BOGUS

This is to Certify that Muhammad Saeed Khan Son / Daughter of Muhammad Aslam Khan
and a student of Nowshera District has passed the Secondary School Certificate

Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April, 2003 as a Private
candidate. He / She obtained 345 Marks out of 850 and has been placed in Grade D Representing Fair

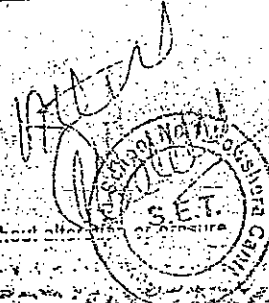
The Candidate passed in the following subjects :

- | | | | |
|------------|---------------------|----------------|------------------------|
| 1. English | 3. Islamiyat | 5. Mathematics | 7. Islamic Studies |
| 2. Urdu | 4. Pakistan Studies | 6. Science | 8. Art & Model Drawing |

Date of birth according to admission form October 03, 1987

[Signature]
Asstt Secretary

CHECKED & FOUND
FAKE & BOGUS



[Signature]
Secretary

CHECKED & FOUND
FAKE & BOGUS

This certificate is issued without effect

S.No. 19210

Roll No. 87452

CHECKED & FOUND
FAKE & BOGUS

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

Secondary School Certificate Examination
SESSION 2002 - ANNUAL
(Humanities Group)

Bogus

This is to Certify that Nizar Ahmed Son / Daughter of Khair Muhammad
and a student of District Charsadda has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April 2002 as a Private
candidate. He / She obtained 420 Marks out of (500) 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. Gen: Science 7. Islamic Studies 8. Art & Model Drawing
He / She has been awarded Grade D on the basis of internal assessment by the Board.
Date of birth according to admission form December 01, 1986

CHECKED & FOUND
FAKE & BOGUS

CHECKED & FOUND
FAKE & BOGUS

S. No. 032652

Roll No. 133975

Board of Intermediate and Secondary Education Peshawar

A. U. J. P. Pakistan

Secondary School Certificate Examination



CHECKED & FOUND
FAKE & BOGUS
SESSION 2009 - SUPPLEMENTARY
(Arts Group)

CHECKED & FOUND
FAKE & BOGUS

Bogus

Rab Nawaz Khan

I hereby certify that Shabir Ahmed Son of _____
born a resident of Charsadda District has passed the Secondary School Certificate
Examination of the Board of Intermediate and Secondary Education, Peshawar held in April, 2009 as a Private
candidate. He obtained 467 Marks out of 900 and has been placed in Grade D Representing fair

The Candidate passed in the following subjects:

- | | | | |
|--------------------|----------|---------------------|---------------------|
| 1. English | 2. Urdu | 3. Islamiyat (Comp) | 4. Pakistan Studies |
| 5. General Science | 6. Maths | 7. Islamic Studies | 8. Pashto |

Date of birth according to admission form 10 April, 1992

M. M. Khan
Asstt Secretary

CHECKED & FOUND
FAKE & BOGUS

CHECKED & FOUND
FAKE & BOGUS

Asstt. Treasury Officer
State Bank of Pakistan
Peshawar

[Signature]
Secretary

This certificate is issued without alteration or erasure

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION PESHAWAR

No. 744 SSC Secrecy/BISE, Peshawar

Date: 29.8.2013

From:

The Secrecy Officer,
BISE Peshawar.

To:

The Addl. IGP / Government
Frontier Region Police
Khyber Pakhtunkhwa
Peshawar

Subject:

VERIFICATION

Memo:

Reference your letter

773

Dated: 25-7-2013

Detailed Marks Certificate of the following Student/Students has/have checked and found correct.

Handwritten notes:
The letter is not by some one Bages not the Peshawar.
Totaly BISE.

| S.No | Name | Roll No | Session | Mark |
|----------------|----------------|---------|---------|---------------|
| 1 | Nasir Ahmad | 872838 | A/2002 | verified |
| 2 | Salim Khan | 107121 | A/03 | verified |
| 3 | Tahir-ud-Din | 110642 | A/04 | verified |
| 4 | Sajid | 17258 | S/07 | verified |
| 5 | Mohd Saad Khan | 77821 | A/03 | verified |
| 6 | Rahat Gul | 24436 | A/2001 | verified |
| 7 | Shaher Ahmad | 183975 | A/09 | verified |
| Total DRAC (7) | | | | found correct |

Superintendent
Board of Inter & Secondary
Education Peshawar

10/09/16

Handwritten signature:
10/11/16

Secrecy Officer
Board of Intermediate and Secondary
Education Peshawar
29/8/2013

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 1199 /ST

Dated 2 / 5 / 2017

To

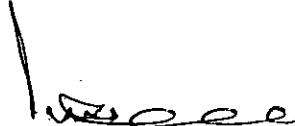
The Commandant FRP,
Government of Khyber Pakhtunkhwa,
Peshawar.

Subject: -

JUDGMENT

I am directed to forward herewith a certified copy of Judgement dated 25.4.2017 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.