

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


(ASHFAQUNTAJ)
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 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

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



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**DIRECTORATE GENERAL HEALTH SERVICES
KHYBER PAKHTUN KHWA PESHAWAR.**

All communications should be addressed to the Director General Health Services Peshawar and not to any official by name.
E-Mail Address: nwfpdqhs@yahoo.com Office Ph# 091-9210269 Exchange# 091-9210187, 9210196 Fax # 091-9210230

SHOW CAUSE NOTICE

1. I, Dr. Sajid Shaheen DGHS Khyber Pakhtunkhwa Peshawar as competent authority, under the Khyber Pakhtunkhwa Removal from service (Special Powers) amended ordinance, 2000, do hereby serve you, Mr. Abdul Sattar Analytical Assistant of Govt. Public Analyst Public Health Food Analysis Khyber Pakhtunkhwa Peshawar as follows:-

As per report from Govt. Public Analyst Public Health Food Analysis Khyber Pakhtunkhwa Peshawar, you were granted EOL without pay with effect from 01.05.2008 to 30.04.2010 and on expiry of leave you did not report for duty.

- a. You are willfully absent from duty w.e from 01.05.2010.
- b. Misconduct

2. Under section 5(4) of the Khyber Pakhtunkhwa Removal From Service (Special Powers) amendment ordinance, 2000, there is no need of holding a formal inquiry in this case as I am of the firm opinion that the charges against you as mentioned in Para-1 above have been proved.

3. In term of section-3 of the Removal from service (special Powers) Amendment Ordinance, 2000 in the capacity of competent authority, I have tentatively decided to impose upon you the major penalty of **REMOVAL FROM SERVICE**. Also intimate whether you desire to be heard in person.

4. You are therefore directed to show cause as to why the above penalty should not be imposed upon you.

If no reply to this notice is received within fourteen days of its issuance, it shall be presumed that you have no defence to put in and in that case an exparte action shall be taken against you.

(Dr. Sajid Shaheen)
DIRECTOR GENERAL HEALTH
SERVICES KHYBER PAKHTUNKHWA,
PESHAWAR

21.3.2016

Counsel for the appellant (Mr. Saadullah Khan Marwat, Advocate) and Mr. Muhammiad 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. 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

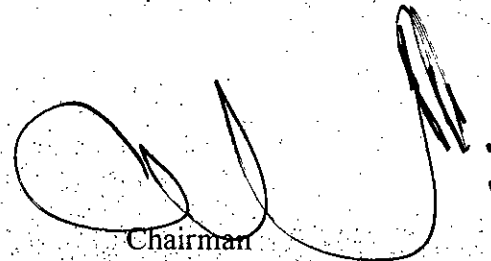


Member

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.

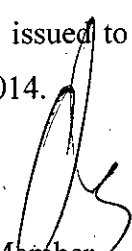


Member

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

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. 30/2014

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. Rahat 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.</p> <p style="text-align: right;"> 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;"> CHAIRMAN</p>


The appeal of Mr. Rahat 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- 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- Copy of dismissal order is illegible which may be replaced by legible/better one.
- 3- Four more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal.

1107 received (4) copy of rejection order of departmental is not attached with the appeal which may be placed on it.

No. 21 /S.T.

Dt. 02/01 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Saadullah Khan Marwat Adv. Pesh.

sir Resubmitted after completion. As for as other document is by counsel, the same will be done before being

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR

S.A. No. 30 /2014

Rahat Gul

Versus

Commandant & others

INDEX

S.No	Documents	Annex	P.No.
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4.	Dismissal Order, 22.05.2013	"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

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. 30 /2014

Rahat Gul S/o _____, R/O _____
Ex Constable No. 1319, FRP, Hqrs,
Peshawar. Appellant

Versus

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

[Handwritten notes and stamps]
03
01-01-2014

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPEAL U/S 4 OF THE SERVICE TRIBUNAL ACT,
AGAINST OFFICE ORDER NO. 86 - /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 05.01.2011 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 22.05.2013 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")

[Handwritten notes]
2/1/14

re-submitted to-day and filed.

[Handwritten signature]
7/1/14

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:-

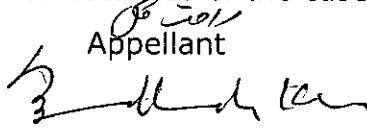
GROUND S:

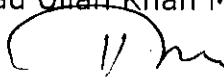
- a. That appellant served the force for considerable period and the allegations leveled against him were incorrect.
- b. That similarly and equally placed constable was reinstated in service while appellant was dismissed, thus he was not treated at par with others and discriminated.
- c. That major 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

SHOW CAUSE NOTICE UNDER POLICE RULES 1975.

I, Deputy Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar as Competent Authority do hereby serve you Constable *Rahat Gul* No. 1319 _____, of FRP Hqrs: Peshawar.

Whereas you Constable _____, 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. 24436 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 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.

Attest
J. S. S.

Sd
Deputy Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa, Peshawar.

عزت مآب جناب ڈپٹی کمائنڈنٹ فرنیٹیر ریزرو پولیس

صوبہ خیبر پختونخوا ایشاور

Reply of the Show Cause

عنوان :

جناب عالی :

درخواست گزار حسب ذیل عرض رساں ہے

1- یہ کہ درخواست گزار کو پونیس میں ایف آر پی ہیڈ کوارٹر ایشاور میں بطور کنسٹیبل بھرتی ہوا
درخواست گزار کا نمبر 1319 ہے۔

2- یہ کہ درخواست گزار کو پونیس سے دلی لگاؤ 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 ہوا۔ اہل کمانڈ
دے رہا ہے۔

3- یہ کہ درخواست گزار اپنی خدمات سرانجام دے رہا تھا کہ اس دوران آپ صاحبان کی طرف
موسول شدہ شوکا زونٹس درخواست گزار کو موسول 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 شولگیٹ) نمبر 2434343، 2052 کی بابت بورڈ آف انٹرمیڈیٹ اینڈ
سیکنڈری ایجوکیشن ریکرڈس 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 دراندہ محکمہ پولیس، جو تعلیم
سند یا سرٹیفکیٹ ہمراہ درخواست لفٹ کئے تھے وہ بالکل صحیح و درست ہے اور اس میں کسی قسم کا بھی
اہتمام 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 حائفاً یہ گزارش آپ صاحبان کے حضور عرض گزارا کرتا ہے کہ درخواست گزار کے جمع کردہ تعلیمی کاغذات زیر مزک پاس سرٹیفکیٹ آپ صاحبان متعلقہ تعلیمی بورڈ سے دوبارہ تصدیق کر دائیں 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 تو اس بابت درخواست گزار اس جرم سے بری الزمہ ہے اور آپ صاحبان سے یہ متمس ہے کہ مذکورہ شوکا ز 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 شوکا ز 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۔

لہذا درخواست کی جاتی ہے کہ منظور کی درخواست بذراہ درخواست گزار کے اس جواب کو Consider کرتے ہوئے درخواست گزار کے جملہ اسناد تعلیمی منسلک شدہ ہمراہ درخواست بھرتی، دوبارہ تصدیق کیلئے بھجوا یا جاوے نیز اس دوران درخواست گزار کو جاری کردہ شوکا ز نوٹس واپس لیا جاوے اور درخواست گزار کی نوکری کو بصورت ماضی Consider کیا جاوے۔

المرقوم 9-05-2013

راحت گل
سابقہ کانسٹیبل نمبر FRP 1319
سید محمد امجد علی در

بِسْمِ اللّٰهِ الرَّحْمٰنِ الرَّحِیْمِ
راحت گل

ORDER

This office order relates to the disposal of departmental proceedings against Constable, Rahat Gul No. 1319 of FRP/Hqrs Peshawar. He was enlisted in Police Department on 05.01.2011 on the basis of Metric/SSC qualification for which he has submitted SSC certificate with Roll No. 24436 of Session 2001/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 Rahat Gul No. 1319 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 05.05.2013 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, Rahat Gul No. 1319 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, Rahat Gul No. 1319 is hereby dismissed from service with immediate effect.

Order announced.

Sd/-
Deputy Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar.

No. 392-97 PA/FRP/HQrs: dated Peshawar, the 22/05/2013

Copy of the above is forwarded for information and 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.

ORDER

6

J. S. Gill

This office order relates to the disposal of departmental proceedings against Constable Rahat Gul No. 1319 of FRP/HQs Peshawar. He was enlisted in Police Department on 05.01.2011 on the basis of merit/SSC qualification, for which he has submitted SSC certificate with Roll No. 24436 of session 2001/Annual of BISI 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/D/MC of Constable Rahat Gul No. 1319 were reported fake/bogus by the Controller of BISI, Peshawar vide his letter No. 276/SSC/Secrecy/BISI, 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 BISI, Peshawar was placed before him.

Keeping in view the above circumstances the delinquent official Constable Rahat Gul No. 1319 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 Rahat Gul No. 1319 is hereby dismissed from service with immediate effect.

J. S. Gill
Deputy Commandant
Frontier Reserve Police
Khyber Pakhtunkhwa Peshawar

No. 392-27 PA/RP/HQs, dated Peshawar, the 22/05/2013

Copy of the above is forwarded for information & action to:
The Addl. CP, Commandant, FRP Khyber Pakhtunkhwa
The Accountant, FRP/HQs, Peshawar
The R/P/HQs, Peshawar
The S/C/HQs, Peshawar
The S/O/HQs, Peshawar
The S/P/HQs, Peshawar
The S/M/HQs, Peshawar
The S/J/HQs, Peshawar
The S/T/HQs, Peshawar
The S/B/HQs, Peshawar
The S/D/HQs, Peshawar
The S/A/HQs, Peshawar
The S/C/HQs, Peshawar
The S/O/HQs, Peshawar
The S/P/HQs, Peshawar
The S/M/HQs, Peshawar
The S/J/HQs, Peshawar
The S/T/HQs, Peshawar
The S/B/HQs, Peshawar
The S/D/HQs, Peshawar
The S/A/HQs, Peshawar

J. S. Gill

Serial 29720

D

7

Roll No: 29436

BOARD OF INTERMEDIATE & SECONDARY EDUCATION

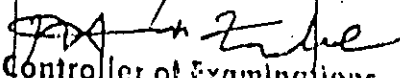


PESHAWAR

DETAILED MARKS CERTIFICATE

Secondary School Certificate Examination: A/2013

Name: Rahat Gul Father's Name: Samer Gul
 Institution/District: _____ Date of Birth: _____

SUBJECTS	Marks Obtained						Remarks
	Max:	P/M	Theory	Practical	Total	P/F	
English	150						VERIFIED  Controller of Examinations Board of Intermediate and Secondary Education Peshawar. Jm E/S/13
Urdu	150	49			80		
Islamyat (Comp)	75	25			45		
Pak. Studies	75	25			36		
Riazi (New)	100	33			62		
Gen. Edu.	100	33			58		
IS	100	33			56		
Pa	100	33			58		
Total	850				474	C	

Total (in words): Four Hundred & Seventy Four

Prepared by: [Signature]

Checked by: [Signature]

Dated: _____

Secretary Officer
 Board of Intermediate and Secondary Education Peshawar

29/8/2013

Note: Errors/Omissions excepted

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

[Signature]
[Signature]

8

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 Region, Peshawar
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	Mohd Ahmad	872838	A/2002	verified
2	Saleem Khan	107121	A/03	verified
3	Tahir-ul-Din	110642	A/06	verified
4	Sajid	17258	S/07	verified
5	Mohd Saeed Khan	77821	A/03	verified
6	Rahat Gul	24436	A/2001	verified
7	Shabir Ahmad	133975	A/09	verified
Total DMC (7) checked & found correct				

Attested
29/8/13

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

- ۱- ...
- ۲- ...
- ۳- ...
- ۴- ...
- ۵- ...
- ۶- ...
- ۷- ...
- ۸- ...
- ۹- ...
- ۱۰- ...

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... (FRP) ...
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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 OB 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.

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

No. 8711-13 /EC dated Peshawar the 031 12 2013. Copy of above is sent for information and n/a to the:

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

98-11-203

قعدالت چناب سرسٹریٹ ہونٹل صوبہ سندھ پشاور

مجناب اسٹاٹ
راحت گل بنام کمانڈر واپس
دعویٰ اسل

باعث تحریرہ اینکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے سعد اڈاس 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 برحلف دینے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ اور رضی دعویٰ اور درخواست ہر قسم کی تصدیق اور اس پر دستخط کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری بیکطرفہ یا اپیل کی برآمدگی اور تیسویں نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی سے 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 پر داختم منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب موصوف ہوں گے نیز بغایا و خرچہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ 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 12/30

العبد العبد العبد

ارباب سفیر التماس
ایڈووکیٹ

سعد اللہ خان مروت
ایڈووکیٹ

راحت گل

من رویتہ تاز
ایڈووکیٹ

Before the Service Tribunal, IPRC, Peshawar.

Rehat Gul vs Commandant of others

Application for Extension of time for depositing Security / Process fees

Respectfully Shewah,

1. That the above mentioned case is pending adjudication

before the honorable Tribunal in which today is fixed ^{staying} for reply of respondents, but due to some misander

the Applicant could not deposited the Security / Process

fees

2. That now the Applicant wishes to deposit the Security /

Process fees

It is therefore most humbly prayed that

on acceptance of this application, time may kindly be

extended to the Applicant for depositing Security / Process

fees

Dr. Safdar

Applicant
through
Attorneys
Muzamil, Peshawar

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR.

Service Appeal No. 30/2014

Rahat Gul(Appellant)

VERSUS

Commandant FRP/Khyber Pakhtunkhwa Peshawar &

Others.....(Respondents)

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

Respectfully Sheweth!

Preliminary Objections:-

1. The appeal is not based on facts.
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 -2001 Roll No. 24436 at the time of Recruitment wherein his date of birth was recorded 01.09.1986.(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, therefore the 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.

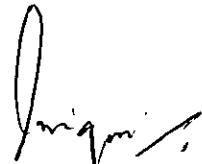
- 4) Incorrect, show cause based on facts was issued to appellant and he failed to defend the charge of fraud, forgery and cheating in his reply and personal hearing, therefore there was no need on conducting further departmental proceedings.
- 5) Incorrect, the SSC certificate of appellant was verified and declared bogus by the competent authority vide proper official letter and appellant has annexed bogus letter and DMC with the appeal .
- 6) Incorrect, the departmental appeal of appellant was rejected vide speaking order 03.02.2013.
- 7) Incorrect, each is decided on its own facts, case of Asmat Ullah is totally different from the instant appeal.

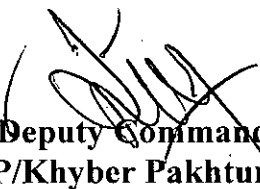
GROUND:-

- (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. 057961

Roll No. 24436



Board of Intermediate and Secondary Education
Peshawar N.W.F.P. Pakistan
Secondary School Certificate Examination
SESSION 2001 -- ANNUAL
(General Group)

This is to Certify that Rahat Gul Son / Daughter of Samer Gul
 and a student of Govt Higher Secondary School Utmanzai Charsadda has passed the Secondary School Certificate
 Examination of the Board of Intermediate and Secondary Education, Peshawar held in March/April, 2001 as a Regular
 candidate. He / She obtained 471 Marks out of 850 and has been placed in Grade C Representing Good
 The Candidate passed in the following subjects:
 1. English
 2. Urdu
 3. Islamiyat
 4. Pakistan Studies
 5. Mathematics
 6. General Science
 7. Islamic Studies
 8. Pashto
 He / She has been awarded Grade C on the basis of internal assessment by the Institution concerned.
 Date of birth according to admission form September 10, 1985

M. Anwar
 Ass. Secretary

PH

M. Anwar
 P. & D. Dept. Civil Secretariat
 Peshawar

J. Shouf
 Secretary

This certificate is issued without alteration or erasure.

SAKS CERTIFICATE
 JAWAR



SR
 SR

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION PESHAWAR

No. 276 SSC Secrecy/BISE/Peshawar

Dated: 30 / 4 / 2013

From:

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

To

The Addl: IGP / Commandant Frontier Reserve Police
Khyber Pakhtoonkhwa Peshawar

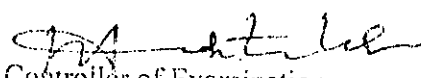
Subject:

VERIFICATION

Memo:

Reference your letter No. 2765/OSI dated: 17/04/2013 detailed marks certificate of the following student/students has/have been checked and **found BOGUS**.

RAHAT GUL	24436	2001	471	BOGUS
ALAMZEB KHAN	15386	2001	494	BOGUS
HAYAT KHAN	66746	1999	457	BOGUS
NASEER ULLAH	116956	2010	507	BOGUS
SALMAN KHAN	12035	2003	448	BOGUS


Controller of Examinations
Board of Intermediate and Secondary
Education, Peshawar

29/4/2013

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR.

Service Appeal No. 30/2014

Rahat Gul(Appellant)

VERSUS

Commandant FRP/Khyber Pakhtunkhwa Peshawar &

Others.....(Respondents)

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

Respectfully Sheweth!

Preliminary Objections:-

1. The appeal is not based on facts.
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 -2001 Roll No. 24436 at the time of Recruitment wherein his date of birth was recorded 01.09.1986.(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, therefore the 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.
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- 3) Incorrect, the reply of appellant received in response to show cause notice was found unsatisfactory and the

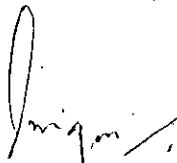
- allegations of managing his enlistment through bogus and forged Secondary School Certificate were proved therefore the impugned order was passed.
- 4) Incorrect, show cause based on facts was issued to appellant and he failed to defend the charge of fraud, forgery and cheating in his reply and personal 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 and appellant has annexed bogus letter and DMC with the appeal .
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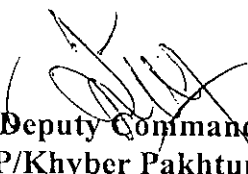
GROUND:-

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- (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.

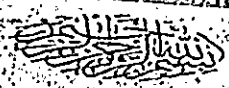
It is therefore, prayed that the appeal of appellant may be dismissed with cō sts.


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


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

S.No. 057961

Roll No. 24436



Board of Intermediate and Secondary Education
 Peshawar N.W.F.P. Pakistan
 Secondary School Certificate Examination
 SESSION 2001 - ANNUAL
 (General Group)

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 candidate. He / She obtained 471 Marks out of 850 and has been placed in Grade C Representing Good
 The Candidate passed in the following subjects:
 1. English 2. Urdu 3. Islamiyat 4. Pakistan Studies 5. Mathematics 6. General Science 7. Islamic Studies 8. Pashto
 He / She has been awarded Grade C on the basis of internal assessment by the Institution concerned.
 Date of birth according to admission form September 10, 1986

Amrullah
Asst. Secretary

At

Atteke
Asst. Secy

J. Ghani
Secretary

This certificate is issued without alteration or erasure.

KS CERTIFICATE

JAWAR



SEC

BOARD OF INTERMEDIATE AND SECONDARY EDUCATION PESHAWAR

No. 276 SSC Secrecy/BISE/Peshawar

Dated: 20 / 4 / 2013

From:

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

To

The Addl: IGP / Commandant Frontier Reserve Police
Khyber Pakhtoonkhwa Peshawar

Subject:

VERIFICATION

Memo:

Reference your letter No. 2765/OSI dated: 17/04/2013 detailed marks certificate of the following student/students has/have been checked and **found BOGUS**.

RAHAT GUL	24436	2001	471	BOGUS
ALAMZEB KHAN	15386	2001	494	BOGUS
HAYAT KHAN	66746	1999	457	BOGUS
NASEER ULLAH	116956	2010	507	BOGUS
SALMAN KHAN	12035	2003	448	BOGUS

[Signature]
Controller of Examinations
Board of Intermediate and Secondary
Education, Peshawar

[Signature]
29/4/2013

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 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:


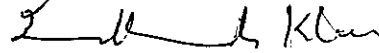
- a. Not correct. Discrimination was made by the authority on accepting the departmental appeal of Ex-Constable Asmat Ullah and by dismissing the same of appellant by the said authority.
- b. Not correct. The case of appellant viz-a-viz of Asmat Ullah Constable were at par with each other.
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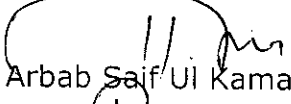

- f. Not correct. The authority is not empowered with unbridled and unfettered power to remove, shunt away, dismiss, etc servant from service at her own whims and wishes without adopting legal procedure. Cogent legal reasons is given in the ground of appeal regarding double edge weapon.
- g. Not correct.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

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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 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:


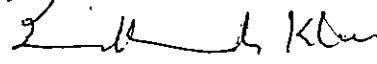
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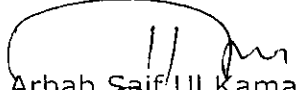
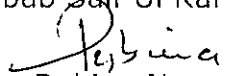
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It is, therefore, most humbly prayed that the appeal be accepted as prayed for.

Through

Dated: 3.12.2015


Appellant

Saadullah Khan Marwat


Arbab Saif Ul Kamal

Miss Rubina Naz
Advocates,

AFFIDAVIT

I, 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.


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After 1st
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to
Education
Qualification
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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. / Commandant
Frontier Region Police
Khyber Pakhtunkhwa
Peshawar

Subject: VERIFICATION

Memo: Reference you letter No. 9773 Dated: 25-7-2013

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

The letter is on one page not by the Peshawar. Total 15000 BISE.

S.No	Name	Roll No	Session	Mark
1	Haseeb Ahmad	187238	A/2002	verified
2	Salim Khan	107121	A/03	verified
3	Tahir-ud-Din	110642	A/06	verified
4	Sajid	17258	S/07	verified
5	Mohd. Faed Khan	77821	A/03	verified
6	Rahat Gul	24436	A/2011	verified
7	Shahar Ahmad	133975	A/09	verified
Total DMC (7)				found correct

RECEIVED
20/8/13

Supintendent, SSC Secrecy
Board of Inter & Secondary
Education Peshawar
10/08/13

Attended
21/11

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

21/3/2012
29/10
23/2

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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

Before The ⁻¹⁻ Khyber Pakhtunkhwa Service
Tribunal Peshawar,

Appeal No: - 28 to 31 / 2014 and
526 / 2014

Saeed Khan & others

vs
Police

Application for permission
of submitting additional documents

R/Sh:

1 That the instant appeals ^{are} pending
before this hon. Tribunal for
adjudication which is fixed for
today.

2 That the petitioners / respondents seek
permission for submission the following documents:

1 verification letter dated 12/5/2016

2 verification letter dated 27/8/2015

3 verification letter dated 29/8/2013

4 verification letter dated 12/5/2016

127
101
151
101
101
101

- Secondary School Certificate of Tamil Nadu
- 222 Certificate of Tamil Nadu
- 222 Certificate of Tamil Nadu
- 222 Certificate of Tamil Nadu
- 222 Certificate of Tamil Nadu

It is requested that the
 kindred be allowed to
 submit the above mentioned
 documents before this
 Tribunal.

Petitioner's Advocate

Additional Advocate
 General Service
 this was

Date: 22/1/2010

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. / Commandant
Frontier Region, Pafic
Khyber Pakhtunkhwa

Subject:

VERIFICATION

Memo:

Reference your letter

9773

Dated: 25-7-2013

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

The letter is on the Bages not by some one will the Peshawar BISE.

S.No	Name	Roll No	Session	Mark
1	Hazrat Ahmad	187238	A/2002	Verified
2	Saleem Khan	107121	A/03	Verified
3	Tahir-ul-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	123975	A/09	Verified
Total DMC (7)				found correct

Supintendent
Board of Intermediate & Secondary
Education Peshawar

10/08/13

Attended
21/11

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

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

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 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:


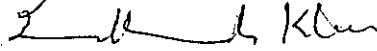
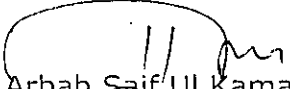
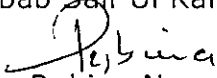
- a. Not correct. Discrimination was made by the authority on accepting the departmental appeal of Ex-Constable Asmat Ullah and by dismissing the same of appellant by the said authority.
- b. Not correct. The case of appellant viz-a-viz of Asmat Ullah Constable were at par with each other.
- c. Not correct.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