

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,

Service Appeal No. 609/2013

Date of Institution... 27.03.2013

Date of decision... 18.12.2017

Qaizar Khan s/o Abdul Qadeer Khan (Belt No.619), R/o Gara Baloch, District Tank. ... (Appellant)

Versus

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar and three others. ... (Respondents)

MR. Ibad Ur Rehman Advocate ... For appellant.

MR. Mr. Muhammad Jan,  
Deputy District Attorney ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN  
MR. MUHAMMAD HAMID MUGHAL, ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned counsel for the parties heard and record perused.

FACTS

2. The appellant was discharged from service on 15.01.2008 with retrospective effect i.e 15.12.2007. The charge against the appellant was his absence. The appellant filed the departmental appeal (undated) which was not responded to and thereafter the appellant filed a mercy petition (undated) and then


a reminder was sent to the appellate authority on 18.02.2013 for the decision of departmental appeal which was responded on 27.02.2013. in this latter order the appellant was informed that his departmental appeal had already been filed.

### ARGUMENTS

3. Learned counsel for the appellant argued that the impugned order was passed due to absence of appellant on the complaint of Commandant PTC, Hangu. That the said order was passed purportedly under Police Order, 2000 which was further amended in 2005. That there is no Police Order of 2000 as mentioned in the impugned order. That at the relevant time the Khyber Pakhtunkhwa Removal from Service (Special Power) Ordinance 2000 was in vogue. That no charge sheet and statement of allegations were issued to the appellant which was a requirement under the lost mentioned law. That no inquiry was conducted. That no chance of personal hearing was afforded to the appellant.

4. On the other hand the learned Deputy District Attorney argued that the appellant was on probation and he could have been terminated under Rule 12.21 of the Police Rules 1934. That alternatively his services could have been terminated under Section 11 of the Khyber Pakhtunkhwa Civil Servants Act, 1973. That wrong mentioning of any law in the impugned order would not make order illegal. He also argued that the present appeal was time barred. That no second appeal or mercy petition could enlarge the period of limitation.

### CONCLUSION



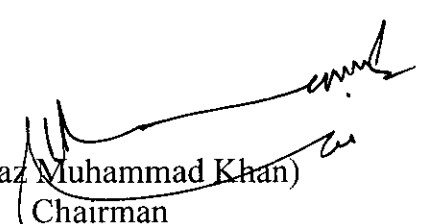
5. It is correct that no second appeal or mercy petition can enlarge the period of limitation as is settled position of administrative law. However the order is passed from a retrospective date which according to judgment reported as 1985-SCMR-1178 is void and it is also a settled position of law that no limitation runs against void orders. Regardless of the fact under which law or rules, the order is passed, the order is void. The present order is a void order which cannot be sustained in the eyes of law. Secondly if some specific allegation is leveled against a probationer which carries a stigma then service of notice is must even to probationer. Reliance is placed on 2012 PLC CS 838 and 2003 PLC CS 1421. It is correct that the service of probation can be dispensed with without notice. But when some stigma is involved then a probationer cannot be terminated from service without service of notice. In the impugned order the appellant has been stigmatized not only for the reason of his absence but by adding the words that "he cannot become an efficient and good police officer in future."

6. As a sequel to above discussion the order being void is set aside and the appellant is reinstated in service however, he shall resume his status of probationer as he was at the time of impugned order. The department is at liberty to deal with the probationer in accordance with law. And if the department wants to proceed against the probationer on the basis of the charge of absence then the department is at liberty to proceed in accordance with law and rules within a period of ninety days from the date of receipt of this judgment. The issue of back benefits etc. of the appellant shall be subject to the final outcome of denovo proceedings, if any.

Otherwise the issue of back benefits shall be dealt with in accordance with the rules on the subject. Parties are left to bear their own costs. File be consigned to the record room.



(Muhammad Hamid Mughal)  
Member



(Niaz Muhammad Khan)  
Chairman


ANNOUNCED

18.12.2017

06.06.2017

Counsel for the appellant and Mr. Muhammad Adeel Butt, Additional AG for the respondent present. Counsel for the appellant requested for adjournment. Adjourned. To come up for arguments on 03.10.2017 before D.B.

(Gul Zoh Khan)  
Member

  
(Muhammad Amin Khan Kundi)  
Member

03.10.2017

Junior to counsel for the appellant and Asst: AG for respondents present. Junior to counsel for the appellant seeks adjournment as senior counsel is not in attendance. Adjourned. To come up for arguments on 18.12.2017 before D.B.


  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD HAMID MUGHAL)  
MEMBER

18.12.2017

Counsel for the appellant and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Arguments heard and record perused.

This appeal is accepted as per our detailed judgment of today. Parties are left to bear their own costs. File be consigned to the record room.

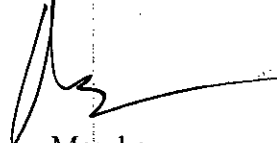
  
Member

  
Chairman

ANNOUNCED  
18.12.2017

16.08.2016

Junior to counsel for the appellant (Mr. Imran Advocate) and Mr. Muhammad Khan, HC alongwith Mr. Ziaullah, GP for respondents present. Junior to counsel for the appellant requested for adjourned as senior counsel was not available. To come up for arguments on 06.12.2016.



Member



Member

06.12.2016

Appellant with counsel and Assistant AG for the respondents present. Learned counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 3.3.17 before D.B.



(ASHFAQUE TAJ)  
MEMBER



(MUHAMMAD AAMIR NAZIR)  
MEMBER

03.03.2017

Counsel for the appellant and Mr. Ziaullah, GP for respondents present. Counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 06.06.2017 before D.B.



(AHMAD HASSAN)  
MEMBER



(MUHAMMAD AAMIR NAZIR)  
MEMBER

08.1.2015

Counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Ibrahim Azhar, Inspector (Legal) and Muhammad Khan, H.C for the respondents present. The Tribunal is incomplete. To come up for the same on 25.3.2015.

  
READER

25.03.2015.

Counsel for the appellant and 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 14.10.2015.

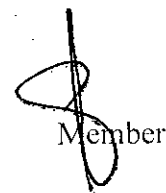
  
Chairman

14.10.2015

Appellant in person and Mr. Muhammad Jan, GP for respondents present. Rejoinder on behalf of the appellant submitted which is placed on file. To come up for arguments on

13-4-16

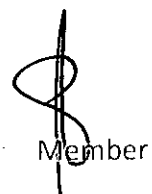
  
Member

  
Member

13.04.2016

Appellant with counsel and Addl: AG for respondents present. Learned counsel for the appellant requested for adjournment. Adjourned for arguments to 16.8.16 before D.B.

  
Member

  
Member

6.3.2014

Counsel for the appellant and Muhammad Jan, GP with Muhammad Iqrar, Inspector for respondent No. 4 present and reply filed. Notices be issued to other respondents. To come up for written reply on 12.5.2014.

MEMBER

MEMBER

12.5.2014.

Appellant with counsel and Mr. Muhammad Jan, GP with Muhammad Khan, H.C for the respondents present and reply filed. Copy handed over to counsel for the appellant. To come up for rejoinder on 20.8.2014.

MEMBER

20.08.2014

Appellant in person and Mr. Kabeerullah, AAG with Muhammad Ibrahim Azhar, Inspector (Legal) for the respondents present. The learned Member is on official tour to Abbottabad. To come up for the same on 05.11.2014.

MEMBER

5.11.2014.

Junior to counsel for the appellant and Mr. Muhammad Jan, GP with Muhammad Zaman, Inspector (Legal) for the respondents present. Counsel for the appellant needs time. To come up for rejoinder on 08.11.2014.

MEMBER



Appeal No. 609/2013.  
Mr. Raizer Khan

6.

27.09.2013

Counsel for the appellant present and heard on

preliminary. Contended that the appellant has not been treated in accordance with the law/rules. He has been discharged from service on 15.01.2008 without giving him proper opportunity of defense and personal hearing. He filed departmental appeal which has not been responded within the statutory period of 90 days, hence the present appeal on 27.03.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections including limitation. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, notice be issued to the respondents. Case adjourned to 18.12.2013 for submission of written reply.

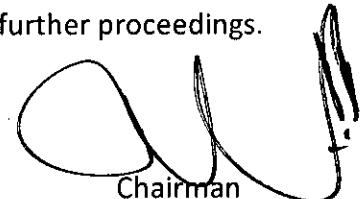
Appellant deposited  
Process fee & Security  
of Rs. 200/- Bank Receipt  
attached with file.

  
Member.

7.


27.09.2013

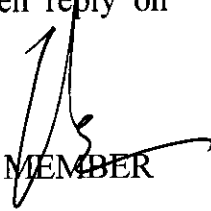
This case be put before the Final Bench II for further proceedings.

  
Chairman

18.12.2013.

Counsel for the appellant and Mr. Muhammad Adeel Butt, AAG with Said Ahmad, ADI and Muhammad Zaman Inspector (Legal) for the respondents present and requested for further time. To come up for written reply on 6.3.2014.

  
MEMBER

  
MEMBER

3. 21.05.2013

Counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment Ordinance, 2013) (Khyber Pakhtunkhwa Order II of 2013), the case is adjourned on note Reader for proceeding as before on 11.7.2013

  
Reader.


4. 11.07.2013

Clerk to counsel for the appellant present. In pursuance of the Khyber Pakhtunkhwa Service Tribunals (Amendment) Ordinance 2013, (Khyber Pakhtunkhwa ord. II of 2013) the case is adjourned on note Reader for proceedings as before on 26.09.2013.

  
Reader

5. 26.9.2013


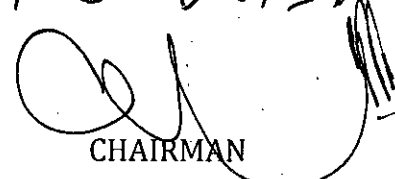
Counsel for The Appellant Present and requested for adjournment to assist the court. To come up for Preliminary hearing on 27.09.2013

  
Member

Form- A  
FORM OF ORDER SHEET

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

Case No. 609/2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	08/04/2013	<p>The appeal of Mr.Qaizar Khan resubmitted today by Mr. Ibad-ur-Rehman 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	16-4-2013	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>21-5-2013</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Qaizar Khan son of Abdul Qadeer Distt. Tank received today i.e. on 27/03/2013 is incomplete on the following scores which is returned to the counsel for the appellatant for completion and resubmission within 15 days.

- 1- Index of the appeal may be prepared according to Khyber Pakhtunkhwa service Tribunal Rules 1974.
- 2- Memorandum of appeal is unsigned which may be got signed.
- 3- Departmental appeal having no date be dated.

No. 460 /S.T.


Dt. 28/03 /2013.

  
REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

MR. IBADUR REHMAN ADV. PESH.

Respected Sir,

After removing the above descriptions,  
re-submitted please.

  
08/4/2013

Registrar

BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL  
PESHAWAR.

APPEAL No. 609 /2013.

Qaizar Khan


Versus

I.G. Police & others

INDEX.

S.No.	Description of documents.	Annex:	P.No.
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4-	Order dated 09-01-2008	C	8
5-	Dismissal Order dt: 16-1-2008(Impugned)	D	9
6-	Representations	E1, E2	10 - 11
7-	Order dated 17-12-2007	F	12 - 13
8-	Bail order dt: 05-01-2008	G	14 - 15
9-	Copy of FIR	H	16
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11-	Wakalatnama		18

Dated. 27/3/2013.

  
**IBADUR RAHMAN,**  
Advocate High Court  
127-128, Sarhad Mansion  
Hashtnagri, G.T. Raod,  
Peshawar.  
(Mob# 0300-5932939)

①

**BEFORE THE HONOURABLE KPK SERVICE TRIBUNAL  
PESHAWAR.**

APPEAL NO. 609 /2013,

Qaizar Khan s/o Abdul Qadeer Khan (Belt No.619),  
Resident of Gara Baloch, District Tank

**Appellant**

Versus

- 1- Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
- 2- Deputy Inspector General of Police, D.I. Khan.
- 3- District Police Officer, District Tank.
- 4- *Commandant, Police Training Centre, Hangu.*

**Respondents**

APPEAL UNDER SECTION-4 OF  
SERVICE TRIBUNAL ACT, 1974.

Respectfully sheweth,

Appellant submits as under :-

- 1- That the appellant belong to a respectable family of District Tank and has a spotless career.
- 2- That being fully qualified and eligible, the appellant was selected in Police Department and was allotted Belt No. 619 in District Tank.
- 3- That as per procedure, the appellant was sent to Police Training Centre Hangu for necessary training and the appellant joined the said training with full zeal and zest.
- 4- That the appellant took keen interest in the training and was taking part in the training whole heartedly.

*27/3/13*

*re-submitted to [unclear] and filed.*

*8/4/13*

- 5- That during the training, the appellant fell ill due to which the appellant went to his home and there the appellant was informed that some of his rivals have lodged an FIR against the appellant as well as against the brother of the appellant.
- 6- That after getting the knowledge of the said FIR, the appellant approached the concerned court for Bail Before Arrest but the same was rejected and the appellant was sent to judicial lock-up.
- 7- That the appellant remained in the judicial for about 20 days and after release from jail, the appellant joined his training at Hangu.
- 8- That in the training centre, the appellant was not allowed to join his training with mala fide and the appellant was sent back to his home District i.e. Tank, and the appellant accordingly reported his arrival at the office of the respondent No.3.
- 9- That the respondent No.3 without giving any chance of explanation, show cause Notice, personal hearing or any Inquiry and with out any justification, discharged the appellant from Police service vide order dated 15-01-2008.
- 10- That since then the appellant submitted numerous applications/ appeals/ representations to the respondents but with no response from their side and upon the enquiry of the appellant, they simply informed that the case is under process and will be decided in due course of time.
- 11- That at last the appellant once again submitted a reminder/Mercy Petition before the respondent No.2 and the appellant was shocked that the said appeal/ mercy petition has been filed without any justification.(Attached Annex:B).

(8)

12- That feeling aggrieved and finding no other adequate remedy the appellant is approaching this honourable tribunal on the following ground amongst others :-

GROUND:

- A. That the impugned Discharge order dated 15-01-2008 as well as letter No.729 dated 27/2/2013 of the respondent No.2 conveyed vide No. 696 dated 28-02-2013 by respondent No.3, is illegal, harsh, void ab-initio and without lawful authority.
- B. That the impugned Discharge order is not maintainable and nullity in the eyes of law as these were passed under Police Rules which were not existed at that time and were repealed through Removal from Service Ordinance, 2000 which has over riding effect.
- C. That before passing the impugned Discharge Order as well as letter dated 27-2-2013 neither any Inquiry was conducted in the matter not the appellant was given any chance of defense.
- D. That no Charge Sheet or Statement of allegations were prepared or served upon the appellant and on this score too the impugned orders merits to be set a side.
- E. That no Show Cause Notice or Final Show Cause was issued to the appellant before passing the impugned order.
- F. That no chance of personal hearing was ever provided to the appellant before passing the impugned orders.
- G. That the stance of the appellant regarding his un-intentional and in unavoidable circumstances needed probe but not a single effort was made to probe and go to the causes of the said absence.



- H. That the appellant is a healthy and well qualified person.
- I. That the appellant is jobless from the date of discharge.
- J. That the appellant be allowed to add any other ground at the time of arguments. ←→

It is, therefore, humbly prayed that on acceptance of the appeal in hand, ~~both~~ the impugned orders i.e. dated ~~15-01-2008~~ and 27-2-2013 <sup>modified</sup> may graciously be set aside and the appellant be re-instated in service with all back benefits.

Any other remedy, deem proper in the matter not specifically asked, may also please be given with costs.

قیطار ملک  
Appellant

Through: 

**IBADUR RAHMAN**  
Advocate High Court  
27-128, Sarhad Mansion  
Hashtnagri, Peshawar

Dated. 27/03/2013,

Affidavit.

Solemnly affirm and declare that the above contents are true and correct to the best of my knowledge and belief.

Deponent

قیطار ملک

2005 C.C. 759  
Federal Act. 1974  
PLJ 2003 SC 573. (14?)  
H.C. 7(2)

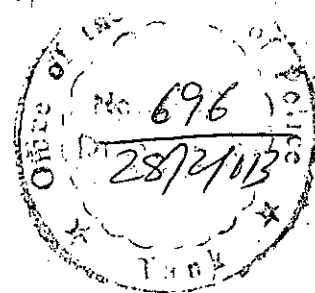
From The Deputy Inspector General of Police,  
Dera Ismail Khan Region

To The District Police Officer, Tank

No 729 /ES Dated D.I.Khan the

Subject MERCY PETITION

Memorandum



5

27/02/2013

Annex. A

Mercy petition preferred by Ex-Constable Qaizar Khan No 615 requesting therein for reinstatement in service has been examined and filed. Inform the applicant accordingly.

DHC  
To Inform the  
applicant

*[Signature]*  
28/2/13

*[Signature]*  
(ABUL HASSAN SHAH) O.S  
For Deputy Inspector General of Police,  
Dera Ismail Khan Region

27/2  
Attested  
*[Signature]*

Deputy Inspector General of Police.  
Ismail Khan.

Annex B  
6

**SUBJECT: REMINDER FOR PROCESSING OF DEPARTMENTAL APPEAL/ REPRESENTATION AGAINST THE DISCHARGE ORDER DATED 15-01-2008 ----- MERCY PETITION.**

Respected Sir,

Applicant once again submits as under :-

- 1- That being fully qualified and eligible, the appellant was selected in Police department and was allotted Belt No. 619 in District Tank.
- 2- That as per procedure, the appellant was sent to Police Training Centre Hangu for necessary training and the appellant joined the said training with full zeal and spirit.
- 3- l and spirit.
- 4- That the appellant took keen interest in the training and was getting the training while heartedly.
- 5- That during the training, the appellant fell ill due to which the appellant went to home and there the appellant was informed that some of his rivals have lodged a FIR against the appellant as well as against the brother of the appellant.
- 6- That after getting knowledge of the said FIR, the appellant approached the concerned court for Bail Before Arrest but the same was rejected and the appellant was sent to judicial lock-up.
- 7- That the appellant remained in the judicial for about 20 days and after release from jail, the appellant joined his training at Hangu.
- 8- That in the training centre, the appellant was not accepted and was sent back to his District (Tank) where without giving any chance of explanation Show Cause, the appellant was discharged from Police service vide order dated 15-01-2008 without any justification.

Attested  
[Signature]

any quarter and the appellant is always informed that his case is under process and will be decided in due course of time.

- 9- That now the appellant once again through this REMINDER requests ur honour to please process the appeal/representation of the appellant, on the following ground amongst others :-

GROUNDS:

- 1- That the impugned Discharge order is illegal, harsh, Void ab-initio and without lawful authority.
- 2- That the impugned order is not maintainable in the eyes of law as it was passed under Police Rules which were not existed at that time and were repealed through Special Removal from Service Ordinance.2000.
- 3- That before passing of the said impugned order neither any Inquiry was conducted nor the appellant was given any chance of defence .
- 4- That no Statement of allegation or charge sheet was ever prepared or served upon the appellant.
- 5- That no Show Cause Notice or Final Show Cause was issued before the passing of impugned order.
- 6- That no chance of personal hearing was ever given to the appellant before the impugned order.

It is, therefore, prayed that the appeal (Reminder) in hand and earlier submitted appeals/representations may kindly be accepted and the appellant be re-instated in service with all back benefits.

Dated. 18/2/2013

Attested  
B. Qadeer

Yours Faithfully

Qaizar Khan (Belt-619)  
S/O Abdul Qadeer Khan  
R/o Gara Baloch,  
District Tank.

4 - 19/12

Amn. 8



From The Commandant,  
Police Training College,  
Hangu.

To The District Police Officer,  
Tank.

No. 217 /CC, dated Hangu, the 9-1-2008.

Subject:-

RETURN TO DISTRICT AS UN-QUALIFIED.

Memorandum.

Inter Recruit Qaziar Khan No.619 of your Distt; now undergoing Recruit Course at this college has absented himself from 15-12-2007 to date.

He is therefore, returned to the Distt; as un-qualified vide this office O.B.No.8 dated 7-1-2008.

*Handwritten notes:*  
187/1002  
187/1002

*Handwritten notes:*  
For report  
DP/Enk  
12-1-08

*Signature of Commandant*  
COMMANDANT  
Police Training College,  
Hangu.  
*Handwritten initials:* Mustaw

Ames. 9

حکم

رکورد کا پتیل قریب خان 619 ولد عبدالقدیر رقم گن گڑھ پور سے  
گرنہ بلوچ جرنل جرنل آرڈر نمبر 1491 صدم 29-9-07 تقریباً ایک ماہ کے عرصہ  
28-10-07 کو مریض "سرگیک" آئے اور پھر پوریا گیا تھا۔

جوالہ پور اور لاہور 217/94 صدم 09-1-08 کا نمبر 15/107

سنگو ڈاکٹر نے 193 صدم 14-1-08 رپورٹ قریب خان 619 صدم 15/107  
سے 11-1-08 تک (کل 26) جو "غیر صاف صورت" جو کمانڈنٹ آف آرمی  
کے ریکورڈ میں موجود ہے "ان کو رپورٹ" میں درج کیا گیا ہے۔

رکورد کا پتیل قریب خان 619 آئے آگے رکورد کا کو  
غیر صاف صورت کے متعلق حلیوں میں درج ہے۔ مذکورہ ریکورڈ سے  
تسلیل میں ایک ایسے اور حال جو یہ ہیں ایسے حلیوں کی فہرست میں  
کیا جائے گی

ابنہ ریکورڈ کا پتیل قریب خان 619 کو آرڈر کے متعلق

استیوارت پولیس آرڈر 2000 نمبر 2003 جرنل پوریا میں  
15/107 سے ڈسپازر کیا جائے

کم درج آرڈر نمبر

Attest  
[Signature]

24 10B  
16-01-08

[Signature]

District Police Officer,  
Tank 15-1-08

## بخدمت جناب D.I.G صاحب پولیس ڈیرہ اسماعیل خان

عنوان! اپیل بمراجہ فرمانے سائل و بحال فرمائے جانے ملازمت کنسٹیبل پولیس  
جناب عالی! سائل حسب ذیل عرض رساں ہے

1. من سائل ایک تعلیم یافتہ شریف معزز شہری ہے اور سکونتی ضلع ٹانک ہے
  2. یہ کہ سائل نوجواں العمر صحت مند شخص ہے اور بالکل بے درزگار ہے سائل سال 2007 میں پولیس ضلع ٹانک میں بطور کنسٹیبل بھرتی ہوا اور سائل کو پیٹی نمبر 619 الاٹ ہوا جملہ کارروائی کے بعد من سائل ٹریننگ کیلئے ہنگو چلا گیا اور دوران ٹریننگ سائل بیمار ہو گیا اور گھر آ گیا اس دوران سائل کو علم ہوا کہ میرے خلاف تھانہ کلاچی میں ایک مقدمہ درج ہوا ہے تو سائل قبل از گرفتاری ضمانت کے لیے سیشن جج ۱۱ ڈیرہ اسماعیل خان میں پیش ہوا ضمانت کی منسوخی پر تقریباً 20 دن جیل میں رہنا پڑا اس وجہ سے سائل حاضر رہنے سے قاصر رہا۔ جو کہ سائل کا ہمراہ پاڑتی فوجداری خانگی راضہ نامہ بھی ہو چکا ہے جب من سائل دوبارہ ملازمت کرنے کیلئے ٹریننگ سنٹر پہنچا تو سائل کو ملازمت سے فارغ کر دیا گیا۔
  3. سائل نے کوئی جرم نہیں کیا ہے اور نہ ہی وقوعہ کی نسبت سائل کو کوئی علم تھا محض سیاسی ملی بھگت سے سائل کو نہ جائز طور پر مقدمہ میں پھنسا یا گیا
  4. ضمانت منسوخی و قبولیت و فیصلہ درخواست کے ساتھ لف ہے۔
  5. یہ کہ سائل انتہائی پسماندہ علاقہ کارہائشی ہے وہاں پر کوئی وسائل روزگار نہیں ہیں اور سائل ایک مخلص غریب گھرانے سے تعلق رکھتا ہے اور اپنے خاندان کا واحد کفیل ہے۔
- آنجناب سے مودبانہ التماس ہے کہ سائل کو ملازمت پر بحال فرما کر احسان عظیم فرمائیں۔ سائل و اہل خانہ سائل تاحیات دعا گور ہیں گے۔

Attested  
[Signature]

قیصار خان ولد عبد القدیر خان نمبر 619 سکنہ گرہ بلوچ ضلع ٹانک

[Signature]

بخدمت جناب: IGP صاحب خیبر پختون خواہ

Amex..Er

(11)

جناب عالی!

عنوان۔ رحم کی اپیل

گزارش ہے کہ بندہ سال 2007 میں ضلع ٹانک میں بطور کانسٹیبل بھرتی ہوا تھا۔

کچھ علاقائی مجبوری کی وجہ سے حاضر نہ ہو سکا اور ڈسچارج کیا گیا۔

بندہ غریب خاندان کا واحد کفیل ہے۔ محکمہ پولیس میں خدمات سرانجام دینے خواہش مند بھی ہے

برائے مہربانی آپ صاحب اپنے اختیارات خصوصی کو استعمال کرتے ہوئے بندہ کو دوبارہ بحال

کیا جائے۔

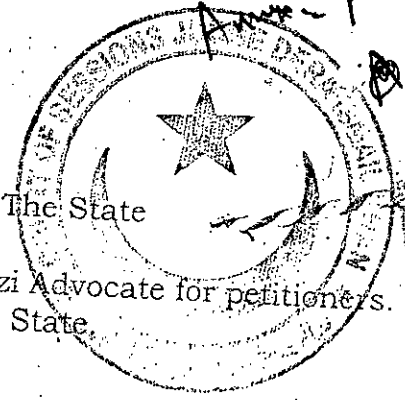
سر کی خصوصی عنایت ہوئی۔

عرض

قیصار خان گنڈہ پور نمبر 619 سکندہ گرہ بلوچ ضلع ٹانک

Altair  
R





B.B.A Petition No: 160/2007  
Abdul Waheed & another Versus

The State

Present:- Mr. Muhammad Kamran Niazi Advocate for petitioners.  
Mr. Karim Nawaz SPP for the State.

17.12.07 ✓

Present the petitioners Abdul Waheed and Qaizar Khan alongwith their counsel and seek confirmation of ad-interim pre-arrest bail in case FIR No. 181 dated 16.09.2006 registered U/Ss 302/34 PPC at police station Kulachi.

Record shows that on 16.09.2006 at about 0945 hours the complainant namely Sabaz Ali took the dead body of his father Ghulam Hussain to the P.S and reported that he alongwith his father and uncle were going that day at 0700 hours from Mauza Takwara to Mauza Chota Takwara, the deceased was going ahead of complainant and the PW Qadir, when near a water pond at Mauza Chota Takwara the petitioners equipped with Kalashnikovs stood in the way and the moment, father of the complainant reached near the petitioners, both the petitioners started firing upon him, as a result of which he got injured and fell down. The petitioners thereafter came closer to the injured and subjected him to indiscriminate firing. The complainant party being empty handed could only witness the occurrence. Motive for the occurrence was described to be previous blood feud.

The learned counsel for the petitioners submitted that the legal heirs of the deceased had affected compromise with both the petitioners and had no objection if BBA was granted to them.

I have gone through the record of the instant case as well as record of case FIR No: 31 dated 15.01.2005 registered U/S 324 PPC at PS Saddar against the petitioner Abdul Waheed for his having attempted at the life of the deceased Ghulam Hussain who survived firearm injuries. The petitioner after having attempted at the life of the person of Ghulam Hussain, went into hiding and challan against them was submitted U/S 512 CrPC and the trial commenced. It was during the period of his absconsion that the petitioner Abdul Waheed alongwith the other petitioner Qaizar Khan allegedly caused the murder of said Ghulam Hussain, regarding which the instant case was registered.

ASST-II  
17/12/07  
BBA 160/07

Official Seal of the Judge  
District Judge

Attested  
Qadir

ATTESTED  
17/12/07  
Examiner

BBA No.178 of 2007.

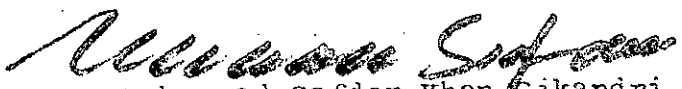
(Continued order sheet No.04 dated 14.12.2007).

have effected compromise. As the trial of the case has been pending before the Court of Learned ASJ-II DIKhan, therefore, the present BBA petition is sent to the Court of Honourable Sessions Judge DIKhan with the request that the same may be entrusted to the Court of learned ASJ-II DIKhan for disposal. Parties are directed to appear before the Court of Honourable Sessions Judge DIKhan today on 14/12/2007 for further orders.

  
(Aurangzeb Khattak)  
ASJ-III, D.I. Khan.

ORDER  
14.12.2007

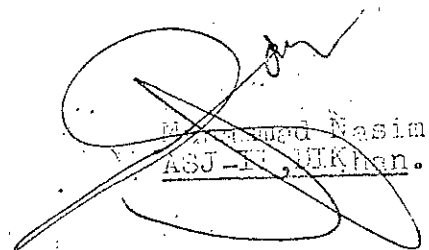
Counsel for accused/petitioners present.  
DPP for the state present. The contents of today's order sheet reflected by ASJ-III perused which are self-explanatory, therefore, the BBA petition in hand is hereby withdrawn from the diary of ASJ-III and entrusted to ASJ-II for disposal according to law. Counsel for petitioners is directed to appear in the Court concerned today.

  
Muhammad Safdar Khan Sikandri,  
Sessions Judge, DIKhan

14.12.2007.

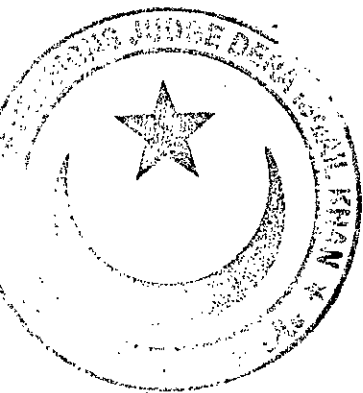
File received from the court of learned Sessions Judge, DIKhan on transfer. Be registered.

Both the accused/petitioners with counsel and complainant present. Record be requisitioned for 17.12.2007.

  
Muhammad Nasim,  
ASJ-II, DIKhan.

(B) (u)

Needless to mention that grant of pre-arrest bail on whatever grounds is an extraordinary relief which besides availability of other ingredients requires the petitioners to approach the Court with clean hands. In this case, the petitioner once attempted at the life of the complainant Ghulam Hussain in case FIR No:31 and then went into absconsion whereafter he allegedly caused the murder of the deceased with the help of other petitioner. The conduct of both the petitioners to avoid their lawful arrest and to come to Court only after managing to compound the matter is unjustifiable for the sake of grant of an extraordinary relief of BBA. BBA refused in the circumstances and the ad-interim pre-arrest bail already granted is hereby recalled. Sureties of the accused-petitioners are discharged. A copy of this order be placed on the record of the case. This file be consigned to Record Room.



Announced  
D.I.Khan  
Dated 17.12.2007

*[Handwritten signature]*

(MUHAMMAD NASIM)  
Additional Sessions Judge-II  
Dera Ismail Khan  
~~Additional Sessions Judge-II~~  
~~Dera Ismail Khan~~



*Altair*  
*[Handwritten signature]*

ATTESTED TO BE TRUE COPY

*[Handwritten signature]*  
District And Sessions Judge  
Dera Ismail Khan

6205

JR No. 6205

Application Received On 01/11/08

Date of Copying 01/11/08

Page No. 400

Page No. 201

Page No. 22

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Page No. 100

Signature of Examiner [Handwritten signature]

Date 01/11/08

(ORDER SUBJECT)  
(B.A.No:162/2007)  
(Abdul Waheed.Vs.The State)

Annex G  
19 2

Or - C1  
27.12.2007

Bail petition presented through counsel. Be registered. Notice and record for 04.1.2008.



Muhammad Nasim  
ASJ-II, D.I. Khan

Or - 02  
04.01.2008

Present counsel for the accused/petitioner and SPP for the State. All the adult legal heirs of deceased complt: also present and recorded their statement of compromise. To come-up for order alongwith connected B.A No:163/2007 on 05.01.2008.

*Handwritten notes:*  
ASJ-II  
27/12/07  
BA  
162/07

*Signature of Muhammad Nasim*  
Muhammad Nasim  
ASJ-II, D.I. Khan

Or-----3  
05.01.08

Present counsel for the accused/petitioner and SPP for the state. All the adult legal heirs of the deceased complainant Ghulam Hussain also present.

Record shows that accused/petitioner Abdul Waheed son of Abdul Qadeer was charged by one Ghulam Hussain son of Khadim Hussain for making an attempt at his life, vide FIR No.31 dated 15.01.2005 registered U/S 324 PPC at PS Saddar D.I.Khan. The said complainant however lateron got murdered allegedly at the hands of the same accused/petitioner, against which separate case U/S 302/34 PPC vide FIR No.181 dated 16.9.2006 at PS Kulachi was registered. Today the widow of the deceased and the adult sons and daughters appeared before the Court and stated to have affected compromise with the accused/petitioner in both the cases. Statement of compromise in this case was recorded and placed on file. The widow of the deceased complainant also compounded the matter on behalf of the three minor legal heirs being their guardian.

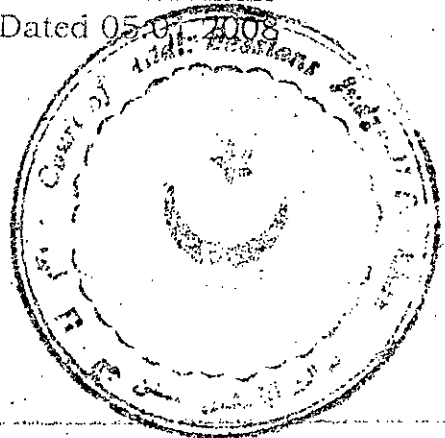
Since the offence is compoundable under the law and the legal heirs of the deceased complainant have forgiven the accused/petitioner in the name of Almighty Allah, requesting for admission of accused/petitioner to post arrest bail on the basis of

*Handwritten signatures and notes:*  
Attested  
ASJ-II  
D.I. Khan

ATTESTED  
1/1/08  
Examiner

compromise, I allow the instant bail application and admit the petitioner to bail subject to furnishing his bail bonds in the sum of Rs:60,000/- with two sureties each in the like amount to the satisfaction of Illaqa/Duty Judicial Magistrate, D.I.Khan. Copy of the order be placed on record of the case whereas this file be consigned to record room.

Announced.  
Dera Ismail Khan  
Dated 05.07.2008



(MUHAMMAD NASIM)  
ASJ-II, Dera Ismail Khan  
District and Sessions Judge  
Dera Ismail Khan

ATTACHED TO BE THIS COPY  
Examiner  
District And Sessions Judge  
Dera Ismail Khan

Handwritten signature/initials.

6205.

SR No	01/11/08
Application Received On	01/11/08
Date of Copying	01/11/08
Dist. No	400
IN. No	201
C. No	21
U. No	21
T. No	21
Name of Applicant	Said
C. No. of Court	01/11/08
Signature of Examiner	[Signature]



Annex: I  
17  
04

ORDER SHEET  
State Vs Abdul Waheed etc

Or-16  
30.01.08

Present both the accused on bail alongwith counsel and SPP for the State. Today all the major LRs of deceased Ghulam Hussain appeared and stated to have affected compromise with both the accused and to have forgiven them in the name of Almighty Allah by waiving their rights of Qisas and Diyat. Their joint Statement recorded and placed on file. Widow of deceased also stated to have compromised the matter on her behalf and on behalf of minor legal heirs namely Irfan, Mst: Mehreen Bibi and Mst: Romana Bibi, being their guardian; that the accused had deposited Rs: 2,29,091/- as share of diyat of minor legal heirs in the Court. Statement of widow of deceased also recorded and placed on file. Joint statement of elders of the area namely Riaz and Kifayatullah also recorded wherein they verified the status of the parties and the compromise. Affidavits of compromise are Ex:PA & Ex:PE, compromise deed is Ex:PB, proforma of compromise is Ex:PC and list of legal heirs is Ex:PD.

Record shows that the accused Abdul Waheed and Qaizar Khan sons of Abdul Qadeer Khan stand charged U/S 302/34 PPC vide FIR No.181 dated 16.09.2006 of PS Kulachi.

Since all the adult legal heirs of deceased have affected compromise with the accused whereas accused have deposited share of diyat amount of the three minor legal heirs and the offence is also compoundable, I therefore accept the compromise and acquit both the accused on the basis of the same. The accused are on bail, their sureties are discharged of the liabilities of their bail bonds. Case property be disposed of after the lapse of limitation period for appeal/revision. File be consigned to record room.

Announced.  
Dera Ismail Khan  
Dated 30.01.2008

(MUHAMMAD NASIM)  
ASJ-II, Dera Ismail Khan  
Additional Sessions Judge-II  
Dera Ismail Khan



ATTESTED TO BE TRUE COPY

12-01-2011  
Examiner  
District And Sessions Judge  
Dera Ismail Khan

ملحکے شمولہ صلہ وصال صاحب آج 30/01/2008  
ذریعہ اسکا عمل تکان  
نہ مقدمہ 03 رجسٹرڈ فیصلہ ایجنسی کے 30/01/2008  
08

Attd  
Rd

**BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER**

**PAKHTUNKHWA, PESHAWAR.**

**Service Appeal No. 609/2013.**

Qaizar Khan s/o Abdul Qadeer Khan (Belt No 619),

R/o Gara Baloch District Tank. .... (Appellant)

**Versus**

1. The Provincial Police Officer (IGP), Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer (DIG), Dera Ismail Khan
3. The District Police Officer, Tank.....(Respondent)

**WRITEN REPLY ON BEHALF OF RESPONDENTS.**

**PRELIMINARY OBJECTIONS**

1. That the appellant has got no cause of action & locus standi.
2. That the appeal is bad for misjoinder/non -joinder of necessary parties.
3. That the appeal is time barred.
4. That the appellant has not come with clean hands.
5. That the appellant is estopped due to his own conduct.
6. That the appellant has concealed the material facts from Honourable Tribunal.
7. That the appeal is not maintainable & incompetent.
8. That the Honourable Service Tribunal has no jurisdiction to entertain the instant appeal.

**BRIEF FACTS.**

1. No comments.
2. Pertains to record.
3. Correct to the extent that appellant was sent to PTC Hangu for training but the remaining portion of the para is incorrect. Infact during the training at PTC Hangu appellant absented himself from lawful duty for 26- days and was sent unqualified by the Commandant PTC Hangu vide letter No. 217/GC, dated 09-01-2014.
4. Incorrect. The appellant absented himself wilfully during training from PTC Hangu.



5. Incorrect. No such information or medical documents regarding illness were produced by the appellant nor any information about registration of FIR furnished.
6. Pertains to record.
7. Pertains to record.
8. Incorrect. Neither the appellant joined training after his absence nor he was disallowed to join his training upon his wilful absence of 26-days he was sent unqualified by Commandant PTC Hangu.
9. Incorrect. The appellant was returned unqualified by Commandant PTC Hangu due to his wilful absence from training period, which shows him unlikely to prove on efficient police official. Therefore, he was discharged as per provision of 12-21 Police Rules 1934 r/w Removal from Service Order, 2005.
10. Pertains to record.
11. Pertains to record.
12. May be treated as per Rules

#### GROUNDS

- A. Incorrect. The appellant absented himself during the training from PTC Hangu and was sent back unqualified. The appellant proved himself an inefficient Police official as per provision of Police Rules 12-21.
- B. Incorrect. The order was passed under existing Law & Rules.
- C. The appellant absented himself during training from PTC Hangu and was sent unqualified. There is no provision of inquiry under Police Rules 12-21.
- D. The appellant was sent unqualified by Commandant PTC Hangu because of wilful absence, therefore he was discharge from service under the Rules.

E. Reply has been given above.

F. Reply has been given above.

G. The appellant showed himself an inefficient police official on first step of his service while undergoing mandatory police training, absented himself wilfully and was declared unqualified.

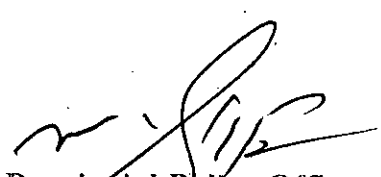
H. The appellant proved himself an inefficient police official.

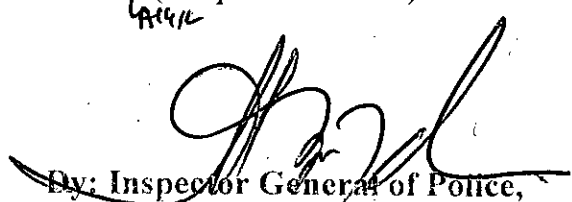
I. As stated above.

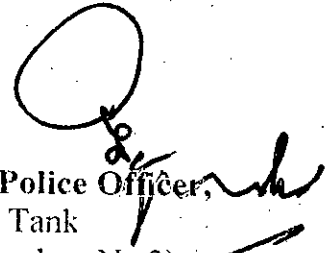
J. The appeal may be treated according to law.

**PRAYER**

It is, therefore, most humbly prayed that on acceptance of these parawise comments, the Appeal of the Appellant which is devoid of legal footing and merit may graciously be dismissed.

  
Provincial Police Officer  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)  
14/11/14

  
By: Inspector General of Police,  
D.I.Khan Range D.I.Khan  
(Respondent No.2)

  
District Police Officer,  
Tank  
(Respondent No.3)

*Not Head  
Tank*

**BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA, PESHAWAR.**

**Service Appeal No. 609/2013**

Qaizar Khan s/o Abdul Qadeer Khan (Belt No. 619),  
R/o Gara Baloch District Tank.....(Appellant)

**Versus**

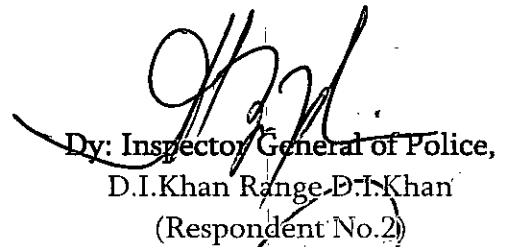
1. The Provincial Police Officer (IGP), Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer (DIG), Dera Ismail Khan
3. The District Police Officer, Tank.....(Respondents)

**COUNTER AFFIDAVIT ON BEHALF OF RESPONDENTS**

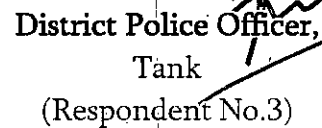
We, the respondents do hereby solemnly affirm and declare on oath that the contents, of Comments/Written reply to Appeal are true & correct to the best of our knowledge and nothing has been concealed from this Honourable Tribunal.



Provincial Police Officer  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)



Dy. Inspector General of Police,  
D.I.Khan Range D.I.Khan  
(Respondent No.2)



District Police Officer,  
Tank  
(Respondent No.3)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL, KHYBER  
PAKHTUNKHWA, PESHAWAR.**

**Service Appeal No. 609/2013**


Qaizar Khan s/o Abdul Qadeer Khan (Belt No. 619),  
R/o Gara Baloch District Tank.....(Appellant)


**Versus**

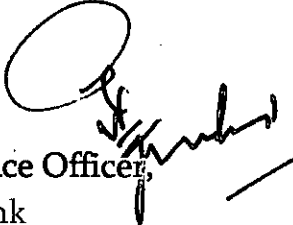
1. The Provincial Police Officer (IGP), Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer (DIG), Dera Ismail Khan
3. The District Police Officer, Tank.....(Respondents)

**A U T H O R I T Y**

We, the respondents do hereby authorised DSP/Legal, DIKhan to appear before the Service Tribunal Khyber Pakhtunkhwa, Peshawar, on our behalf, He is also authorised to produce/ withdraw any application or documents in the interest of Respondents and the Police Department.

  
Provincial Police Officer  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No.1)

  
Dy: Inspector General of Police,  
D.I.Khan Range D.I.Khan  
(Respondent No.2)

  
District Police Officer,  
Tank  
(Respondent No.3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR.

APPEAL NO. 609/2013

Qaizar Khan

Appellant

Versus

Govt: of KPK & others

Respondents

REJOINDER TO THE COMMENTS.

PRELIMINARY OBJECTIONS.

All objections raised by the respondent No.1 – 3 & 4 are in incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct and illegal acts.

ON FACTS.

- 1- Para No.1 need no reply.
- 2- Contents of Para-2 has not been denied by the Respondents.
- 3- Contents of Para-3 of the comments are wrong whereas that of the appeal are correct.
- 4- Contents of Para-4 of the comments are wrong and incorrect whereas that of the appeal are correct.
- 5- Contents of Para-5 of the comments are absolutely wrong as all the relevant documents were duly brought into the knowledge/Notice of the respondents.
- 6- Contents of Para-6 has not been denied by the Respondents.
- 7- Contents of Para-7 has not been denied by the Respondents.
- 8- Contents of Para-8 are mis-leading and ambiguous. The appellant duly joined his training but he was not allowed to join his training rather the appellant was declared as unqualified without any chance of hearing which is totally against the law & rules and natural justice.


- 9- Contents of Para-9 of the comments are totally wrong and misleading.
- 10- Contents of Para-10 has not been denied by the Respondents.
- 11- Contents of Para-11 has not been denied by the Respondents.
- 12- Need no reply.

GROUND:

All the comments regarding the "Grounds" stated by the respondents are wrong, unjustified and mis-leading and are liable to be struck down, whereas that of the appellant taken in the memo of Appeal are correct and may be considered.

It is, therefore, humbly prayed that the stance taken by the respondents in their comments, may kindly be struck down and the appeal of the appellant may kindly be allowed.

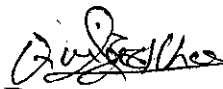
Appellant  
Through:

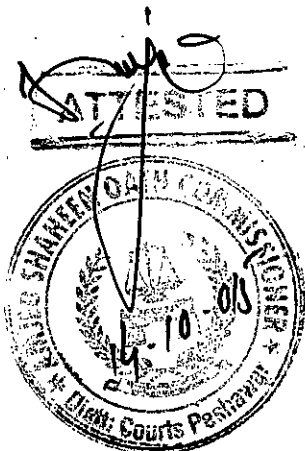
  
IBADUR RAHMAN  
Advocate High Court  
Peshawar.

Dated: 04/10/2015.

AFFIDAVIT.

Stated on oath that the above contents are true and correct to the best of my knowledge and belief.

  
Deponent



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR:

APPEAL NO. 609/2013

Qaizar Khan

Appellant

Versus

Govt: of KPK & others

Respondents

REJOINDER TO THE COMMENTS.

PRELIMINARY OBJECTIONS.

All objections raised by the respondent No.1 - 3 & 4 are in incorrect and baseless. Rather the respondents are estopped to raise any objection due to their own conduct and illegal acts.

ON FACTS.

- 1- Para No.1 need no reply.
- 2- Contents of Para-2 has not been denied by the Respondents.
- 3- Contents of Para-3 of the comments are wrong whereas that of the appeal are correct.
- 4- Contents of Para-4 of the comments are wrong and incorrect whereas that of the appeal are correct.
- 5- Contents of Para-5 of the comments are absolutely wrong as all the relevant documents were duly brought into the knowledge/Notice of the respondents.
- 6- Contents of Para-6 has not been denied by the Respondents.
- 7- Contents of Para-7 has not been denied by the Respondents.
- 8- Contents of Para-8 are mis-leading and ambiguous. The appellant duly joined his training but he was not allowed to join his training rather the appellant was declared as unqualified without any chance of hearing which is totally against the law & rules and natural justice.

Contents of Para-9 of the comments are totally wrong and misleading.

10- Contents of Para-10 has not been denied by the Respondents.

11- Contents of Para-11 has not been denied by the Respondents.

12- Need no reply.

GROUNDS:

All the comments regarding the "Grounds" stated by the respondents are wrong, unjustified and misleading and are liable to be struck down, whereas that of the appellant taken in the memo of Appeal are correct and may be considered.

It is, therefore, humbly prayed that the stance taken by the respondents in their comments may kindly be struck down and the appeal of the appellant may kindly be allowed.

Appellant  
Through:

IBADUR RAHMAN  
Advocate High Court  
Peshawar.

Dated 14/10/2012.

AFFIDAVIT.

Stated on oath that the above contents are true and correct to the best of my knowledge and belief.

Deponent



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No 2729 /ST

Dated 22 /12/2017

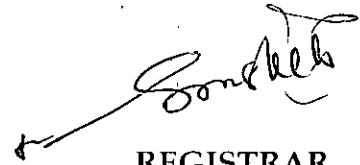
To

The District Police Officer,  
Government of Khyber Pakhtunkhwa,  
Tank.

Subject: **JUDGEMENT/ORDER IN APPEAL NO. 609/13, Mr.QAIZAR KHAN.**

I am directed to forward herewith a certified copy of Judgment/order dated 18/12/2017 passed by this Tribunal on the above subject for strict compliance.

**Encl: As above**



REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

OK

بعدالت فیما - KPII کروسی ٹریڈ سونل اینڈ ور



سیدہ منجانب اینٹیلانٹ  
بنام 16/10/1974 یو ایس و مہتممہ

قرینہ خان

مورخہ

مقدمہ

دعویٰ

جزم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب وہی دیکل کر  
کارروائی متعلقہ آن مقام میں در کے لئے عبادت اللہ جملہ انہر و لہر کے لئے  
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا نیز  
دیکل صاحب کو کرنے راضی نامہ و تقررات و فیصلہ برطلف دیے جواب سے اقبال دعویٰ اور  
بصورت دگری کرنے اجراء اور وصولی چیک زر و پیہ اور عرصی دعویٰ اور درخواست برقم کی تصدیق  
نہر اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا دگری یکفر یا اپیل کی برآمدگی اور سوغی  
نیز دائر کرنے اپیل ٹکرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور دیکل یا مختار قانونی کو اپنے ہمراہ یا اپنی بجائے تفرک اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ  
پیداختہ منظور قبول ہوگا و دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔  
اکہ کے مستحق دیکل صاحب موصوف ہوں گے۔ نیز بقیا و خرچہ کی دھولی کرنے کا بھی اختیار ہوگا۔ اگر  
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دیکل صاحب پابند نہ ہوں گے۔ کہ پیروی  
مذکور کریں۔ لہذا ذرا کالت نامہ لکھنا کہ مستند رہے۔

29/10/74

29

15

المترجم

دکراٹھ

کے لئے منظور ہے۔

بقام

قرینہ خان

Abdul Rehman

**BEFORE THE HONORABLE KHYBAR PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.609/2013

Qaizar Khan s/o Abdul Qadir Khan, District Tank.

**VERSUS**

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police D.I.Khan.
3. District Police Officer Tank.
4. The Commandant Police Training College, Hangu.

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2.	Affidavit		3



DEPONENT

15402-1431222-7

Muhammad Zaman  
Inspector

PTC Hangu

**BEFORE THE HONORABLE KHYBAR PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.609/2013

Qaizar Khan s/o Abdul Qadir Khan, District Tank.

**VERSUS**

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police D.I.Khan.
3. District Police Officer Tank.
4. The Commandant Police Training College, Hangu.

Subject:-**PARAWISE COMMENTS ON BEHALF OF RESPONDENT NO.4.****PRELIMINARY OBJECTIONS:-**

1. That appellant has got no cause of action to file present appeal.
2. That the appeal of appellant is time barred.
3. That the appeal of appellant is bad for mis-joinder of necessary parties and joinder of unnecessary parties.
4. That the appeal is not maintainable in the present form.
5. That appellant is estopped by his own conduct to file the instant appeal.

**FACST:-**

1. Need no comments on the part of answering respondent.
2. Pertain to record hence no comments.
3. Pertain to record hence no comments.
4. Incorrect, appellant remained absent from training program therefore the answering respondent reverted appellant unqualified to district.
5. Incorrect, appellant, absented himself from training program for long period therefore he was reverted to district.
6. Not related to replying respondent.
7. Needs no comments, not relevant to the respondent No.4.
8. Incorrect, under the rule a trainee remaining out of training program, for long period will be reverted to district. Therefore the answering respondent reverted appellant to district in accordance with rules.
9. No related to replying respondent.
10. Not related to replying respondent.
11. Not related to replying respondent.
12. Incorrect, the appellant has got no cause of action hence his appeal is liable to be dismissed.

**GROUND:-**

- A. Incorrect, respondent No.4 has reverted appellant to district in accordance with rules as he remained absent from training program for long period.
- B. Not related to replying respondent.

- C. Not related to replying respondent.
- D. Not related.
- E. Not related.
- F. Not related.
- G. Incorrect, the appellant remained absent and he was reverted to district according to rules.
- H. Needs no comments.
- I. Needs no comments on the part of respondent No4.
- J. That the respondent may be allowed to add other grounds at the time of argument.

**PRAYERS:-**

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



Commandant  
Police Training College,  
Hangu.(Respondent No.4)

BEFORE THE HONORABLE KHYBAR PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.609/2013

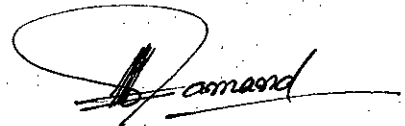
Qaizar Khan s/o Abdul Qadir Khan, District Tank.

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police D.I.Khan.
3. District Police Officer Tank.
4. The Commandant Police Training College, Hangu.

AFFIDAVIT:-

I, Muhammad Zaman, Inspector Police Training College Hangu do hereby solemnly affirm and declared that the contents of the reply on behalf of Respondents of Service Appeal No.609-P/2013 are true and correct to the best of my knowledge and belief that nothing has been concealed from this Honorable Court.



DEPONENT  
15402-1431222-7  
Muhammad Zaman  
Inspector  
PTC Hangu