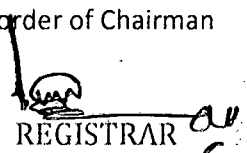


Form- A

## FORM OF ORDER SHEET

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

Case No.- \_\_\_\_\_ 1459 /2022 \_\_\_\_\_

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge  |
|-------|---------------------------|---|
| 1     | 2                         | 3   |
| 1-    | 10/10/2022                | <p>The appeal of Mr. Muhammad Imram received today by registered post through Mr.Muhammad Abdullah Baloch Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____.</p> <p>Notices be issued to appellatant and her counsel for the date fixed.</p> <p>By the order of Chairman</p> <p><br/>REGISTRAR</p> |

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

In service Appeal No. 1459 /2022

Muhammad Imran  
**(Appellant)**

**VERSUS**

GOVT of KPK etc  
**(Respondents)**

**Service Appeal**

**I N D E X**

| S.No. | Description of documents  | Annexure | Pages |
|-------|---|----------|-------|
| 1.    | Memorandum of Appeal and affidavit along with C.M                     |          | 1-9   |
| 2.    | Copies of CNIC and service card of the appellant                      | A & B    | 10-13 |
| 3.    | Copy of judgment 25/11/2021   | C        | 14-18 |
| 4.    | Copies of orders dated 17/01/2022 and dated 15/02/2022 and 11/02/2022 | D & E    | 19-21 |
| 5.    | Copies of impugn order and application                                | F & G    | 22-23 |
| 6.    | Copy of Departmental Appeal   | H        | 24-26 |
| 7.    | Copies of application and impugn order of appellate authority         | I & J    | 27-28 |
| 8.    | Vakalatnama   | --       | 29    |

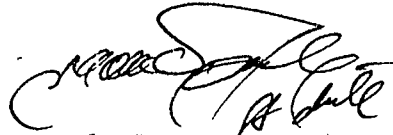
7 /10/2022

Your humble appellant



**Muhammad Imran**

Through counsel



**Muhammad Abdullah Baloch**

Advocate High Court

Dera Ismail Khan



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE**

**TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2022

**Muhammad Imran** Constable FRP, No. 8487 DIKhan, range  
DIKhan. (Son of Sharif Hussain Village Dhakki Matwalah shah police  
station Paharpur District D.I.Khan).

**(Appellant)**

**VERSUS**

1. **The Secretary to the Govt; of Khyber Pakhtunkhwa,  
Home of Tribal Affairs Department, Peshawar.**
2. **The Inspector General Of Police, Head Quarters,  
CPO, Peshawar.**
3. **Commandant Frontier Reserve Police Kyber  
Pakhtunkhwa, Peshawar.**
4. **Superintendent FRP DIKhan Range, DIKhan.**

..... **(RESPONDENTS)**

**SERVICE APPEAL UNDER SECTION 4 OF THE KPK  
SERVICES TRIBUNAL ACT, 1974, AGAINST THE  
IMPUGNED ORDER NO. 593/FRP DATED  
14/03/2022, (OB No. 247/FRP DATED  
10/03/2022) AND AGAINST THE IMPUGNED  
ORDER OF APPELLATE AUTHOURTY NO 6089/SI  
DATED 01/08/2022, (OB No 805 Dated 10/08/2022)  
TO THE EXTENT OF "INTERVENING PERIOD" FROM  
07/03/2018 TO 28/01/2022, IN WHICH THE  
APPELLANT REMAINED OUT OF SERVICE WAS  
TREATED AS WITHOUT PAY.**

*Handwritten signature and date:*  
07/10

**Note:** Addresses given above shall suffice the object of service.

***Respectfully Sheweth;***

1. That the appellant was appointed as constable on 13/07/2007 in FRP DIKhan Range, DIKhan. Copies of CNIC and service card of the appellant are annexed as **Annexure-A & B.**
2. That appellant was removed from service vide officer order OB No. 176/FRP dated 07/03/2018 on the basis of absence from duty. The appellant, feeling aggrieved from the said order, preferred service appeal No. 843/2018. The Worthy Service Tribunal was pleased to accept the same vide its judgment dated 25/11/2021, with the direction of the reinstatement and for the purpose of *De-novo* inquiry. Copy of the judgment dated 25/11/2021 is annexed as **Annexure C.**
3. That, in consequence the appellant was reinstated into services vide officer order No. 532/SI Legal dated 17/01/2022 and *de-novo* proceedings were also initiated by the department against the appellant. Copies of orders dated 17/01/2022 and dated 15/02/2022 and 11/02/2022 are annexed as **Annexure D & E.**
4. That later on, after the *de-novo* proceeding/inquiry, vide partially impugned office order No. 593/FRP Dated 14/03/2022, competent authority was pleased to convert the punishment of removal from service into reinstatement in service and similarly, absence period i.e 04/09/2017 to 18/09/2017, 12/11/2017 to 30/01/2018 and 23/02/2018 to 26/02/2018 (total 118 days) in

Constable  
07/10

which period from 23/02/2018 to 26/02/2018 total 04 days treated as without pay while remaining 114 days as medical rest.

**However**, the intervening period i.e from 07/03/2018 to 28/01/2022 was treated as without pay. After submitting an application, the impugned order was received to the appellant on 30/05/2022. Copies are annexed as **Annexure F & G.**

5. That appellant being aggrieved from partially impugned office order No. 593/FRP Dated 14/03/2022, to the extent of findings regarding intervening period i.e 07/03/2018 to 28/01/2022, filed a departmental appeal/representation on 03/06/2022 before appellate authority. Copy of Departmental Appeal is annexed as **Annexure-H.**

6. The appellant came to know that appellate authority has also decided departmental appeal of the appellant, which was not communicated to him. After submitting an application, Order of the appellate authority No. 6089 dated 01/08/2022, OB No. 805 dated 10/08/2022 was received to the appellant on 14/09/2022. The appellate authority has rejected the appeal. Copies are annexed as **Annexure I & J.**

7. That feeling aggrieved from the partially impugned orders, hence, the appellant has a right and cause of action to file the instant service appeal before this Honourable Service Tribunal, inter alia, on the following grounds.

### **G R O U N D S**

- a. That findings of competent authority and of the appellate authority to the extent of reinstatement and converting the absence period of 114 days as medical leave with full pay are correct and according to the law and justice. **However**, findings of both the fora to the extent of

treating the intervening period from 07/03/2018 to 28/01/2022 (in which the appellant remained out of service) as period without pay are against the law, justice and against the fundamental rights of the appellant. Thus, the appellant hereby challenges the impugned orders to the extent of deprivation of his back benefits of intervening period.

- b. That during the *De-novo* inquiry proceedings, it had become vivid that allegations of absence against the appellant were baseless and the appellant had genuinely medical problems. Thus, the punishment of removal from service was not justified. In that eventuality, had the appellant not been removed from service, he would have received the salaries of the intervening period i.e 07/03/2018 to 28/01/2022. Thus, the deprivation of appellant from his lawful right is against the law and justice.
- c. That the appellant is a very poor person who during the intervening period suffered a lot, due to un-employment and had no other source of income.
- d. That the appellant in the *de-novo* inquiry by the department was proved innocent, therefore, the applicant is very much entitled for his all back benefits of intervening period. In this regard decisions of the competent authority and appellate authority to the extent of depriving the appellant from removal period are against law and justice. Therefore appellant is entitled for all his back benefits.
- e. That counsel for the appellant may graciously be allowed to raise additional grounds at the time of arguments.

Chhale

8

In wake of submission made above the appeal of the appellant may kindly be accepted. Impugned Order NO. 593/FRP dated 14/03/2022, (OB No. 247/FRP dated 10/03/2022) and the impugned order of appellate authority no 6089/SI dated 01/08/2022, (OB No. 805 dated 10/08/2022) to the extent of decision with respect to period effective from 07/03/2018 to 28/01/2022 may kindly be declare as against law and justice. The appellant may kindly be declared as entitle for the salary of the intervening period from 07/03/2018 to 28/01/2022.

Any other relief deemed appropriate in circumstances of the case may also be allowed in favour of appellant in the large interest of justice.

7/10/2022

Your humble appellant

**Muhammad Imran**

Through counsel



**Muhammad Abdullah Baloch**

Advocate High Court

Dera Ismail Khan

6

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

In service Appeal No. \_\_\_\_\_/2022

Muhammad Imran  
**(Appellant)**

**VERSUS**

GOVT of KPK etc  
**(Respondents)**

**Service Appeal**

**CERTIFICATE**

Certified that appellant have not filed an appeal regarding the subject controversy, earlier in this august Tribunal.

7.10.2022

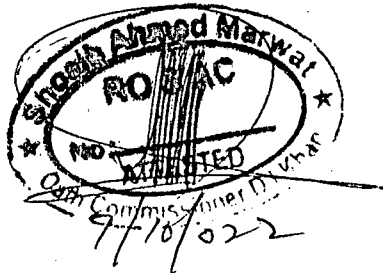
Appellant

**AFFIDAVIT**

I, **Muhammad Imran**, appellant herein, do hereby solemnly affirm on oath that all para-wise contents of the appeal are true and correct to the best of my knowledge, belief and information and nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.

7.10.2022

  
**DEPONENT**





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

In service Appeal No. \_\_\_\_\_/2022

Muhammad Imran  
**(Appellant)**

**VERSUS**

GOVT of KPK etc  
**(Respondents)**

**ADDRESSES OF THE PARTIES**

**Appellant:-**

**Muhammad Imran** Constable FRP, No. 8487 DIKhan, range  
DIKhan.  
(Son of Sharif Hussain Village Dhakki Matwala shah police station  
Paharpur District D.I.Khan).

**RESPONDENTS:-**

1. **The Secretary to the Govt; of Khyber Pakhtunkhwa,  
Home of Tribal Affairs Department, Peshawar.**
2. **The Inspector General Of Police, Head Quarters,  
CPO, Peshawar.**
3. **Commandant Frontier Reserve Police Kyber  
Pakhtunkhwa, Peshawar.**
4. **Superintendent FRP DIKhan Range, DIKhan.**

7.10.2022

**Appellant's Counsel**



CFP  
Chahle

8

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

C.M No. \_\_\_\_\_/2022.

Muhammad Imran  
(**Appellant**)

**VERSUS**

GOVT of KPK etc  
(**Respondents**)

**Service Appeal**

**APPLICATION FOR CONDONATION OF DELAY**

Respectfully Sheweth;-

1. That the above titled service appeal is being filed before this Honourable Court and the instant application may kindly be considered as part of it.
2. That impugned office order No. 593/FRP was issued on 14/03/2022, which was not communicated to the appellant and was received after submitting an application by appellant on 30/05/2022.
3. After that appellant being aggrieved from impugned office order No. 593/FRP Dated 14/03/2022, filed a departmental appeal/representation on 03/06/2022 before appellate authority. The appellant came to know that appellate authority has also decided departmental appeal of the appellant, which was not communicated to him. After submitting an application, Order of the appellate authority No. 6089 dated 01/08/2022, OB No. 805 dated 10/08/2022 was received to the appellant on 14/09/2022. On receiving the same, the instant service appeal is being filled today, which is well within time.
4. That service appeal is well within time. However, the instant application is being filled as safe measures.

*Handwritten signature*

9

In view of above circumstances it is respectfully prayed that the delay, if found any, may kindly be condone in the interest of justice and the case in hand may kindly be decided on merits.

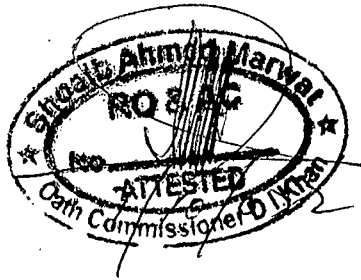
7/10/2022

Your humble applicant  
**Muhammad Imran**  
Through counsel

**Muhammad Abdullah Baloch**  
Advocate High Court  
Dera Ismail Khan

**AFFIDAVIT**

I, **Muhammad Imran**, applicant herein, do hereby solemnly affirm on oath that all para-wise contents of the application are true and correct to the best of my knowledge, belief and information and nothing has been deliberately concealed from this Honourable Court, nor anything contained therein, based on exaggeration or distortion of facts.



**DEPONENT**

*(Signature)*

10

Annexure 'A'



PAKISTAN National Identity Card

ISLAMIC REPUBLIC OF PAKISTAN

Name  
Muhammad Inran Shah  
محمد عمران شاہ

Father Name  
Sharaf Hussain Shah  
شرف حسین شاہ



Gender: M  
Country of Stay: Pakistani

Identity Number: 12103-3086823-3  
Date of Birth: 02.02.1989

Date of Issue: 16.07.2019  
Date of Expiry: 16.07.2029

Holder's Signature

Attested to be  
true copy  
[Signature]

11

موجودہ پتہ: ڈاک خانہ ڈیجیٹل، مزار شاہ، تحصیل پٹانہ، ضلع  
ذریعہ اسماعیل خان

12103-3086823-3



مستقل پتہ: ڈاک خانہ ڈیجیٹل، مزار شاہ، تحصیل پٹانہ، ضلع  
ذریعہ اسماعیل خان

101051247426

Uman & Motim  
Registrar General of Pakistan

گمشدہ کارڈ ملنے پر قریبی لیو بکس میں ڈال دیں

(12)

Annexure B

Khyber Pakhtunkhwa Police

Card No. 0035803



MEHAMMAD IMRAN SHAH  
Constable



Issued by Authority

MRP D.I. Khan Range

Attested to be true copy.

13

CNIC # 1210330868233

Date of Birth 02-02-1989

Date of Issue 12-05-2022

Date of Expiry 11-05-2025

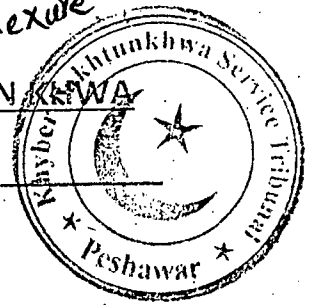
Emergency Contact# 03450361800

Address Dhaki Matawala Shah (eh) Paharpur Distt:  
D.I. Khan



1. In the event of loss the card holder should report to the nearest police station.
2. If found, please drop into the nearest letter box.
3. Contact us. 091-9210457

BEFORE HONORABLE SERVICE TRIBUNAL KHYBER PAKHTUN KWA  
PESHAWAR



STA No 843 / 2018

Muhammad Imran constable FRP No 7826 D.I.Khan Range D.I.Khan  
(S/O Sharif Hussain Village Dhakki Matwalah Shah Police Station  
Paharpur District D.I.Khan

Khyber Pakhtunkhwa  
Service Tribunal  
(Appellant)  
Diary No. 1094  
Dated 29-6-2018

V/S

1. Govt of Khyber Pakhtunkhwa through Secretary Home and Tribal affairs KPK Peshawar.
2. Commandant Frontier Reserve Police Khyber Pakhtunkhwa Peshawar.
3. Superintendent FRP D.I.Khan Rang D.I.Khan

(Respondents)

Service Appeal under section 4 of Khyber Pakhtunkhwa Service Tribunal Act 1974 against the order of Respondents No 3 Superintendent FRP Bearing Number 176/FRP Dated 7/03/2018 vide which the Appellant was removed from Services and also against the order dated 07/06/2018 of Respondents No 2 Commandant FRP KPK Peshawar vide which the Departmental appeal of Appellant was rejected.

Filed to-day

Registrar

29/6/18

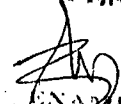
PRAYER

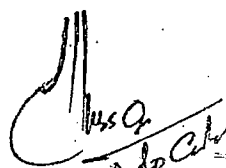
On acceptance of instant appeal the order of Respondents No 3 Dated 07/03/2018 and the order dated 07/06/2018 of the respondents No 2 may kindly be set-aside and the appellant may be re-instated in his services with all back benefits.

Respectfully Sir,

1. That the appellant was appointed as constable on 30/07/2007 in the FRP D.I.Khan Rang D.I.Khan and was performing his duties with full satisfaction.

ATTESTED

  
Attester  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

  
Registrar  
27/6



**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR  
AT CAMP COURT D.I.KHAN.**

Service Appeal No. 843/2018

Date of Institution ... 29.06.2018

Date of Decision ... 25.11.2021



Muhammad Imran Constable FRP No. 7826 D.I.Khan Range D.I.Khan  
(S/O Sharif Hussain Village Dhakki Matwala Shah Police Station  
Paharpur District D.I.Khan. ... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home and  
Tribal Affairs Khyber Pakhtunkhwa Peshawar and two others.

... (Respondents)

MR. MUHAMMAD ABDULLAH BALOCH  
Advocate

--- For appellant.

MR. NOOR ZAMAN KHATTAK,  
District Attorney

--- For respondents.

MR. AHMAD SULTAN TAREEN  
MR. SALAH-UD-DIN

--- CHAIRMAN  
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:-

Precise facts giving rise to filing of the instant service appeal are that the appellant while serving as Constable FRP Dera Ismail Khan Range Dera Ismail Khan was proceeded against departmentally on the allegations of his absence from duty and on the conclusion of the inquiry, the appellant was removed from service vide OB No. 176/FRP dated 07.03.2018. The appellant challenged the order of his removal through filing of departmental appeal on 04.04.2018, however the same was

**ATTESTED**

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar


also filed vide order dated 07.06.2018, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the contentions raised by the appellant in his appeal.

3. Learned counsel for the appellant has contended that the absence of the appellant was not willful, rather he was unable to attend his duty due to severe illness; that the appellant had specifically taken the plea of illness in reply to the charge sheet issued to him and had produced medical prescriptions to the inquiry officer, however the inquiry officer did not bother to verify the same; that as per charge sheet issued to the appellant, the absence period of the appellant has been mentioned with effect from 12.11.2017 and in the inquiry report too, the absence period of the appellant has been mentioned with effect from 12.11.2017 till 26.02.2018, however it is astonishing that in the impugned order dated 07.03.2018 a period of 14 days i.e with effect from 04.09.2017 to 27.10.2017 has also been counted as absence period for awarding penalty to the appellant, therefore, on this score alone, the impugned orders are liable to be set-aside; that the appellant was not provided copy of the inquiry report alongwith final show-cause notice, therefore, the appellant was unable to properly defend himself. In the last he requested that the impugned orders being wrong and illegal may be set-aside and the appellant may be reinstated in service with all back benefits.

4. On the other hand, learned District Attorney for the respondents has contended that the appellant remained absent from duty without any leave or prior permission of the competent Authority, therefore, disciplinary action was taken against him; that a regular inquiry was conducted into the matter by providing opportunity of self defense as well as personal hearing to the appellant; that all legal and codal formalities were complied with in the inquiry proceedings and the appellant was found guilty of the charge leveled against him;

**ATTESTED**

  
**ATTESTER**  
 Member, Service Tribunal  
 Postmaster


that the appellant was in habit of habitual absence and previously too, he had remained absent<sup>t</sup>e on various occasions; that the appellant was also involved in a criminal case of moral turpitude and an inquiry in this respect was kept pending against him till the decision of instant appeal. In the last he requested that the impugned orders may be kept intact and the appeal in hand may be dismissed with costs.

5. We have heard the arguments of learned counsel for the appellant as well as learned District Attorney for the respondents and have perused the record.

6. A perusal of the record would show that the appellant was proceeded against on the allegations of his absence from duty. Charge sheet as well as statement of allegations were issued to the appellant on 16.01.2018, wherein his absence was mentioned with effect from 12.11.2017. The inquiry report would show that the inquiry officer has mentioned therein that the appellant remained absent from 12.11.2017 till 26.02.2018. According to charge sheet as well as the report of the inquiry officer, the total period of absence of the appellant is 102 days. Now coming towards the impugned order dated 07.03.2018 passed by the competent Authority, we have observed that a period of 14 days i.e with effect from 04.9.2017 to 18.09.2017 has also been counted for awarding penalty to the appellant despite the fact that the said period was neither mentioned in the charge sheet nor in the statement of allegations as well as in the inquiry report. According to inquiry report, total period of absence of the appellant on the basis of which he was proceeded against departmentally was 102 days, while in the impugned order dated 07.03.2018, a period of 118 days has been mentioned as absence period. Similarly, in the appellate order dated 07.06.2018 too, the absence period has been mentioned as 118 days. The impugned orders are thus not sustainable in the eye of law.

J. J.

7. The appellant in his reply to the charge sheet has taken specific plea that his absence was due to reason of his illness

**ATTESTED**  
  
**EXAMINER**  
**Service Tribunal**  
**Madhya Pradesh**

and the same contention has also been raised by the appellant before this Tribunal. While going through the report of the inquiry officer, it has been observed that the inquiry officer did not verify the plea of illness of the appellant from the concerned hospital. In his departmental appeal too, the appellant stressed the plea of his illness by stating that relevant documents in this respect were also produced before the inquiry officer. In order to reach just and right conclusion, the inquiry officer was required to have verified the medical documents regarding the alleged illness of the appellant. Keeping in view the facts and circumstances of the case, conducting of de-novo inquiry in the matter is necessary for reaching a just and right conclusion.

8. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated for the purpose of de-novo inquiry with directions to the competent Authority to conduct de-novo inquiry in the matter within 90 days of receipt of copy of this judgment. Needless to mention that the inquiry officer shall verify the genuineness or otherwise of the defense plea of the appellant regarding his illness. Appellant shall be associated with the inquiry proceedings by giving him fair opportunity of defending himself. The back benefits shall be subject to outcome of de-novo inquiry. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
25.11.2021

(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT D.I.KHAN

(AHMAD SULTAN TAREEN)  
CHAIRMAN  
CAMP COURT D.I.KHAN

Date of Presentation of Application 04-01-2022  
Number of Words 2000  
Court Fee 22/-  
Urgent 4/-  
Total 26/-  
Name of the Officer \_\_\_\_\_  
Date of Inspection of Copy 04-01-2022  
Date of Delivery of Copy 04-01-2022

**Certified to be true copy**

OFFICER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



19

Annexure "D"

OFFICE OF THE COMMANDANT  
FRONTIER RESERVE POLICE  
KHYBER PAKHTUNKHWA, PESHAWAR  
Ph. No. 091-8214114 Fax No. 091-8212802

No. 538 /SI Legal, dated 17/1/2022

ORDER

In pursuance with the directions of Inspector General of Police Khyber Pakhtunkhwa, Peshawar issued vide CPO letter No. 188/Legal, dated 12.01.2022, the Judgment of Honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar dated 25.11.2021 in Service Appeal No. 843/2018, is hereby implemented. Ex-constable Muhammad Imran No. 8621/7826 of FRP DIKhan Range is hereby reinstated in service for the purpose of denovo enquiry. The enquiry officer shall verify the genuineness or otherwise of the defense plea of the appellant regarding his illness. Besides, the appellant shall be associated with the enquiry proceedings by giving him fair opportunity of defending himself. The issue of back benefits shall be settled in accordance with the outcome of denovo enquiry.

COMMANDANT

o/c Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar

No. & Date Even:-

Copy of the above is forwarded for information & further necessary action to the SP FRP DIKhan Range DIKhan

Attested to  
be true copy  
07/10



20

Annexure "E"

PST

OFFICE OF THE  
SUPERINTENDENT OF POLICE  
FRP, DIKHAN RANGE, DIKHAN.

Ph: No. 0966-9280141  
Fax No. 0966-9280142

No. 339 /FRP, dated DIKhan the 15 /02/2022

To :- The Chief Traffic Officer,  
Peshawar.

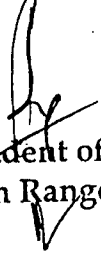
Subject:- LODGING AN APPEAL AGAINST THE JUDGMENT OF KHYBER  
PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR IN SERVICE  
APPEAL NO.843/2018, FILED BY EX-CONSTABLE MUHAMMAD  
IMRAN FRP DIKHAN RANGE.

Memo:

Kindly refer to Commandant FRP Khyber Pakhtunkhwa Peshawar office  
letter No.1402-3/SI Legal dated 11.02.2022.

It is submitted that copy of charge sheet & statement of allegation, dully  
signed by Constable Muhammad Imran No.8621/7826/8487/FRP is sent herewith for  
further necessary action, please.

Encl (02)

  
Superintendent of Police,  
FRP, D.I.Khan Range, D.I.Khan.

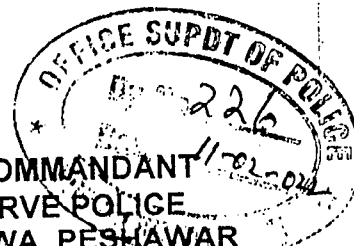
Attested to  
be true copy

Mr  
Chahweli  
07/10

21



OFFICE OF THE COMMANDANT  
FRONTIER RESERVE POLICE  
KHYBER PAKHTUNKHWA, PESHAWAR  
Ph: No. 091-9214114 Fax No. 091-9212602



No. 1402-3/Sl Legal, dated 11/02/2022.

To: Chief Traffic Officer,  
Peshawar.

Subject: LODGING AN APPEAL AGAINST THE JUDGMENT OF KHYBER  
PAKHTUNKHWA, SERVICE TRIBUNAL PESHAWAR IN SERVICE  
APPEAL NO. 843/2018, FILED BY EX-CONSTABLE MUHAMMAD  
IMRAN FRP DIKHAN RANGE.

Memo:

Please refer to CPO Memo: No. 163-65/CPO/IAB, dated 08.02.2022.

Denovo enquiry proceedings be initiated against the above named constable quoted at the subject and submit report facts to this office without issuance of formal order for onward submission to CPO. His service record alongwith D file sent herewith.

Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar

No. & date Even:-

Copy of above is forwarded to the SP FRP DI Khan Range DI Khan for information with the directions that to issue a fresh Charge Sheet alongwith Summary of Allegations to the above named accused constable and a copy of which may be sent before the enquiry officer for the purpose of denovo enquiry.

Attested to  
be true copy.  
M. I. Khan  
07/0

W.H.K.

FRP, D.I.Khan Range, D.I.Khan.

کنوینشن والڈیشن فریڈ ایڈیٹوریل بورڈ، نیو یارک، نیو یارک

جنا - عالی!

مورڈننگز کنونشن سائل کنٹریل بورڈ 25.11.022

سرورس ٹریبونل سے بحال فرما! ایڈیٹوریل بورڈ جو سائل آرڈر کنٹریل بورڈ نے مقرر کیا ہے اس پر  
حاکمیت سائل اپنے حقوق کے لئے جیسا کہ انٹرنیٹ پر ممبروں کو اپیل  
کرنے سے ہے۔

ایڈیٹوریل بورڈ سائل کو آرڈر کنٹریل بورڈ کی بحالی سے فرمائیں

عین وزارت ہوگی

مورڈن 30.05.022

SAC  
D  
31/5

الغرض

سائل کنٹریل بورڈ کے لئے  
Dik 8487 FRP  
Approved  
as per rules.  
SP/FRP, Dik  
31/5  
Attested to  
be true copy  
Mr. Adhikari  
07/10



POLICE DEPARTMENT  
ORDER:-

FRP D.I.KHAN RANGE

My this order will dispose off denovo enquiry conducted against Constable Muhammad Imran No. 621/7826/8487/FRP under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 (Amended in 2014).

a. According to District Police Officer vide his office Memo: No.3195/EC dated 27.10.2017, he remained absent from law full duties with effect from 04.09.2017 to 18.09.2017 total (14) days, and remained absent from law full duties with effect from 12.11.2017 to 30.01.2018 total (78) days vide daily diary report No.04 dated 12.11.2017 of District Police Line DIKhan, similarly according to daily diary report No.08 dated 26.02.2018 of Police Station Paharpur DIKhan, he remained absent from law full duties with effect from 30.01.2018 to 26.02.2018 total (26) days, total absence period comes (118) days without any leave or permission from the competent authority.

b. On the basis of above, he was served with Show Cause Notice. Reply of the said Show Cause Notice received which was found unsatisfactory. He was charge sheeted on 24.01.2018 and Muhammad Yousaf DSP/FRP DIKhan Range was nominated as Enquiry Officer to unearth the actual facts. After completion of all codal formalities the Enquiry Officer submitted his findings report and found him guilty of the charges leveled against him, hence recommended for suitable punishment and his absence period may treated as without pay.

Hence he was awarded major punishment of Removal from Service vide this office OB No.176/FRP dated 07.03.2018.

c. He lodged an appeal to Commandant FRP Khyber Pakhtunkhwa Peshawar to set aside the above punishment of Removal from Service. After hearing the Commandant FRP KPK Peshawar rejected the appeal and filed on 07.06.2018. His review petition was also rejected by Provincial Police Officer Khyber Pakhtunkhwa Peshawar vide his office letter No.S/4615/18 dated 15.11.2018 and No.S/3833/20 dated 01.10.2020.

d. He lodged a petition in the Honorable service Tribunal KPK Peshawar to set aside the above said punishment order of his Removal from service. After hearing the Honorable Court directed for his re-instatement in service and initiating denovo proceeding against him vide judgment dated 25.11.2021, hence denovo proceeding initiated for the afore mentioned grave misconduct on his part which is punishable under the Rules.

Mr. Abbas Majeed Khan Marwat PSP Chief Traffic Officer Peshawar was nominated as Enquiry Officer to conduct the denovo departmental enquiry vide AIG/Enquiries Khyber Pakhtunkhwa Peshawar office letter No.163-65/CPO/IAB dated 08.02.2022. After completion of all codal formalities the Enquiry Officer submitted his findings report along with relevant papers wherein the Enquiry Officer recommended to convert the order of removal from service into re-instatement in service of Ex-Constable Muhammad Imran No.8487, pay for the 114 days absence that are proved by medical documents as medical rest and 04 days unaccounted absence as leave without pay..

Keeping in view the facts stated above, as well as recommendation of Enquiry Officer, **MR. NISAR KHAN**, Superintendent of Police FRP D.I.Khan Range, D.I.Khan, in exercise of powers vested in me under Khyber Pakhtunkhwa Police Disciplinary Rules-1975 amended-2014, punishment of removal from service awarded to Constable Muhammad Imran No.8487 is hereby converted into reinstatement in service and his absence period i.e 04.09.2017 to 18.09.2017, 12.11.2017 to 30.01.2018 and 30.01.2018 to 26.02.2018 total (118) days in which the period from 23.02.2018 to 26.02.2018 total (04) days treated as without pay while remaining 114 days as medical rest. The intervening period i.e from 07.03.2018 to 28.01.2022 is also treated as without pay. In which he remained out of Service.

**ORDER ANNOUNCED.**OB No. 247 /FRP  
Dated 10 /03/2022No. 593 /FRP

dated DIKhan

(NISAR KHAN)  
Superintendent of Police,  
FRP, DIKhan Range DIKhan.  
the 14 /03/2022

Copy of above is submitted to Worthy Commandant FRP Khyber Pakhtunkhwa Peshawar for favour of information with reference to his office letter No.2191/SI Legal dated 03.03.2022 please.

31/5/2022

Attested to  
be true copyM. Adhull  
07/10

Superintendent of Police,  
FRP, DIKhan Range DIKhan.

To,

The Worthy Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.

Through Proper Channel:

DEPARTMENTAL APPEAL/REPRESENTATION AGAINST THE  
IMPUGNED OFFICER ORDER No. 593/FRP Dated  
14/03/2022, OB No. 247/FRP DATED 10/03/2022 which was  
received to the appellant on 31/05/2022.

**PRAYER**

On acceptance of this representation/departmental  
appeal, the partially impugned office order No.  
593/FRP, dated 10/03/2022, OB No. 247/FRP dated  
14/03/2022 of Superintendent Of Police FRP,  
DIKhan Range DIKhan may kindly be set-aside to the  
extent of findings regarding intervening period i.e  
07/03/2018 to 28/01/2022, Similarly back benefits  
may kindly be granted to the applicant of intervening  
period.

**Respected Sir;**

Appellant humbly submitted as under:-

1. That the appellant was appointed as constable on  
13/07/2007 in the FRP DIKhan Range DIKhan.
2. That applicant was removed from the service vide  
officer order OB No. 176/FRP dated 07/03/2018.
3. That the applicant feeling aggrieved from the said  
order, preferred service appeal No. 843/2018. Worthy

Service Tribunal was pleased to accept the same vide its judgment dated 25/11/2021. Worthy Tribunal directed the Police department to re-instate the applicant in service and to initiate denovo inquiry against the applicant.

4. That thereafter the applicant was re-instated into his services vide officer order No. 532/SI Legal dated 17/01/2022 and denovo proceedings were also initiated by the department against the applicant. Copy annexed.
5. That later on after the denovo proceeding/inquiry, vide partially impugned office order No. 593/FRP Dated 14/03/2022, competent authority was pleased to reinstate the applicant. But in the same order the applicant was deprived of his all back benefits of **intervening period i.e 07/03/2018 to 28/01/2022**. The same findings of competent authority are against the law, justice and against the fundamental rights of the applicant. Thus, the applicant impugned the same order to the extent of deprivation of his back benefits of intervening period. Copy of partially impugned order is annexed.
6. That the applicant is a very poor person who during the intervening period suffered a lot, due to un-employment and had no other source of income

applicant is very much entitled for his all back benefits of intervening period. In this regard decision of the Apex courts are very much clear that the person who proved innocent in any department inquiry would be entitled for all his back benefits.

*In wake of the submissions made above, it is respectfully prayed that the partially impugned office order No. 593/FRP dated 14/03/2022 and OB No. 247/FRP dated 10/03/2022 may kindly be set-aside to the extent of deprivation of back benefits of intervening period i.e 07/03/2018 to 28/01/2022 and the back benefits of intervening period may graciously be granted to the applicant in large interest of justice.*

Dated : 03/06/2022

Your humble appellant,



**Muhammad Imran**

Constable No. 8487 FRP

DIKhan Range DIKhan

Mob# 0344-9375948

آپ کو اطلاع دیا جا رہا ہے کہ  
 اس کے تحت اس کے لئے  
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 اس کے لئے

Attested to be  
 True Copy  
 07/10

**ORDER**

(28)

Annexure 'J'

1. 41

37

This order will dispose of the departmental appeal preferred by constable Muhammad Imran No. 8487 of FRP DI Khan Range, against the order of SP FRP DI Khan Range, DI Khan issued vide OB No. 247, dated 10.03.2022, wherein his intervening period with effect from 07.03.2018 to 28.01.2022 to which he remained out of service was treated as leave without pay.

Brief facts of the case are that the applicant was proceeded against on the allegations that he absented himself from lawful duty for total period of 118 days on different occasions, without any leave or prior permission of the competent authority.

In this regard, proper departmental proceedings were initiated against him and after completion of enquiry the enquiry officer submitted his findings wherein the applicant was found guilty of the charges leveled against him. Therefore, he was awarded major punishment of removal from service vide OB No. 176, dated 07.03.2021.

Later on he preferred departmental appeal, which was thoroughly examined and rejected vide this office order Endst; No. 7056-57/EC, dated 07.06.2018. His revision petition was also rejected by Provincial Police Officer vide CPO order No. S/4615/18, dated 15.11.2018.

Feeling aggrieved he filed Service Appeal before the Honorable Service Tribunal, Khyber Pakhtunkhwa, Peshawar. The Honorable Tribunal partially accepted his appeal vide Judgment dated 25.11.2021 and the appellant was reinstated in service for the purpose of denovo enquiry.

In this regard, Mr Abbas Majeed Khan Marwat PSP, Chief Traffic Office, Peshawar was nominated as enquiry officer to conduct denovo departmental enquiry into the matter, vide CPO letter No. 163-65/CPO/IAB, dated 08.02.2022. After completion of all codal formalities, the enquiry officer submitted his findings, wherein he recommended that the removal order of the applicant may be convert into reinstated in service and the absence period of 114 days may be treated as medical leave and the remaining 04 days recommended as leave without pay.

Keeping in view the above narrated facts and other material available on record, his major punishment of removal from service was converted into reinstatement in service and his absence period of 114 days were treated as medical leave and remaining 04 days absence period was treated as leave without pay and the intervening period with effect from 07.03.2018 to 28.01.2022 to which he remained out of service was treated as without pay vide OB No. 247, dated 10.03.2022.

Feeling aggrieved against the impugned order of SP FRP DI Khan Range, DI Khan the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 28.07.2022.

During the course of personal hearing, the applicant failed to present any justification regarding his innocence. From perusal of enquiry file it has been found that the applicant has already been benefitted by the competent authority, which his 114 days absence period has been treated as medical leave with full pay. Thus he is not entitled for the salary of the intervening period as he did not performed the official duty at that period. There doesn't seem any infirmity in the order passed by the competent authority, therefore no ground exist to interfere in same.

Based on the findings narrated above, I, **Commandant FRP Khyber Pakhtunkhwa, Peshawar**, being the competent authority, has found no substance in the appeal, therefore, the same is rejected and filed being meritless.

Order Announced.

Attached to be true copy

07/10

OB 10/03/2022/SRC/PO

SP FRP, DI Khan  
OB No. 805  
10-03-2022

*(Signature)*

**Commandant**  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.

19/8 No 60899 /SI Legal, dated Peshawar the 1/18/2022.

Copy of above is forwarded for information and necessary action to the SP FRP DI Khan Range, DI Khan. His service record alongwith D-file sent herewith.



KHYBER PAKHTUNKHWA  
BAR COUNCIL

29

MUHAMMAD ABDULLAH

Advocate

bc-09-0944

Date of issue: June 2021

Valid upto: June 2024



ADVOCATE HIGH COURT

وکالت نامہ

کورٹ  
فیس

Secretary  
KP Bar Council

Before the Honourable KP Service Tribunal

Camp at D.I. Khan

مخانب

نام

دعوی یا جرم

تفصیل دعوی یا جرم

باعث تحریر آنکہ

D. I. Khan

Muhammad Abdullal Baloch A/c

مقدمہ مندرجہ بالا عنوان میں اپنی طرف اسلئے بیرونی وجہات دہی برائے پیشی یا تصفیہ مقدمہ بنام  
کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ رو برد عدالت حاضر ہوتا رہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب  
موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب  
موصوف ان کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکپہری کے علاوہ یا پکپہری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل  
بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پکپہری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا پکپہری کے اوقات کے آگے یا پیچھے پیش ہونے  
پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار نہ ہوں گے اسلئے کسی معاوضہ کے ادا کرنے یا عمت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے جہ  
کو کس ساختہ پر داخست صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسلئے ڈگری  
نظر ثانی اپیل گمرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر پٹائی یا راضی نامہ و فیصلہ برحلف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے  
تاریخ پیشی مقدمہ مرکز بیرون از پکپہری صدر بیرونی مقدمہ مرکز نظر ثانی اپیل و گمرانی و ہر قسم مقدمہ یا مشورہ ڈگری یک طرفہ یا درخواست حکم استغاثی یا ترقی  
یا گرفتاری قبل از فیصلہ اجراء ڈگری بھی صاحب موصوف کو بشرط ادا ہونے علیحدہ مختص بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخست صاحب موصوف مثل کردہ  
از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی  
اپیل گمرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہذا مرکز اسلئے بنائے یا اسلئے ہمراہ مقرر کریں اور اسلئے مشیر قانون کو بھی ہر امر میں دان اور دینے  
الختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جائز التواء پڑے گا وہ صاحب موصوف کا حق ہو گا مگر  
صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروی نہ کریں اور ایسی صورت  
میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

ماہ \_\_\_\_\_ مورخہ \_\_\_\_\_

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منفقہ و رہے

Accepted  
07/10  
Muhammad Abdullal Baloch  
Advocate High Court  
D.I. Khan

0314-6932557