

**DISTRICT POLICE OFFICER  
HARIPUR**

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No. 2583/

dated Haripur the 18/05/2022

To: The Honorable Registrar,  
Khyber Pakhtunkhwa, Service Tribunal Peshawar  
Judicial Complex (old) Khyber Road Peshawar

Subject: **JUDGMENT IN SERVICE APPEAL NO.7452/2021 MR.  
ZAMRUD KHAN VS INSPECTOR GENERAL OF  
POLICE KHYBER PAKHTUNKHWA & OTHERS.**

Memo:

Kindly refer to your office Memo No.871/ST dated 07.04.2022 on the above cited subject.

It is submitted that in compliance with the judgment of honorable Khyber Pakhtunkhwa Service Tribunal dated 19.01.2022, on service appeal No.7452/2021 titled "Zumrad Khan vs Inspector General of Police, Khyber Pakhtunkhwa Peshawar and others". A committee was constituted vide this office order No.2103 dated 14.04.2022 to examine the case of appellant, whether his son namely Husnain Zumrad was entitled for appointment in police department under the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989. The committee called the appellant as well as other relevant witnesses and examined the case of appellant intensively. The committee in its report held that the case not falling under the category of invalidation of service of appellant on medical grounds. The appellant was dealt with fairly, justly, in accordance with law/rules/standing orders.

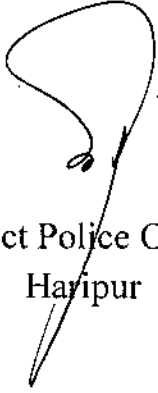
The committee held that the appellant retired from service voluntarily and on his own choice after serving more than 31 years in police department. It was further held that the son of the appellant namely Husnain Zumrad did not qualify the ETEA/NTS exam for any post, which might entitled him for appointment as constable on 10% quota reserved for police sons/daughters as per standing order No.26/2014 (Copy of committee report is attached).

Put up to the court with relevant appeal.

Subject:

Memo:

In view of above, the case of appellant does not fall under the category of invalid pension on medical grounds. Therefore, his son namely Husnain Zumrad is not entitled for appointment in police department under Rule 10(4) of the Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules 1989 and standing order No. 02/2020, please.



District Police Officer  
Haripur

From: Additional Superintendent of Police,  
Haripur

To: The District Police Officer,  
Haripur

No: **136** /dated **11/05/2022**

Subject: **COMMITTEE REPORT**

Memo: 11

Kindly refer to your good office Memo No. 2103, dated 14.04.2022.

Enclosed find herewith committee report for further necessary action,  
please.

  
Additional Superintendent of Police,  
Haripur  
(Chariman Committee)

## COMMITTEE REPORT

In compliance with your good office order No.2103 dated 14.04.2022 with reference to the judgment of honorable Khyber Pakhtunkhwa, Service Tribunal Peshawar on service appeal No.7452/2021 titled "Zumrad Khan vs Provincial Police Officer Khyber Pakhtunkhwa, Peshawar & others". The committee examined the case of retired SI Zumrad Khan, on the following points beside the others:-

1. Whether the appellant was retired from service on medical grounds or not?
2. Whether the appellant is entitled for the claim prayed by him in service appeal No.7452/2021 for recruitment in police department of his son namely Hussnain Zumrad under rule 10(4) of the Khyber Pakhtunkhwa, Civil Servant (Appointment, Promotion & Transfer) Rules 1989.

### ➤ INQUIRY PROCEEDINGS.

The committee summoned the appellant SI @ Zumrad Khan vide this office Memo No.130 dated 25.04.2022. He appeared before the inquiry committee and got recorded his statement on 26.04.2022. He was heard in person in detail by the committee and he was also provided opportunity to establish his claim.

#### • Statement of SI retired Zumrad Khan.

He stated that while posted as SHO at Police station Sherwan District Abbottabad, he had to face heart attack and he remained under treatment at AFIC Rawalpindi, where his heart operation was conducted and later on he was transferred from District Abbottabad to Haripur. He further stated that on 22.03.2013 he moved an application to the then District Police Officer Haripur that he was unable to serve in department being ill, he requested for retirement from service, and his application was allowed and he retired from service on pension.

The appellant Zumrad Khan further stated that his son Hussnain Zumrad applied for recruitment on police sons quota, however, he could not be appointed. The appellant further stated that he filed service appeal in the honorable Khyber Pakhtunkhwa, Service Tribunal Peshawar for the purpose, and honorable Khyber Pakhtunkhwa, Service Tribunal issued directions in this respect. The appellant stated that his son may be recruited on police son quota as he was retired from service on medical grounds (**Copy of statement and other documents produced by appellant is attached**).

- **Summoning of Head Clerk & pension clerk District Police Office Haripur.**

The inquiry committee summoned head clerk and pension clerk of District Police office vide this office letter No.129 dated 25.04.2022 and letter No.130 dated 25.04.2022 for recoding of their statements and provision of relevant record on 26.04.2022. Both the said officers appeared before the inquiry committee and got recorded their statements and produced the requisite record.

- **Statement of Head Clerk Ashraf Khan District Police Office Haripur.**

Head clerk stated that he perused the record of appellant @ SI Zumrad Khan. He stated that SI Zumrad Khan moved an application to the then District Police Officer Haripur for retirement from service on 22.03.2013. His application was allowed, consequently, the competent authority issued notification No.1546 dated 25.03.2013 to which the appellant was retired from service. Head clerk further stated that the appellant was not retired from service on medical grounds rather he went on retirement as normal case on his own choice. He further stated that 10% quota is reserved for police sons for recruitment in police department if any candidate/son qualify the requisite exam ETEA/NTS. Head clerk further stated that son of appellant did not qualify the said exam and he is not entitled for recruitment on police sons quota. He produced copies of standing order No.26/2014 and 2/2020 which are attached herewith.

- **Statement of Khalid Mehmood pension clerk District Police Office Haripur.**

He stated that he perused the service record of appellant SI @ Zumrad Khan. He stated that the appellant moved an application to the then District Police Officer Haripur for retirement from service, his application was allowed and he retired from service vide notification No.1546 dated 25.03.2013. He further stated that SI Zumrad Khan was not retired from service on medical grounds, nor he applied for medical board for examining his fitness. He voluntarily retired from service serving about 31 years in police department. He stated that the application for recruitment for his son Hussain Zumrad on medical grounds is not justified. (Copy of statement is attached).

➤ **FINDINGS.**

The committee examined the relevant service record of appellant, statements of the appellant and other officials as well as the judgment of honorable Khyber Pakhtunkhwa Service Tribunal Peshawar on service appeal No.7452/2021 for appraisal.

- The record transpired that the appellant SI ® Zumrad Khan No.231/H was recruited as constable in police department on 25.11.1981. It was established through record that the appellant voluntarily moved an application to the then District Police Officer Haripur stating therein that he had served more than 31 years and requested for retirement from service. The appellant neither attached any medical prescription with his application of retirement nor he claimed for the constitution of medical board to ascertain the health/fitness of the appellant for service or otherwise. Police Rules 1934 chapter 9 rule 18(1) provides as under:-

**“A retiring pension is granted to an officer who is permitted to retire under article 465 Civil Service Regulations after completing qualifying service for thirty years”**

Since the appellant had served qualifying service for retirement, i.e. more than 31 years, therefore, his request for retirement was allowed and he was retired from service vide Notification No.1546 dated 25.03.2013. He received the ordinary pension and relevant benefits as per law/rules and not invalid pension.


- It is worth mentioning that SI Zumrad Khan was not retired from service on invalidation/medical grounds. For retirement on medical grounds, it is essential that official medical board examine the civil servant and recommend him regarding his fitness for service or incapacitation/invalidation for government service. In the instant case the appellant did not opt for medical examination/board, he simply requested for retirement from service in his application on basis of length of service extending about more than 31 years. The appellant merely mentioned that he is suffering with heart disease. It was a simple voluntary retirement from service of the appellant and he received full pension benefits as per length of service admissible under the law/rules. There is nothing on record, which affirms the claim of appellant for retirement on medical grounds. So, the claim of appellant for retirement on medical ground/invalid pension is not established.
- So far, the request of appellant for the appointment of his son namely Hussnain Zumrad in police department on police sons quota is concerned, standing order No.26/2014 clearly mentions that 10% quota is reserved for police sons/daughters subject to qualifying mandatory ETEA exam. The son of the appellant did not qualify any such exam and does not fall on the criteria for appointment as prescribed under the law/rules/standing order.


Similarly, the case of appellant Zumrad Khan for appointment of his son namely Hussnain Zumrad also does not fall under rule 10(4) of Civil Servant (Appointment, Posting and transfer Rules 1989), as the appellant was not retired from service on invalid

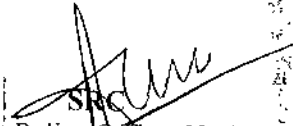
pension/medical invalidation grounds rather he opted to retire voluntarily from service on completing more than 31 years in police department. The relevant rule is reproduced as under:-

“10(4) Where a civil servant dies or is rendered incapacitated/invalidated permanently during service then notwithstanding the procedure provided for in sub-rule (2), the appointing authority may appoint one of the children of such civil servant, or if the child has not attained the age prescribed for appointment in Government Service, the widow/wife of such civil servant, to a post in any of the Basic Pay Scales 1-10”

The committee concludes that the case of appellant does not fall under the category of invalidation of service on medical grounds, his retirement was voluntarily and on his own option. Therefore, his son is not entitled for any benefits under rule 10(4) of Civil Servants (Appointment, Promotion and transfer Rules 1989), and standing order No.02/2020 as claimed by appellant in the above cited service appeal.

  
Mr. Muhammad Ayaz  
Addl: SP Haripur  
(Chairman Committee)

  
Mr. Fida Muhammad  
DSP, HQrs, Haripur  
(Member)

  
District Police Office, Haripur  
(Member)

  
OHC  
District Police Office, Haripur  
(Member)