

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR
AT CAMP COURT ABBOTTABAD.

Service Appeal No. 2318/2021

Date of Institution ... 03.02.2021
Date of Decision ... 27.04.2023

Sajjad Ahmed S/O Shah Zaman, Constable No. 911, R/O Kharian
Rehmatabad Tehsil & District Abbottabad.
... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Home & Tribal
Affairs Department, Khyber Pakhtunkhwa, Peshawar and 03 others.
... (Respondents)

MS. ASMA ZAMAN,
Advocate

--- For appellant.

MR. ASIF MASOOD ALI SHAH,
Deputy District Attorney

--- For respondents.

MR. KALIM ARSHAD KHAN
MR. SALAH-UD-DIN

--- CHAIRMAN
--- MEMBER (JUDICIAL)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Briefly stating the relevant facts
of the case are that the appellant was appointed as Constable in Police
Department on 04.09.2012. During his posting at Police Line
Abbottabad, departmental action was taken against him on the
allegations that he had deliberately involved himself in case FIR
No. 437 dated 16.07.2020 under sections 186/506 PPC Police Station
Abbottabad. The departmental action against the appellant culminated
in his dismissal from service vide order bearing O.B No. 215 dated
10.09.2020 passed by the then District Police Officer Abbottabad. The
departmental appeal of the appellant was also declined by Regional

Police Officer Hazara Region Abbottabad vide order dated 07.01.2021.

The appellant then preferred an appeal before the Inspector General of Police Khyber Pakhtunkhwa Peshawar, however the same was not responded, hence the instant service appeal.

2. On admission of the appeal for regular hearing, notices were issued to the respondents, who contested the appeal by way of filing of reply, wherein they refuted the assertion raised by the appellant in his appeal.

3. Learned counsel for the appellant has addressed his arguments supporting the grounds agitated by the appellant in his service appeal.

On the other hand, learned Deputy District Attorney for the respondents has controverted the arguments of learned counsel for the appellant and has supported the comments submitted by the respondents.

4. We have heard the arguments of learned counsel for the parties and have perused the record.


5. A perusal of the record would show that upon complaint of Constable Wajid Belt No. 507, case FIR No. 437 dated 16.07.2020 under sections 186/506 PPC Police Station Abbottabad was registered against one Mst. Sobia, who is sister of the appellant. Disciplinary action was taken against the appellant on the allegations that he had deliberately involved himself in the aforementioned criminal case. Copy of FIR of the concerned criminal case is available on the record, which would show that the appellant was not at all charged by the complainant. In these circumstances, the allegations against the


appellant regarding his involvement in the criminal case are not supported through any cogent material. Even during the inquiry proceedings, the inquiry officer had not examined any single witness in support of the allegations against the appellant.

6. The impugned order of dismissal of the appellant was passed on 10.09.2020, which falls in the period of public health emergency relating to COVID, 19 imposed by the Provincial Government, which was extended from time to time and was still in force at the time of filing of the instant service appeal. In view of Section-30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law including the limitation Act, 1908 was to remain frozen, therefore, the instant appeal was not hit by bar of limitation

7. In view of the above discussion, the appeal in hand is allowed by setting-aside the impugned orders and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
27.04.2023


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT ABBOTTABAD


(KALIM ARSHAD KHAN)
CHAIRMAN
CAMP COURT ABBOTTABAD