

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

**SERVICE APPEL NO 104 of 2023**

Constable Khushal No. 356

.....Appellant

**VERSUS**

- 1) The Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- 2) The Deputy Inspector General of Police, Hazara Region Abbottabad.
- 3) The District Police Officer, Mansehra.
- 4) The District Account Officer District Mansehra.

..... Respondents

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**Deponent**

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**Parawise/Comments On Behalf Of Respondents 1 to 3**

**RESPECTFULLY SHEWETH:-**

**PRELIMINARY OBJECTION:-**

- a) The appeal is not based on facts and appellant has got no cause of action or locus standi.
- b) That appeal is not maintainable in the present form.
- c) The appeal is bad for non-joinder of necessary and mis-joinder unnecessary parties.
- d) The appellant is estopped by his own conduct to file the appeal.
- e) The appeal is barred by the law and limitation.
- f) The appellant has not come to the Honorable Tribunal with clean hands.

**FACTS:-**

- 1) Pertains to record.
- 2) The appellant while posted in police lines Mansehra got involved himself in case FIR No. 758 dated 10.06.2009 u/s 337-H PPC PS City Mansehra. Due to the criminal act of the appellant, police official sustained serious injuries.
- 3) The appellant was found mentally derange and he was referred to standing medical board and was requested to

examine the appellant whether he is fit for active police service or otherwise. The medical Board reported that the appellant is suffering from bipolar effective disorder with mood swing, relapse and remission. Currently he is in remission but can swings back to relapse. The Medical Superintend King Abdullah Hospital Mansehra was again requested vide memo No. 3119/OHC dated 16.03.2011 to clarify whether appellant is fit for the active police service or otherwise. According to report of Medical Superintendent King Abdullah Hospital Mansehra vide No. 942/SMB dated 13.04.2011, the board recommends that the appellant should be devoid of fire arms weapon as per nature of his disease, he can get relapse at any time.


- 4) The respondent No. 01 after taking into consideration the report of enquiry officer and report of Medical Superintendent King Abdullah Hospital Mansehra, dismissed the appellant as his retention in police department seemed to be of no use and could cause any untoward incident.
- 5) The appellant departmental appeals were filed and his service appeal was accepted by the honorable Tribunal vide dated 20.02.2018 whereby he was reinstated in service.
- 6) Correct.
- 7) The appellant has not prayed for any back benefit in his service appeal previously accepted. The service Tribunal while deciding the service appeal has not issued any order of his back benefits, therefore he is not entitled for a period he remained out of service.
- 8) The appellant was not fit for active police service therefore he was considered as unsuitable for police service.
- 9) The appellant filed appeal for back benefit which has been rejected.
- 10) The instant appeal is not maintainable on the following grounds:-


**GROUNDS:-**


- A. Incorrect. The order of reinstatement dated 19.08.2022 is according to law and tenable in the eye of law.
- B. Incorrect. The appellant has been treated in accordance with law and rules.
- C. Incorrect. The appellant is not entitled for any back benefit.
- D. Incorrect. The impugned order was issued in compliance of order of honorable Tribunal.
- E. Incorrect. Detail has been given in above Paras.
- F. Incorrect.
- G. Incorrect. The appellant has been reinstated in service. However he is not entitled for any benefit of period he remained out of service.
- H. Incorrect.
- I. That the respondents also seek permission of that honorable tribunal to raise further points at the time of arguments.

**PRAYER:**

In view of the above mentioned facts, the appeal in hand may kindly be dismissed being devoid of any legal force and badly time barred case.

  
Inspector General of Police  
Khyber Pakhtunkhwa Peshawar  
(Respondent No. 1)

  
Regional Police Officer  
Hazara Region Abbottabad  
(Respondent No. 2)

  
District Police Officer  
Mansehra  
(Respondent No. 3)

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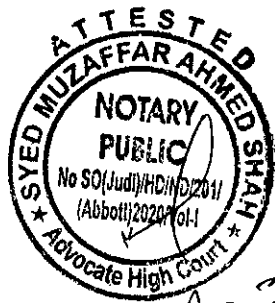
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**AFFIDAVIT**

We respondents do hereby solemnly affirm and declare that the contents of comments are true and correct to the best of our knowledge and belief and nothing has been concealed or suppressed from this Honorable Tribunal.



*[Signature]*  
 Inspector General of Police  
 Khyber Pakhtunkhwa Peshawar  
 (Respondent No. 1)

*[Signature]*  
 Regional Police Officer  
 Hazara Region Abbottabad  
 (Respondent No. 2)

*[Signature]*  
 District Police Officer  
 Mansehra  
 (Respondent No. 3)