

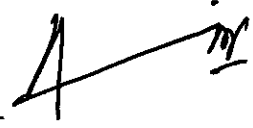


The appeal of Mr. Amin Khan Sub Inspector, Working in the Police Department KPK Peshawar received today i.e on 16.05.2023 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Memorandum of appeal be got signed by the appellant.
- ② Address of respondent no. 2 is incomplete which may be completed.
- 3- Copy of order dated 23.01.2022 mentioned in para-3 of the memo of appeal is not attached with the appeal which be placed on it.

No. 1422 /S.T,

Dt. 17/5 /2023.

  
For REGISTRAR  
SERVICE TRIBUNAL  
KHYBER PAKHTUNKHWA  
PESHAWAR.

Mr. Habib Ullah Khan Mohmand Adv.  
High Court Peshawar.

All objections have been removed  
from the file and re-submitted  
today - (H) - 19/5/2023.

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1167 /2023

Amin Khān ..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others

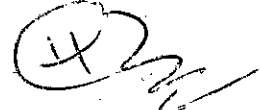
..... Respondents

**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Appeal U/S 4 of the KP Service Tribunal Act, 1974 with affidavit		1-6
2.	Copies of Certificates dated 02.12.2023	A	7
3.	Copy of the impugned Order dated 23.01.2023 <i>All Relevant documents</i>	B	8-14
4.	Copy of the departmental appeal	C	15-18
5.	Vakalat Nama		19

Appellant

Through



**Habib Ullah Mohmand**  
Advocate High Court.

Dated: 11.05.2023

①

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 1167 /2023

Amin Khan, Sub-Inspector,  
Working in the Police Department,  
Khyber Pakhtunkhwa Peshawar.

..... Appellant

Versus

1. Govt. of Khyber Pakhtunkhwa through IGP, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General, Khyber Pakhtunkhwa, Peshawar. *civil secretariate Peshawar*
3. Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.

..... Respondents

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHUNKHWA SERVICE TRIBUNAL ACT,  
1974 AGAINST THE IMPUGNED ORDER  
DATED 23.01.2022 WHEREBY THE AUTHORITY  
/ RESPONDENT DEPARTMENT REVERTED THE  
APPELLANT FROM SUB-INSPECTOR (BPS-14)  
TO HEAD CONSTABLE (BPS-09) AND THE  
APPELLANT ALSO SUBMITTED DEPARTMENTAL  
APPEAL ON DATED 10.02.2023 BUT AFTER**

**PASSING OF STATUTORY PERIOD, THERE WAS NO RESPONSE FROM THE DEPARTMENT.**

Prayer in Appeal:

On acceptance of instant appeal, the impugned order dated 23.01.2023 may kindly be declared as illegal, against law, against norms of justice void ab initio and also set aside and the appellant may kindly be restored on post of Sub Inspector / Platoon Commander BPS-14 for sake of justice for which the present appellant is entitled / eligible under the law.

Any other order deems fit in the circumstances may be passed in favour of the appellant.

**Respectfully Sheweth:**

1. That the appellant is a law abiding citizen of Pakistan and rendered his services to the parent department with great zeal and zest.
2. That respondent department also awarded so many certificates to the appellant on the basis of honesty good efficiency and good work. **(Copies of**

**Certificates dated 02.12.2022 are attached as annexure "A").**

3. That anonymous complaint has been submitted against the appellant in which the present appellant has been reverted from SI to Head Constable (BPS-09) which is illegal, against law and against norms of justice. **(Copy of the impugned Order dated 23.01.2022 is attached as annexure "B").**
4. That the respondent department awarded the major penalty without any show cause notice and without following any legal procedure and the appellant has been reverted which is illegal and also against law.
5. That there is no show cause notice, no charge sheet and no personal has been given to the appellant but passed an illegal order i.e. reversion which is against the rules and policy.
6. That there is no recommendation from by the inquiry officer to revert the appellant but passed an ex.parte order against the appellant which is illegal and also against the norms of justice.
7. That appellant also verbally requested before the authority / respondent department to not revert him on frivolous, fake and bogus complaint but was

(4)

proceeded against the appellant which is illegal, against law and against norms of justice.

8. That the appellant also submitted departmental appeal before the authority on dated 10.02.2023 but after passing of statutory period there was no response which is illegal and against law. **(Copy of the departmental appeal is attached as annexure "C").** *Relevant documents etc.*

9. That feeling aggrieved, the appellant seeks indulgence of this Hon'ble Tribunal, inter-alia, on the following:-

#### **GROUND**

A. That the impugned orders are against the law, rules and policy on the subject, hence untenable.

B. That the appellant has not been treated in accordance with law, rather has been discriminated in utter disregard of Articles 4 and 25 of the Constitution, 1973, hence needs indulgence of this Hon'ble Tribunal.

C. That the impugned order lacks reason what to speak of plausible one, which goes contrary to Section 24-A of the General Clauses Act, 1897, on this score too, the impugned order is not sustainable.

(5)

D. That the appellant seeks leave to the court to urge additional grounds, at the time of arguments.

**PRAYER:**

It is, therefore, prayed that on acceptance of instant appeal, the impugned order dated 23.01.2022 may kindly be declared as illegal, against law, against norms of justice void ab initio and also set aside and the appellant may kindly be restored on post of Sub Inspector / Platoon Commander BPS-14 for sake of justice for which the present appellant is entitled / eligible under the law.

Any other order deems fit in the circumstances may be passed in favour of the appellant.

Appellant

Through

  
**Habib Ullah Mohmand**  
Advocate High Court.

Dated: 11.05.2023

**CERTIFICATE:**

Certified that no such like Appeal has earlier been filed by this Hon'ble Court.

Advocate



6

**BEFORE THE KP SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2023

Amin Khan ..... Appellant

Versus

Govt. of Khyber Pakhtunkhwa and others

..... Respondents

**AFFIDAVIT**

I, Amin Khan, Sub-Inspector Working in the Police Department Khyber Pakhtunkhwa Peshawar, do hereby solemnly affirm and declare that the contents of the accompanying **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



*Handwritten signature*  
12-5-23

217301-1602302-1  
**DEPONENT**

*Handwritten signature*

0316-1206132  
0347-9909104

07



OFFICE OF THE  
SUPERINTENDENT OF POLICE, FRP  
PESHAWAR RANGE, PESHAWAR.  
Ph: No. 091-9210467 Fax No. 091-9212602

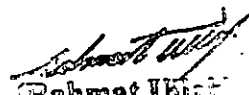
No. 1630 /PA, dated 21 / 11 / 2022.

To: The A.I.G Enquiries  
Internal Accountability Branch  
Khyber Pakhtunkhwa Peshawar.

Subject CERTIFICATE.  
Memo:

It is certified that SI/PC Amin Khan is a permanent Govt: Servant.  
He is serving in FRP Peshawar Range from 2018 up to date. He is performing  
his duties with great honesty. There is nothing adverse him.

The allegation levelled against RI/Amin Khan of FRP Peshawar range  
Peshawar in the complaint is totally baseless & factitious.

  
(Rahmat Ullah)  
Superintendent of Police, FRP  
Peshawar Range, Peshawar.



8

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

No. 734-36 /EC dated 23/01/2023

**ORDER**

The directions of Inspector General of Police Khyber Pakhtunkhwa, Peshawar issued vide CPO Memo Endst; No. 105/CPO/IAB dated 17.01.2023, are hereby implemented as follows:-

1. SI/PC Muhammad Ameen RI FRP Peshawar Range is hereby closed to Line FRP Peshawar Range.
2. He is hereby reverted from the rank of SI/PC to his substantive rank of Head constable with immediate effect.
3. The SP FRP Peshawar Range, Peshawar shall post an efficient, honest and competent officer as RI FRP Peshawar Range with intimation to this office.

COMMANDANT

Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar

No. & Date Even:-

Copy of above is forwarded to the:-

1. AIG Enquiries Internal Accountability Branch Khyber Pakhtunkhwa, Peshawar for favor of information w/r to his office Memo quoted above.
2. AIG Establishment Khyber Pakhtunkhwa, Peshawar with the request that he may be repatriated to his district of domical (CCP) Peshawar.
3. SP FRP Peshawar range, Peshawar for compliance.

(09)



OFFICE OF THE  
DEPUTY COMMANDANT  
FRONTIER RESERVE POLICE,  
KHYBER PAKHTUNKHWA PESHAWAR.  
Ph: No. 091-9210464 Fax No. 091-9212602

No. 10604 /PA, dated 21 / 12 /2022.

To: The A.I.G Enquiries  
Internal Accountability Branch  
Khyber Pakhtunkhwa Peshawar.

Subject: CHARACTER CERTIFICATE.

Memo:

It is conformed that SI/PC Amin Khan is a permanent Govt: Servant. He is serving in FRP Peshawar Range from 2018 up to date. He served under my command in Peshawar Range as well as in HQrs: Peshawar. He is dutiful, Honest Police Officer. There is nothing adverse him.

The allegation which is levelled against him in the complaint is baseless.

(JEHAN ZEB KHAN BARKI) PSP  
Deputy Commandant  
Frontier Reserve Police,  
Khyber Pakhtunkhwa Peshawar.



9639  
15/12/22

10

Office of the  
Deputy Inspector General of Police  
Internal Accountability  
Khyber Pakhtunkhwa, Peshawar.

No. 1731-33 /CPO/IAB, dated Peshawar the 14/12/2021 (122)

To: ✓ The Commandant,  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar.

2016  
16-12-2022

**Subject: COMPLAINT AGAINST SI/PC AMIN KHAN RI FRP PESHAWAR RANGE**

**Memo:-**

1. Pursuant to the directions of Competent Authority an enquiry into the subject matter is being conducted by this office.
2. To proceed further into the matter the following officers may please be directed to attend this office on **21.12.2022 at 11:00 hours,**
  1. SI/PC Amin Khan, RI/FRP Peshawar Range.
  2. The then RI FRP Peshawar Range.
3. Furthermore, the Service record alongwith posting record of SI/PC Amin Khan may also be sent to this office on or before due date and time.

SI/PC/Pesh Range

For action

Commandant FRP 15/12

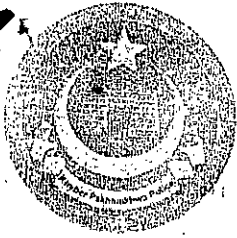
**Endst: No. & date even**

Copy of above is forwarded for information to:-

1. The Deputy Inspector General of Police, Internal Accountability Branch, Khyber Pakhtunkhwa, CPO, Peshawar.
2. The PSO to Worthy IGP, Khyber Pakhtunkhwa, CPO, Peshawar.

ECI/OAS  
Substantive

MOHAMMAD ASHEAQ (PSP)  
AIG Enquiries  
Internal Accountability Branch  
Khyber Pakhtunkhwa,  
Peshawar



Office of the  
Inspector General of Police  
Khyber Pakhtunkhwa,  
Central Police Office, Peshawar.

No. 105 /CPO/IAB dated Peshawar the 17 /01/2023

To: The AIG/Establishment,  
Khyber Pakhtunkhwa,  
CPO. Peshawar

Subject: ENQUIRY INTO COMPLAINT AGAINST SI/PC MUHAMMAD AMIN. RI FRP PESHAWAR RANGE

Memo:-

As per the orders of Worthy IGP, an enquiry into the subject matter was conducted by this office and submitted to Worthy IGP.

2. On perusal of enquiry report, the Worthy IGP has passed the following remarks:-

"Para 03/N approved alongwith rank reversion"

Para-03/N

*Sg. Rehmat  
with records*

1. SI/PC Muhammad Amin should be removed from the post of RI and be replaced by an honest, efficient and competent officer in the larger interest of department.

2. He should be reverted and repatriated to his parent district (CCP Peshawar) and should never be posted in FRP.

It is therefore, requested that the remarks of Worthy IGP may please be complied, under intimation to this office.

*Mohammad Ashfaq*  
MOHAMMAD ASHFAQ (PSP)

AIG Enquiries

Internal Accountability Branch,  
Khyber Pakhtunkhwa,  
Peshawar

No & date even

Copy of above is forwarded for information to

*Sl. Legal  
S.C. / aces*

*20.1.23*

- ✓ 1. The Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar for compliance of para 03/N-(1)
- 2. The PSO to Worthy IGP, Khyber Pakhtunkhwa, Peshawar.

(12)

(8/19)

ORDER

SI/PC Muhammad Amin presently received on transfer from Capital City Police Peshawar vide Provincial Police Officer Peshawar Order Endst: No.23265-68/E-II, dated 26.10.2011 was promoted as SI/PC vide Capital City Police Officer Order Endst: No.10317-21/EC-I, dated 24.11.2008 for a period of 03 years. Now he is promoted as SI/PC in FRP Peshawar Range w.e.from 24.11.2011 with immediate effect.

Deputy Commandant  
Frontier Reserve Police,  
Khyber Pakhtunkhwa, Peshawar

No. 7850-52/EC, dated Peshawar the 21 / 11 / 2011.

Copy of above is forwarded for information to the Capital City Police Officer Peshawar

2. Superintendent of Police, FRP, Peshawar Range.
3. Acctt FRP Peshawar Range.

(OB 502  
21-11-2011)

(B) (13)

### Disposal of anonymous/pseudonymous complaints.

I am directed to invite attention to this Department circular letter of even number dated 22.7.98, wherein detailed instructions with regard to the disposal of anonymous/pseudonymous complaints had been issued. It has been observed that the aforesaid instructions are either not being followed or have been lost sight of as anonymous/pseudonymous complaints are still being received which on investigation, are found baseless resulting in wastage of time and energy of the Government functionaries and stationery of the Government which could usefully be utilised in pursuits of public interest.

2. I am, therefore, directed to request once again that anonymous/pseudonymous letters/complaints should not be entertained in any Government Department/office in future.
3. The above instructions may kindly be brought to the notice of all concerned and noted for strict compliance.

(Authority S&GAD letter NO.SORII(S&GAD)5(29)97 Vol-II. dated 15.11.1999)

### Conducting of Inquiries into complaints.

I am directed to refer to the subject noted above and to state that in a case of inquiry pertaining to Agency Headquarters Hospital, Landikotal, the Chief Secretary NWFP was pleased to observe that in very rare cases anybody responsible would admit a mistake or a fault. It has therefore been desired that while dealing with such complaints the officer conducting a particular enquiry should be a little more discerning, otherwise the entire exercise would become meaningless. The Departments should not treat every complaint as a noose around their neck. The idea of conducting inquiries into the alleged malpractices is simply to see inwardly and reform/correct the situation wherever anything goes wrong. In all cases so far referred to the Departments, the charges leveled against individual officers are denied and no case has been reported in which corrective action was taken.

In view of the position explained above, the instructions of the Competent Authority as mentioned above may please be noted for strict compliance. These instructions may also be circulated amongst the attached departments and sub-ordinate offices for similar action.

(Authority S&GAD letter No.SO(Coord)/PMC/S&GAD/1-1/99/853-95 dated 2.3.2000)



## Pseudonymous complaints.

The following instructions may be followed during disposal of anonymous communications:-

1. Anonymous communications must invariably be filed on their receipt. No action of any kind is to be taken on them and no notice of any kind is to be taken on their contents. If the communication is found to be pseudonymous it (and any previous notes etc. connected with it) must similarly be filed.
2. It is however recognized that there may be exceptional cases, when anonymous/ pseudonymous communication contain allegations of a specific nature having a ring of truth, then these may be inquired into only after obtaining the orders of Administrative Secretaries/Head of Attached Department/ Commissioners/ Deputy Commissioners, as the case may be.
3. Local heads of Police officers in the Districts can also exercise discretion to order enquiries into anonymous and pseudonymous petition on the analogy of Deputy Commissioners in their respective jurisdictions. Since the Deputy Commissioner is the General Administrative head of the District, his orders should be obtained by the concerned head of office under his administrative control if he wants to take action on any anonymous petition.
4. Anonymous petitions or letters should normally be filed except when definite allegations are made and concrete instances given.
5. In complaint against a civil servant, the petitioner should be asked to furnish an affidavit to the effect that all facts stated in his complaint are true and if his affidavit is proved false, he would be prepared to face legal action which could be taken against him.
6. Complaints received through anonymous/pseudonymous source should be ignored.
7. Antecedents and credentials of a complaint should be verified before an inquiry is instituted against the officials concerned.
8. News papers publishing allegations, which are proved to be baseless, should be dealt with according to the law.

It is requested that strict observance of the above instructions may be ensured at all levels.

(Authority:-S&GAD's letter No.SORII(S&GAD)5(29)/97-II, dated 22.7.1998)

(15)

Received in branch  
11226/SB  
CPO  
10/10/23

To:

The Inspector General of Police  
Khyber Pakhtunkhwa, Peshawar

Subject:

DEPARTMENTAL APPEAL/REPRESENTATION  
AGAINST THE IMPUGNED ORDER DATED  
23/01/2023 MAY KINDLY BE SET ASIDE AND  
APPELLANT MAY ALSO BE RESTORE ON  
ORIGINAL RANK I.E. SI/PC FOR SAKE OF JUSTICE.

*Respected Sir,*

The appellant submits as under;


1. That the appellant is law abiding citizen of Pakistan. (Copy of CNIC is attached)
2. That the appellant has rendered valuable services to the department with utmost interests according to the capabilities of the appellant.
3. That the appellant also rendered service more than 38 years, no one either from the public or from the concerned department has not been aggrieved from any act of the appellant because the appellant being obedient dutiful keenly interesting in discharge of official functions.
4. That appellant has been reverted from SI/<sup>PC</sup> to Head Constable on anonymous fake, bogus complaint, which is illegal, against law and against the norms of justice.

5. That respondent department cannot revert the appellant from *Syfe* to Head constable without proper inquiry but the authority suddenly passed an illegal order, which is against law and against the norms of justice.
6. That the respondent department is legally bound to adopt the legal procedure of reversion i.e. inquiry but without proper inquiry, without show cause notice, without reply the present appellant has been reverted, which is illegal, against the law and against the norms of justice.
7. That authority also give so many certificates in the favour of present appellant which is passed by the respondent department but despite of that the respondent department passed an illegal order of reversion which is illegal, against the law and against the norms of justice.
8. That the act of the respondent is illegal, against the law and against the norms of justice and also against the fundamental rights of the appellant.
9. That the impugned order dated 23/01/2023, being patently illegal, void ab-initio, unwarranted and hence of no legal effect, which is liable to be set at naught.
10. That any other ground not specifically mention in the main body of this representation/ departmental appeal shall be argued at the time of personal hearing, with the kind permission of this Honourable Authority/Court/Tribunal

(17)

It is, therefore, most humbly prayed that on acceptance of this appeal/ representation the impugned order dated 23/01/2023 may kindly be set aside, be declare null and void, being against law and against the norms of justice and the appellant may kindly be restore on the post of Sub Inspector/Platoon Commander BPS-14 for sake of justice.

Appellant

  
Muhammad Ameen

SI/PC (BPS-14)

Peshawar.

Cell# 0347-9909404

0316-1206132

Date: 10/02/2023

Cc.

1. Commandant FRP, Khyber Pakhtunkhwa, Peshawar



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

18

No. 2234 ISI Legal, dated 02/03/2023.

To: The Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Subject: DEPARTMENTAL APPEAL.

Memo:-

Kindly refer to CPO Memo No. S/497/23, dated 21.02.2023.

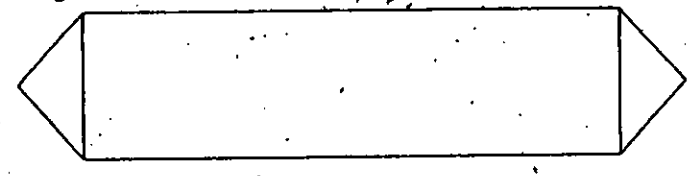
It is submitted that the applicant (Ex-SI/PC Muhammad Amin Khan) of FRP Peshawar Range has been reverted to the rank of Head constable in pursuance with the directions of CPO issued vide Memo No. 105/CPO/IAB, dated 17.01.2023. (Copy of CPO Memo attached herewith as annexure "A").

Brief facts of the case are that an anonymous complaint was preferred by someone against the above named applicant, before the Inspector General of Police Khyber Pakhtunkhwa, Peshawar and in this regard an enquiry has been conducted by the office of AIG Enquiry at CPO Peshawar, but the findings of such enquiry vis-à-vis other relevant record have not been conveyed to this office.

Keeping in view the above facts it is requested that his enquiry file may be procured from the office of AIG Enquiry at CPO Peshawar.

The applicant has not filed Service Appeal before the Service Tribunal Peshawar as per this office record. His service record sent herewith.

  
Commandant  
Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.



2023ء منجانب  
محمد امین بنام

موردہ  
مقدمہ  
دعویٰ  
جرم

لوگنٹائی  
کے لئے

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ  
 آن مقام لیشاؤ، کیلئے حبیب اللہ صاحب اور لکھنا اور لکھنا کے لئے  
 مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز  
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور  
 بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
 زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی  
 اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
 مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
 تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
 زرائیں کا ساختہ پر داخہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
 سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
 گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھنا یا کہ سندر ہے۔

لوگنٹائی  
کے لئے  
 Attest  
 ael  
 ac  
 1/2

المرقوم 19/5/2023ء مہینے 2023ء

العبد العبد  
 کے لئے منظور ہے۔  
 Signature  
 محمد امین سب اللہ  
 مقام لیشاؤ  
 Appellant