

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal No.1768/2022.


Farman ullah IHC of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. **Respondents.**

I n d e x

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**DSP/Legal,
CCP, Peshawar.**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**Service Appeal No.1768 /2022.**Farman Ullah IHC of CCP Peshawar..... **Appellant.****VERSUS**Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.****REPLY BY RESPONDENTS NO. 1 to 3.****Respectfully Sheweth:-****PRELIMINARY OBJECTIONS:-**

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
3. That the appellant has not come to Hon'ble Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi to file instant appeal.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Hon'ble Tribunal.
7. That the appeal is not maintainable being devoid of any merit.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6430

Dated 13/7/2023

REPLY ON FACTS:-

1. Correct to the extent that the appellant had misused his official authority while smuggling flour bags in official vehicle from Punjab to Khyber Pakhtunkhwa. His act was objectionable and brought bad names for the entire Police Force. As such he was dismissed from service on 20.05.2000 while serving in Crime Branch after proper departmental proceedings carried out under KP Police Rules. His departmental appeal was also rejected/filed by the appellate authority DIG Crime vide Order dated 04.09.2000. Feeling aggrieved, the appellant filed Service Appeal No.2202/2000 before the Khyber Pakhtunkhwa Service Tribunal against the impugned Orders which was accepted by the Service Tribunal on 27.12.2002 and his Major Punishment of Dismissal was modified into Minor Punishment of stoppage of two (02) Increments for a period of (02) years without cumulative effect.
2. Incorrect. The appellant had filed Service Appeal No. 04/2014 before the Hon'ble Service Tribunal for selection of Intermediate College Course. In fact, the appellant had qualified Lower College Course on 20.09.2011, and as per existing law/rules he was supposed to be selected for Intermediate College Course with his colleagues, i.e. term ending in which he passed the Lower College Course. During pendency of his Service Appeal, he was deputed to Intermediate College Course with his colleagues whom he passed the lower college course. The Hon'ble Service Tribunal dismissed his Service Appeal being infructuous.
2. Incorrect. Para already explained with detail in the proceeding paras. However, presentation of the appellant was turned down by the authority having no substance. He was dealt in accordance with law/rules and no pros and cons have been parted in his seniority case. The appellant's seniority is rightly placed with his colleagues of Intermediate College Course. (Copy of Inter College Course Colleagues annexed as A).
3. As explained in the above para. Further, the representation of the appellant was thoroughly pursued and filed due to non maintainable and without relevant substance. That appeal of the

appellant being devoid of merit and hit by limitation may be dismissed on the following grounds.

REPLY ON GROUNDS:-

- A. Incorrect. Appellant has never been deprived of his due right nor treated with any discrimination. After availability of vacancies, appellant along with others colleagues of Intermediate College Course will be promoted as per law/rules.
- B. Incorrect. The appellant's seniority is rightly placed with his colleagues of Intermediate College Course. Appellant has lost his seniority due to his own ill previous conduct.
- C. Incorrect. Appellant has been treated strictly in accordance with law/rules and no legal right has ever been violated. Further, in compliance of Service Tribunal judgment, the appellant was reinstated into service and deputed to lower college course, he qualified Lower College Course on 20.09.2011. The appellant had qualified Intermediate College Course on 31.03.2018 and his name was brought on list "D" with his others colleagues of Intermediate College Course.
- D. Incorrect. The objections raised in the para by the appellant are denied, having no legal footing and against the norms of law/rules as the replying respondents have well known always followed the law/rules in its true letter & spirit. In the instant case no irregularity has been occurred by the respondent department.
- E. Incorrect. The impugned order passed by the competent authority is legal and lawful liable to be upheld.

PRAYERS:-

It is, therefore most humbly prayed that in light of above facts and submissions, the appeal of the appellant being devoid of merits, limitation and legal footing, may kindly be dismissed with cost please.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.


Capital City Police Officer,
Peshawar.


Superintendent of Police,
HQrs: Peshawar.

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VERSUS

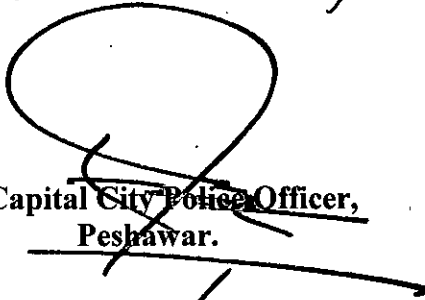
Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**


AFFIDAVIT.

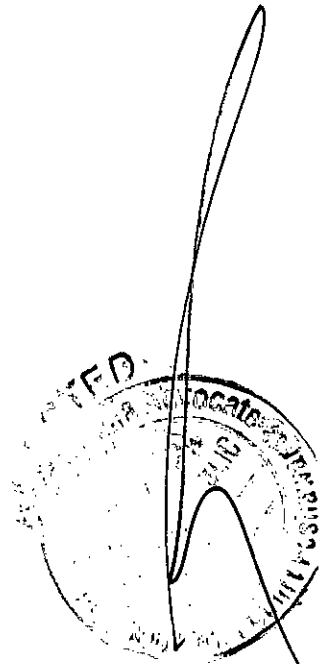
We respondents 1, 2 and 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.

The respondents are neither proceeded Ex-parte nor any cost is imposed, whereas defence has also been struck off.


Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.


Capital City Police Officer,
Peshawar.


Superintendent of Police,
HQrs: Peshawar.



13/7/23

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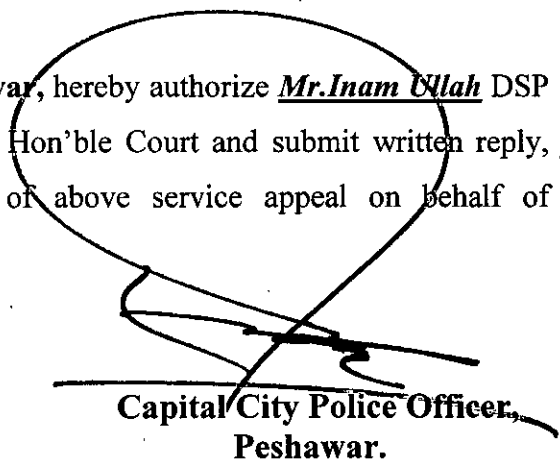
Farman Ullah IHC of CCP Peshawar..... **Appellant.**

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. . **Respondents.**

AUTHORITY.

I, **Capital City Police Officer, Peshawar**, hereby authorize **Mr.Inam Ullah** DSP legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of undersigned.



**Capital City Police Officer,
Peshawar.**

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POLICE DEPEP:

CCP, PESHAWAR.

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA, POLICE GAZETTE PART-II.
ORDERS BY THE CAPITAL CITY POLICE OFFICERS, PESHAWAR.

NOTIFICATION.

Dated Peshawar the, 31/05/2018.

No. 11691 /EC-I, **PROMOTION LIST "D"**. The following Head Constables of Capital City Police Peshawar have qualified Intermediate College Course during the term ending 31-03-2018 at Police Training College Hangu. Their names are hereby brought on promotion to list "D" with effect from 31-03-2018 according to PTC Hangu result/merit:-

S.No	Name & Numbers	District/Unit.
1.	Karnran Khan No. 2583	CCP, Peshawar
2.	Mir Azam Khan No. 4117	CCP, Peshawar
3.	Muhammad Zakria No. 3439	CCP, Peshawar
4.	Abdul Wahab No. 34	CCP, Peshawar
5.	Zahir Muhammad No. 571	CCP, Peshawar
6.	Aftab Alam No. 465	CCP, Peshawar
7.	Ibrar Ahmad No. 4651	CCP, Peshawar
8.	Haider Ali No. 5159	CCP, Peshawar
9.	Jamal-ud-Din No. 5740	CCP, Peshawar
10.	Muhammad Fayaz No. 1447	CCP, Peshawar
11.	Jehangir Khan No. 89	CCP, Peshawar
12.	Mutahir Shah No. 5535	CCP, Peshawar
13.	Munsif Khan No. 38	CCP, Peshawar
14.	Khalil Muhammad No. 3510	CCP, Peshawar
15.	Hanif Khan No. 1532	CCP, Peshawar
16.	Arnjid Khan No. 5537	CCP, Peshawar
17.	Muhammad Shahab No. 331	CCP, Peshawar
18.	Khan Said No. 248	CCP, Peshawar
19.	Noor Zeb Khan No. 2966	CCP, Peshawar
20.	Waheed Khan No. 4292	CCP, Peshawar
21.	Ihsan Ullah No. 1829	CCP, Peshawar
22.	Irfan Ullah No. 483	CCP, Peshawar
23.	Ziaraat Ullah 4479	CCP, Peshawar
24.	Raheern Shah No. 3007/3112	CCP, Peshawar
25.	Shehreyar No. 5132/06	CCP, Peshawar
26.	Akram Khan No. 1957	CCP, Peshawar
27.	Muhammad Waqar No. 2103/40	CCP, Peshawar
28.	Shah Nawaz No. 1039	CCP, Peshawar

Attested
[Signature]

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29.	Muhammad Ibrahim No. 2332	CCP, Peshawar
30.	Zahid Ali No. 2988/2	CCP, Peshawar
31.	Aurangzeb No. 3404	CCP, Peshawar
32.	Syed Munawar Shah No. 136	CCP, Peshawar
33.	Rashid Hussain No. 2214	CCP, Peshawar
34.	Zafar Khan No. 2427	CCP, Peshawar
35.	Bakhtiar Hussain No. 3369	CCP, Peshawar
36.	Shakir Ullah No. 4321	CCP, Peshawar
37.	Alamzeb Khan No. 13	CCP, Peshawar
38.	Yousaf Shah No. 2205	CCP, Peshawar
39.	Imdad Ullah No. 1602	CCP, Peshawar
40.	Muhammad Haroon No. 1358	CCP, Peshawar
41.	Bilal Ahmad No. 188	CCP, Peshawar
42.	Kirammat Ullah No. 3113	CCP, Peshawar
43.	Maseeh Ullah No. 5145	CCP, Peshawar
44.	Muhammad Irshad No. 4002	CCP, Peshawar
45.	Fazale Amin No. 921	CCP, Peshawar
46.	Naseer ud Din No. 1745	CCP, Peshawar
47.	Muhammad Ayaz No. 4181/1328	CCP, Peshawar
48.	Jehangir Khan No. 3122/121	CCP, Peshawar
49.	Qazi Allauddin No. 1987	CCP, Peshawar
50.	Asif Khan No. 3331	CCP, Peshawar
51.	Naseer Ullah No. 4315	CCP, Peshawar
52.	Muhammad Tariq No. 641	CCP, Peshawar
53.	Farman Ullah No. 5204	CCP, Peshawar
54.	Khalid Khan No. 289/2644	CCP, Peshawar
55.	Asad Ali No. 933	CCP, Peshawar
56.	Mumtaz Ajmal No. 3010	CCP, Peshawar
57.	Shams-ul-Qamar No. 4087	CCP, Peshawar
58.	Mian Mukhtar Ullah No. 1201	CCP, Peshawar
59.	Ijaz Gul No. 319	CCP, Peshawar
60.	Atta Muhammad No. 133	CCP, Peshawar
61.	Mumtaz Ali No. 5648	CCP, Peshawar
62.	Bakht Rawan No. 506	CCP, Peshawar
63.	Nawab Khan No. 78/5350	CCP, Peshawar
64.	Muhammad Sabir No. 4262	CCP, Peshawar
65.	Farman Ullah No. 2688	CCP, Peshawar
66.	Qazi Shahid Ullah No. 1981	CCP, Peshawar
67.	Muhammad Ilyas No. 102	CCP, Peshawar
68.	Muhammad Tariq No. 4159	CCP, Peshawar

Attest
[Signature]

(7)

69.	Misbah Ullah No. 1277	CCP, Peshawar
70.	Asif Iqbal No. 5033	CCP, Peshawar
71.	Irfan Ali No. 3060/703	CCP, Peshawar
72.	Zafar Ali No. 4401/890	CCP, Peshawar
73.	Hashrnat Ali No. 239	CCP, Peshawar

FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No. 11699-11705 /EC-I,

Copy of above is forwarded for information and necessary action to:-

1. The Additional Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar with two spare copies for publication in Police Gazette Part-II.
2. The Addl: Inspectors General of Police, Special Branch & Elite Force KPK, Peshawar.
3. The Asstt: Inspector General of Police Estt: KPK, Peshawar.
4. The SSsP/Operations, Investigation & Traffic, Peshawar.
5. The Director, Anti Corruption Estt: KPK, Peshawar.
6. The SP/HQrs: Peshawar.
7. EC-II, OASI, AS & CRC.

at-attached

