

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
**SERVICE TRIBUNAL, PESHAWAR**

Service Appeal No. 794/2023

Khurshid Alam  
ASI, District Kohat

..... Appellant

**VERSUS**

Inspector General of Police,  
Khyber Pakhtunkhwa & others

..... Respondents

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Deponent

P-1

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
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Service Appeal No. 794/2023

**Khurshid Alam**  
ASI, District Kohat

..... Appellant

**VERSUS**

Inspector General of Police,  
Khyber Pakhtunkhwa & others

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 7126  
Dated 23/8/2023

..... Respondents

**PARAWISE COMMENTS BY RESPONDENTS.**

RESPECTFULLY SHEWETH:- That the respondent submitted as under:-

**Preliminary Objections:-**

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi to file the instant appeal.
- iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- iv. That the appellant is estopped to file the instant appeal for his own act.
- v. That the appeal is barred by law and limitation.
- vi. That the appellant has not approached the honorable Tribunal with clean hands.

**Facts:-**

1. Pertains to record.
2. Pertains to record.
3. Pertains to record.
4. Correct.
5. Pertains to the medical reports / history of the appellant.
6. Correct to the extent of application submitted by the appellant to the respondent No. 3 for inclusion of his name in the seniority list "E" otherwise the same was turned down in the light of Standing Order No. 01/2016, by the competent authority, with the observation that **"the appellant must undergo Elite Course otherwise he may not be considered for inclusion of promotion List E"**.  
(Copy of Standing Order No. 01/2016 & copy of order is **annexure A & B**)
7. Correct to the extent that the appellate authority filed the departmental appeal of the appellant in following term.  
**"The case is not under the preview of Section-4 of Standing Order No. 01/2016, hence filed"**. (Copy is **annexure C**).
8. The appellant has been dealt in accordance with existing rules governing Police force. Hence, the instant appeal being devoid of merits, is liable to be dismissed on following grounds:-

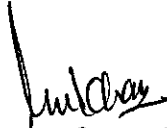
**Grounds:-**

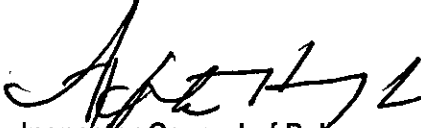
- i. Incorrect, as the orders passed are in preview of the relevant standing order, hence, dealt as per law / rules.

- ii. Incorrect and baseless as there is no violation of any fundamental rights guaranteed under the constitution of Pakistan.
- iii. Incorrect and unfounded. The appellant's case had been keenly observed medically as well under the relevant rules / law and there is no violation of any articles of the constitution of Pakistan.
- iv. Correct and his case alongwith report of the Regional Medical Board was referred to CPO vide this office Letter No. 16727/EC dated 22.11.2022 which was replied with remarks vide Letter No. 14635-38/Trg dated 14.12.2022 by CPO as follows:-  
**“After perusal of the Competent Authority PASI Khushid Alam of Kohat Region is hereby dropped from the current session f the subject course on medical grounds, and shall be included in the next training session”.**  
 (Copies of Letter Nos. 16727/EC dated 22.11.2022 and No. 14635-38/Trg dated 14.12.2022 are **annexure D & E**).
- v. Correct, however, the petitioner was not permanently disable and could be recovered after proper treatment. Moreover, clause-4 of the standing order No. 01/2016 bars disability which causes hindrance in the discharge of official duties and is further categorized into loss of sight or hearing, heart disease, loss of links or any major organ. He was, therefore, dropped for the current session of the requisite course and was recommended to be included in the next training session.
- vi. Incorrect, already explained vide above paras.
- vii. Incorrect, already explained vide above paras.
- viii. Need no comments. The respondents are also be allowed advance additional grounds, if needed, at the time of arguments.

**Prayer:-**

It is, therefore, prayed that the plea of disability for exemption from the requisite course (Elite Course) does not hold ground and may be dismissed. Moreover, the petitioner could be recovered after proper treatment and may be included in the next training session accordingly. Therefore, the instant appeal, lacking merits, may kindly be dismissed with costs, please.

  
 Assistant Inspector General of Police  
 Training, Khyber Pakhtunkhwa  
 CPO, Peshawar  
 (Respondent No. 2)

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

  
 District Police Officer,  
 Kohat  
 (Respondent No. 4)

  
 Regional Police Officer,  
 Kohat  
 (Respondent No. 3)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
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..... Respondents

**COUNTER AFFIDAVIT**

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.

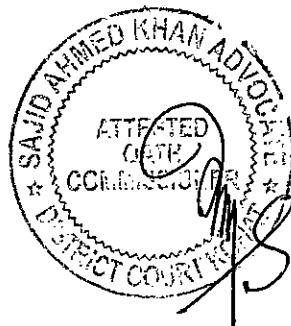
*It is further stated on oath that in this appeal the answering respondents have neither been placed ex parte nor their defense struck off/cost*

Assistant Inspector General of Police  
Training, Khyber Pakhtunkhwa  
CPO, Peshawar  
(Respondent No. 2)

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

District Police Officer,  
Kohat  
(Respondent No. 4)

Regional Police Officer,  
Kohat  
(Respondent No. 3)





Annex - K

(17)

(6)

(75)

OFFICE OF THE  
THE INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar

STANDING ORDER NO. 01/2016

Exemption of Injured Police Personnel from Training

This Standing Order is issued under Article 10(3) of Police Order 2002 and in pursuance of the decision made in 18<sup>th</sup> meeting of Police Policy Board held on 13<sup>th</sup> August 2015 and the recommendations of the committee constituted on the subject matter.

2. **Aim:-** A number of Police Officers who sustain injuries either during training program or in the line of duty are unable to continue or undertake the compulsory and mandatory training required under the Rules in various Police Training Institutions which impedes their promotion to the next higher rank. In order to ensure timely promotions of such officers it is essential that necessary exemptions from training be allowed to such injured Police personnel.
3. **Minor/temporary Physical deformity:-** Any Police Officer who suffers from minor/temporary injury e.g. weak eyesight, partial hearing loss, broken finger etc which does not become a hindrance in performing duties and shall not be based for exemption from physical training.
4. **Major Physical Deformity:-** Any Police Officer who suffer from any disability which causes hindrance in the discharge of official duties e.g. loss of eyesight or hearing suffering from heart disease, loss of limb or any major organ will be entitled for exemption from physical training but such officers shall undergo extra courses in lieu of the exemption from physical training subject to the approval of a Regional Board to be chaired by the concerned Region Police Officer and consisting of Medical Superintendent of District Headquarters and Head of the Unit.
5. **Permanent Deformity during Training:-** Any Police Officer who suffers any serious disability during training and is unable to continue training will be exempted from training and will be considered to have qualified the ongoing training subject to the condition that he will qualify the theoretical aspects of training. Such officers will be deployed on light duty/office works in their respective Units.

Attested  
M. Khan

Annex-K

18

E

73

6. **Functions of the Board: -**

6.1:- To meet the requirements of Clause-4 ibid the following Boards will be constituted:

- i). Regional Board as contemplated under Clause-4 ibid.
- ii). Central Board at CPO headed by the Additional Inspector General of Police Headquarters and consisting of DIG Training and Medical Superintendent of Services Hospital to hear and decide appeals against the Regional Boards.

6.2. Any officer who wants exemption from any aspect of training on the basis of any disability or injury will apply to the concerned Head of Unit, who will refer the same to the Regional Police Officer for calling a meeting of the Board for consideration of the prayer of applicant.

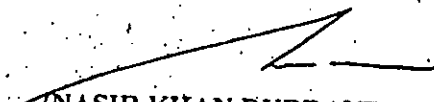
6.3. If an officer suffers any injury during training, then the Principal of the Training Institute will inform the concerned Head of Unit, who will forward the case to the Regional Board for recommendations.

6.4. Any person aggrieved of the decision of the Regional Board may prefer appeal before the Central Board at the CPO whose recommendations will be final.

7. **Power to remove difficulties:-** If any difficulty arises in giving effect to this order, the Provincial Police Officer may, by Notification, make such provisions as deemed appropriate.

8. **Amendment:-** All previous orders on the subject, to the extent of the provisions of this order, shall stand amended.

*Attested  
Mubam*

  
(NASIR KHAN DURRANI)  
Inspector General of Police,  
Khyber Pakhtunkhwa Peshawar

No:- 149-225/193 dated Peshawar the 25 January 2016

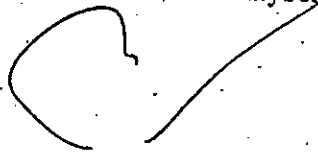
Copy of the above is forwarded for information and necessary action to:

- 1. All Heads of Police Offices in Khyber Pakhtunkhwa;
- 2. PRO to PPO;
- 3. Registrar CPO.

No 1306-10/05 dt 25/01/2016  
copy to all SDPs, SRE,

and OIC for ensure compliance. (Mubammad Alam Shinwari) PSP  
DIG Headquarters  
Khyber Pakhtunkhwa Peshawar

877  
28/1/16





Annex-A

6

OFFICE OF THE  
REGIONAL POLICE OFFICER  
KOHAT REGIONORDER

Consequent upon creation of supernumerary posts of PASIs BPS-09 vide Finance Department Letter No. SO(Budget)/HD/15-02/2014, dated 16.09.2015 and approved by the Inspector General of Police, Khyber Pakhtunkhwa Peshawar vide Letter No. 8905-8935/A-3, dated 17.09.2015, the following Constables / candidates of this Region are hereby appointed / absorbed as PASIs (BPS-09) for ward of Police Shuhada purely on temporary basis subject to the condition that on creation of permanent / regular posts as per ratio of Shuhada quota under Police Order 2002, the senior most of the supernumerary post will be adjusted against the post falls vacant, with immediate effect.

They are temporarily appointed and their appointment is subject to verification of their educational certificates / degrees and that in case their educational documents were found forged, criminal case would be registered against appointee besides forthwith dismissal. Their appointment will be on temporarily basis subject to medical fitness and character verification and their seniority be fixed as per Standing Order No. 05/2014 at Para No. 08 issued vide Inspector General of Police, Khyber Pakhtunkhwa Letter No. 364-427/CO dated 12.09.2014.

S.No.	Name with Father / brother name	Date of Shahadat	Number Allotted
1.	Tariq Waheed s/o Shaheed FC Waheed Zaman r/o Near Govt. High School Kaghzai Kohat	24.08.1996	1.
2.	FC Muhammad Hanif s/o Imran Ali b/o Shaheed FC Roshan Ali 707 r/o Lodhi Khel Hangu	03.06.2000	2.
3.	Shan Ali s/o Shaheed FC Azmat Ali r/o Lodhi Khel Hangu	04.04.2002	3.
4.	Muhammad Afaq s/o Shaheed FC Eid Rehman 167 r/o Vill: Topi Kalay Bogara district Karak	22.04.2003	4.
5.	FC Syed Gulshan Abbass No. 1200 s/o Syed Ghani Abbas b/o Shaheed Const: Mir Akbar Hussain No. 707 r/o Moh: Syedan Esa Khel Kachai Kohat	02.01.2004	5.
6.	Wahid Ullah s/o Shaheed ASI Shafi Ullah r/o Moh: Rangeen Khel Takht-e-Nasrati Karak	29.06.2004	6.
7.	FC Tasawar Hussain b/o FC Nihad Hussain 1109 r/o Usterzai Bala Kohat	29.07.2007	7.
8.	Alta Ullah b/o Shaheed FC Muzammil Shah r/o Adam Khel Banda Hangu	21.09.2008	8.
9.	Illikhar Iqbal s/o Shaheed FC Sartaj Muhammad r/o Sharif Wala Latamber Tehsil & district Karak	29.09.2008	9.
10.	FC Waseem Akram s/o Shaheed Const: Hassan Mahmood No. 609 r/o Kaghzai Kohat	06.12.2008	10.
11.	FC Sana Ullah No. 400 s/o ASI Muhammad Ishaq r/ Koly Kalay Tehsil & district Karak	25.09.2009	11.
12.	Atif Ullah s/o Shaheed ASI Bakhtawar Shah r/o Sida Din Banda Tehsil & district Karak	28.05.2009	12.

Atif Ullah  
Sadeem

13.	FC Muhammad Irfan s/o Abdul Habib b/o FC Ajab Khan No. 1065 r/o Baora Ghari Billiang Kohat	06.09.2009	13.
14.	Khurshid Alam s/o Shaheed DFC Khurshid Ahmad r/o Zuhor Islam Road CIA Chowki Kohat Cantt	05.10.2009	14.
15.	Muhammad Anwar b/o Shaheed FC Muhammad Rizq r/o Moh. Ashraf Khel Takht-e-Nasrati Karak	27.02.2010	15.
16.	FC Muhammad Irfan Shih s/o Shaheed DSP Farid Khan r/o Zarin Kalay district Karak		16.
17.	LHC Shaheed Ullah s/o Khadar Khan b/o Shaheed Const: Raqeeb Ullah r/o Vill: Mohrabi Banda, Tekht-e-Nasrati Karak	09.04.2010	17.
18.	Shehryar Khan s/o Shaheed FC Sabaz Ali Khan r/o Police Lines Family quarter Hangu Road Kohat	26.01.2011	18.
19.	Sohail Ahmed s/o Shaheed St Arif Hussain r/o Hoti Banda, Banda Daud Shah PO Khurran, Karak	05.12.2011	19.
20.	Adeel Salah-ud-Din b/o Shaheed FC Adil Salah-ud-Din r/o House No: T-337 Chowk Charagh Shah Moh: Mian Khel Kohat City	07.02.2011	20.
21.	Umer Nawaz s/o Khial Nawaz b/o Shaheed LHC Habib Nawaz r/o Tarkha Kio, Tehsil & district Karak	02.02.2012	21.
22.	FC Zafran s/o Shaheed Insp: Arman Gul r/o Sirat Khel, Tehsil & district Karak	24.04.2012	22.
23.	Sher Andaz s/o Shaheed Insp: Sattar Khan r/o Vill: Behram Khel, Teh. Takht-e-Nasrati, district Karak	08.07.2012	23.
24.	Umer Zahid s/o Musharrif Khan b/o Shaheed FC Ashraf Zahid r/o Dagar Nari Tehsil B.D.Shah, district Karak	22.12.2012	24.
25.	FC Shaheen Ullah s/o Khadar Khan b/o Shaheed FC Rasheed Ullah r/o Shahu Khel, Tehsil & district Hangu	25.04.2013	25.
26.	Muhammad Zafran s/o Shaheed FC Sher Ayaz r/o Umer Din Kalay Tehsil Tekht-e-Nasrati district Karak	07.02.2014	26.

(DR. ISHTIAQ AHMAD MARWAT)  
Regional Police Officer,  
Kohat Region

No. 566-76 JEC, dt: 18.8.2016.

Copy of above is submitted to the Inspector General of Police, Khyber Pakhtunkhwa Peshawar for favour of information w/r to his office Memo: mentioned above please.

2. District Police Officer, Kohat.
3. District Police Officer, Karak
4. District Police Officer, Hangu
5. All Heads of Investigation, Kohat Region.
6. District Accounts Officers, Kohat, Karak & Hangu.
7. Confidential Clerk Region Office

Necessary gazette notification  
may be issued accordingly

(DR. ISHTIAQ AHMAD MARWAT)  
Regional Police Officer,  
Kohat Region

Attested  
Muhammad



Annex - G

P-8

Annex - C

No: 9260112.

No: 9260114.

13

From:-

The Regional Police Officer,  
Kohat Region, Kohat.

To: -

The District Police Officer, Kohat.

No. 1651 /EC, Dated Kohat the 2 / 12 / 2023.

Subject:-

APPLICATION.

MEMO:

I am directed to refer to your office Memo: No. 889/SRC, dated 01.01.2023 on the subject quoted above and to state that the Worthy RPO Kohat has recorded the following remarks:-

"Why should he not undergo Elite Course? He must undergo Elite Course otherwise must not be considered for inclusion in promotion list 'E'. How can Police department afford to entertain disabled?."

*[Signature]*  
(Office Superintendent)  
For Regional Police Officer,  
Kohat Region

*Attested  
Malik*

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Annex - D

No: 9260112.  
No: 9260114.

From: - The Regional Police Officer,  
Kohat Region, Kohat.

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

No. 16727 /EC. Dated Kohat the 22/11 2022.


Subject: - BASIC ELITE COURSE FOR PASIS (26 WEEKS - BEC-06).

MEMO:

Kindly refer to your office Letter No. 13017/Trg: dated 17.11.2022 on the subject quoted above.

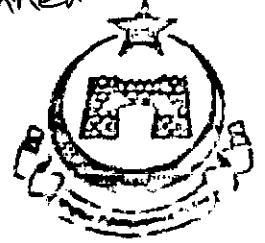
It is submitted that PASI Khurshid Alam of this Region selected for the subject vide your above quoted reference at S. No. 39 has been exempted from the said course by the Regional Medical Board vide Letter No. 15131-32/EC, dated 19.10.2022, copy enclosed.

It is, therefore, requested that he may be dropped from the course on medical grounds, please.

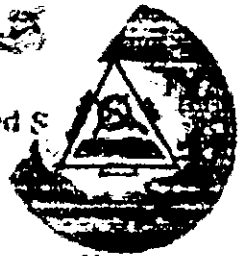
  
Regional Police Officer,  
Kohat Region

Attested  
Raleem

P-10  
Annex - E



DIRECTORATE OF TRAINING  
CENTRAL POLICE OFFICE  
KHYBER PAKHTUNKHWA, PESHAWAR  
Email: dsptgbasic@gmail.com




No. 14635-38 Dated 14/11/2022. Phone No. 091-9273657. Fax No. 921121

To: The Deputy Commandant,  
Elite Force, Khyber Pakhtunkhwa.

Subject: **BASIC ELITE COURSE FOR PAFIS (26 WEEKS - DEC)**

Memo: After perusal of the Competent Authority PAFI Khurshid Alam of Kohat Region is hereby dropped from the current session of the subject course on medical ground, and shall be included in the next training session.

  
(Dr. Quraish Khan) PSP, PhD  
Assistant Inspector General of Police  
Training, Khyber Pakhtunkhwa  
Peshawar

Copy of above is forwarded for information to the:-

1. Deputy Inspector General of Police Training, Khyber Pakhtunkhwa
2. Regional Police Officer, Kohat w/r to his office letter No. 16727/1/C dated 22-03-2022
3. Principal EPTC, Nowshera.



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA  
**SERVICE TRIBUNAL, PESHAWAR**

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Service Appeal No. 794/2023

**Khurshid Alam**  
ASI, District Kohat

..... Appellant

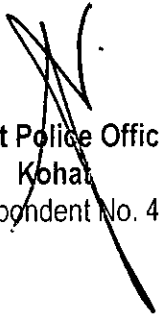
**VERSUS**

Inspector General of Police,  
Khyber Pakhtunkhwa & others

..... Respondents

**AUTHORITY LETTER**

Mr. Arif Saleem steno (Focal Person) of this office is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.

  
District Police Officer,  
Kohat  
(Respondent No. 4)