

appointment order of the appellant as Khasadar is alleged to have been made in the year 2009 and what about the appointment of the private respondent, are also not on the file, therefore, we direct that District Police Officer, Mohmand shall appear in person and apprise the Tribunal alongwith the above statement and other records in his possession. We also direct the Worthy Inspector General of Police Khyber Pakhtunkhwa to depute DIG (Legal) or some well conversant officer to assist the Tribunal on the point on the next date alongwith record.

3. Adjourned to 05.01.2024 for hearing before D.B. P.P given to the parties.



(Muhammad Akbar Khan)
Member (E)



(Kalim Arshad Khan)
Chairman

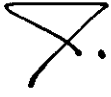
05.06.2023

Learned counsel for the appellant present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Learned counsel for the appellant seeks time for preparation of arguments. Adjourned. To come up for arguments on 12.09.2023 before the D.B. Parcha Peshi given to the parties.

SCANNED
14/09/23
PESHAWAR


(Fareeha Paul)
Member (E)


(Salah-ud-Din)
Member (J)

12th Sept. 2023
Naeem Amin

1. Learned counsel for the appellant and Mr. Fazal Shah Mohmand, Additional Advocate General for the respondents present.
2. During the course of arguments, the Tribunal found that the appellant though received salary for the month of February, 2021 as Constable in the Police Force of District Mohmand but vide "Annexure-G", there-after, he was not being so paid and it is the apprehension of the appellant that private respondent No.5 was instead appointed against his post. The learned AAG submitted that the appointment of private respondent was legally made under the "THE KHYBER PAKHTUNKHWA KHASADAR FORCE ACT (KHYBER PAKHTUNKHWA ACT NO.XXXIV OF 2019)" and the Maliks i.e. in this case Malik Abdul Majeed had legally nominated the private respondent to be replaced with the appellant. This contention of the learned AAG could be seen if the relevant record was showing any entitlement of the Maliks after promulgation of the Act of 2019, or such right of Malik is established by any subsequent law/rules etc. Similarly, we also find that the record is not complete because the entitlement of Malik Abdul Majeed to nominate persons for Khasadari and/or his own entitlement to become Khasadar are also not on the record. Besides, the