

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1167/2023.

Amin Khan, Ex-Sub Inspector, working in the Police Department, Khyber Pakhtunkhwa, PeshawarAppellant.

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others.....Respondents.

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RESPONDENTS

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VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & others.....Respondents.

PARAWISE REPLY BY RESPONDENTS 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 and proper parties.
3. That the appellant has no cause of action and locus stand to file the instant appeal.
4. That the appellant has not come to this Honorable Tribunal with clean hands.
5. That the appellant is estopped due to his own conduct to file the instant Service Appeal.
6. That the appellant is trying to conceal the material facts from this Honorable Tribunal.

FACTS:-

1. Correct to the extent that every police officer is under obligation to perform his assigned duty with great zeal and zest.
2. Incorrect. From perusal of record the appellant is found to be an efficient police officer in official duties for which he has been awarded punishments including major punishment of compulsory retirement from service vide order dated 19.08.2014. The appellant was awarded the punishment as his involvement in illegal practices regarding FRP recruitment in year 2013 which was proved against him. (Copy of punishment order dated 19.08.2014 is attached herewith as annexure "A").
3. Incorrect. A complaint against the appellant has been received to respondent No. 1 which was thoroughly examined. However, he was not awarded any punishment. In fact, the appellant was transferred from CCP Peshawar to FRP Unit in the year 2012 as Head constable on deputation basis and he was promoted to the rank of SI/PC for the purpose of duty in FRP. Subsequently, he was reverted to his substantive rank on repatriation to his parent district i.e CCP Peshawar.
4. Incorrect. The appellant was not awarded any punishment rather he was repatriated to his district of domicile in his original rank i.e Head constable.
5. Incorrect. As already explained in the preceding Paras.

Khyber Pakhtunkhwa Service Tribunal
Diary No. 7425
Dated 11/09/23

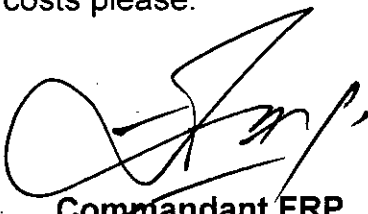
6. Incorrect. As the appellant was not awarded any punishment and it is evident from reversion order dated 23.01.2023.
7. Incorrect, the services of the appellant were no more required to FRP Unit therefore, the competent authority reverted the appellant to his substantive rank of Head constable and repatriated him to his home district i.e CCP Peshawar in his original rank.
8. Incorrect. The departmental appeal submitted by the appellant was thoroughly examined and has been rejected on sound grounds. (Copy attached herewith as annexure "B").
9. Incorrect. The appellant has not come to this Honorable Tribunal with clean hands, hence this appeal being devoid of merits may kindly be dismissed on the following grounds.

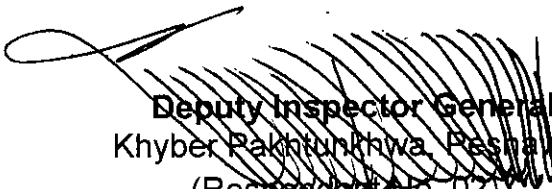
GROUND:-

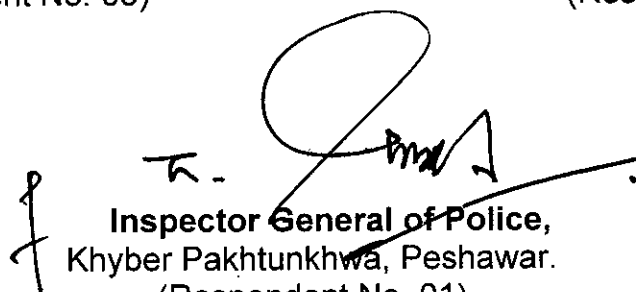
- A. Incorrect. All orders issued by the respondents in the case of appellant are legally justified and accordance to law/rules and policy.
- B. Incorrect. No punishment has been imposed upon the appellant, rather he was repatriated to his district of domicile in his substantive rank of Head constable. Hence, the respondent did not commit violation of any provision of the constitution, of Islamic Republic of Pakistan.
- C. Incorrect. As already discussed in the instant reply, the appellant was not awarded any punishment rather he was repatriated to his parent district i.e CCP Peshawar. Therefore, he was reverted to his substantive rank of head constable as per policy rule in vogue.
- D. The respondents may also be permitted to raise additional grounds at the time of arguments.

PRAYERS:-

Keeping in view the above facts and circumstances, it is most humbly prayed that the instant service appeal being devoid of merits may kindly be dismissed with costs please.


Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 03)


Deputy Inspector General,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 02)


Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 01)

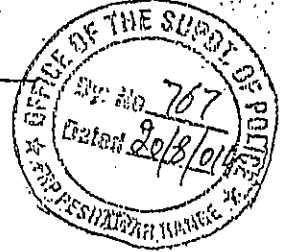


"A" 22-6

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

No. 1522-58 /SE-II,
2014.

Dated Peshawar 19 August



ORDER


This order is issued to conclude the departmental enquiry proceedings against SI Amin Khan who was charge sheeted on account of providing connivance and facilitating the officers in the illegal recruitment of 378 candidates in FRP Recruitment in 2013.

An Enquiry Committee vide Order No. 763-69/SE-I, dated 09.04.2014 was constituted to probe the allegations against the defaulting officer. As per the enquiry report, the defaulting officer enjoys the reputation of being a corrupt officer and he lives beyond ostensible means. It has also been proved against the defaulting officer in the enquiry report that he has been the dealing hand in collecting money from candidates in the FRP Recruitment 2013. On the basis of this, the Enquiry Committee has recommended the imposition of major penalty on the defaulting officer.

In view of the findings/recommendations of the Enquiry Committee and after going through the relevant enquiry papers with regard to the recruitment in FRP, it transpires that the defaulter has involved himself in illegal practices whereby the Police Department has been brought into disrepute. Therefore, his retention in the department will definitely affect the moral of the Khyber Pakhtunkhwa Police.

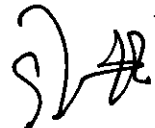
In view of the above serious allegations I, Mubarak Zeb, the DIG Headquarters Khyber Pakhtunkhwa (Competent Authority), in agreement with the findings of the Enquiry Committee hold the officer guilty of misconduct as the charges have been proved against him, and under the KPK Police Rules 1975 vide Rule 5(5), I hereby impose major penalty of Compulsory Retirement on SI Amin Khan (under suspension) from service with immediate effect.

Order announced.


(Mubarak Zeb) PSP

Deputy Inspector General of Police,
Headquarters Khyber Pakhtunkhwa,
Peshawar.

Attested



11/9/14

Ends: No. & date even.

Copy forwarded to the:-

• All Addl: IGsP in Khyber Pakhtunkhwa.

• DIG/E & I CPO Peshawar.

Acctt./SRC/DASI

For MIA



SP/FRP/PR



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

No. 734-36 IEC. . . 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 domicil (CCP) Peshawar.
3. SP FRP Peshawar range, Peshawar for compliance.

Attested

11/19/23

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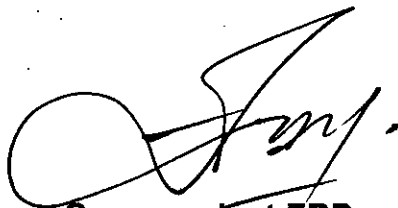
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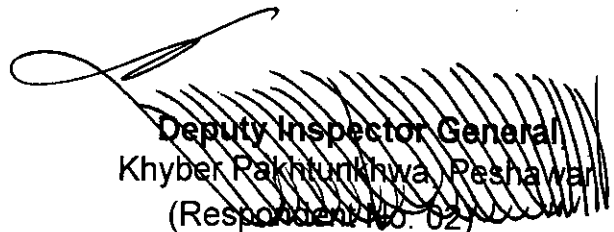
AFFIDAVIT

We respondents No. 1 to 3 do hereby solemnly affirm and declare on oath that the contents of the accompanying Para-wise Comments is correct to the best of our knowledge and belief that nothing has been concealed from this Honorable Court.

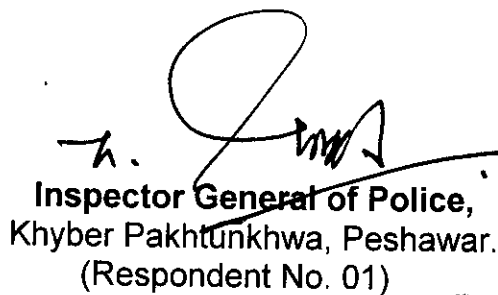
It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/costs.



**Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 03)**



**Deputy Inspector General
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 02)**



**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 01)**

ATTESTED

Notary Public
Mineral Complex Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

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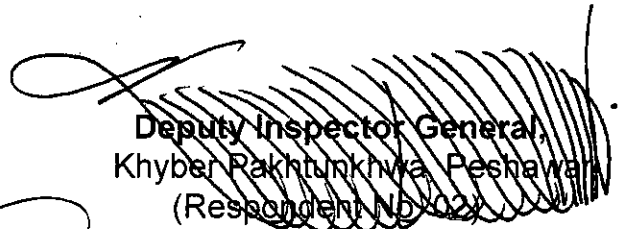
AUTHORITY LETTER

Respectfully Sheweth:-

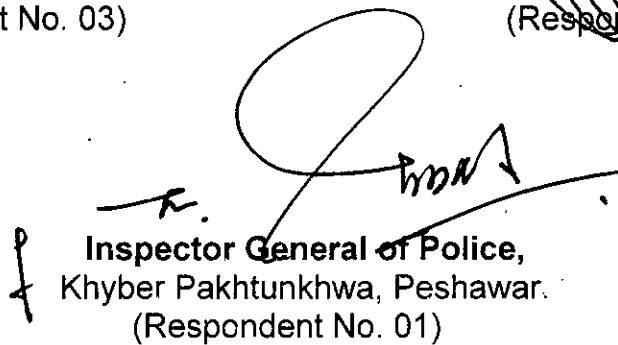
We respondents No. 1 to 3 do hereby solemnly authorize Mr. Ghassan Ullah ASI FRP HQrs; to attend the Honorable Tribunal and submit affidavit/Para-wise comments required for the defense of above Service Appeal on our behalf.



**Commandant FRP,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 03)**



**Deputy Inspector General,
Khyber Pakhtunkhwa, Peshawar
(Respondent No. 02)**



**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
(Respondent No. 01)**