

Sr. No	Date of order/proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	04.06.2018	<p align="center"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p align="center">Service Appeal No. 684/2016</p> <p align="center">Date of Institution 21.06.2016 Date of Decision 04.06.2018</p> <p>Syed Shah Aman son of Syed Jawhar Hussain resident of Ganjyano Kalay Tehsil & District Hangu.</p> <p align="right">Appellant</p> <p align="center">Versus</p> <ol style="list-style-type: none"> 1. AIG/Establishment Policy Khyber Pakhtunkhwa, Peshawar. 2. Superintendent of Police FRP, Kohat Range, Kohat. 3. Inspector General of Police Khyber Pakhtunkhwa, Peshawar. 4. Government of Khyber Pakhtunkhwa through Secretary Home. <p align="right">Respondents</p> <p align="center"><u>JUDGMENT</u></p> <p align="center"><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> - Learned counsel for the appellant and Mr. Riaz Paindakheil learned Assistant Advocate General for the respondents present.</p> <p>2. The appellant Syed Shah Aman (Ex-Constable) has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 19.08.2015 whereby the appellant was dismissed from service after having been found physically unfit being deficient in height by 01 inch. The departmental appeal of the appellant was rejected vide order dated 11.11.2015. Thereafter</p>

21/06/18

the appellant also filed petition before the Inspector General of Police Khyber Pakhtunkhwa which petition was also rejected vide impugned order dated 23.05.2016.

3. Learned counsel for the appellant contended that on 02.09.2013 the appellant was appointed as Constable and was allotted Constable No. 1205. Further argued that the appellant was appointed after observing all the formalities of test, interview, measurement and medical fitness; that the appellant was sent to RTW Mansehra Training Course where he was found deficient in height by 01 inch, declared unfit, sent back and on this score the appellant was dismissed from service; that departmental appeal and revision petition of the appellant were rejected. Further argued that the appellant was removed from service in a hasty manner without conducting any inquiry; that after the appointment of the appellant, deficiency in his height was detected, therefore the respondent department/competent authority should have condoned the same. Further argued that the impugned orders are illegal, unjust and not tenable in the eyes of law. Learned counsel for the appellant in support of his contentions relied upon the judgment dated 22.05.2013 of Hon'ble Peshawar High Court Peshawar passed in Writ Petition No. 2446-P of 2012 and judgment dated 31.10.2017 of this Tribunal passed in service appeal No.1113/2012.

4. As against that learned Assistant Advocate General resisted

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the present appeal and argued that 378 candidates were illegally recruited in FRP recruitment in the year 2013 by means of corruption and the appellant is one amongst the said illegal recruits. Further argued that being deficient in height by 01 inch the appellant was unfit for Police Department under the required height standard, however he was enlisted through mal practices by the Mafia i.e. Ex-Reserve inspector Shakeel khan FRP Headquarters Peshawar, OSI, Noor Muhammad FRP Kohat and others who were subsequently proceeded against on the charges of illegal recruitments of 378 candidates in FRP recruitments in 2013 and were awarded major punishments. Further argued that since the appellant got employment through corrupt means hence after fulfilling all the codal formalities he was rightly discharged/dismissed from service. Further argued that in Police Rules it is clearly laid down that a person to be appointed as Constable must have a minimum height of 5' 7" however corrupt mafia fraudulently mentioned the height of the appellant as 5' 7" in the documents.

5. Arguments heard. File perused.

6. The minimum height of a Constable should be 5' 7" under the criteria laid down in Police Rules and it is not disputed that the height of the appellant does not come up with the standards of height as mentioned in the said Rules. However astonishingly on the enlistment order as well as character and service role of the

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appellant his height has been mentioned as 5' 7".

7. There is no denying fact that Inspector Shakeel Ahmad the then RI/FRP and SI/PC Noor Muhammad were charge sheeted on account allegations of providing connivance and facilitating the officers in the illegal recruitment of 378 candidates in FRP recruitment in 2013, thereby making fortunes in the FRP recruitments and were consequently awarded major punishments by the department.

8. Perusal of the appointment order/enlistment order of the appellant would show that he was recruited as Constable w.e.f 02.09.2013 purely on temporary basis and liable for termination at any time without notice.

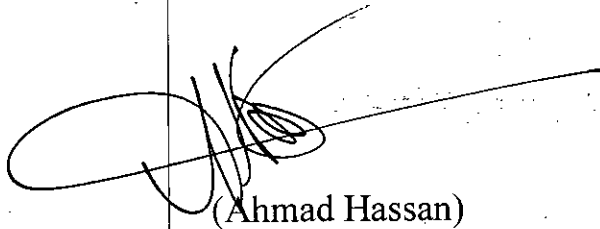
9. When the respondent department has itself taken stern action against the delinquent officers who were allegedly involved in the illegal FRP recruitments 2013, there is left no justification that the constables/recruits who got their employment, in FRP in the year 2013, through unfair means should still retain their services. In this backdrop the judgments referred to by the learned counsel for the appellant are not applicable to the facts and circumstances of the present case.

10. As a sequel to above, the present appeal is dismissed. No order as to costs. Before parting with this judgment it is observed that the trend of procuring low paid government employment through unlawful means is still rampant in this society, which

2.10.13
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menace is to be checked constantly by those sitting ~~at~~ the helm of affairs.

File be consigned to the record room after its completion.



(Ahmad Hassan)
Member



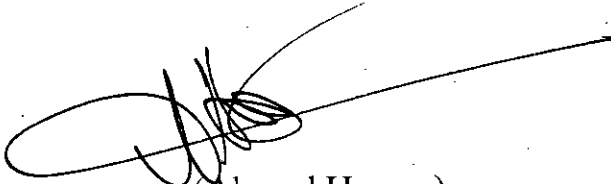
(Muhammad Hamid Mughal)
Member

ANNOUNCED
04.06.2018

04.06.2018

Learned counsel for the appellant present. Mr. Riaz Paindakheil learned Assistant Advocate General for the respondents present.

Vide separate judgment of today of this Tribunal placed on file, the present service appeal is dismissed. No order as to costs. File be consigned to the record room.



(Ahmad Hassan)
Member




(Muhammad Hamid Mughal)
Member

ANNOUNCED
04.06.2018

21.09.2017

Appellant present. Kabir Ullah Khattak, Learned Assistant Advocate General for the respondents present. Appellant submitted rejoinder which is placed on file. To come up for arguments on 18.12.2017 before D.B.


Member
(Executive)


Member
(Judicial)

18.12.2017

Counsel for the appellant and Mr. Muhammad Jan, DDA alongwith Ihsanullah, H.C for the respondents present. Learned DDA seeks adjournment as the case was prepared by learned AAG who is not present today. Granted. To come up for arguments on 06.02.2018 before the D.B.



Member


Chairman

06.02.2018


Junior counsel for the appellant present. Mr. Muhammad Jan, DDA for the respondents present. Junior counsel for the appellant requested for adjournment on the ground that learned senior counsel for the appellant is not available today. Adjourned. To come up for arguments on 02.04.2018 before D.B.

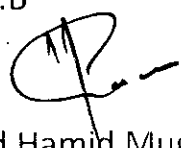

(Gul Zoh Khan)
Member


(Muhammad Hamid Mughal)
Member

02.04.2018

Appellant in person and Mr. Muhammad Jan, Learned Deputy District Attorney for the respondents present. Due to general strike of the bar, the case is adjourned. To come up for arguments on 04.06.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

31.01.2017

Clerk to counsel for the appellant and Mr. Ihsanullah, HC alongwith Addl. AG for respondents present. Written reply not submitted despite last opportunities. Requested for further adjournment. Last opportunity further extended subject to payment of cost of Rs. 1000/- which shall be borne by respondents from their own pockets. To come up for written reply/comments on ^{Cost} 14.03.2017 before S.B.


Chairman

14.03.2017

Counsel for the appellant and Mr. Ihsanullah, HC alongwith Addl. AG for respondents present. Written reply submitted. Cost of Rs. 500/- also paid and receipt thereof obtained from the learned counsel for the appellant. To come up for rejoinder and arguments on 09.06.2017.


(AHMAD HASSAN)
MEMER

09.06.2017

Appellant in person present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Appellant requested for adjournment. Adjourned. To come up for rejoinder and arguments on 21.09.2017 before D.B.


(GUL ZEB KHAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

28.09.2016

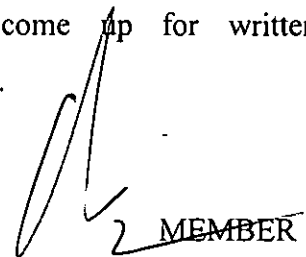
Counsel for the appellant and Addl: AG for respondents present. Written reply not submitted. Learned AAG requested for time to submit written reply. Request accepted. To come up for written reply/comments on 29.11.2016.



Member

29.11.2016

Clerk to counsel for the appellant and Assistant AG for respondents present. Written reply not submitted. Requested for adjournment. Request accepted. To come up for written reply/comments on 26.12.2016 before S.B.



MEMBER

26.12.2016

Appellant in person and Asstt. AG for the respondents present. Requested for further adjournment. Last opportunity granted. To come up for written reply/comments on 31.01.2016 before S.B.



Chairman

20.07.2016

Counsel for the appellant present and requested for adjournment. Request accepted. To come up for preliminary hearing on 25.07.2016 before S.B.


MEMBER

25.07.2016

Appellant with counsel present. Learned counsel for the appellant argued that the appellant was serving as Constable in FRP and after putting in 2 years regular service he was referred to RTW Mansehra for training. That PTC Hangu allegedly found the height of the appellant one inch below the prescribed standard and on the strength of the same appellant was dismissed from service vide impugned order dated 19.08.2015 where-against he preferred departmental appeal which was also rejected vide order dated 23.05.2016 and hence the instant service appeal on 21.06.2016.

That the appellant was condemned unheard as neither any opportunity of hearing was afforded to him nor any enquiry conducted in the mode and manners prescribed by rules and that he was declared unfit without referring him to any medical board.

Points urged need consideration. Admit. Subject to deposit of security and process fee within 10 days, notices be issued to the respondents for written reply/comments for 28.09.2016 before S.B.


Chairman




Appellant Deposited
Security & Process Fee

Form- A

FORM OF ORDER SHEET

28.6.2016. Agent of counsel for the appellant present. Seeks

Case No. 684/2016 adjournment as learned counsel for the appellant stated indisposed. Adjourned for preliminary hearing

S.No.	Date of order proceedings	Order or other proceedings with signature of Judge or Magistrate stated indisposed. Adjourned for preliminary hearing to 20.07.2016 before S.B.
1	2	3
1	27/06/2016	<p>The appeal of Syed Shah Aman resubmitted today by Mr. Zeshan Ali Kiyani Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	27-6-2016	<p>This case is entrusted to S. Bench for preliminary hearing to be put up there on. <u>28-06-2016</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	28.6.2016.	<p>Agent of counsel for the appellant present. Seeks adjournment as learned counsel for the appellant stated indisposed. Adjourned for preliminary hearing to 20.07.2016 before S.B.</p> <p style="text-align: right;"> Chairman</p>

The appeal of Syed Shah Aman son of Syed Jawhir Hussain Distt. Hangu received to-day i.e. on 21.06.2016 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Annexures of the appeal may be attested.
- 2- Copies of charge sheet, statement of allegations, show cause notice, enquiry report and replies thereto are not attached with the appeal which may be placed on it.
- 3- Annexure-C of the appeal is illegible which may be replaced by legible/better one.
- ④ The authority to whom the departmental appeal was made/preferred has not been arrayed a party.

No. 1067 /S.T,

Dt. 22-6 /2016

in *Singh*
REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Zeshan Ali Kiyani Adv. Pesh.

Sir,

He submitted after compliance
The copies of show cause, statement
of allegations etc were not given
to the appellant.

Z. Ali Kiyani

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. 684/2016

Syed Shah Aman.....(Appellant)

VERSUS

AIG/ Establishment Police Khyber Pakhtunkhwa, Peshawar
and others.....(Respondents)


I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		6-A
4.	Copy of appointment order	A	7-11
5.	Copy of order dated 18/08/2015	B	12-14
6.	Copy of the order dated 25/05/216	C	15-16
7.	Wakalat Nama		17


Appellant

Through

Dated: 21/06/2016


Zeshan Ali Kiyani
Advocate High Court,
Peshawar.
Cell No. 0313-9962725

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

Service Appeal No. 684/2016

Syed Shah Aman S/o Syed Jawhir Hussain R/o Ganjyano
Kalay Tehsil and District Hangu.....(Appellant)

VERSUS

**Khyber Pakhtunkhwa
Service Tribunal**

Diary No. 654

Dated 21-6-2016

1. AIG/ Establishment Police Khyber Pakhtunkhwa,
Peshawar.
2. Superintendent of Police FRP, Kohat Range, Kohat.
3. Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary
Home,.....(Respondents)

**APPEAL U/S 4 OF THE N.W.F.P (KHYBER
PAKHTUNKHWA) SERVICE TRIBUNAL ACT
1974 AGAINST THE ORDER DATED
23/05/2016 PASSED BY RESPONDENT NO.
1 WHERE BY THE APPEAL FILED BY THE
APPELLANT AGAINST THE ORDER DATED
19/08/2015 WAS DISMISSED.**

Filed to-day

Q. A. W.
Registrar

21/6/16.

PRAYER IN APPEAL:

*On acceptance of this appeal, while setting
aside both the orders dated 19/08/2015 and the
order dated 23/05/2016 passed by the respondent*

Re-submitted to -day
and filed.

Q. A. W.
Registrar

27/6/16.

may please be set aside and the appellant may please be reinstated in service with all back benefits.

Respectfully Sheweth:

1. That the appellant was appointed as constable in BPS-5 on 02/09/2013 and was allotted constable No. 1205/FRP. (Copy of appointment order is annexure "A").
2. That before issuance of appointment order all the formalities of test, interview, measurement and medical fitness were taken properly and after qualifying the test, interview and medical fitness the appellant was selected as constable in FRP police Kohat range, and appointment letter was issued to the appellant.
3. That after appointing the appellant as constable in Police FRP Kohat Range Kohat, the applicant was directed to join his services at FPR Line Kohat.
4. That the appellant was sent to RTW Mansehra Training Course where he was found deficient in

height by one inch and was declared unfit. He was sent back and on this score he was dismissed from service on 18/08/2015. (Copy of order is annexure "B").

5. That the appellant being aggrieved from the order dated 18/08/2015 filed departmental appeal which was dismissed by the respondent No. 1 on 23/05/2016. (Copy of the order annexure "C").
6. That both the orders are illegal and have been passed without unlawful authority. Therefore, the appellant is liable to be reinstated in service with all back benefits inter alia on the following grounds:

GROUND:

- A. That the appellant before his appointment was put to test and interview, medical checkup and measurement and was found fit by the Appointing Committee hence, his appointment order was issued according to law and rules.

- B. That after two long years of his service when he successfully completed his probation period was issued the impugned order. It is settled law that after probation period he could not be dismissed from services on technical reasons.
- C. That no proper Standing Medical Board was constituted for medical checkup of the appellant nor the appellant was medically checked by the authority through Standing Medical Board regarding his height. Therefore, the mere saying that the applicant is deficient in height by 1 inch is not only illegal but also unwarranted.
- D. That before the issuance of dismissal order the appellant was not given charge sheet, statement of allegations or any opportunity of hearing was provided to the appellant rather the appellant was condemned unheard, hence the impugned order is not only illegal but is also liable to be set aside.
- E. That the impugned order is based on malafide, since the appellant has been dismissed on the basis of his appointment by one Noor Muhammad OSI

who had been later on compulsory retired from services on account of providing connivance and facilitating the officer in the illegal recruitment as alleged in the appellant dismissal order.

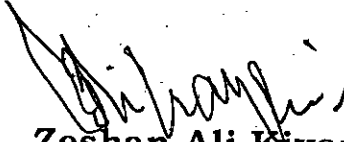
- F. That the applicant is jobless, since his dismissal from service.
- G. That both the impugned orders are based on surmises and conjectures, therefore liable to be set aside.

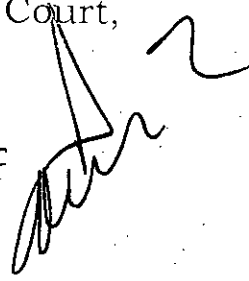
It is, therefore, requested that on acceptance of this service appeal, both the impugned orders may please be set aside and the appellant may please be reinstated in service with all back benefits.


Appellant

Through

Dated: 21/06/2016


Zeshan Ali Kiyani
Advocate High Court,
Peshawar.


AMIR SABIR
ADVOCATE

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

Service Appeal No. ____/2016

Syed Shah Aman.....(Appellant)

VERSUS

AIG/ Establishment Police Khyber Pakhtunkhwa, Peshawar
and others.....(Respondents)

ADDRESSES OF THE PARTIES

APPELLANT:

Syed Shah Aman S/o Syed Jawhir Hussain R/o Ganjyano
Kalay Tehsil and District Hangu.

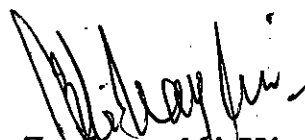
RESPONDENTS:

1. AIG/ Establishment Police Khyber Pakhtunkhwa,
Peshawar.
2. Superintendent of Police FRP, Kohat Range, Kohat.
3. Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar.
4. Government of Khyber Pakhtunkhwa through Secretary
Home.

Appellant

Through

Dated: 21/06/2016



Zeshan Ali Kiyani
Advocate High Court,
Peshawar.

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA,
PESHAWAR

Service Appeal No. ____/2016

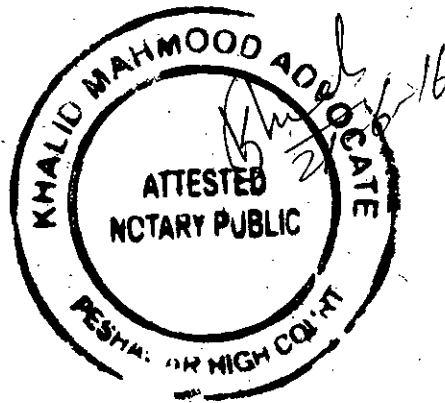
Syed Shah Aman.....(Appellant)

VERSUS

AIG/ Establishment Police Khyber Pakhtunkhwa, Peshawar
and others.....(Respondents)

AFFIDAVIT

I, Syed Shah Aman S/o Syed Jawahir Hussain R/o
Ganjyano Kalay Tehsil and District Hangu, do hereby solemnly
affirm and declare, that all the contents of accompanying
Service Appeal are true and correct to the best of my
knowledge and belief and nothing has been kept concealed
from this Hon'ble Tribunal.




DEPONENT

Annexure "A"

ENLISTMENT ORDER

Mr. Syed Shah Aman SIO Syed Jawahir Hussain

R/O Panjana Kalai hangu

PS City hangu District hangu

is hereby enlisted as recruit/Constable in BPS (5) with effect from

2-9-13 and allotted Constabulary No. 1205

Height 5'7" Chest 33 1/2 x 34 1/2

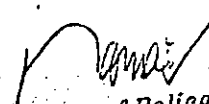
Education FSc D/O Birth 12-05-1981

Age on enrolment 22 year 3 Months & 18 days.

His service is purely on temporary basis and liable for termination at any time without any notice.

OB No. 458

Date 2-9-2013


Superintendent of Police,
Kohat Range, Kohat


ATTESTED

01/01/3

Transfer

8

CHARACTER AND SERVICE ROLL OF

CONSTABULARY NO. () in DISTRICT

CONSTABULARY NO. () in DISTRICT

CONSTABULARY NO. () in DISTRICT

1	Name	Father's Name	Tribe or Caste	Village or Town	Post and Telegraph Office	Police Station	District	Province	Date of Birth	Height	Chest Measurement	Date of Enrolment	Age on Enrolment	Distinctive Marks
	Syed Shahid Aman	Syed Jawahir Hussain	AFghan	Ganjano Kalai		city	Margu	KPK	12-5-1991	5' x 7	33 1/2 x 34 1/2	02-9-2013	22 years 3 months 18 days	

2. Verification Roll No. Dated Received back and attached to the Fauji Misal

3. Government Service prior to present employment, which is approved for pension service.

Service or Department	Rank or Grade	Pay of last appointment	From	To	Period		
					Years	Month	Days
/	/	/	/	/	/	/	/

4. Cause of and character on discharge from above service. Reference to orders approving above service for pension service in the Police Department.

Agreement. — I understand that I have been appointed under section 7 of the Police Act (V of 1861), and the purport of that section and the provisions of the Act and of the Rules issued under it and now in force, by which my discipline and conduct are governed have been explained to me. I agree to serve faithfully under the provisions of the said Police Act and to obey all lawful orders issued to me by my Superior Officers and undertake not to resign my appointment within three years from the date of my enrolment. I have received a certificate of appointment issued under section 8 of the Police Act (V of 1861).


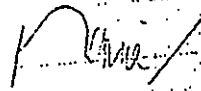
Date 2-9-2013 Signature

Superintendent of Police,
FRP Kohat Range,
Kohat

5. Rolled impression of fingers and thumb of left hand.

Left Little	Left Ring	Left Middle	Left Index	Left Thumb

ATTESTED

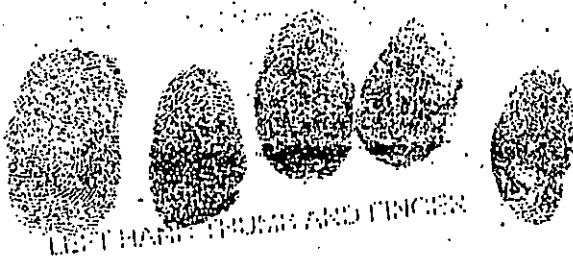
Name of Official: Syed Shahn Aman
 Sex or race: _____
 Father's Name: Syed Jawahir Hussain
 Residence: village Ranjano Kalan
Tehsil Hanju Distt Hanju
 Date of birth: 12-05-1991 (1410-418-2057)
 Exact height by measurement: height 5'7 chest 33 1/2 + 2 1/2
 Particular mark of identification: NIL
 Signature of the official: 
 Signature of Head of Office: 

Seal of Office: _____

ATTESTED

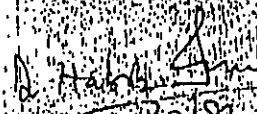
I do hereby certify that I have examined Mr Syed Shahn Aman
 a candidate for employment in the office of the SP FRP, Kohat (Constable)
 and can not discover that he had any disease communicable or other constitutional
 infection or bodily infirm except NIL

I do not consider this as disqualification for employment in the office
SP FRP, Kohat
 his own statement 22 years years and by appearance about Twenty two years



LEFT HAND THUMB AND FINGERS

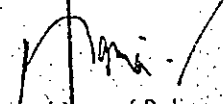
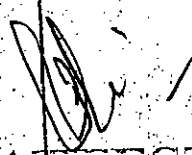
IMPRESSIONS


 30/8/13
 MEDICAL SUPERINTENDENT
 D.H.O HOSPITAL
 KOHAT

30/8/13

transfer

6. CHARACTER ROLL OF APPOINTMENTS, PROMOTIONS, REDUCTIONS, DISCHARGES, ETC. (Continued)

1 Appointment, promoted, suspended, reduced, discharged, dismissed, resigned or died.	2 To what grade and pay appointed, promoted or reduced.	3 Date	4 No. of District Order	5 Full Signature of Superintendent of Police
	Appointed as constable effect from 2-9-2013 @ RS 5400/pm OB No 458 2-9-2013	2-9-2013	B.P.S. 5 with pay fixed	 Superintendent of Police FRP Kohat Range. S. Kohat  ATTESTED

7. TRANSFERS BEYOND THE DISTRICT

Date	2 From	3 To	4 Authority for transfer

NOTE SHEET

(11)

Reference AttachedSubject:- DEFICIENCY IN HEIGHT/CHEST

It is submitted that the following Recruit Constables were nominated for Recruit Course Mansehra. During the Course, the Commandant PTC Hangu returned them as unqualified to this Range due to deficiency in Height as well as their Chest, vide his order Endst. No. 2951-56/GC dated 29.10.2013 at F/A.

S.No	Name of Recruit	Deficiency	
		Height	Chest
1.	Recruit Const: Qaisar Abbas No. 1210/FRP Kt	½ Inch	1 Inch
2.	Recruit Const: Syed Shah Aman No. 1205/FRP	1 Inch	-

It is suggested that the above mentioned Recruit Constables are not qualified according to the required standard, therefore, they are recommended to be discharged from service under Police Rules-12-21, as per report of CDI FRP Kohat dated 29.04.2015.

Submitted for favour of perusal and further order please.

PA

W/SP FRP Kohat



ATTESTED


 OHC

30/4/15

(12)

Annexure "B"

ORDER

This order is passed on the departmental enquiry against Recruit Constable Syed Shah Aman No. 1502/1536/FRP Kohat Range, Kohat under Police Rules - 1975 (amendment with 2014).

Brief facts of the departmental enquiry are that the above named Recruit Constable was enlisted as Constable in FRP Kohat vide this office OB No.458 dated 02.09.2013. His service was purely on temporary basis and liable for termination at any kind without any notice he was detailed for Basic Recruit Training Course at RTW Mansehra vide this office OB No.317 dated 04.7.2014. The Commandant Police Training College Hangu vide his office order Endst: No.1834/GC dated 04.08.2014 intimated that he has been checked by the committee constituted for the purpose and found him not according to required standard and he is deficient in Height 01 inch (one inch) due to which he was returned as un-qualified to FRP Kohat vide Police Training College Hangu OB No.444 dated 25.07.2014.

Charge sheet and summary of allegations vide this office Endst No.436 dated 10.07.2015 were issued and Inspector Shaukat Hayat was appointed as Enquiry Officer to conduct proper enquiry and report the Charge Sheet and Summary of Allegations was properly served upon him personally through Enquiry Officer but his reply was found un-satisfactory.

Enquiry Officer in his finding report dated 13.07.2015 submitted that he has checked his Height and found him unfit and not according to required standard as he is deficient in Height 01 inch due to which he was returned as un-qualified to FRP Kohat. Enquiry officer further added that at the time of enlistment the then OSI Noor Muhammad made his measurement in Height 5'x7" / Chest 33x34 1/2 and at present during re-measurement he is found deficient in Height by one inch. However, the then OSI Noor Muhammad has already been compulsory retired vide Worthy Provincial Police Officer Khyber Pakhtunkhwa Peshawar's letter No. 1559-94/SE-II dated 19.08.2015 on account of providing connivance and facilitating the officers in the illegal recruitment of 378 candidates in FRP recruitment in 2013. Enquiry Officer report revealed that the Recruit Constable is not fit for Police Service according to rules and he has recommended for punishment.

In view of the above facts and findings of the Enquiry Officer the said Recruit Constable is physically unfit for Police department under the required standard. Therefore Recruit Constable Syed Shah Aman No.1205 is dismissed from service under 12-21 Khyber Pakhtunkhwa Police Rules 1975 (amendment with 2014).

Order announced

OB No: 576
Dated: 12/08 /2015.

**Superintendent of Police, FRP
Kohat Range Kohat**

OFFICE OF THE SUPERINTENDENT OF POLICE, KOHAT RANGE KOHAT.

No: 511-16 /PA, dated Kohat the 19/8 /2015.

Copy of above is submitted for favour of information to the; Commandant, FRP Khyber Pakhtunkhwa Peshawar w/r to this office Endst: No.440/PA dated 10.07.2015 and his good office Memo: No.6426/EC dated 06.08.2015 please.

Pay Officer, SRC and OHC FRP Kohat for necessary action.

ATTESTED

**Superintendent of Police, FRP
Kohat Range Kohat**

بخدمت جناب گمانڈنٹ، فرنٹیر ریژرو پولیس خیبر پختونخواہ، پشاور

جناب عالی!

سائل نہایت ادب سے حسب ذیل عرض رساں ہے۔

1. یہ کہ سائل نے بوساطت اخبار محکمہ پولیس میں برائے کنسٹیبل بھرتی ہونے کیلئے درخواست دی۔
2. یہ کہ قبل از بھرتی من سائل کے تعلیمی اسناد کی جانچ پڑتال، جسمانی ناپ تول، دوڑ، تحریری امتحان اور انٹرویو وغیرہ قواعد و ضوابط کے مطابق کی گئی جو کہ درست اور بمطابق قوانین رائج الوقت پائی گئی۔
3. یہ کہ سائل مورخہ 02.09.2013 کو بحوالہ آرڈر بگ نمبر 458 محکمہ پولیس میں بطور کنسٹیبل بھرتی ہوا۔
4. یہ کہ جملہ حکمانہ کارروائی پورا کرنے کے بعد من سائل کو برائے ریکروٹ کورس ریکروٹ ٹریننگ ونگ مانسہرہ بحوالہ آرڈر بگ نمبر 317 مورخہ 04.07.2014 بھجوا یا گیا۔
5. یہ کہ RTW مانسہرہ میں من سائل کی دوبارہ ناپ تول کی گئی جس میں من سائل کو قدم میں ایک انچ کم قرار دیا گیا جو کہ بددیانتی پر مبنی ہے اور من سائل کے ساتھ سراسر نا انصافی اور زیادتی ہے۔
6. یہ کہ مذکورہ بالا رپورٹ کے بنیاد پر من سائل کو بحوالہ آرڈر بگ نمبر 576 مورخہ 18.08.2015 جناب SP صاحب FRP کو ہاٹ ریج نے پولیس رولز 21-12 خیبر پختونخواہ پولیس رولز 1975 (amendment with 2014) کے تحت محکمہ سے برخاست کیا گیا۔
7. یہ کہ اس سلسلے میں سائل کی کوئی کوتاہی اور نہ ہی کوئی غفلت پائی جاتی ہے بلکہ من سائل تمام تر حکمانہ قواعد پوری کرنے کے بعد محکمہ پولیس میں بھرتی ہوا تھا اُس وقت سائل کا قد 5 فٹ 7 انچ تھا جو کہ عمل نامہ کے پہلے ورق سے صاف ظاہر ہے۔ (فوٹو کاپی ہمراہ لف ہے)
8. یہ کہ سائل نے محکمہ پولیس میں تقریباً دو سال نہایت جانفشانی اور لگن سے اپنی ڈیوٹی انجام دی۔ اور اس تمام عرصے میں اپنے افسران بالا کو کسی قسم کی شکایت کا موقع نہیں دیا۔ اور نہ ہی سائل کے خلاف کوئی شکایتی رپورٹ موصول ہوئی۔
9. یہ کہ سائل کا تعلق ایک شریف خاندان سید ذات سے ہے۔ والد اش عمر رسیدہ ہونے کے سبب محنت مزدوری کے قابل نہیں ہے۔ یوں سائل گھر کا واحد کفیل ہے اور بعد از برخاستگی سخت ذہنی اذیت میں مبتلا ہے۔

لہذا بذریعہ درخواست لہذا التماس ہے کہ سائل کے درخواست پر ہمدردانہ غور فرماتے ہوئے سائل کو دوبارہ بحال کروا

کر مشکور فرمائیں۔

سائل اور اس کے والدین عمر بھر آپ کی عمر درازی اور بلند اقبال کے لئے دعا گو رہے گا۔

الرقوم 03.09.2015

عرض گزار

سید شاہ امان ولد سید جواہر حسین سابقہ کنسٹیبل بگ نمبر 1205/FRP کو ہاٹ ریج سکنہ منجائو کلب، ہنگو۔

موبائل نمبر 0333-9298099

ATTESTED

بخدمت جناب انسپکٹر جنرل آف پولیس، خیبر پختونخواہ، پشاور

جناب عالی!

سائل نہایت ادب سے حسب ذیل عرض رساں ہے۔

1. یہ کہ سائل نے بوساطت اخبار محکمہ پولیس میں برائے کنٹینیل بھرتی ہونے کیلئے درخواست دی۔
2. یہ کہ قبل از بھرتی من سائل کے تعلیمی اسناد کی جانچ پڑتال، جسمانی ناپ تول، دوڑ، تحریری امتحان اور انٹرویو وغیرہ قواعد و ضوابط کے مطابق کی گئی جو کہ درست اور بمطابق قوانین رائج الوقت پائی گئی۔
3. یہ کہ سائل مورخہ 02.09.2013 کو بحوالہ آرڈر بگ نمبر 458 محکمہ پولیس میں بطور کنٹینیل بھرتی ہوا۔ (آرڈر کاپی ہمراہ لفٹ ہے)
4. یہ کہ جملہ حکمانہ کارروائی پورا کرنے کے بعد من سائل کو برائے ریکروٹ کورس ریکروٹ ٹریننگ ونگ مانسہرہ بحوالہ آرڈر بگ نمبر 317 مورخہ 04.07.2014 بھیج دیا گیا۔
5. یہ کہ RTW مانسہرہ میں من سائل کی دوبارہ ناپ تول کی گئی جس میں من سائل کو قدم میں ایک انچ کم قرار دیا گیا جو کہ بددیانتی پر مبنی ہے اور من سائل کے ساتھ سراسر نا انصافی اور زیادتی ہے۔
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7. یہ کہ اس سلسلے میں من سائل نے ایک ایپل جناب کمانڈنٹ صاحب FRP خیبر پختونخواہ کی خدمت میں مورخہ 03.09.2015 کو پیش کی گئی جو بغیر کسی کارروائی کے فائل ہوئی۔ (فوٹو کاپی ہمراہ لفٹ ہے)۔
8. یہ کہ اس سلسلے میں سائل کی کوئی کوتاہی اور نہ ہی کوئی غفلت پائی جاتی ہے بلکہ من سائل تمام تر حکمانہ قواعد پوری کرنے کے بعد محکمہ پولیس میں بھرتی ہوا تھا اس وقت سائل کا قد 5 فٹ 7 انچ تھا جو کہ عمل نامہ کے پہلے ورق سے صاف ظاہر ہے۔ (فوٹو کاپی ہمراہ لفٹ ہے)
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10. یہ کہ سائل کا تعلق ایک شریف خاندان سید ذات سے ہے۔ والد اش عمر رسیدہ ہونے کے سبب محنت مزدوری کے قابل نہیں ہے۔ یوں سائل گھر کا واحد کفیل ہے اور بعد از برخاستگی سخت ذہنی اذیت میں مبتلا ہے۔

لہذا بلذریعہ درخواست لہذا التماس ہے کہ سائل کے درخواست پر ہمدردانہ غور فرماتے ہوئے سائل کو دوبارہ بحال کروا کر مشکور فرمائیں۔

سائل اور اس کے والدین عمر بھر آپ کی عمر درازی اور بلند اقبال کے لئے دعا گو رہے گا۔

المرقوم 23.12.2015

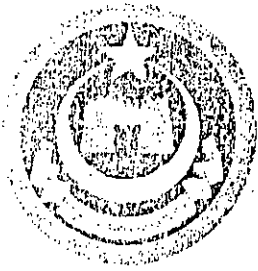
ATTESTED

عرض گزار

سید شاہ امان ولد سید جواہر حسین سابقہ کنٹینیل بلٹ نمبر 1205/FRP کوہاٹ ریٹج سکھنہ منجانوکلے، ہنگو۔

موبائل نمبر 0333-9298099

Received on 23-12-15
Attest



Amouse C.P.
OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE,
PESHAWAR.

15

No. SI/4226/16, dated Peshawar the 23/05/2016.

ORDER

This order is hereby passed to dispose of departmental appeal under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 submitted by Ex-Constable Syed Shah Aman No. 1502/1536. The appellant was awarded punishment of dismissal from service by SP/FRP, Kohat vide OB No. 576, dated 18.08.2015, on charges that he sent for Basic Recruit Course at RTW, Manshera where he was found deficient in height by one inch due to which he was returned as unqualified vide PTC Hangu OB No. 444, dated 25.07.2014.

He preferred appeal before the Commandant, FRP Khyber Pakhtunkhwa which was examined and found / rejected vide Order Endst. No. 9522/EC, dated 11.11.2015.

Meeting of Appeal Board was held on 28.04.2016, wherein the appellant was heard in person. The enquiry papers were also examined. On examination of record, it revealed that the petitioner was found deficient in height by 01 inch, by a committee constituted for the purpose at PTC Hangu and returned unqualified. The petitioner is physically unfit for Police Department under the required height standard. Therefore, the petition of the petitioner is barred by law and limitation and worth rejection.

This order is issued with approval by the Competent Authority.

Signature

(NAJEEB-UR-RAHMAN)
AIG/ Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. SI/4227-34/16.

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

1. Commandant, FRP Khyber Pakhtunkhwa.
2. SP/FRP, Kohat.
3. PSO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
4. PRO to IGP/Khyber Pakhtunkhwa, CPO Peshawar.
5. PA to Adtl: IGP/HQrs: Khyber Pakhtunkhwa, Peshawar.
6. PA to DIG/HQrs: Khyber Pakhtunkhwa, Peshawar.
7. Office Supdt: E-IV, CPO, Peshawar.
8. IC Central Registry Cell, (CRC), CPO.

Signature

ATTESTED

OFFICE OF THE
INSPECTOR GENERAL OF POLICE, K.P.K.
CENTRAL POLICE OFFICE, PESHAWAR

No. 4226/16, dated Peshawar, the 23-05-2016

ORDER

This order is hereby passed to dispose of departmental appeal under Rule-11-A of Khyber Pakhtunkhwa Police Rule, 1975 submitted by EX-Constable Syed Shah Aman No. 1502/1536, the appellant was awarded punishment of dismissal from service by SP/FRP, Kohat vide OB No. 576, dated 18-08-2015 on charges that he sent for Basic Recruit Course at RTW, Mansshra where he was found deficient in height by one inch due to which he was returned as unjustified vide PTC Hangu OB No. 444 dated 25-07-2014.

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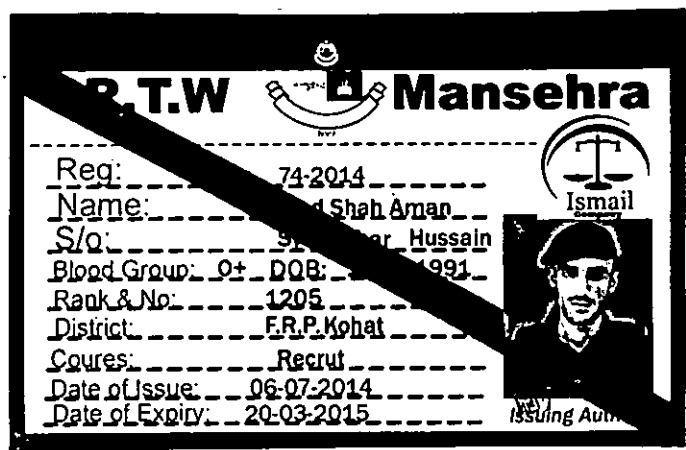
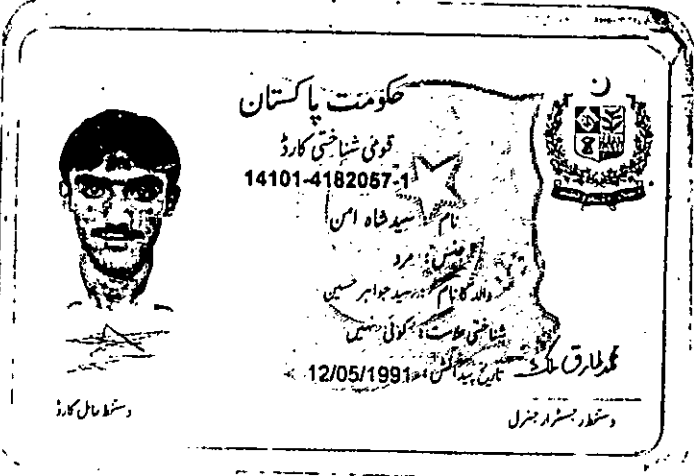
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This order is issued with approval by the competent authority.


ATTESTED

Sd/- (NAJEEB-UR-RAHMAN)
AIG/Establishment
for Inspector General of Police,
K.P.K. Peshawar.

16

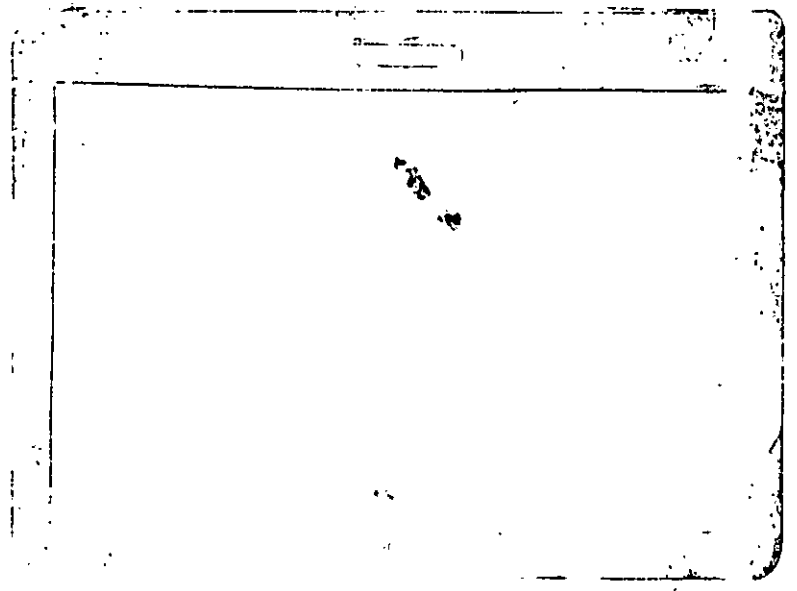


(Signature)

ATTESTED

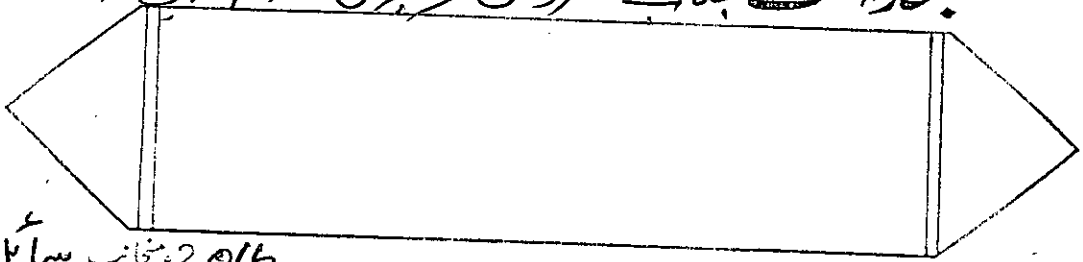
File No. 14101-4182057-1
N.I.C. No. 14101-4182057-1
Date of Appointment: 22/10/2013
Registration Mark: N/A
Height: 5'7" Eyes: Black Hair: Grey
Date of Issue: 22/10/2013

14101-4182057-1 نامان سہرا
V2Q1ML
سہرا سٹیٹ پبلک سروس کمیشن
سہرا سٹیٹ پبلک سروس کمیشن
سہرا سٹیٹ پبلک سروس کمیشن
22/10/2023 تاریخ سہرا
22/10/2013 تاریخ سہرا
سہرا سٹیٹ پبلک سروس کمیشن
سہرا سٹیٹ پبلک سروس کمیشن
سہرا سٹیٹ پبلک سروس کمیشن



ATTESTED

بعد التجدد سروس ٹریڈنگ K.P.K



2016ء پنجاب سائل

موزونہ 20-6-2016	---	سید امین شاہ	بنام	AIG	دعوئی
مقدمہ	---				
دعوئی	---				
جرم	---				

باعث تحریر آئینہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ
آن مقام کے لیے فلسفہ علی کے نام پر ایف اے اے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار دیا گیا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیے جواب دہی اور اقبال دعوئی اور
 بسورت ڈگری کرنے اجراء اور وصولی چیک دروپیا عرضی دعوئی اور درخواست ہر قسم کی تصدیق
 زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کارروائی 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 با اختیارات حاصل ہوں گے اور اس کا ساختہ
 و اختیار منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانبہ التوائے مقدمہ کے سبب سے ہوگا۔
 کی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکورہ میں۔ لہذا ادکالت نامہ لکھ دیا کہ سندر ہے۔

Accepted

المترقوم 6 20 2016

بمقام
 کے لئے منظور ہے۔

NIC NO # 14101-4182057-1



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Handwritten text, possibly a name or subject, located in the lower left quadrant.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 684/2016.

Syed Shah Aman (Appellant)

Govt of Khyber Pakhtunkhwa through Secretary Home, Peshawar & others
..... (Respondents)

COMMENTS ON BEHALF OF RESPONDENTS.

Preliminary objections

RESPECTFULLY SHEWETH:-

1. That the appeal is bad for mis-joinder and non-joinder of necessary parties.
2. That the appellant has no cause of action or locus standi.
3. That the appellant has not come to the Hon'ble Tribunal with clean hands.
4. That the Hon'ble Tribunal has no jurisdiction to entertain the instant service appeal.
5. That the appellant has concealed real facts from the Hon'ble Tribunal.

ON FACTS:-

1. Para No.1 Pertains to the appellant record.
2. Para No.2 is incorrect, that the appellant has not enlisted according to required test, interview while he was enlisted through malpractice by the mafia i.e. Ex-Reserve Inspector Shakeel Khan FRP HQrs Peshawar, OSI Noor Muhammad Khan FRP Kohat & others, which they subsequently on the allegations of illegal recruitment were proceeded against departmentally and awarded the major punishment of compulsory retirement from service by the Competent Authority on 19.08.2015. (Copy of the order attached as annexure "A")
3. Subject to proof. However, detail reply has been given in Para No. 2.
4. Incorrect. The appellant was detailed for basic recruit course at RTW Mansehra on 04.07.2014. The Commandant PTC Hangu vide his office order Endst: No. 1884/GC, dated 04.08.2014 intimated that he has been checked by the committee constituted for the purpose of measurement and found not fit according to the required standard as he deficient in height by 01 inch therefore, he along with others were returned as unqualified from training center. (Copy of the memo dated 04.08.2014 attached as annexure "B") After repatriation as unqualified from training center the appellant was dealt with proper departmentally as he was issued/served with charge sheet along with summary of allegations and Enquiry Officer was nominated to conduct proper enquiry into the matter. The Enquiry Officer after fulfilling the due codal formalities submitted his findings. After receiving the findings of Enquiry Officer the Competent Authority served the appellant with final show-cause notice to which he replied, but his reply was found unsatisfactory and after fulfillment the due codal formalities he was dismissed from service. (Copies of charge sheet, his reply, enquiry report, show cause notice, his reply and final order attached herewith as annexure "C,D,E,F,G,H")
5. Departmental appeal submitted by the appellant was thoroughly examined and rejected on sound grounds.


GROUND


- A. Incorrect, as the basic codal formalities of height had not been observed in the appointment of the appellant. The Police Rules 12-15 lays down that a person to be appointed as Constable must have minimum height of 5'7". However, the then OSI Mr. Noor Muhammad Khan willfully violated the said rules. Therefore, the appellant was appointed by the dealing hands-facilitating the officers, through malpractice by which whose subsequently punished as discussed in the preceding Paras.

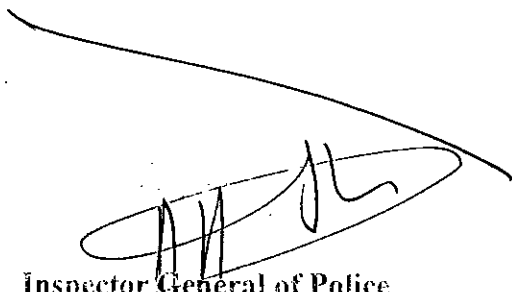
- B. Incorrect, the appellant was appointed by the dealing hands facilitating the officers through malpractice. He could not be deputed for any field duty as he has not qualified basic recruit course while when he was detailed for recruit course at RTW Mansehra for the reason being ineligible for such training, due to lacking minimum physical standard and therefore, he was returned as unqualified so he has not entitled to retain more in service.
- C. Incorrect, the appellant trying to mislead this Honorable Court by producing false and baseless grounds as the appellant was not dismissed from service on medical grounds while he was found physically unfit as per rules. Moreover, the appellant was dismissed from service under Police Rules 12-21 as he has less than 3 years service.
- D. Incorrect, the allegations are false and baseless and the para has already been explained in the preceding para No 4 of facts.
- E. Incorrect. The appellant deputed for basic recruit course wherein after re-measurement he alongwith others were found deficient in high & chest and therefore, returned by the Commandant PTC Hangu from Training Center as unqualified. Subsequently all of them were, dismissed from service after fulfillment the due codal formalities. Moreover, the then OSI Mr. Noor Muhammad Khan alongwith others were awarded major punishment of compulsory retirement from service, on the allegations of illegal recruitments.
- F. The para is not related.
- G. Incorrect the orders of the respondents are legally justified and in accordance with law/ rules.


PRAYERS

It is therefore, most humbly prayed that in the light of afore-mentioned facts/submission the instant service appeal may kindly be dismissed with cost.


AIG/ Establishment
CPO, Peshawar
(Respondent No.1)


Superintend of Police,
FRP Kohat Range, Kohat
(Respondent No.2)


Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
(Respondent No.3)


Secretary Home,
Government of Khyber Pakhtunkhwa,
Peshawar
(Respondent No.4)
Home Secretary
Khyber Pakhtunkhwa



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

Annex - A 26

No. 1539-94/SE-II
2014

Dated Peshawar 19 August



ORDER

This order is issued to conclude the departmental enquiry proceedings against SI/PC Noor Muhammad 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 made fortunes in the FRP recruitments. 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, 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), hereby impose major penalty of Compulsory Retirement on SI/PC Noor Muhammad (under suspension) from service with immediate effect.

Order announced:

(Mubarak Zeb) PSP
Deputy Inspector General of Police,
Headquarters Khyber Pakhtunkhwa,
Peshawar.

Encls. No. & date even.

- Copy forwarded to the:
- All Addl. IGsP in Khyber Pakhtunkhwa.
- DIG/E & I CPO Peshawar.
- Regional Police Officer Mardan.

Aect/SRC/OAS1

For nlg

SPI/PRP/PR

Handwritten signature/initials





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

"B" (53)

No. 884-905/SE-II,
2014.

Dated Peshawar 2 August - 2014

ORDER

This order is issued to conclude the departmental enquiry proceedings against Inspector Shakeel Ahmad the then RI/FRP 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. The Committee inquired into the allegations and reported that it has been transpired that Inspector Shakeel in his capacity as RI FRP HQrs, was very influential and he was a central figure in the irregularities committed during the recruitment. He has a reputation of a corrupt officer who allegedly lives beyond his means." It has also been reported by the Enquiry Committee that the defaulting officer has amassed wealth and assets. The entire scandal of illegal recruitment in FRP revolved around his name. 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 FRP Recruitment of 2013; 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, Mian Muhammad Asif Additional Inspector General of Police 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 Inspector Shakeel Ahmad (under suspension) from service with immediate effect.

Order announced.

(MIAN MUHAMMAD ASIF)

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

CHARGE SHEET

Handwritten initials and a circled number '10' in the top right corner.

DI-1 - 2013

WHEREAS, I am satisfied that a formal enquiry as contemplated by the Khyber Pakhtunkhwa Police Rules - 1975 necessary and expedite.

AND WHEREAS, I am of the view that the allegations if established would call for Major/Minor punishments as defined in Rules - 4 (I) of the aforesaid Rules.

NOW THEREFORE, as required by Rules - 6 (I) (a) of the aforesaid Rules, I, Mr, Sana Ullah, Superintendent Of Police, FRP Kohat Range Kohat hereby charge you Recruit Constable Syed Shah Aman No. 1205/FRP basis of the statement of allegations attached to this charge sheet.

And I hereby directed you further under the Rules 6 (I) (a) of the said Rules to put in a written defence within 03 days of the receipt of this charge sheet as to why you should not be served with one or more major/minor punishment including dismissal as defined under Rules - 4 (I) (b) of the Khyber Pakhtunkhwa Police Rules- 1975 (with Amendment 2014) and also stating at the same time as to whether you desired to be heard in person or not?, in case your reply is not received within the prescribed period without sufficient cause, it shall be presumed that you have no defence to offer and ex-part action will be taken against you.

No. 436 /PA
Dated: 10.07 /2015

[Signature]
Superintendent of Police, FRP,
Kohat Range, Kohat

Note: Inspector Shaukat Hayat of FRP Kohat Range is appointed as enquiry officer to conduct a proper departmental enquiry and report.

OFFICE OF THE SUPERINTENDENT OF POLICE KOHAT RANGE KOHAT

No. 440 /PA dated Kohat the 10/07 /2015

Copy of above is submitted for favour of information to the Commandant FRP Khyber Pakhtunkhwa Peshawar please.

Handwritten Urdu text: "کاپی مندرجہ بالا کوغیرتعمیراتی مقاصد کے لیے فراہم کیا گیا ہے"

0333
9298099

[Signature]
[Fingerprint]

[Signature]
Superintendent of Police, FRP,
Kohat Range, Kohat

SUMMARY OF ALLEGATION

C/2


DCI-2013

(17)

Whereas you Recruit Constable Syed Shah Aman No. 1205

while posted in FRP Police Lines, Kohat was enlisted in Police department FRP Kohat on 02.09.2013 and were deputed for basic Recruit Training Course at Mansehra vide this office OB No.317 dated 04.07.2014. You were returned back as un-qualified vide Commandant Police Training College Hangu OB No.444 dated 25.07.2014 due to deficiency in height 1 inch and there is no likelihood that you will improve in measurement, which shows in-efficiency/ physically unfit for Police department under the required standard. Your this act is quite adverse on your part and amounts to gross misconduct under the Khyber Pakhtunkhwa Police Rules- 1975,(amendment with-2014) hence the summary of allegations.

No. 436/PA
Dt: 10/7/015.


SUPERINTENDENT OF POLICE,
FRP, KOHAT

عنا علی

بجائے چارٹرڈ ایگزیٹو 436/PA جس میں حتمی ہونے کے

ساتھ جو 2017 کو حکومت کابینہ کی ہونے سے پہلے 10-7-15
موجود تھا۔ اور پھر اس وقت صلح حاصل کیا گیا۔ صدر کوئی ہونے

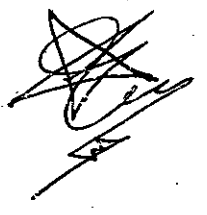
ساتھ کیا وقت کوئی تھی

یہ اسرائیل کے بارے میں صحیح تر اور ٹائٹل ڈسٹنشن ہے۔
جو کہیں حواہ ہوا ہے۔ یہاں ہی مزید شش ہوں گے۔ گھر کا گزارہ
اسی تھا پھر ہوتا ہے۔ وہیں تو پتھریں بھی پائی جاتی ہے۔ وہیں
سے سائے سائے پورے تو پاسٹ

انڈیا کے ساتھ بھی عزت کو مدنظر رکھتے ہوئے انٹواری
مان کر کے کا حکم صادر فرمایا جا رہا ہے۔
16-7-15

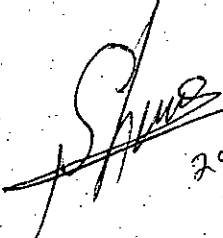
لکھن

ساتھ ساتھ اس پر 1205 میں FRI کو جانے

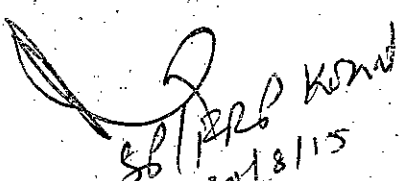


فائنڈنگ رپورٹ۔

بشوالہ محکمانہ انکوڑی برخلاف ریکروٹ کنشیل سید شاہ امان نمبر 1205 ایف ار پی معرض خدمت ہوں۔
 کہ مذکورہ ریکروٹ کنشیل سید شاہ امان نمبر 1205 جو کہ ایف ار پی کوہاٹ میں بحوالہ آرڈر بک نمبر 458 مورخہ
 02.09.2013 کا بھرتی ہوا تھا۔ جسکو ریکروٹ ٹریننگ کورس کے لیے بحوالہ آرڈر بک نمبر 317 مورخہ 04.07.2014 کو
 ریکروٹ ٹریننگ کالج ہنگو بحوالہ آرڈر بک نمبر 444 مورخہ 25.07.2014 بوجہ کمی قد ایک انچ واپس ایف ار پی کوہاٹ
 انکوائیفائیڈ واپس بھجوا یا گیا۔ کئی بار افسران بالا صاحبان کی طرف سے ہدایت کی گئی تھی کہ وہ قد میں کمی کو پورا کریں مگر وہ کمی کو پورا
 کرنے میں ناکام رہا۔ جبکہ مندرجہ بالا ریکروٹ کنشیل قد و قامت کے لحاظ سے پولیس کے مطلوبہ سٹنڈرڈ کے مطابق پورا نہیں
 ہو پاسکا پولیس رولز کے مطابق۔ مذکورہ ریکروٹ کنشیل پر باقاعدہ چارج شیٹ اور سمری اف ایکشن تقسیم کی گئی تھی۔ جسکا جواب تسلی
 بخش نہ دے سکا۔ اسکے علاوہ بھرتی کے وقت سابقہ OSI نور محمد نے مندرجہ بالا ریکروٹ کا قد و قامت 33x34 1/2 / 5x7 لکھا
 ہے۔ جبکہ موجودہ ناپ تول کرنے پر قد و قامت 33x34 1/2 / 5x6 پایا گیا۔ یہ بات قابل ذکر ہے کہ سابقہ OSI جو کہ بوجہ
 غیر قانونی FRP میں بھرتی میل ملوث ہونے پر مجاریہ صوبائی پولیس سربراہ پشاور بحوالہ چھٹی انگریزی نمبر
 1559-94/SE-II مورخہ 19.08.2014 پر جبری ریٹائرڈ ہو چکا ہے۔ لہذا استدعا ہے کہ درجہ بالا ریکروٹ کنشیل کی قد کو
 مد نظر رکھ کر اسکے خلاف پولیس رولز کے تحت محکمانہ کارروائی عمل میں لائی جائے۔


 20.08.15
 انسپکٹر

شوکت حیات خان
 ایف ار پی کوہاٹ ریج

For
 Guilty OSI Noor Muhammad
 is already terminated from Service,
 So only Constable Syed Sherh Aman
 is hereby terminated from Service

 20/8/15

۱۲
۱/۱۲

فائنڈنگ رپورٹ۔

بشمول محکمانہ انکوئری برخلاف ریکروٹ کنسٹیبل سید شاہ امان نمبر 1205 ایف ار پی معرض خدمت ہوں۔
کہ مذکورہ ریکروٹ کنسٹیبل سید شاہ امان نمبر 1205 جو کہ ایف ار پی کوہاٹ میں بحوالہ آرڈر بک نمبر 458 مورخہ
02.09.2013 کا بھرتی ہوا تھا۔ جسکو ریکروٹ ٹریننگ کورس کے لیے بحوالہ آرڈر بک نمبر 317 مورخہ 04.07.2014 کو
ریکروٹ ٹریننگ کالج ہنگو بحوالہ آرڈر بک نمبر 444 مورخہ 25.07.2014 بوجہ کمی قد ایک انچ واپس ایف ار پی کوہاٹ
انکوائری ٹیم واپس بھجوایا گیا۔ کئی بار افسران بالا صاحبان کی طرف سے ہدایت کی گئی تھی کہ وہ قد میں کمی کو پورا کریں مگر وہ کمی کو پورا
کرنے میں ناکام رہا۔ جبکہ مندرجہ بالا ریکروٹ کنسٹیبل قد و قامت کے لحاظ سے پولیس کے مطلوبہ سٹنڈرڈ کے مطابق پورا نہیں
ہو پاس کا پولیس رولز کے مطابق۔ مذکورہ ریکروٹ کنسٹیبل پر باقاعدہ چارج شیٹ اور سمری اف الیکشن تقسیم کی گئی تھی۔ جس کا جواب تسلی
بخش نہ دے سکا۔ لیزا استدعا ہے کہ درجہ بالا ریکروٹ کنسٹیبل کی قد کو مدنظر رکھ کر اسکے خلاف پولیس رولز 12/21 کے تحت محکمانہ
کارروائی عمل میں لائی جائے۔

انسپیکٹر

شوکت حیات خان

ایف ار پی کوہاٹ ریج

13/7/15

FINAL SHOW CAUSE NOTICE

Whereas you Recruit Constable Syed Shah Aman No. 1205 while posted in FRP Police Lines, Kohat was enlisted in Police department FRP Kohat on 02.09.2013 and were deputed for basic Recruit Training Course at Mansehra vide this office OB No.317 dated 04.07.2014. You were returned back as un-qualified vide Commandant Police Training College Hangu OB No.444 dated 25.07.2014 due to deficiency in height 1 inch and there is no likelihood that you will improve in measurement, which shows in-efficiency/ physically unfit for Police department under the required standard.

During the course of enquiry you have failed to rebut the allegation against you nor could produce any plausible defence. Your this act amounts to gross misconduct under Khyber Pakhtunkhwa Police Rules-1975(amendment with-2014). As to whether ex-parte action is considered against you by the E.O in his finding report (copy attached for perusal) if you failed to respond.

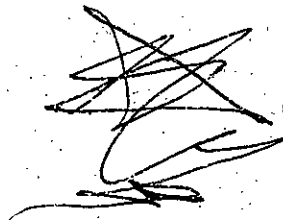
You are hereby called upon this Final Show Cause Notice to explain your position within 03 days in case of receiving un-satisfactory reply action under Police Rules 1975 (amendment with-2014) will be taken against you.

NOW, THEREFORE, I, Mr, **Sana Ullah**, Superintendent of Police, FRP Kohat Range, Kohat in exercise of the powers vested in me under the Khyber Pakhtunkhwa Police Rules – 1975 hereby call upon you Recruit Constable Syed Shah Aman No. 1502/FRP through Final Show Cause Notice to explain cause of your mysterious and prolong absence within 07 days of the receipt of this notice as to why you should not be awarded Major Punishment of dismissal. In case of non receipt of reply in time stringent action will be taken against you. Also state in writing if you desire to hear in person.

No. 446 /PA
Dated 14-7- /2015

(Sana Ullah)
Superintendent of Police, FRP,
Kohat Range, Kohat

ابن عزیز فاضل سید کا لائسنس برائے فور و ریٹائرمنٹ



0333-
9298099

حکومت عالی

نامہ نمبر 446/PA

پتھر کی قیمت

446/PA
14-7-2013

کوالم

بھوکہ کہ سائل بورڈ 307/2013 قیمت کا ریشیل کھری ہو کر پتھر کی

کھری ہو کر پتھر کی اور پتھر کی قیمت کا حکم

کھری ہو کر پتھر کی

اسٹریٹ میں پتھر کی قیمت کا حکم

پتھر کی قیمت کا حکم

پتھر کی قیمت کا حکم

پتھر کی قیمت کا حکم

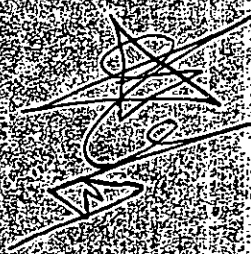
پتھر کی قیمت کا حکم

پتھر کی قیمت کا حکم

16/5

العاصم

سائل شاہ اسم 1205 FRD کو صاف



ORDER

This order is passed on the departmental enquiry against Recruit Constable Syed Shah Aman No. 1502/1536/FRP Kohat Range, Kohat under Police Rules - 1975 (amendment with 2014).

Brief facts of the departmental enquiry are that the above named Recruit Constable was enlisted as Constable in FRP Kohat vide this office OB No.458 dated 02.09.2013. His service was purely on temporary basis and liable for termination at any kind without any notice he was detailed for Basic Recruit Training Course at RTW, Mansehra vide this office OB No.317 dated 04.7.2014. The Commandant Police Training College Hangu vide his office order Endst. No.1834/GC dated 04.08.2014 intimated that he has been checked by the committee constituted for the purpose and found him not according to required standard and he is deficient in Height 01 inch (one inch) due to which he was returned as un-qualified to FRP Kohat vide Police Training College Hangu OB No.444 dated 25.07.2014.

Charge sheet and summary of allegations vide this office Endst No.436 dated 10.07.2015 were issued and Inspector Shaukat Hayat was appointed as Enquiry Officer to conduct proper enquiry and report the Charge Sheet and Summary of Allegations was properly served upon him personally through Enquiry Officer but his reply was found un-satisfactory.

Enquiry Officer in his finding report dated 13.07.2015 submitted that he has checked his Height and found him unfit and not according to required standard as he is deficient in Height 01 inch due to which he was returned as un-qualified to FRP Kohat. Enquiry officer further added that at the time of enlistment the then OSI Noor Muhammad made his measurement in Height 5'x7" / Chest 33x34 ½ and at present during re-measurement he is found deficient in Height by one inch. However, the then OSI Noor Muhammad has already been compulsory retired vide Worthy Provincial Police Officer Khyber Pakhtunkhwa Peshawar's letter No. 1559-94/SE-II dated 19.08.2015 on account of providing connivance and facilitating the officers in the illegal recruitment of 378 candidates in FRP recruitment in 2013. Enquiry Officer report revealed that the Recruit Constable is not fit for Police Service according to rules and he has recommended for punishment.

In view of the above facts and findings of the Enquiry Officer the said Recruit Constable is physically unfit for Police department under the required standard. Therefore Recruit Constable Syed Shah Aman No.1205 is dismissed from service under 12-21 Khyber Pakhtunkhwa Police Rules 1975 (amendment with 2014).

Order announced

OB No: 576
Dated: 18/08 /2015.

**Superintendent of Police, FRP
Kohat Range Kohat**

OFFICE OF THE SUPERINTENDENT OF POLICE, KOHAT RANGE KOHAT.

No: 511-16 /PA, dated Kohat the 19/8 /2015.

Copy of above is submitted for favour of information to the Commandant, FRP Khyber Pakhtunkhwa Peshawar w/r to this office Endst: No.440/PA dated 10.07.2015 and his good office Memo: No.6426/EC dated 06.08.2015 please.

Pay Officer, SRC and OHC FRP Kohat for necessary action.

**Superintendent of Police, FRP
Kohat Range Kohat**

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Service Appeal No. _____

Syed Shah Aman.....(Appellant)

VERSUS

Govt: of KPK through Secretary Home & others....(Respondents)

REPLICATION ON BEHALF OF
APPELLANT.

Respectfully Sheweth:

All the preliminary objections raised by the respondents are incorrect and as such denied. This Hon'ble Tribunal has got the jurisdiction to entertain the instant appeal. The appeal is well within time, based on facts and the appellant has concealed nothing from this Hon'ble Tribunal and come with clean hands to this Hon'ble Tribunal.

Reply on facts:

1. Para No. 1 of the reply needs no comments.

2. Para No. 2 of reply is incorrect while that of appeal is correct. The appellant was appointed after completing all the required formalities.
3. Para No. 3 of the appeal is correct.
4. Para No. 4 of the appeal is also correct, while that of reply is incorrect. The appellant was condemned unheard.
5. Para No. 5 of appeal is incorrect.

GROUND:

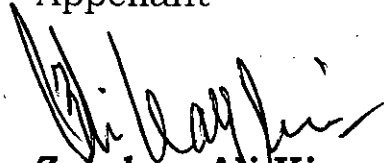
- A. Para "A" of appeal is correct while that of reply is incorrect. The appellant was appointed after complying with all the codal formalities the appellant was put to medical check-up, test interview and was found fit by the Appointing Committee.
- B. Para "B" of the appeal is correct. While that of reply is incorrect and based on malafide.
- C. Para "C" of reply is incorrect detail reply is given in the above paras.

- D. Para "D" of reply is also incorrect. It is submitted that the appellant was condemned unheard.
- E. Para "E" of reply is also incorrect.
- F. Para "F" of reply needs no comments.
- G. Para "G" of appeal is legal.

It is, therefore, humbly prayed that appeal of the appellant may kindly be accepted as prayed in the heading of appeal.

Appellant

Through



Zeeshan Ali Kiyani
Advocate High Court
Peshawar.

Dated: 20/09/2017

&

Aamir Sabir
Advocate High Court,
Peshawar.