

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1465/2022.**

**Imtiaz Ullah, S/o Muqarab Khan, constable FRP Range No. 5906, R/o Sarat Khel,  
Karak.....Appellant.**

**VERSUS**

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

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**RESPONDENTS**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1465/2022.**

**Imtiaz Ullah, S/o Muqarab Khan, constable FRP Kohat Range No. 5906, R/o Sarat Khel, Karak.....Appellant.**

**VERSUS**

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

**PARAWISE REPLY BY RESPONDENTS 1 to 3.**

**RESPECTFULLY SHEWETH.**

**PRELIMINARY OBJECTIONS:-**

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10080

Dated 1-1-2024

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. Para No. 01 pertain to record, hence need no comments.
2. Incorrect. The appellant was not met with road accident during the performance of official duty. However, the appellant alongwith others who were disable either due to road accident or police combats and not fit for active duty of police were referred to Standing Medical by the competent authority vide Memo No. 272/OHC, dated 03.02.2022. (Copy of Memo dated 03.02.2022 is attached as annexure "A").
3. Incorrect. A Standing Medical Board was constituted at DHQ Hospital District Kohat and after physical examination the appellant was found unfit for active duty of police by Standing Medical Board and recommends that he is not fit for active duty of police department for the rest of his life. (Copy of opinion of Standing Medical Board is attached herewith as annexure "B").
4. Incorrect. The appellant was found unfit for active duty by the Standing Medical Board as he is suffering from disability disease, which is not recoverable. Therefore, in the light of opinion of Standing Medical Board, the appellant was retired from service on medical grounds.
5. Incorrect. Departmental appeal submitted by the appellant was entertained and examined by the appellate authority, which was rejected on merit. (Copy attached herewith as annexure "C").
6. That the orders of respondents are strictly in accordance with law/rules and appellant has got no cause of action to file the instant appeal, which is devoid of merits may kindly be dismissed on the following grounds.



**GROUND:-**


- A. Incorrect. The stance of the appellant is totally devoid of merit, because he was retired on invalidated pension on medical grounds after receipt of the opinion of Standing Medical Board, wherein it was opined that the appellant is not fit for active duty of police. Hence, the impugned orders of the respondents are legally justified and in accordance with facts, law, rules and norms of justice.
- B. Incorrect. The allegations are false and baseless. As discussed above the appellant was invalidated from service on the opinion of Standing Medical Board, hence both the orders of respondents No. 02 & 03 are legally justified and in accordance with law/rules.
- C. Incorrect. Constable Farid Ullah and Sibghat Ullah sustained injuries during the performance of official duties i.e police combat/encounter however, they were physically examined by the Standing Medical Board, wherein constable Farid Ullah was found fit for normal duty, while constable Sibghat Ullah was recommended for light duty or boarded out on medical grounds. Hence, in the light of opinion of Standing Medical Board constable Sibghat Ullah was adjusted against the light duty as he was sustained injury in police combat/ encounter. The appellant has not sustained any injury in the performance of official duty and the Standing Medical Board found him not fit for active duty for the rest of his life, therefore invalidated from service on medical grounds.
- D. Incorrect. Neither the appellant was proceeded against departmentally nor awarded any punishment on account of misconduct. Appellant was invalidated from service on the opinion of medical board, which attained finality. Thus, the verdicts of the Supreme Court of Pakistan referred by the appellant are not applicable to the case of appellant.
- E. Incorrect. The Standing Medical Board has physically examined the appellant and opined/recommended as under:-
- (i) The appellant is not fit for active duty for the rest of his life
  - (ii) Can be adjusted on light duty for the rest of his life or boarded out on medical ground as not fit for active duty.
- Keeping in view the above recommendations of Standing Medical Board the case of appellant was thoroughly examined by respondent No.3 and after fulfillment of due codal formalities he was invalidated on medical grounds accordingly. (Copy of the recommendation of medical board has already been attached as annexure "B").
- F. Incorrect. Reply already given vide Para above.
- G. Incorrect. According to the recommendations of Standing Medical Board the appellant was found medical unfit for active duty of police and the respondents are legally obligated to act upon the opinion of Standing Medical Board. Hence the orders of the respondents are legally justified and in accordance with facts, law, rules and norms of justice.
- H. Incorrect. As the appellant was physically examined by the Standing Medical Board and found unfit for active duty of police force, hence he was invalidated from service on the opinion of Standing Medical Board.
- I. Incorrect. Reply already given in the preceding para.
- J. Incorrect. The orders of respondents are quite legal in accordance with law/rules.
- K. Incorrect. Reply already given in the preceding para.
- L. Incorrect. Departmental appeal submitted by the appellant was properly entertained by the appellate authority and examined with the record and the


appellant was heard in person in orderly room held in the office of respondent No. 02, however, the appellant failed to present any justification. Thus his departmental appeal was rejected on merit.

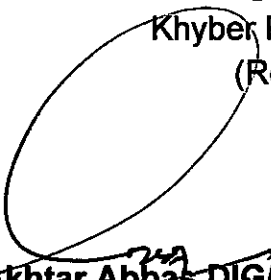
M. Incorrect. As neither the appellant was proceeded against departmentally nor awarded any punishment, however, he was invalidated from service on the opinion of Standing Medical Board.

**PRAYERS:-**

Keeping in view the above facts and circumstances, it is most humbly prayed that the instant service appeal being not maintainable may kindly be dismissed with costs please.

  
**Asad Mehmood**  
Superintendent of Police FRP,  
Kohat Range, Kohat  
(Respondent No. 03)

  
**(Tahir Ayub Khan) PSP**  
Commandant FRP,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 02)

  
**Dr. Muhammad Akhtar Abbas DIG/Legal**  
For Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No. 01 & 04)



"A"

**OFFICE OF THE SUPERINTENDENT OF POLICE**  
**FRP KOHAT RANGE, KOHAT**  
PH: NO. 0922-9260124, FAX: 0922-9260134

No. 272 /POL/16 dated Kohat the 03 /02/2022

To: The Medical Superintendent,  
District Headquarter & Teaching Hospital  
Kohat

Subject: **STANDING MEDICAL BOARD**  
Memo:

It is submitted that the following Constables have preferred applications that they are declared disable and unable to perform their general duties forever:-

1. Mehran Ahmad # 5508
2. Umar Khitab # 5880
3. Ibrar Ahmad # 5582
4. Sibghat Ullah # 5643
5. Afsar Kamal # 5143
6. Faridad Khan # 5920
7. Imtiaz Ullah # 5906
8. Farid Ullah # 5403
9. Farid Ullah # 5622
10. Muhammad Komail # 4961

It is therefore, requested that a Standing Medical Board may be constituted to examine their cases and to show their actual position as to whether they are fit for general or light duty? if declare fit for light duty than show their position for how much long they will be disabled? Date and time may be fixed and intimate this office for further proceedings please.

Attested  
7/2/22  
11/1/24

  
SUPERINTENDENT OF POLICE, FRP  
KOHAT RANGE, KOHAT

**PROCEEDING OF STANDING MEDICAL BOARD**  
**DISTRICT HEADQUARTER HOSPITAL KDA KOHAT**

SR.	NAME OF INCUMBANTS	REMARKS
6.	Constable Faridad Khan No.5920 CNIC# 14203-2070035-5	RTA: 21.05.2021 X-Ray: Healed Fracture Right Tibia / Fibula C/O: Pain Right Knee Joint Advised: X-Ray Right Knee Joint (AP Lat)  - Malunited Fx Right Tibia  He is not disable Fit for normal duty
7.	Constable Imtiaz Ullah No.5906 CNIC# 14202-5702473-5	Road Traffic Accident on 28.11.2008 Hx of spine injury X-Ray D/L Spine (AP Lat) Implants in spine  He may not be able to do active duty for the rest of his life Can be adjusted on light duty or boarded out on medical ground as not fit for active duty
8.	Constable Farid Ullah No.5403 CNIC# 14203-8557190-2	Hx of FAI right elbow on 04.05.2009 Healed wound Atrophic non functional right claw hand X-Ray Right Elbow Joint (AP Lat) - Volkmann Ischemic Contracture (Rt) Upper Limb He is disabled permanently Please declare accordingly whether to adjust him on light duty for the rest of his tenure or boarded out on medical grounds
9.	Constable Farid Ullah No.5622 CNIC# 21604-9309474-5	Plating right tibia Healed fracture Gait is normal  Fit for normal duty
10.	Constable Muhammad Komail No.4961 CNIC# 14101-9714843-3	Right CVA for 03-years Not recovered right hand function The disability in right hand is permanent  Please decide accordingly whether he can be adjusted on light duty for the rest of his tenure or boarded out on medical grounds.

SMB EXAMINATION  
Dated Kohat the: 15/02/2022

*Rehman Afridi*  
MEMBER  
Dr. Rehman Afridi  
(Orthopaedic Surgeon)

*Akhtar Ali*  
MEMBER  
Dr. Akhtar Ali  
(Senior Physician)

*Mohammad Nasir*  
MEMBER  
Dr. Mohammad Nasir  
(Chief Surgical Specialist)

*Nasir Hassan Afridi*  
CHAIRMAN  
Dr. Nasir Hassan Afridi  
(Medical Superintendent)

*Attested*  
*11/26*

**ORDER**

This order will dispose of the departmental appeal preferred by Ex-constable Imtiaz Ullah No. 5906 of FRP Kohat Range, against the order of SP FRP Kohat Range, Kohat issued vide OB No. 389, dated 19.07.2022, wherein he was retired on invalid pension on medical ground with effect from 15.02.2022 as per recommendation/opinion of Standing Medical Board.

Brief facts the case are that the applicant was enlisted in Police Department as constable on 01.01.2011. Subsequently, he alongwith others were referred to Standing Medical Board at DHQ Hospital KDA Kohat. He was physically examined / checked by the Medical Board on 15.02.2022. The Standing Medical Board recommend that he is not fit for active duty of police as he is suffering from disabilities / disease, which are permanent and not recoverable.

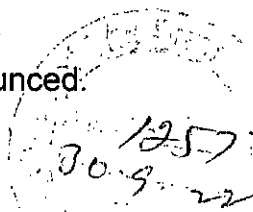
Keeping in view the above, he was retired on medical ground with effect from 15.02.2022 as per recommendation of Standing Medical Board vide OB No. 389, dated 19.07.2022.

Feeling aggrieved against the impugned order of SP FRP Kohat Range, Kohat, the applicant preferred the instant appeal. The applicant was summoned and heard in person in Orderly Room held on 25.08.2022.

His case was forwarded to AIG Legal at CPO Peshawar for opinion/necessary guideline to pursue further into the matter vide this office memo No. 7190/SI Legal, dated 02.09.2022. The same was returned by the CPO Peshawar vide memo No. 4600/Legal, dated 19.09.2022 with the opine that the applicant alongwith others were examined by the Standing Medical Board and found unfit for active duty. They were got retired from service on invalidated pension on the opinion of Medical Board. The applicant alongwith others have already been declared unfit for active official duty by the Medical Board therefore, the order of SP FRP Kohat Range has attained finality.

Based on the findings narrated above, I, **Commandant FRP**, Khyber Pakhtunkhwa, Peshawar, being the competent authority, in the light of opinion of AIG Legal CPO Peshawar, the instant appeal of the above named applicant is hereby rejected/ filed being meritless.

Order Announced.



*[Signature]*

**Commandant**

Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.

*OHC/SPC  
For ny action*

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

No. 7914-15 /SI Legal, dated Peshawar the 27/09/2022.

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

1. SP FRP Kohat Range, Kohat. His Service record alongwith D-file sent herewith.
2. Ex-constable Imtiaz Ullah No. 5906 S/o Muqarrab Khan R/o village Sarat Khel, Police Station karak, District Karak.

*Attended*  
*[Signature]*  
4/12/22

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1218/2023.**

**Service Appeal No. 1465/2022.**

**Imtiaz Ullah, S/o Muqarab Khan, constable FRP Range No. 5906, R/o Sarat Khel, Karak.....Appellant.**

**VERSUS**

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

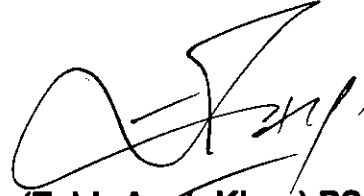
**AFFIDAVIT**

We respondents No. 1 to 4 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.

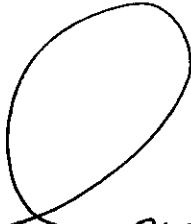
It is further stated on oath that in this appeal, the answering respondents have neither been placed ex-parte nor their defense has been struck off/costs.



**Asad Mehmood  
Superintendent of Police FRP,  
Kohat Range, Kohat  
(Respondent No. 03)**



**(Tahir Ayub Khan) PSP  
Commandant FRP,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 02)**



**Dr. Muhammad Akhtar Abbas DIG/Legal  
For Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.  
(Respondent No. 01 & 04)**

**ATTESTED**





**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

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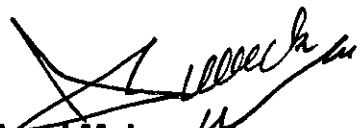
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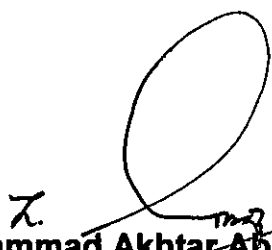
**AUTHORITY LETTER**

Respectfully Sheweth:-

We respondents No. 1 to 4 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.

  
**Asad Mehmood**  
**Superintendent of Police FRP,**  
**Kohat Range, Kohat**  
**(Respondent No. 03)**

  
**(Tahir Ayub Khan) PSP**  
**Commandant FRP,**  
**Khyber Pakhtunkhwa, Peshawar**  
**(Respondent No. 02)**

  
**Dr. Muhammad Akhtar Abbas DIG/Legal**  
**For Provincial Police Officer,**  
**Khyber Pakhtunkhwa, Peshawar.**  
**(Respondent No. 01 & 04)**