

BEFORE THE HON'BLE SERVICE
TRIBUNAL K.P PESHAWAR CAMP COURT
AT SWAT

Khyber Pakhtukhwa
Service Tribunal

Diary No. 10616

Dated 18-1-2024

Rahim Jan S/o Abdul Haleem R/o Civil Colony Alpurai, District
Shangla.

(Applicant)

VERSUS

- 1) Inspector General of Police Khyber Pukhtoonkhwa at Peshawar.
- 2) Deputy Inspector General of Police Counter Terrisum Department (CTD) KP at Peshawar.
- 3) Deputy Inspector General of Police Malakand at Saidu Sharif Swat.
- 4) District Police Officer Shangla.
- 5) Superintendent of Police, Counter Terrisum Department (CTD) Malakand Region at Swat.

(Respondents)

APPLICATION FOR AMENDMENT IN SERVICE
APPEAL.

Respectfully Sheweth:

- 1) *That, the service appeal titled above, No. 519/2023 is pending before this august Court, which is fixed for 07-02-2024.*
- 2) *That, respondent No. 5 issued the impugned order No. 2512-16 dated 18-09-2020 (dismissal from Service).*

- 3) *That, after filling of Service appeal, the respondent No. 1 dismissal from service order converted in compulsory retirement No. 2855-60 dated 15-12-2023, which is against the law & rules as well as fundamental rights.*
- 4) *That, the appellant want to amend in the above Service Appeal up-to the extent of compulsory retirement.*
- 5) *That, there is no legal bar of acceptance of the ibid application.*

It is, therefore, very humbly prayed that application may very kindly be accepted.

Applicant



Rahim Jan

BEFORE THE HON'BLE SERVICE
TRIBUNAL K.P PESHAWAR CAMP COURT
AT SWAT

Rahim Jan S/o Abdul Haleem R/o Civil Colony Alpurai, District Shangla.

(Applicant)

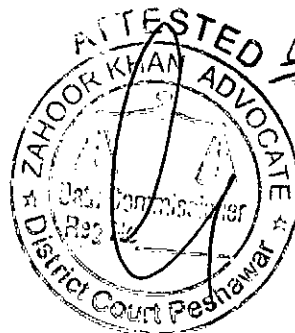
VERSUS

- 6) *Inspector General of Police Khyber Pukhtoonkhwa at Peshawar.*
- 7) *Deputy Inspector General of Police Counter Terrisum Department (CTD) KP at Peshawar.*
- 8) *Deputy Inspector General of Police Malakand at Saidu Sharif Swat.*
- 9) *District Police Officer Shangla.*
- 10) *Superintendent of Police, Counter Terrisum Department (CTD) Malakand Region at Swat.*

(Respondents)

AFFIDAVIT

I, Rahim Jan S/o Abdul Haleem R/o Civil Colony Alpurai, District Shangla, do hereby solemnly affirm on oath that the contents of this application are true and correct and nothing has been concealed from this august Court.





OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
PESHAWAR

ORDER

This order is hereby passed to dispose of Revision Petition under Rule 11-A of Khyber Pakhtunkhwa Police Rule-1975 (amended 2014) submitted by Ex-SI Raheem Jan No. 804/M.

The petitioner was awarded major punishment of dismissal from service by SP/CTD, Malakand vide order Endst: No. 2512-16/CTD/MKD, dated 18.09.2020 on the allegations that he while posted as I/C DFU, CTD PS Alpuri, District Shangla was alleged for the commission of a criminal act vide case FIR No. 358, dated 01.06.2020 u/s 409/420/468 PPC Police Station Alpuri District Shangla.

As per comments of DIG/CTD, Khyber Pakhtunkhwa, another enquiry was also carried out by the District Police Shangla in which the petitioner was also declared guilty.

His revision petition was discussed in Appellate Board meeting dated 28.10.2021 wherein the Board directed to conduct de-novo enquiry vide this office order Endst: No. S/4011-20/21, dated 29.10.2021.

In the de-novo enquiry it was concluded that no specific ground was found which could indicate the innocence of Ex-SI Raheem Jan. But having regard to the long service of the delinquent official and taking a lenient view it is recommended that the punishment of dismissal from service awarded by SP/CTD Malakand be converted into compulsory retirement on humanitarian grounds.

He has been acquitted of the charge by the Session Judge, MCTC Shangla vide judgment dated 04.10.2022.

The Appellate Authority i.e. DIG/CTD, KPK filed his instant appeal vide order Endst: No. 15276-81/EC/CTD, dated 09.12.2020.

Meeting of the Appellate Board was held on 16.03.2023, wherein the petitioner was present and heard in detail.

In the light of recommendations of de-novo enquiry, Members of the board have taken unanimous decision and the punishment of dismissal from service is being converted into compulsory retirement on humanitarian grounds in respect of Ex-SI Raheem Jan.

Sd/-
AWAL KHAN, PSP
Additional Inspector General of Police,
HQs: Khyber Pakhtunkhwa, Peshawar.

No. S/ 2855-60/23, dated Peshawar, the 15-12-2023.

Copy of the above is forwarded to the:

1. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar.
2. SP CTD Malakand Region.
3. AIG/Legal, Khyber Pakhtunkhwa, Peshawar.
4. PA to Addl: IGP/HQs: Khyber Pakhtunkhwa, Peshawar.
5. PA to DIG/HQs: Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: E-III, CPO Peshawar.

Attested

Raheem Jan

(MUHAMMAD AZHAR) PSP
AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.