

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.

Service Appeal No. 1674-P/2023

Wahid Gul (Appellant)

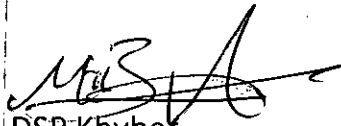
Versus

Government of Khyber Pakhtunkhwa and others..... (Respondents)

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5.	No. 2156-58/Trg: dated 03.02.2021	A	
6.	dismissed order No. 4546/PSO dated 18.10.2021	B	
#.	Total	-	

DEPONENT


DSP Khyber

CNIC No.

Mobile No.

01-03-2024
S-B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

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Versus

Government of Khyber Pakhtunkhwa and others..... (Respondents)

PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.1, 2,3 & 4. Khyber Pakhtunkhwa
Service Tribunal

RESPECTFULLY SHEWETH:

Diary No. 11513

PRELIMINARY OBJECTION:-

Dated 7-03-24

- a) That the Appellant has got no cause of action to file the present Appeal.
- b) That the Appeal is not based on facts.
- c) That the Appeal is not maintainable in its present form.
- d) That the Appeal is bad for non-joinder and mis-joinder of necessary parties.
- e) That the Appellant has not come to this Honorable Tribunal with clean hands
- f) That the Appellant is estopped by his own conduct to file the Appeal.
- g) That the appeal is barred by law and limitation.

Facts:

1. Correct, to the extent that appellant was absorbed in police department, however, remaining Para is pertains to record of Ex-Political Agent office District Khyber now Deputy Commissioner Khyber.
2. Pertain to record of Ex-Political Agent office District Khyber now Deputy Commissioner Khyber.
3. As already explained in Para 01.
4. Pertain to record, however, after his reinstatement into service the appellant failed to report at his reporting place and again absented himself in the meantime, he was selected for basic recruit training course vide order No.2156-58 date 03/02/2021 but he also failed to report at his training center. Appellant instead of obeying the lawful orders went to press club Khyber in his uniform to malign police Force and Senior Officers through false and vicious allegations. Such an act of uniformed police officer, as a gross misconduct was dealt severely by the high ups and appellant was again dismissed from service vide order No.4546 date 18.10.2021. (No. 2156-58/Trg: dated 03.02.2021 Annexure-A. dismissed order No. 4546/PSO dated 18.10.2021 Annexure- B)
5. Correct to the extent that appellant approached to the respondents, but his departmental appeal was badly time barred hence dismissed.
6. Correct to the extent that filed revision appeal before respondent, but this appeal was also being badly time barred hence dismissed.
7. Incorrect, appellant has got no cause of the appeal, therefore, the instant appeal may kindly be dismissed on the following grounds.

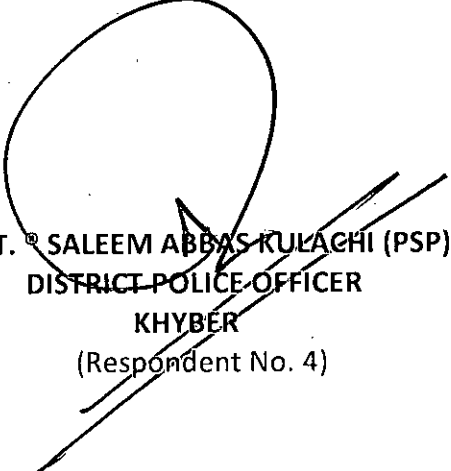
Grounds:

- A. Incorrect, the act/ order of respondent's is according to law and constitutional.
- B. Incorrect, the order of respondents are according to law, rules and regulations.

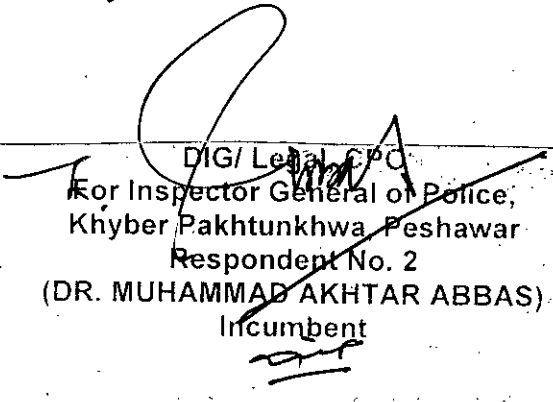
- C. Incorrect, as already explained in Para A and B.
- D. Incorrect, as already explained in the preceding Paras.
- E. Incorrect, appellant is not a noble man he was a black sheep in police department this was his second time of dismissed from service with bad character and un-discipline Acts.
- F. Incorrect, as already explained in the preceding paras, no discrimination and malafiday has done with the appellant.
- G. Respondents may also be allowed to raise other grounds, at the time of arguments.

Prayer:

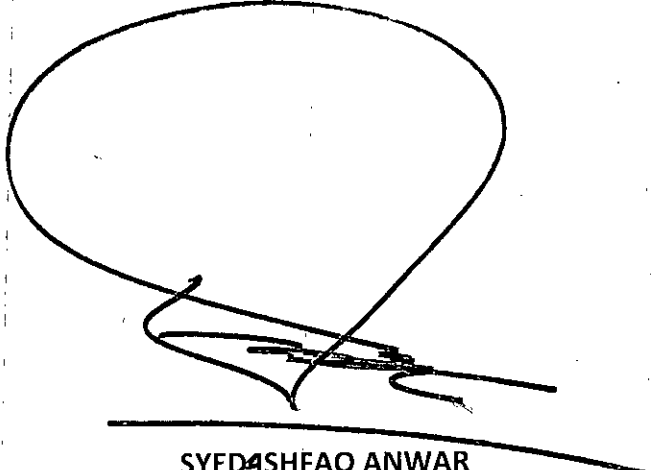
Keeping in view of the above stated facts, it is humbly prayed that the service appeal, being devoid of merits may kindly be dismissed with costs, please.




CAPT. SALEEM ABBAS KULACHI (PSP)
DISTRICT POLICE OFFICER
KHYBER
(Respondent No. 4)



DIG/ Legal CPD
For Inspector General of Police,
Khyber Pakhtunkhwa Peshawar
Respondent No. 2
(DR. MUHAMMAD AKHTAR ABBAS)
Incumbent



SYED ASHFAQ ANWAR
CHIEF CAPITAL CITY POLICE OFFICER
PESHAWAR
(Respondent No. 3)



ABID MAJEED
SECRETARY HOME AND TRIBAL AFFAIRS
KHYBER PAKHTUNKHWA
PESHAWAR
(Respondent No. 1)
Additional Chief Secretary
Home & T.As Department
Khyber Pakhtunkhwa.

BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

Service Appeal No. 1674/2023

Wahid Gul(Appellant)

VERSUS

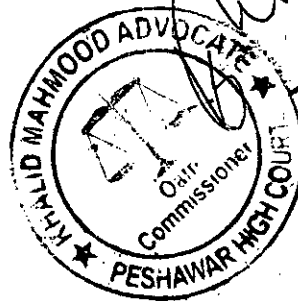
Government of Khyber Pakhtunkhwa & others (Respondents)

AFFIDAVIT

I, Saleem Abbas Kulachi, District Police Officer, Khyber (Respondent No. 4) do hereby solemnly affirm on oath that the contents of accompanying Reply to the instant Service Appeal are correct to the best of my knowledge and belief. Nothing has been concealed from this Hon'ble Tribunal.

It is further stated on oath that in this Service Appeal, the answering respondents have neither been placed ex-parte nor their defense is struck off *rest.*

(SALEEM ABBAS KULACHI) PSP
District Police Officer,
Khyber
(Respondent No. 4)



BEFORE THE HONORABLE PESHAWAR HIGH COURT PESHAWAR

Service Appeal No. 1674/2023

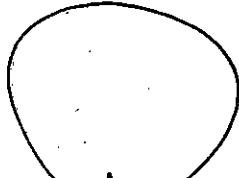
Wahid Gul(Appellant)

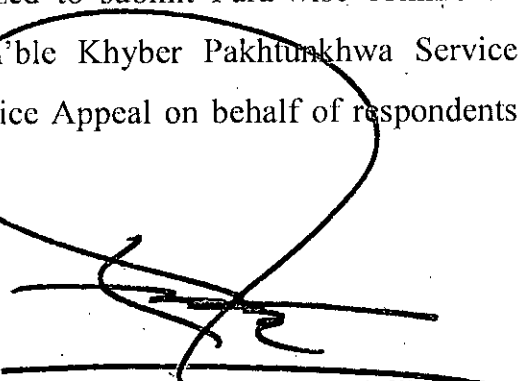
VERSUS

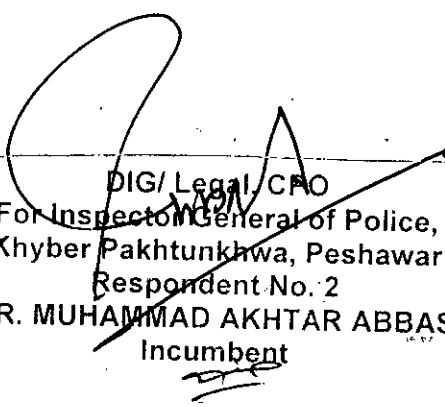
Government of Khyber Pakhtunkhwa & others (Respondents)


AUTHORITY LETTER

Mr. Mazhar Khan DSP, Khyber is authorized to submit Para-wise comments/ reply in the instant Service Appeal in the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar and also to defend instant Service Appeal on behalf of respondents No. 1 to 4.


(SALEEM ABBAS KULACHI) PSP
District Police Officer,
Khyber
(Respondent No. 4)


(SYED ASHFAQ ANWAR) PSP
Capital City Police Officer,
Peshawar
(Respondent No. 3)


DIG/ Legal, CPO
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
Respondent No. 2
(DR. MUHAMMAD AKHTAR ABBAS)
Incumbent


Abid Majeed
Secretary Home and Tribal Affairs
Khyber Pakhtunkhwa
Peshawar
(Respondent No. 1)
Additional Chief Secretary
Home & T.As Department
Khyber Pakhtunkhwa.



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**DIRECTORATE OF TRAINING
CENTRAL POLICE OFFICE
KHYBER PAKHTUNKHWA, PESHAWAR**
Email: dtptrgbasic@gmail.com

No. 2156-58 / Crp. dated 03/02/2021 Phone No. 021-9210941 Fax No. 9211268

To The District Police Officers,
Khyber, Bajaur & Mohmand.

Subject: **03 MONTHS POLICE TRAINING FOR EX-LEVIES & KHASADARS.**

Memo:

I am directed to refer to the subject cited above and to communicate that the following Police personnel (Ex-Levies/Khasadars) of your district Police are hereby nominated for the subject Training at Police Training School Mausehra, with the direction to report on 06.02.2021 alongwith original CNIC, nominal roll, medical fitness certificate and complete uniform kit etc. wherein they will be quarantined for 02 days before starting of training.

S/No.	Name	F/Name	Bel/Contact#	CNIC or D.O.B
Khyber				
1.	Fazal Rehman FC	Yarab Khan	0300-9364042	01.01.1984
2.	Rauf Khan FC	Inayatullah	0304-5835283	01.01.1978
3.	Amal Jan FC	Khan Akbar	0332-9227797	01.01.1989
4.	Gula Jan FC	Jan Muhammad	0333-9103413	15.05.1962
5.	Kifayat Ullah FC	Muhammad Jamil	0302-2111415	1998
6.	Muhammad Amin FC	Khewa Khan	0303-8401224	01.01.1975
7.	Mewa Jan FC	Sahib Khan	0341-5454663	1982
8.	Sharab Khan FC	Saifoor Rehman	0334-3936142	1976
9.	Wahid Gul	Haji Abdul Khaliq	0302-8880009	1982
10.	Yar Zada FC	Anwar Khan	0302-6344242	1988
11.	Muhammad Imran FC	Jan Kareem	0334-9116916	1985
12.	Gul Kareem FC	Sahib Jan	0306-0209717	01.01.1972
13.	Saif Ullah Khan FC	Nawab Khan	0304-4057311	20.03.1985
14.	Murad Ali FC	Javeed Iqbal	0332-6160683	10.04.1989
15.	Hayat Ullah FC	Taj Muhammad	0308-9065004	01.01.1972
16.	Azmat Ullah FC	Mehmood Khan	0302-5951937	1974
17.	Naik Muhammad FC	Khan Mar Jan	0300-5888481	2001
18.	Gula Jan FC	Islam Shah	0334-8308579	01.01.1987
19.	Khyber Khan FC	Hazrat Shah	0306-5757074	11.03.1985
20.	Khial Wazir FC	Jamross Khan	0302-8328288	1974
21.	Nek Muhammad FC	Abdul Muhammad	0308-1498769	01.01.1996
22.	Yar Wali FC	Zarnosh	0301-8191620	1983
23.	Muhammad Khalid FC	Shan Wali	0334-9588324	1992
24.	Hikmat Yar FC	Haji Sherbat Shah	0333-9382494	01.08.1973
25.	Jan Wali FC	Lal Ghamor	0302-8803029	01.01.1982
26.	Haroon FC	Haji Khan Akbar	0307-8460655	1987
27.	Muhammad Kafeel FC	Babo Khan	0302-3653434	01.03.1986
28.	Naik Shah FC	Saidan Shah	0332-4658592	1982
29.	Ghanta Gul FC	Speen Gul	0345-6896158	01.01.1980
30.	Muhammad Rashid FC	Jehanzeb Khan	0332-5963074	01.01.1992
31.	Abdul Lateef FC	Sefat Shah	0345-9169045	01.01.1971
32.	Ishtiaq FC	Mushtaq	0306-4160994	03.02.1986
33.	Mubarak Shah FC	Tor Gul	0334-0123293	1966
34.	Irfan Ullah FC	Asghar Khan	0305-7064266	01.01.1990
35.	Raji Ullah FC	Sami Ullah Khan	0301-8751556	20.10.1990
36.	Rahmat Noor FC	Gul Noor	0302-8888157	01.01.1978
37.	Saifoor Khan FC	Mazdoor Khan	0335-9573219	1983
38.	Hakeem Jan FC	Nazar Muhammad	0301-5447469	01.01.1989
39.	Milal Shah FC	Momand Khan	0305-9505031	1988
40.	Khan Badshah FC	Hajat Khan	0300-2601327	1985
41.	Ismail Khan FC	Abdul Qadar	0306-0090379	02.05.1987
42.	Saeed FC	Zar Gul	0306-5202085	01.01.1978
43.	Liaqat FC	Murad Khan	0332-9146832	01.01.1981
44.	Dost Muhammad FC	Ghifal Gul	0346-0995643	01.10.1983
45.	Sahar Gul FC	Laiq Shah	0336-5567322	01.01.1984


02/02/2021
DTPTRG BASIC
PESHAWAR

Attended by DOP [Signature]

[Signature]

861	Iqbal Khan	Alecem Khan	924290179	21405-9660299-5
862	Abdul Wahab	Taj Muhammad	924290179	2140293096515
863	Sajid Ali	Bakht Munir	924290179	21402-4462269-3
864	Sarzamin	Ibrar Khan	924290179	21407-1113642-1
865	Mushir Ullah	Hukam Sher	924290179	21407-7773012-7
866	Rahim Gul	Nadar Khan	924290179	17301-1297788-5
867	Abdul Jalil	Ajmal Khan	924290179	21407-3829497-5
868	Munsif Khan	Sher Dad Khan	924290179	21407-5615198-3
869	Zarak Khan	Abdur Rehman	924290179	17103-0378526-5
870	Zarak Khan	Muht Hanif	924290179	21407-8066123-4
871	Rashid Khan	Nazir Ullah	924290179	17301-4122008-1
872	Kamran	Rajin Shah	924290179	21407-8080414-7
873	Waqas Ahmad	Nadar Khan	924290179	17103-0367207-1
874	Amjad Khan	Muht Ajan	924290179	21407-1968673-1
875	Arab Gul	Sher Akbar	924290179	21407-8449159-5
876	Umair Khan	Ali Sher	924290179	21407-5953801-1
877	Sami Ullah	Bismillah Jan	924290179	17301-9418921-1
878	Shaheen Shah	Mula Jan	924290179	21407-0671288-9
879	Bahram Khan	Hanif	924290179	21407-3643109-1
880	Abdullah	Zahir Ullah	924290179	21407-3911539-3
881	Gu Sha Ali	Kinkhab	924290179	21407-0618149-5
882	Muht Ilyass	Dost Muht	924290179	21402-2893183-1
883	Amir Nawaz	Sharif Gul	924290179	21407-2266638-9
884	Sareer Ahmad	Qamar Zaman	924290179	17102-8184636-5
885	Feroz Ali	Ghulam Haider	924290179	17102-1790199-5
886	Ayub Khan	Muhammad Shah	924290179	211404-4805196-9
887	Tehsin Ullah	Hazir Muht	924290179	21404-1150468-5
888	Muhammad Khan	Jan Muht	924290179	21404-5021328-3
889	Namdar	Naseeb Jan	924290179	21402-2176846-5
890	Raid Ullsh	Muhammad Ullah	924290179	21409-5487954-9
891	Yaseen	Musa Jan	924290179	21402-3633985-7
892	Noor Zada	Sher Zada	924290179	21303-3305703-1
893	Taj Khan	Kitab Gul	3018195789	21401-9353090-7
894	Raz Muht	Bahadar Khan	3005798645	15401-8303391-5
895	Rahman Ullah	Fazal Akbar	3015501892	21401-3994914-3
896	Sadiq Zaman	Bakhtawar Gul	3119495964	16202-8898957-3
897	Ibrar Khan	Daulat Khan	3064104450	21401-5657857-9
898	Tahir Zaman	Azeem Khan	3436944585	21406-1287881-9
899	Muht Naecm	Muht Naseem	924290179	17102-9480443-1
900	Abid Khan	Khan Qadar	924290179	21403-7626382-3
901	Sameen Ullah	Ubaid Ur Rehman	924290179	21406-2404955-3


Moreover, as directed by the Competent Authority that all the process of training will be initiated as per SOP laid down by the Provincial Government in wake of pandemic COVID-19.

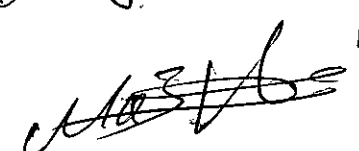

 (MUHAMMAD QURAISH KHAN) PSP
 Assistant Inspector General of Police
 Directorate of Training,
 Khyber Pakhtunkhwa Peshawar

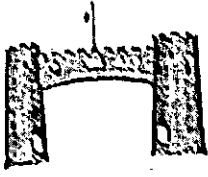
2159-64
 No. _____ /Trg: dated Peshawar 03/02/2021.

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

1. Addl: IGP/HQs Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer, Peshawar.
3. Regional Police Officers, Malakand, Mardan.
4. Director Police Training School, Manshra.
5. PSO to IGP Khyber Pakhtunkhwa, Peshawar.


 (MUHAMMAD QURAISH KHAN) PSP
 Assistant Inspector General of Police
 Directorate of Training,
 Khyber Pakhtunkhwa Peshawar

Accepted by DSP Khyber




OFFICE OF THE
DISTRICT POLICE OFFICER
KHYBER



No. 4546 /PSO-Khyber, dated 18/10/2021.

PUNISHMENT ORDER:

That, Constable Wahid Gul No. 1057 posted at Takhta Baig PP was reported upon that he was involved in corrupt practices and drugs selling. In this regard, a proper departmental enquiry was conducted by the then DPO Khyber and he was awarded major punishment of dismissal from service vide this office Order issued vide No. 1439/PSO-Khyber, dated 30/05/2020. Later on, he filed an appeal against the said dismissal order which was approved by the Capital City Police Officer, Peshawar vide order No. 111-16/PA, dated 21/01/2021 and he was reinstated in service without benefits for the period he remained out of service.

And that, even after reinstatement, he didn't report to District Police Lines and absented himself. Later on, he was selected for training but he didn't join the training as well. The said constable did not bother to report at Police Lines Khyber despite several notices.

And that, being reinstated into service and shown orders he went to Press Club in uniform and tried to malign Police Department and senior officers with false allegations.

And that, he was called to verify his allegations and give proofs if there were any which he failed to prove.

In view of the above, Constable Wahid Gul No. 1057 is hereby dismissed from service under Khyber Pakhtunkhwa E&D Rules 2011 (Section 7) with immediate effect.

Wasim
(WASIM RIAZ) PSP,
DISTRICT POLICE OFFICER,
KHYBER

No. 4547-51 /PSO-Khyber,

Copy of above is forwarded to:

1. The Capital City Police Officer, Peshawar.
2. DSP/Hqrs, Khyber.
3. Accountant, Khyber.
4. OASI, Lines District Khyber.
5. All concerned for necessary action.

Attended by DSP Khyber
[Signature]