

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1051/2022**

**Ibrar Ahmad, Ex-constable, Belt No. 5582, FRP Kohat Range, Kohat**  
.....**Appellant.**

**VERSUS**

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

**INDEX**

<b>S. NO</b>	<b>DESCRIPTION OF DOCUMENTS</b>	<b>ANNEXURE</b>	<b>PAGE No.</b>
1.	Para-wise Comments		03
2.	DD report	A	04
3.	Medical Opinion	B	05
4.	Rejection Order	C	06
5.	Affidavit		07
6.	Authority Letter		08
<b>Total</b>			<b>08</b>

**RESPONDENTS**

~~11/03~~

22-04-2024

S.B  
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Service Appeal No. 1051/2022**

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.....Appellant.

**VERSUS**

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

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

**RESPECTFULLY SHEWETH.**

**PRELIMINARY OBJECTIONS:-**

**Khyber Pakhtunkhwa**  
**Service Tribunal**

Diary No. 117461

Dated 14-03-2024

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 appellant has concealed material facts from this Honorable Tribunal.

**FACTS:-**

1. Para No. 01 pertains to appellant service record, hence needs no comments.
2. Pertains to the appellant service record. However, every Police Officer is under obligation to perform his assigned duty with devotion and to the entire satisfaction of his senior.
3. The Para has already been explained in the preceding Para quoted above.
4. Incorrect. The appellant concealed material facts. In fact he was not referred to any hospital for Medical examination by his supervisory officer or any senior officer. However, the outdoor patient ticket dated 14.06.2022 annexed by the appellant, reveals that he is very irritable not appearing for history and examination in OPD room in spite of his presence in hospital according to attendant, some psychological problem refer to KDA hospital.
5. Incorrect. The appellant is trying to mislead this Honorable Tribunal by concealing the actual facts. In fact the appellant after referred to KDA hospital was examined and he was found cannabis addict has started over dose. The Appellant was refer to psychiatry OPD from DHQ KDA hospital.
6. Pertains to the record of Al Shifa International Hospital, Islamabad and not related to answering respondents however, perusal of record reveals that the appellant was remained absent from duty vide Daily Diary report No. 11, dated 04.11.2021 to 06.11.20 without any leave or prior permission of the competent authority. (Copy of DD report is attached herewith as annexure "A")

7. Correct to the extent that the appellant was referred for medical examination before the Standing Medical Board DHQ Hospital Kohat by answering respondent No. 03 as the appellant was not interested in performing official duties assigned to him. However, after examination by the Standing Medical Board the appellant was found unfit for job anymore. (Copy of Medical Board opinion is attached herewith as annexure "B")
8. Correct to the extent that appellant was invalidated from service on medical ground on the opinion of Standing Medical Board accordingly.
9. Correct to the extent of filing departmental appeal, however, the same was entertained and rejected on merit. (Copy of rejection order attached herewith as annexure "C").
10. Incorrect. The orders of answering respondents are in accordance with law/rules, hence the instant appeal being devoid of merits may kindly be dismissed on the following grounds.

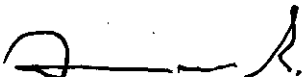
**GROUND:-**

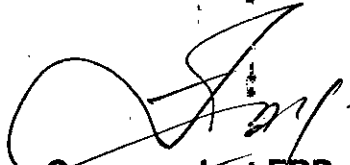
- A. Incorrect. The respondents are legally obligated to adhere the opinion of the Standing Medical Board, hence the order passed by the respondents in the case of the appellant are legally justified and in accordance to law/rules. Thus the appellant is not deserved for reinstatement in service as he is not fit for active duty of Police as per the opinion of Standing Medical Board.
- B. Incorrect. Reply already given vide preceding paras above.
- C. Incorrect. As discussed above the appellant was already declared as unfit for job anymore by a proper Standing Medical Board. Thus the medical certificates produced by the appellant with regard to the fitness of the appellant from a private doctor have no legal footing.
- D. Incorrect. The appellant was in the habit of applying for medical leave therefore he was referred for examination to Standing Medical Board for opinion. The Standing Medical Board found him unfit for job anymore.
- E. Incorrect. Reply already given vide paras above.
- F. Incorrect. The appellant is trying to mislead this Honorable Tribunal by concealing actual facts. In fact, the Standing Medical Board was comprising on Dr. Rehman Afridi, Dr. Akhtar Ali & Dr. Fazal Ahmad under the Chairmanship of Medical Superintendent DHQ Hospital Kohat was constituted and on the day of proceedings of the Standing Medical Board complete forum of the above named Doctors was present, where the condition of the appellant was physically and mentally examined and unanimously opined that he is not fit for the job of police force anymore.
- G. Incorrect. Reply already given vide paras above.
- H. Pertains to the appellant personal life, however, appellant was invalidated from service on medical ground on the opinion of Standing Medical Board.

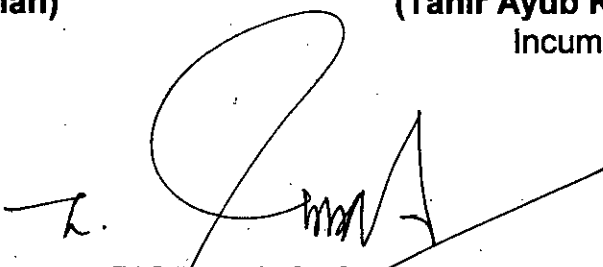
1. Incorrect. Each and every case has its own fact which is to be decided on its own facts and merit.
- J. The respondent may also be permitted to raise additional grounds at the time of arguments.

**PRAYERS:-**

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

  
**Superintendent of Police FRP,**  
Kohat Range, Kohat  
(Respondent No. 03)  
**(Aman Ullah Khan)**  
Incumbent

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

  
**DIG/Legal, CPO**  
**For Inspector General of Police,**  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 01)  
**(Dr. Muhammad Akhtar Abbas)**  
Incumbent

صالح قویا

5582  
تسل عد 04 روزانہ 11 06 021  
3

FRP  
الپیس الائن

سرد 04 صابری از غیر صابری صا فرم 06 11 021 وقت 13:30 بجے درج ہونے کا مشورہ

نمبر اعداد 5582 غیر صابری فرم 11 روزانہ 11 06 021

عالی عدالت میں ہمارے قاضیوں کے غیر صابری فرم صابری صابری کا

تسل عد 04 روزانہ 11 06 021

فنا سرد کارروائی افسران نامہ صابری کی صورت میں ارسال ہوگی

فصلی

تسل عد 04 روزانہ 11 06 021

D-11-M

1-11-30

Forwarded

Handwritten signature

Ld, PRP/OT

mm  
PRP Lina. lbt  
06-11-021

Handwritten signature

Forward

Total previous absence  
Period of FC Abrar Ahmad 5582  
is 08 days

Dy: Superintendent of Police  
FRP Kohat Range Kohat  
23-11-04

Attested  
Handwritten signature  
14/3/24  
OB 11  
4-2-22

صناع کوھاٹ

نقل جردا ۱۱ ۱۱/۰۴  
روزنامہ ۱۱/۰۴  
۰۲۱

FRP

مشد گنتی ملرز خان اور لورڈ عمر حاضری صا مورخ ۱۱/۰۴ وقت ۱۸:۰۵ بجے درج ہوا  
 گنتی ملرز خان گنتی تمام فارغ از ڈپٹی ملرز خان گنتی میں موجود ہائے گنتی  
 ماسوائے گنتی طارق علی ۵۲۴۳ گنتی میں عدم خود راکس ہائے گنتی  
 اندازاً ۵۵۸۲ جسکی ۳۰ نوم شد گنتی سے حاضری تھی عدوت حال حاضر نہ  
 مذکورین مانہ کانسٹیبلان کو ملرز حاضر لکھنؤ کے (لورڈ عمر حاضری روز بروز  
 کے تعلقہ لکھنؤ ضلعہ گارڈائی انجمنان نامہ FRP کی صورت میں ملے  
 ملے کے تعلقہ لکھنؤ اور ارسال کی

۱۱/۰۴  
 نقل ملرز خان

is forwarded  
 ۱۱/۰۴  
 (FRP) ۱۱/۰۴

\*  
 Talal  
 mm  
 FRP Limited  
 ۰۴-۱۱-۰۲۱

Attested  
 ۱۱/۱۱/۲۱

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

The Standing Medical Board has examined Constable Ibrar Ahmed No.5582 attached to FRP Kohat Range, Kohat; having CNIC No.14203-0552840-9.

- Medical Board is of the opinion that he is not fit for job anymore.

SMB EXAMINATION  
Dated Kohat the 27.09.2022

1. **CO-OPTED MEMBER.....**  
Dr. Rehman Afridi *Rehman Afridi*  
Surgeon  
DHO Teaching Hospital  
Kohat

2. **MEMBER.....**  
Dr. Akhtar Ali *Akhtar*  
DHO Teaching Hospital  
Kohat

3. **MEMBER.....**  
Prof. Dr. Fazal Ahmed  
KMD - KIMS  
Visiting Surgeon KDA  
Teaching Hospital Kohat  
Prof. Dr. Fazal Ahmad

4. **CHAIRMAN.....**  
Dr. Nasir Hassan Afridi *Nasir Afridi*  
Medical Superintendent

Attested

*20*  
14/3/24

*Amir G*

**ORDER**

This order will dispose of the departmental appeal preferred by Ex-constable Ibrar Ahmad No. 5582 of FRP Kohat Range, against the order of SP FRP Kohat Range, Kohat issued vide OB No. 846, dated 20.12.2022, wherein he was retired on invalid pension on medical ground with effect from 27.09.2022 as per recommendation/opinion of Standing Medical Board.

Brief facts the case are that the applicant was enlisted in Police Department as constable on 27.07.2007. He was referred to Standing Medical Board at DMQ Hospital KDA Kohat. After physical examination/checkup the Standing Medical Board recommended him for retirement on medical ground as he is not fit for job anymore vide SMB opinion dated 27.09.2022.

In the light of decision of Standing Medical Board, he was retired on invalid pension with effect from 27.09.2022 vide OB No. 846, dated 20.12.2022.

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 17.03.2023.

However, a same nature case of his other colleagues of FRP Kohat Range, who retired on invalid pension was forwarded to AIG Legal at CPO Peshawar for opinion/necessary guideline 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 opinion that such Ex-officials 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.

*AM*  
Commandant

Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar

No 2920-21 /SI Legal, dated Peshawar the 22.13 /2023.

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 Ibrar Ahmad No. 5582 S/o Amal Sattar R/o village Shah Qaisa Banda Lattar Khei, Police Station Takht E Nasrati, District Karak.

*Akhter*  
*AS*  
*9/3/24*



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Order Announced.

—Sd—  
**Commandant**

Frontier Reserve Police  
Khyber Pakhtunkhwa, Peshawar.

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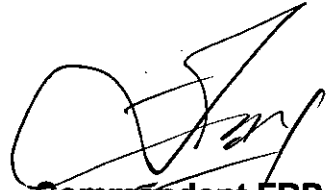
**VERSUS**

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

**AFFIDAVIT**

I respondent No. 02 do hereby solemnly affirm and declare on oath that the contents of the accompanying Para-wise Comments is correct to the best of our knowledge and belief that nothing has been concealed from this Honorable Court.

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



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

**ATTESTED**



**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.**

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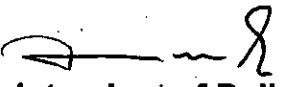
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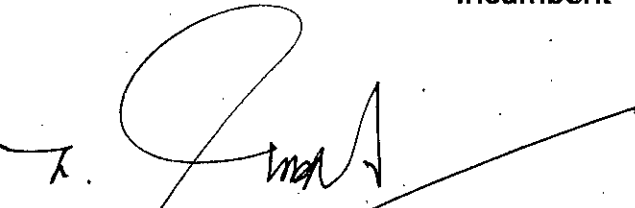
**AUTHORITY LETTER**

Respectfully Sheweth:-

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

  
**Superintendent of Police FRP,  
Kohat Range, Kohat  
(Respondent No. 03)  
(Aman Ullah Khan)  
Incumbent**

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

  
**DIG/Legal, CPO  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 01)  
(Dr. Muhammad Akhtar Abbas)  
Incumbent**