

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

BEFORE: **KALIM ARSHAD KHAN** ... CHAIRMAN
MUHAMMAD AKBAR KHAN ... MEMBER (Executive)

Service Appeal No.1192/2022

Date of presentation of Appeal.....29.07.2022
Date of Hearing.....08.05.2024
Date of Decision.....08.05.2024

Mr. Mamrez Khan, Head Constable No.769, Police Station SNGPL, Karak.....(*Appellant*)

Versus

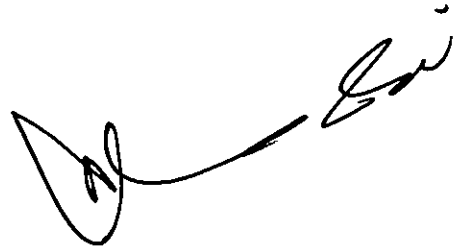
1. **Inspector General of Police**, Khyber Pakhtunkhwa, Peshawar.
2. **Regional Police Officer**, Kohat.
3. **District Police Officer**, Karak.....(*Respondents*)

Present:

Dr. Fawad Ullah, AdvocateFor the appellant
Mr. Asif Masood Ali Shah, Deputy District Attorney....For respondents

.....

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 20.09.2021 OF THE DISTRICT POLICE OFFICER KARAK (RESPONDENT NO.3) WHEREBY PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT AND THE IMPUGNED ORDER DATED 16.11.2021 PASSED BY THE REGIONAL POLICE OFFICER (RESPONDENT NO.2) VIDE WHICH DEPARTMENTAL APPEAL OF THE APPELLANT WAS REJECTED AND IMPUGNED ORDER DATED 11.04.2022 OF THE INSPECTOR GENERAL OF POLICE (RESPONDENT NO.1) VIDE WHICH THE REVISION PETITION OF APPELLANT FILED UNDER POLICE RULE 11-A OF POLICE RULES 1975 WAS PARTIALLY ACCEPTED AND PENALTY OF REMOVAL FROM SERVICE WAS CONVERTED INTO MAJOR PENALTY OF COMPULSORY RETIREMENT FROM SERVICE.



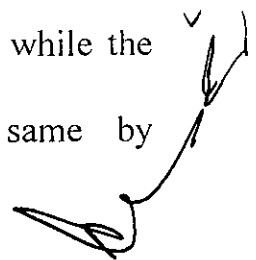
JUDGMENT

KALIM ARSHAD KHAN, CHAIRMAN: Brief facts of the case are that appellants were serving as Head Constables in the Police Department; that on the basis of complaint, they were proceeded against departmentally and charge sheet/statement of allegations were issued followed by inquiry; that resultantly, they were dismissed from service; that feeling aggrieved, they filed departmental appeal to the RPO Kohat but the same was dismissed; that thereafter, they filed Revision Petition under the Khyber Pakhtunkhwa Police Rules, 1975 to the Inspector General of Police Khyber Pakhtunkhwa and the IGP converted the penalty of dismissal into compulsory retirement from service. Therefore, they filed the instant service appeal for reinstatement into service with back benefits.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellants.

4. We have heard learned counsel for the appellants and learned Deputy District Attorney for respondents.

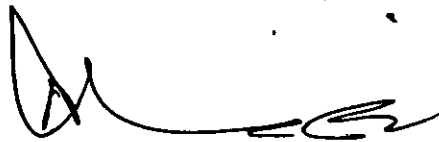
5. The learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Deputy District Attorney controverted the same by supporting the impugned order(s).



6. The allegations against the appellant was his alleged involvement in an illegal extra departmental activities as well as misuse of official powers. The appellant was proceeded against departmentally on a complaint of one Bashir Ahmad Advocate in respect of some land property and during the entire inquiry proceedings there was nothing found to be said a misconduct so as to justify the proceeding against the appellant departmentally. There might be some private land dispute, but because of that dispute, we are unable to hold that the appellant could be held liable for misconduct or at least misusing his official position.

7. Keeping in view the situation, instant service appeal is accepted. The impugned orders are set aside and the appellant is reinstated into service with all back benefits. Costs shall follow the event. Consign.

8. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 8th day of May, 2024.*



KALIM ARSHAD KHAN
Chairman



MUHAMMAD AKBAR KHAN
Member (Executive)

12th Jan. 2024

1. Appellant in person present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.
2. Former made a request for adjournment as his counsel was not available today. Adjourned. To come up for arguments on 08.05.2024 before D.B. P.P given to the parties.

SCANNED
KPST
Peshawar

Mutazem Shah



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman

S.A #.1192/2022

ORDER

8th May. 2024

1. Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.
2. Vide our consolidated judgment of today placed on file instant service appeal is accepted. The impugned orders are set aside and the appellant is reinstated into service with all back benefits. Costs shall follow the event. Consign.
3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 8th day of May, 2024.*



(Muhammad Akbar Khan)
Member (E)



(Kalim Arshad Khan)
Chairman

Mutazem Shah