

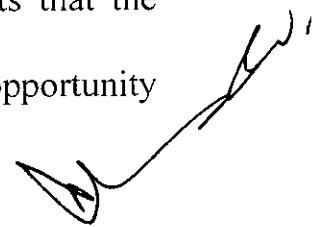
ORDER

12th June. 2024

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

2. Original impugned order dated 05.09.2018, vide which the appellant was removed from service was passed by the Deputy Commandant, Frontier Reserve Police, Khyber Pakhtunkhwa Peshawar (Competent Authority) against which the appellant opted to file departmental appeal on 08.06.2021. The departmental appeal of the appellant has also been rejected by the same Competent Authority i.e. Deputy Commandant, FRP and not the appellate authority. Therefore, the impugned appellate order is not at the very outset sustainable, because the representation is/was to be decided by the appellate authority alone, which, in this case, seems to be the Commandant FRP Khyber Pakhtunkhwa, Peshawar.

3. When confronted with the situation, learned counsel for the appellant as well as learned District Attorney agreed that while setting aside the appellate order passed by respondent No.3, let it be sent to the appellate authority i.e. the Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar for decision in accordance with law. Learned counsel for the appellant further requests that the appellate authority might be directed to provide opportunity





30.04.2024

Counsel for the appellant present. Mr. Asif Masood Ali Shah, DDA for the respondents present.

During the course of arguments it was noted that certain documents necessary for just disposal of the appeal are not available on record. Learned counsel for the appellant directed to produce on the next date FIR, Card of arrest, release order, if any, bail bond and complete challan. To come up for record and arguments on 30.05.2024 before the D.B. PP given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member(E)


(Rashida Bano)
Member (J)

Fazle Subhan, P.S

30.05.2024

01. Counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present.

02. Learned counsel for the appellant requested for time to produce the record as per order sheet dated 30.04.2024. Another opportunity is granted to him to produce the requisite record on the next date positively. To come up for arguments on 12.06.2024 before the D.B. PP given to the parties.

SCANNED
KPST
Peshawar


(Fareeha Paul)
Member(E)


(Rashida Bano)
Member(J)

Fazle Subhan, P.S

of hearing to the appellant. Order accordingly. The exercise should be completed within 60 days of the receipt of this order. Disposed of accordingly. Costs shall follow the event. Consign.

4. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 12th day of June, 2024.*



(Muhammad Akbar Khan)
Member (E)



(Kalim Arshad Khan)
Chairman

Mutuzem Shah