

Service Appeal No.7797/2021 titled "Rafi Ullah Khan Vs. Police Department"

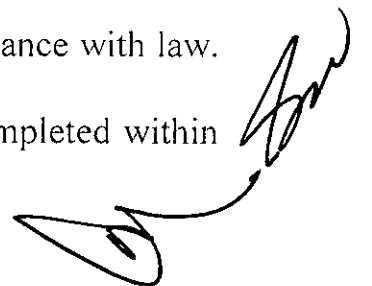
ORDER

11<sup>th</sup> July, 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 30.06.2009, 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 06.08.2021. 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.1, let it be sent to the appellate authority i.e. the Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar for decision in accordance with law. Order accordingly. The exercise should be completed within



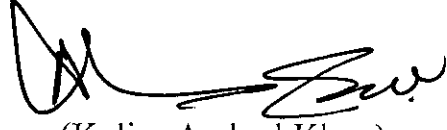
60 days of the receipt of this order. Disposed of accordingly.

Costs shall follow the event. Consign.

4. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 11<sup>th</sup> day of July, 2024.*



(Rashida Bano)  
Member (J)



(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*