

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.**

Service Appeal No. 2421/2023.

Bilal Ahmad..... (Appellant)

Versus

Inspector General of Police Khyber Pakhtunkhwa and others.....(Respondents)

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DEPONENT

  
DSP khyber

CNIC No # 21201-8380857-7

Mobile# 0333 9262626

18-07-24

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR.**

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**PARAWISE COMMENTS ON BEHALF OF RESPONDENTS NO.01 TO 03.**

**RESPECTFULLY SHEWETH:**

**PRELIMINARY OBJECTION:-**

- 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 the present form.
- d) That the Appeal is bad for non-joinder and miss-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.
- h) That the appeal is hit by rules 24 of S.T rules 1974.

**FACTS:**

1. Correct, to the extent that appellant was appointed as constable.
2. Pertain to record, however, he was nominated for basic recruit training, but he did not join the training session and deliberately absented himself w.e.f 01.09.2021 till 19.10.2021 total 49 days. Moreover, appellant was time and again informed through his mobile No. 0333-9000088 and also through local police station but appellant did not join his duty. As he was enlisted on 28.06.2019 vide order No. 1950-57/OASI-Khyber and failed to join his training/duty, therefore, his enlistment order mentioned above was withdrawn by the DPO Khyber vide order No.4573-81 dated 20.10.2021 in accordance with rule 12-21 of Police Rules 1934. (Annex-A withdrawal order, Annex-B letter No.2930-32/OHC-Khyber dated 11.09.2021, Annex-C Rule 12-21 of Police rules, 1934)
3. As already explained in the preceding paras.
4. Incorrect, appellant did not submit any application regarding study leave, however, being a member of discipline force he was bound to follow each and every order of high up's, but, not interested in his job.
5. Incorrect, as already explained in the preceding paras, however, the delinquent official deliberately absented from lawful duty and did not join mandatory basic recruit course while nominated for training.
6. Incorrect, discharge order is in accordance with law/rules.
7. Incorrect, the impugned order is lawful, legal and in accordance with natural justice.
8. Incorrect and misleading. In fact, appellant was discharge under Rule 12-21 of Police rules, 1934 which is particularly meant for officials found inefficient towards duty during probation period.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 14297

Dated 18-07-24

9. Incorrect, however, he was nominated for basic physical training, but he did not join the training session and deliberately absented himself w.e.f 01.09.2021 till 19.10.2021 total 49 days. Moreover, appellant was time and again informed through his mobile No. 0333-9000088 and also through local police station but appellant did not join his duty. As he was enlisted on 28.06.2019 vide order No. 1950-57/OASI-Khyber and failed to join his training/duty, therefore, his enlistment order mentioned above was withdrawn by the DPO Khyber vide order No.4573-81 dated 20.10.2021 in accordance with rule 12-21 of Police Rules 1934.
10. Incorrect, however, he was nominated for basic physical training, but he did not join the training session and deliberately absented himself w.e.f 01.09.2021 till 19.10.2021 total 49 days. Moreover, appellant was time and again informed through his mobile No. 0333-9000088 and also through local police station but appellant did not join his duty. As he was enlisted on 28.06.2019 vide order No. 1950-57/OASI-Khyber and failed to join his training/duty, therefore, his enlistment order mentioned above was withdrawn by the DPO Khyber vide order No.4573-81 dated 20.10.2021 in accordance with rule 12-21 of Police Rules 1934.
11. Pertain to the judgment of honorable Court's however, he was nominated for basic physical training, but he did not join the training session and deliberately absented himself w.e.f 01.09.2021 till 19.10.2021 total 49 days. Moreover, appellant was time and again informed through his mobile No. 0333-9000088 and also through local police station but appellant did not join his duty. As he was enlisted on 28.06.2019 vide order No. 1950-57/OASI-Khyber and failed to join his training/duty, therefore, his enlistment order mentioned above was withdrawn by the DPO Khyber vide order No.4573-81 dated 20.10.2021 in accordance with rule 12-21 Police Rules 1934.
12. Pertain to office record, however, he was nominated for basic recruit training, but he did not join it and absented himself w.e.f 01.09.2021 till 19.10.2021 total 49 days. Moreover, he was time and again informed through his mobile No. 0333-9000088 and also through local police station but he failed to join his duty. As he was enlisted on 28.06.2019 vide order No. 1950-57/OASI-Khyber and failed to join his training/duty, therefore, he was discharge by the DPO Khyber vide order No.4573-81 dated 20.10.2021 in accordance with rule 12-21 of Police Rules 1934.
13. Pertain to Honorable Service Tribunal record, hence no comment.
14. Pertain to Honorable Tribunal need no comment.
15. The appellant got no cause of action. The instant appeal may be dismissed on the following grounds.

**Grounds:-**

- A. Incorrect, appellant has been treated in accordance with law, rules and regulations.

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR.**

Service Appeal No. 2421/2023.

Bilal Ahmad ..... (Appellant)

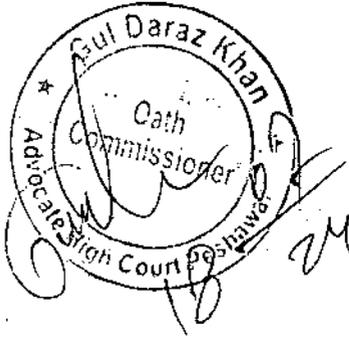
Versus

Inspector General of Police Khyber Pakhtunkhwa and others..... (Respondents)

**AFFIDAVIT**

I, Capt @ Saleem Abbas Kulachi, District Police Officer, Khyber (Respondent No. 1) 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.



District Police Officer,  
Khyber  
Respondent No. 1  
(Capt @SALEEM ABBAS KULACHI, PSP)  
Incumbent

**BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL,**  
**PESHAWAR.**

Service Appeal No. 2421/2023.

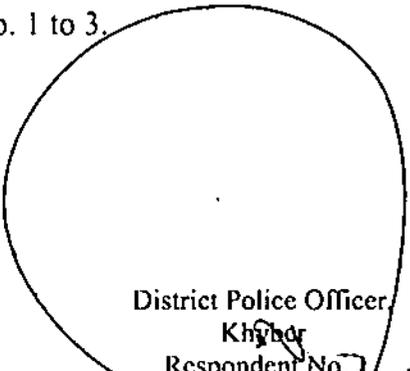
Bilal Ahmad ..... (Appellant)

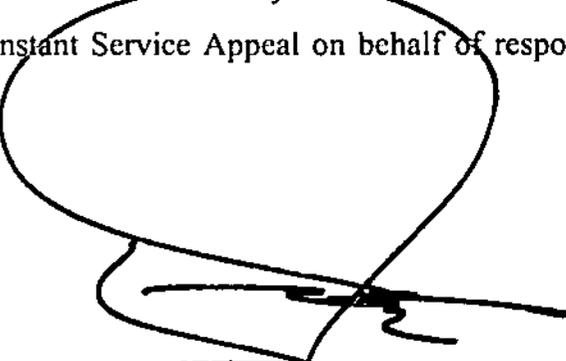
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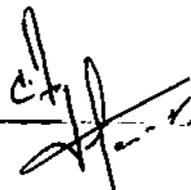
Inspector General of Police Khyber Pakhtunkhwa and others..... (Respondents)

**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 3.

  
District Police Officer  
Khyber  
Respondent No. 1  
(Capt @SALEEM ABBAS KULACHI, PSP)  
Incumbent

  
Capital City Police Officer,  
Peshawar  
Respondent No. 2  
(SYED ASHFAQ ANWAR, PSP)  
Incumbent

  
AIG/ Legal,  
For Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar  
(Respondent No. 3)  
(MUHAMMAD ASIF)  
Incumbent

ANNEXURE

(A)

(13)



OFFICE OF  
THE DISTRICT POLICE OFFICER  
KHYBER



ORDER

Mr. Bilal Ahmad s/o Said Alam r/o Sohbat Dhand Shalobar Road Swatabad Bara, District Khyber has been enlisted as Constable (BPS-07) in District Police Khyber vide Order No.1950-57/OASI-Khyber, dated 28.06.2019. The above mentioned was informed time and time through his mobile No.03339000088 and also through local Police Station but the above named candidate neither came for joining his duty nor giving his statement for resign.

Therefore his enlistment order is hereby withdrawn

*Dani*  
DISTRICT POLICE OFFICER  
KHYBER

No. 4573-BL /OHC-Khyber, dated 20/10/2021.

Copy of above is forwarded for information to the:-

1. W/ Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for information please.
2. Addl: Inspector General of Police HQRS: KPK, Peshawar.
3. Dy: Inspector General of Police HQRS: KPK, Peshawar.
4. AIG/Establishment KPK, Peshawar.
5. Capital City Police Officer, Peshawar.
6. Deputy Superintendent of Police HQRS: Khyber.
7. Pay Officer, Khyber.
8. CRC/FMC

Attested by  
DSP Legal Khyber  
*Mazhar*

ANNEX B

OFFICE OF  
THE DISTRICT POLICE OFFICER  
KHYBER



To

The Commandant, PTC, Hangu

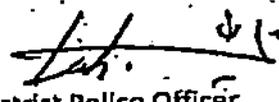
Subject:

Basic Recruit Course

Memo:

Kindly refer to DIG Training office letter No. 6434-44Trg: Dated 26.07.2021 on the subject cited above.

Enclose Please find herewith nominal roll of recruit constables of District Police Khyber who are already nominated by DIG TRAINING CPO Khyber Pakhtunkhwa VID above quoted reference for kind perusal and further necessary action.

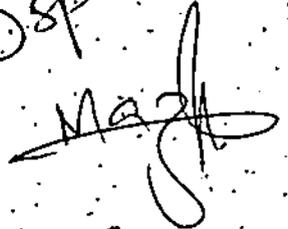
  
District Police Officer

Khyber

NO. 2930-32/OHC-KHYBER, DATED 11/09/2021.

Copy of above is forwarded for information to the:-

1. DIG Training Peshawar.
2. Capital City Police Officer, Peshawar.

Attested by  
DSP Legal  


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S.No	Name of Recruit	Father Name	D/O Birth	Education	Date of Enlistment	District	Mobile No.
1	SYED ABBAS	SYED SARFARAZ KHAN	11-Mar-1993	MSC	28.05.2021	Khyber	0333-8083854
2	HISSAN ULLAH	AMAN ULLAH	05-Oct-1993	MA	28.05.2021	Khyber	0315-7576740
3	MUHAMMAD HAKEEM	AMAL JAN	05-Jul-1996	B.COM	28.05.2021	Khyber	0301-5961098
4	MUHAMMAD ASIF	SAMEEN KHAN	04-Apr-1998	DSC	28.05.2021	Khyber	0333-9646354
5	MUMTAZ ALI	TIHQIDON SHAI	01-Apr-1999	FSC	28.05.2021	Khyber	0312-2020330
6	IRFAN ALAM	SADIR ALAM	17-Jul-1996	MA	28.05.2021	Khyber	0311-9251752
7	MUHAMMAD IUBRAHIM	YOUSAF KHAN	03-Feb-1995	DSC	28.05.2021	Khyber	0302-8306086
8	ABDUL SAMAD	LAIQ JAN	19-Feb-1998	MATRIC	28.05.2021	Khyber	0335-9471950
9	ZEEESHAN KHAN	ISMAIL KHAN	13-Apr-1998	FSC	28.05.2021	Khyber	0302-9774435
10	MUHAMMAD SAEED	HUSSAIN SHAI	01-Mar-1992	MSC	28.05.2021	Khyber	0306-9828590
11	ZIA UR REHMAN	MASHAL KHAN	17-Apr-1995	B.COM	28.05.2021	Khyber	0306-8844651
12	MUHAMMAD ULLAH	NAWA GUL	25-Mar-1997	FSC	28.05.2021	Khyber	0347-9144739
13	INAYAT ULLAH	MUHAMMAD NACEM	01-Feb-2000	BSC	28.05.2021	Khyber	0333-8385717
14	JAN WALI	KHAN WALI	01-Feb-2002	FSC	28.05.2021	Khyber	0313-9552281
15	HISSAN ULLAH	SIAL GHULAM	25-Apr-1994	FSC	28.05.2021	Khyber	0333-9392464
16	HIKMAT SHER	MUHAMMAD KHAN	05-Apr-1997	FSC	28.05.2021	Khyber	0307-3586659
17	MUHAMMAD AYAZ	ZAHID GUL	05-Feb-1998	FSC	28.05.2021	Khyber	0303-8511865
18	ABDUL MATTEEN	ABDUR RAUF	01-Sep-1998	FA	28.05.2021	Khyber	0309-9170096
19	DARWESH KHAN	JAHANZEIN KHAN	15.02.2000	DSC	28.05.2021	Khyber	0302-9383733
20	MUHAMMAD KAMRAN	LAIQ KHAN	01-Mar-2002	FSC	28.05.2021	Khyber	0311-0944472
21	MURSAL KHAN	ZEDRO KHAN	08-Mar-1997	DSC	28.05.2021	Khyber	0332-9802264
22	NIAMAT ULLAH	JAVED ULLAH	16-Feb-1998	DSC	28.05.2021	Khyber	0306-5935998
23	JAWAS KHAN	SAEED KHAN	05-Mar-1993	MATRIC	28.05.2021	Khyber	0304-4118800
24	MUHAMMAD ZAHID	AUJANGZED	25-Mar-1996	DSC	28.05.2021	Khyber	0307-8097678
25	IFTIKHAR	ZAHID ABAD	01-Mar-1998	BA	28.05.2021	Khyber	0308-8884048
26	MUHAMMAD FAYAZ	ZAHID GUL	15-Mar-1999	DSC	28.05.2021	Khyber	0308-5988686
27	WEJIDAN ALI	KALIM ULLAH	03-Apr-1996	DSC	28.05.2021	Khyber	0302-8345702
28	RAHIMAN ULLAH	JANAB SHAI	10-Apr-1997	FSC	28.05.2021	Khyber	0304-9412326
29	NAJIB ULLAH	SADIQ ULLAH	10-Apr-1998	BA	28.05.2021	Khyber	0302-5901732
30	SHAI KHALID	SHAD KAI CEM	04-Mar-1999	FSC	28.05.2021	Khyber	0305-9896746
31	KARIM ULLAH	SADIQ ULLAH	25-Sep-1999	BA	28.05.2021	Khyber	0333-0720051
32	DASRAT ALI AMIN	MUHAMMAD AMIN	13-Sep-2001	FSC	28.05.2021	Khyber	0302-8068417
33	MUHAMMAD SHAFIQ	SAID KARIM KHAN	20-Apr-1995	FSC	28.05.2021	Khyber	0333-8006388
34	KAMIL KHAN	GUL SHAI KHAN	04-Apr-1997	DSC	28.05.2021	Khyber	0335-9003156
35	MUHAMMAD AMIN	WEJIDAN SHAI	15-Mar-1998	DSC	28.05.2021	Khyber	0307-9247967
36	HIFSIYAM AFINDI	ZAMLEN KHAN	11-Apr-2001	FSC	28.05.2021	Khyber	0303-0093103
37	SARFAJAZIZ	MAJED GUL	04-Jan-2002	FSC	28.05.2021	Khyber	0313-9514433
38	HISSAN ULLAH	MUHAMMAD JINNAH	03-Feb-1997	DSC	28.05.2021	Khyber	0333-8783580

Attested by  
Dsp Legal  
Khyber

Mazhar

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1	MUHAMMAD GUL	MUHAMMAD GUL	13-Feb-1997	BA	28.05.2021	Khyber	0301-5482148
2	FATHEEM KHAN	FATHEEM KHAN	06-Mar-1997	BSC	28.05.2021	Khyber	0307-8553062
3	MUR MUHAMMAD	MUR MUHAMMAD	15.01.1998	FSC	28.05.2021	Khyber	0336-9850598
4	MUHAMMAD IRFAN	MUHAMMAD IRFAN	16-Jan-1998	B.COM	28.05.2021	Khyber	0316-1816004
43	SUFI FASAL	SUFI FASAL	01-Feb-2002	FSC	28.05.2021	Khyber	0302-8047599
44	TAQI KHAN	TAQI KHAN	08-Feb-1998	BA	28.05.2021	Khyber	0333-3728282
45	SADAT FAHIMAD	SADAT FAHIMAD	13.03.2002	FSC	28.05.2021	Khyber	0307-9827288
46	MUHAMMAD NAVEED	MUHAMMAD NAVEED	01-Jan-2002	FSC	28.05.2021	Khyber	0301-5407581
47	SHAMS UR REHMAN	SHAMS UR REHMAN	12-Feb-1994	BSC	28.05.2021	Khyber	0306-8377218
48	ASMAAT ULLAH	ASMAAT ULLAH	03.03.1995	DAE	28.05.2021	Khyber	0306-9198186
49	MAJEED ULLAH	MAJEED ULLAH	12-Mar-1997	BA	28.05.2021	Khyber	0335-40358013
50	MURAN MUHAMMAD	MURAN MUHAMMAD	23-Mar-1997	DSC	28.05.2021	Khyber	0341-7012133
51	ABDULLAH	ABDULLAH	01-Oct-1997	BSC	28.05.2021	Khyber	0304-9151001
52	SHAL AHMAD	SHAL AHMAD	04-May-1998	BA	28.05.2021	Khyber	0333-9053088
53	NOVSHAD KHAN	MUHAMMAD IASIAD	31-May-1998	BA	28.05.2021	Khyber	0310-9775944
54	WASIQ AHMAD	WASIQ AHMAD	20-Jun-1999	BA	28.05.2021	Khyber	0334-4690987
55	KHAIRGHAR KHAN	KHAIRGHAR KHAN	04-Jan-2000	FSC	28.05.2021	Khyber	0302-7146898
56	AZAL KHUMI	AZAL KHUMI	14-Mar-2000	BSC	28.05.2021	Khyber	0316-1924813
57	MUHAMMAD SALMA AFROZ	MUHAMMAD SALMA AFROZ	07-Mar-1997	BA	28.05.2021	Khyber	0309-0545713
58	MUHAMMAD KABIRAN	MUHAMMAD KABIRAN	04-Apr-1997	FSC	28.05.2021	Khyber	0332-9419897
59	ZAFAR ALI	ZAFAR ALI	20-Oct-1997	BA	28.05.2021	Khyber	0304-5018728
60	ASIF KHAN	ASIF KHAN	20.11.2001	FSC	28.05.2021	Khyber	0306-8181033
61	HALEEM KHAN	HALEEM KHAN	15-Dec-1992	FSC	28.05.2021	Khyber	0333-9044317
62	SHAH FAHAD	SHAH FAHAD	03-Jan-1998	DAE	28.05.2021	Khyber	0316-9850599
63	MUSTAFA RAJAE	MUSTAFA RAJAE	15-Sep-2001	FSC	28.05.2021	Khyber	0333-3292871
64	MUHAMMAD MEHMAN	MUHAMMAD MEHMAN	04-Feb-1995	MATRIC	28.05.2021	Khyber	0301-8456483
65	SIRAJ AHMAD	SIRAJ AHMAD	17-Feb-1997	BSC	28.05.2021	Khyber	0333-9334904
66	RIZWAN ULLAH	RIZWAN ULLAH	15-Mar-2000	FSC	28.05.2021	Khyber	0324-9065681
67	SUNEEB	SUNEEB	02-Feb-2002	FSC	28.05.2021	Khyber	0307-5980506
68	FARDOQI AHMAD	FARDOQI AHMAD	01.02.1993	FA	28.05.2021	Khyber	0321-9337656
69	MUHAMMAD KABIR	MUHAMMAD KABIR	15-Mar-1996	FSC	28.05.2021	Khyber	0304-5100516
70	MUHAMMAD YOUNAS	MUHAMMAD YOUNAS	14-Jun-1996	BA	28.05.2021	Khyber	0310-9729031
71	HANZILA ULLAH	HANZILA ULLAH	07-Dec-1996	FSC	28.05.2021	Khyber	0306-1929283
72	KAMRAN	KAMRAN	01-Apr-1997	BA	28.05.2021	Khyber	0333-1000847
73	HAZRAT QHAL	HAZRAT QHAL	12-May-1997	NAS	28.05.2021	Khyber	0302-5696428
74	KARIM ULLAH	KARIM ULLAH	12-Mar-1996	FSC	28.05.2021	Khyber	0300-5818838
75	MUHAMMAD IKRAM	MUHAMMAD IKRAM	15-Feb-1998	DSC	28.05.2021	Khyber	0308-8283558
76	ARIF SHAH	ARIF SHAH	23-Aug-1998	BSC	28.05.2021	Khyber	0334-8484768
77	MOHSIN KHAN	MOHSIN KHAN	09-Jan-1999	DSC	28.05.2021	Khyber	0316-5798721
78	MUHAMMAD SHAHID	MUHAMMAD SHAHID	05-Mar-2001	FSC	28.05.2021	Khyber	0340-9222634
79	YASIR KHAN	YASIR KHAN	16-Apr-2001	MATRIC	28.05.2021	Khyber	0333-1314416

Attested to  
BSP Legal  
Khyber  
MAG 28

**12.19. Recruiting arrangement.** - (1) When sufficient recruits to fill vacancies in the rank of constable do not present themselves voluntarily at the headquarters of a district, or when other reasons justify such action, police officers proceeding on leave shall be encouraged to enlist recruits at their homes, and selected men may be deputed singly or in parties on recruiting duty.

(2) When police offices are required under the provisions of the above sub-rule to bring recruits from another district, they shall be provided with a letter to the Superintendent of such district, requesting him to examine candidates brought before him and to have those who are considered suitable for enrolment medically examined. A roll of all candidates passed as fit shall be prepared in form 12.13 by the Superintendent who examines them, and they shall be enlisted on the establishment of the district in which they are to serve with effect from the date of their being so passed, and shall be entitled to pay and travelling allowance from that date, provided that they report for duty without delay and by the most direct route. The appointment of candidates enrolled otherwise than under this provision shall in no case be antedated.

(3) In cases where a police officer has been put to expense on account of the feeding and travelling expense of a candidate brought by him, and provided such candidate is accepted and enrolled, the actual expenses so incurred, up to a maximum of Rs. 3, for each recruit, may be paid by the Superintendent from his grant for rewards.

**12.20. Recruits - Dates of Enrolment of.** - Superintendents of Police shall fill up vacancies in the rank of Constable as and when suitable men are available. Recruiting parties may be despatched, if necessary, and any Police Officer who produces really good recruits should be given some reward in addition to travelling allowance. The dates of enlistment of recruits shall, however, as far as possible, be regulated to ensure that a sufficient number of men are enrolled on the same date to form a training squad to proceed from start to finish of their recruits training according to the prescribed syllabus.

**12.21. Discharge of Inefficients.** - A constable who is found unlikely to prove an efficient police officer may be discharged by the Superintendent at any time within three years of enrolment. There shall be no appeal against an order of discharge under this rule.

**12.22. Certificates of appointments.** - (1) Every enrolled police officer shall be given a certificate of appointment in the form prescribed by the Police Act (Form 12.22(1)) and shall sign a receipt therefor in his character roll. Such certificate shall be signed by the gazetted officer empowered to make the appointment.

(2) Such certificate shall be in abeyance during periods of suspension and shall be surrendered on leaving the service.

**12.23. Trackers.** - (1) In districts where tracking by indigenous methods is an established custom, professional trackers may be appointed to the police by Superintendents either as constables or head constables according to their qualifications and up to the age of 35 years.

(2) The physical standards prescribed in Rule 12.15 shall not be obligatory in the case of trackers, but Rules 12.16 and 12.18 shall apply to them. Trackers, who prove unsatisfactory in respect of character and skill, may be discharged at any time. Men enlisted as trackers shall not be promoted or transferred for general police duties, unless they are thoroughly qualified for such duties.

(3) The number of professional trackers to be enrolled in any district, and the number of such appointments which may be made in the rank of head constable, shall be fixed by

Attested  
by DSP Legal  
M. J. S.