

Service Appeal No.1893/2022 titled “Hafeez Ur Rehman Vs. Secretary Home & Tribal Affairs Department, Police Lines, Road, Finance Department, Civil Secretariat, Khyber Pakhtunkhwa, Peshawar and others”, alongwith 10 others”

ORDER

30th Sep. 2024

Kalim Arshad Khan, Chairman: Through this single order this appeal and all the following connected appeals are being decided as all are of similar nature. Appeal Nos:1894/2022, 1895/2022, 1896/2022, 1897/2022, 1898/2022, 1899/2022, 2017/2022, 2018/2022, 2019/2022 and Service Appeal No.2020/2022.

2. Learned counsel for the appellants present. Mr. Naseer Ud Din Shah, Assistant Advocate General for the respondents present.

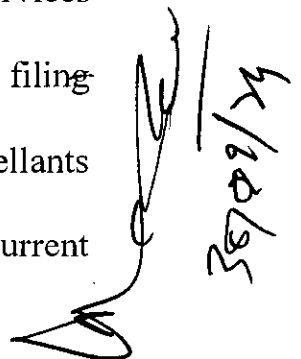
3. Brief facts of the cases, as per grounds and memo of appeals, are that appellants were initially serving as Khasadars and vide Notification dated 08.01.2021 they were absorbed in the Khyber Pakhtunkhwa Police; that they were serving as Assistant Sub Inspectors and were held as verified in the correspondence between the RPO and the DPO Bannu; that vide order dated 25.11.2021, they were again suspended for verification from Home Department, Peshawar and a committee was assigned the said task; that second round of verification took place and vide order dated 23.02.2022, the appellants were restored to their positions from the date of their suspension; that they were serving in the Police Department as Assistant Sub Inspectors (BPS-11); that on 11.08.2022 a committee was ordered to be constituted for the purpose of verification of controversial notifications; that



resultantly, all the appellants, except appellants namely Muhammad Tahir (Appeal No.1894/2022) and Saddam Hussain (Appeal No.2020/2022) whose services were struck off vide order dated 01.09.2022, were reverted from the ranks of ASI to Constable; that feeling aggrieved, they filed departmental representations, however, the same remained un-responded, hence, the instant service appeals.

4. Arguments heard. Record perused.

5. In the cases presented, the appellants, originally serving as Khasadars, were absorbed into the Khyber Pakhtunkhwa Police as Assistant Sub Inspectors following a notification on January 8, 2021. They were confirmed in their positions through correspondence between the Regional Police Officer (RPO) of Bannu and the District Police Officer (DPO) of Bannu. However, on November 25, 2021, they were suspended pending verification by the Home Department, which led to a second verification process. By February 23, 2022, the appellants were reinstated to their roles. Subsequent actions on August 11, 2022, involved the establishment of another committee to review controversial notifications, resulting in the reversion of all appellants, except for appellants namely Muhammad Tahir (Appeal No.1894/2022) and Saddam Hussain (Appeal No.2020/2022), whose services were terminated on September 1, 2022. Despite filing departmental representations against these actions, the appellants received no response, prompting them to pursue the current




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service appeals. The situation raises significant concerns regarding due process and the handling of their employment status within the police department.

6. During arguments, nobody could reply as to what had happened to that inquiry which had earlier been ordered by the Home Department for their verification as the DPO could not pass the impugned orders when the superior officer had earlier directed reinstatement of the appellants. Therefore, we are constrained to allow these appeals and direct that proper inquiry as directed by the Home Department should be conducted into the matter, if that has not already been conducted, within 60 days, and in case that had been conducted, the result of the same alongwith order in consequence of that shall be handed over to the appellants, within 10 days. The appellants namely Muhammad Tahir (Appeal No.1894/2022) and Saddam Hussain (Appeal No.2020/2022) are reinstated for the purpose of inquiry. The issue of back benefits shall be subject to the outcome of inquiry. Costs shall follow the event. Copy of this order be placed on files of all the connected appeals. Consign.

7. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 30th day of September, 2024.*


(Rashida Bano)
Member (J)


(Kalim Arshad Khan)
Chairman