

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, ABBOTTABAD.

BEFORE: MR. KALIM ARSHAD KHAN ... CHAIRMAN
MISS FAREEHA PAUL ... MEMBER(E)

Service Appeal No. 1787/2023

Muhammad Sohail son of Muhammad Javed, Caste Awan, resident of
Jhugian Shukraha, Tehsil Balakot District Mansehra.

.....(Appellant)

Versus

1. District Police Officer, Mansehra.
2. D.I.G Hazara Region, Abbottabad.

.....(Respondents)

Mr. Shad Muhammad Khan,
Advocate

... For appellant

Mr. Asif Masood Ali Shah,
Deputy District Attorney

... For respondents

Date of Institution..... 05.09.2023

Date of Hearing.....24.09.2024

Date of Decision..... 24.09.2024

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The instant service appeal has been instituted under section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 01.06.2023, whereby the appellant was dismissed from service and against the order dated 03.08.2023, whereby his departmental appeal was rejected. It has been prayed that on acceptance of the appeal, the impugned orders might be set aside and the appellant be reinstated into service.

03. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was selected in Frontier Corps as a Constable where he served



for about one year. He came to know about the vacancies of constables in the Police Department and applied for the same. The appellant brought all those facts into the notice of the immediate officer of Frontier Corps and he was permitted by his officer to appear for selection in Police Department. He qualified all the courses meant for selection in Police Department and an appointment order was issued. Prior to that, the appellant submitted an application for issuance of No Objection Certificate to Commandant Frontier Corps, Waziristan which was refused. A charge sheet was issued by respondent No. 1 and an inquiry was conducted wherein the statement of the appellant was recorded. Finally, the appellant was dismissed from service by the DPO Mansehra vide order dated 01.06.2023. Feeling aggrieved, he preferred departmental appeal before the D.I.G Hazara Range, Abbottabad, which was rejected on 03.08.2023; hence the instant service appeal.

04. Respondents were put on notice who submitted written replies/comments on the appeal. We heard the learned counsel for the appellant and learned Deputy District Attorney for the respondents and perused the case file with connected documents in detail.

05. Learned counsel for the appellant after presenting the case in detail argued that the order of dismissal of the appellant from service was against the rules and thus not maintainable in the eyes of law. While posted in Frontier Corps, the appellant had informed his high ups about his selection in Police Department and he was permitted by F.C authority to appear in the selection process. He further argued that when the appellant qualified all the tests and the parameter laid down for selection in Police Department, he approached F.C for issuance of NOC but the same was blatantly refused by



the said quarter. It was incumbent upon the Police Department to have probed into the matter but no regular inquiry was conducted nor the official from FC were examined and the impugned order was passed in violation of the rules and regulation. He requested that the appeal might be accepted as prayed for.

06. Learned Deputy District Attorney, while rebutting the arguments of learned counsel for the appellant, argued that an anonymous compliant was received against the appellant upon which a preliminary enquiry was conducted. During the enquiry, it was disclosed that the appellant was enlisted in Frontier Corps on 19.09.2021. He applied for NOC for appointment in Police Department but his request was not accepted by the FC authority and he applied for the post of Constable in Police Department without getting NOC and got himself enlisted as Constable on 13.12.2022. After proper enquiry he was dismissed from service. He requested that the appeal might be dismissed.


07. Arguments and record presented before us transpired that the appellant joined the Police Force vide order dated 30.12.2022. On an anonymous complaint, an inquiry was conducted in which it was revealed that the appellant concealed the fact that he was previously serving in the Frontier Corps and that he was awarded major penalty of dismissal from service. In the impugned order it had been clearly mentioned by the competent authority that a Military deserter or any other person dismissed from government service should not be considered for enlistment as Constable in the Police.


8. From the above discussion, we can safely arrive at a conclusion that the appellant concealed the fact that he was an employee of the Frontier Corps



and that he was dismissed from service and hence under the Police Circular Order No. 1/2020, he was not entitled for employment in the Provincial Police. In our view he was rightly dismissed from service from the date of appointment. The service appeal is, therefore, dismissed being groundless. Cost shall follow the event. Consign.

09. *Pronounced in open court at Camp Court, Abbottabad and given under our hands and seal of the Tribunal on this 24th day of September, 2024.*


(FARNEHA PAUL)
Member(E)
Camp Court Abbottabad


(KALIM ARSHAD KHAN)
Chairman
Camp Court, Abbottabad

Fazle Subhan, P.S


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24.09 2024

01. Mr. Shad Muhammad Khan, Advocate for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present. Arguments heard and record perused.

02. Vide our detailed judgment consisting of 04 pages, the appeal in hand is dismissed being groundless. Cost shall follow the event. Consign.

03. *Pronounced in open court at Camp Court, Abbottabad and given under our hands and seal of the Tribunal on this 24th day of September, 2024.*


(FAREEHA PAUL)
Member (E)
Camp Court, A/Abad


(KALIM ARSHAD KHAN)
Chairman
Camp Court, A/Abad

Fazle Subhan PS