


FORM OF ORDER SHEET

Court of _____

Review Petition No. 895/2024

No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	15/08/2024	<p>The Review Petition of in appeal no. 794/2023 submitted today by Mr. Muhammad Yaseen Hassan Khelvi Advocate. It is fixed for hearing before Division Bench at Peshawar 03.09.2024 Original file be requisitioned. Parcha Peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

Review Petition No. 895/2024

In

Service Appeal No. 794-P/2023.

Khurshid Alam (ASI)

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others.

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Dated 09-08-2024.


Appellant

Through:

Muhammad Amin Khattak Lachi
Advocate, Supreme Court,


Muhammad Yaseen Hassan Khelvi

&
Sayed Ali Shah
Advocates, High Court.

(01)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

Review Petition No. 895-P/2024

Khyber Pakhtunkhwa
Service Tribunal

In

Diary No. 14993

Service Appeal No. 794-P/2023.

Dated 15-08-2024

Khurshaid Alam (ASI) S/o Khurshaid R/o Zahor ul Islam Road, C.I.A
Chaoki, Kohat Cant, Tehsil & District, Kohat.

.....Petitioner.

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa, Central
Police Office, Peshawar.
2. Assistant Inspector General of Police, Training, Khyber
Pakhtunkhwa, Central Police Office, Peshawar.
3. Regional Police Officer Kohat.
4. District Police Officer Kohat,

..... RESPONDENTS.

REVIEW PETITION UNDER SECTION 114 C.P.C 1908 READ
WITH RULE 27 OF THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL RULES 1974, TO THE EFFECT THAT THE
JUDGMENT DATED 16-05-2024 PASSED IN SERVICE APPEAL
NO. 794-P OF 2023 IS AGAINST THE PRAYER OF THE SERVICE
APPEAL.

PRAYER IN APPEAL: -

On acceptance of instant Revision Petition, the Judgment dated 16-05-2024 may please be rectified in accordance to prayer appeal.

Any other relief not specifically prayed for, to which the Appellant is entitled in the facts and circumstances of the case may also be granted.

Respectfully Sheweth:

F A C T S

- 1. That the Petitioner preferred Service Appeal No. 794 of 2023 which has been allowed by the Honorable Tribunal vide Judgment dated 16-05-2024. **(Copy of annexed herewith)**
- 2. That the Service Appeal has been allowed in terms of the reply of the Respondents which is liable to be review on the following Grounds.

GROUND:

- A. That the Petitioner has preferred the service appeal against the orders passed by the departmental authorities dated 08-03-2023 and 02-02-2023 on the grounds that the Petitioner may please be exempted from basic elite course in accordance to standing order 01 of 2016 and not against the order of dropping his name from the list of trainees, but this aspect of the case has not been considered by the Honorable Tribunal.
- B. That the Honorable Tribunal in its Judgment relied upon the letter dated 22-11-2022 and 14-12-2022, and thus committed on error as both the letters were addressed prior to the impugned orders dated 08-03-2023 and 02-02-2023, moreover the medical board has recommended for exemption as provided under standing order 01/2016 and not dropping the Petitioner from prevailing training session.

C. That the Honorable Tribunal in its order has held that Counsel of the Petitioner has consented to the reply of the Respondents is besides the facts as the Petitioner has claimed exemption from the training and not dropping for the time being in the circumstances how counsel of the Petitioner can give consent to such extent, on this score alone the judgment dated 16-05-2024 is liable to be reviewed/ rectified.

D. That any other ground will be adduced at the time of arguments with the kind permission of this Honorable Tribunal.

[Signature]
Petitioner

Through

[Signature]
Muhammad Amin Khattak Lachi
Advocate, Supreme Court.

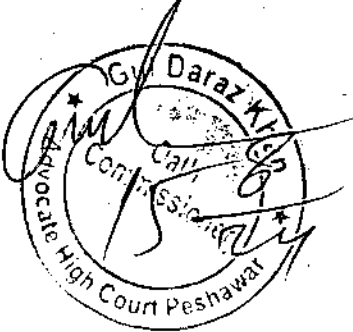
[Signature]
Muhammad Yaseen Hassan Khelvi

&

Sayyed Ali Shah
Advocates, High Court *[Signature]*

AFFIDAVIT

I, Khurshid Alam (ASI) S/o Khurshid R/o Zahor Ul Islam Road, C.I.A Chaoki, Kohat Cantt, Tehsil & District Kohat, do hereby affirm and declare on oath that the contents of the instant Review Petition are true and correct to the best of my knowledge and belief.



[Signature]
Deponent

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

Review Petition No. _____ -P/2024

In

Service Appeal No. 794-P/2023.

Khurshid Alam (ASI)

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others


ADDRESSES OF PARTIES

Appellant:

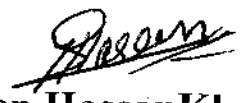
Khurshid Alam (ASI) S/o Khurshid R/o Zahor ul Islam Road, C.I.A
Chaoki, Kohat Cantt, Tehsil & District, Kohat.

Respondents:

- A. Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, Peshawar.
- B. Assistant Inspector General of Police Legal, Khyber Pakhtunkhwa, Central Police Office, Peshawar.
- C. Regional Police Officer Kohat.
- D. District Police Officer Kohat.


Appellant

Through:

Muhammad Amin Khattak Lachi
Advocate, Supreme Court.
& 
Muhammad Yaseen Hassan Khelvi
Advocate, High Court.



BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.



Service Appeal No. 794/2023.

Khurshid Alam (ASI) S/o Khurshid R/o Zahor ul Islam Road, C.I.A
Chaoki, Kohat Cantt, Tehsil & District, Kohat.

.....APPELLANT.

VERSUS

1. Inspector General of Police Khyber Pakhtunkhwa, Central Police Office, Peshawar.
2. Assistant Inspector General of Police, Training, Khyber Pakhtunkhwa, Central Police Office, Peshawar.
3. Regional Police Officer Kohat.
4. District Police Officer Kohat.

Khyber Pakhtunkhwa Service Tribunal
No. 4787
Dated 07/4/2023

..... RESPONDENTS.

APPEAL UNDER SECTION 04 OF The KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT, 1974 READ WITH RELAVANT RULES AND ENABLING LAWS AGAINST THE ORDER OF RESPONDENTS NO. 02 & 03 DATED 08-03-2023 & 02-02-2023 WHEREBY EXEMPTION FROM BASIC ELITE COURSE ON PHYSICAL DEFORMITY HAS NOT BEEN CONSIDERED/ REGRETTEED

PRAYER IN APPEAL: -

Filed to day
Registrar
7/4/2023

On acceptance of instant appeal, the Impugned Orders dated 08-03-2023 & 02-02-2023 may kindly be set aside and the appellant may please be Exempted from Basic Elite Course on Physical Deformity in accordance to Standing Order 01/2016.

Respectfully Sheweth:

FACTS

1. That the Appellant was appointed as PASI (BPS-09) under Quota reserved for the children of Shaheed Police Officers dated 18-01-2016 in District Kohat. (Copy of Appointment Order is Annexed as A).

ATTESTED
EXAMINER
Khyber Pakhtunkhwa Service Tribunal
07/04/2023

- (ob)
- (TS) (R)
2. That the appellant performed his duties to the utmost of his abilities and entire satisfaction of his superiors and thus regularized vide order No 8778-84/EC, dated 14-06-2022. **(Copy of order dated 14-06-2022 is Annexed as B)**
 3. That during this period the appellant Completed required trainings i.e. A, B, C & D at Police Training College Hangu in the year of 2017/2018.
 4. That the appellant while on routine patrol was attacked by unknown Assailants / Terrorists at Main Bazar Thakht-e-Nasrati and as a result sustained firearm injuries. **(Copy of F.I.R is Annexed as C)**
 5. That the Appellant got two surgeries of Exploratory Laparotomy & Colostomy Reversal, respectively. **(Copies of Medical Summary/Discharge Slips are annexed as D & E).**
 6. That the Appellant being qualified submitted an application to Respondent No.02, for inclusion of his name in the seniority list for Elite Course which has been regretted with the observation that the Appellant must undergo Elite Course otherwise he may not be considered for inclusion of promotion list "E". **(Copy of Application & Order Dated 02-02-2023 is Annexed as F & G).**
 7. That against the Order dated 02-02-2023 the appellant submitted departmental appeal to the Respondent No.02 which has been turned down/ regretted vide order dated 08-03-2023. **(Copies of Appeal and Order Dated 08-03-2023 are Annexed as H & I)**
 8. That now the Appellant being aggrieved from the impugned Order approaches this Honorable Tribunal for redressal of his grievances inter-alia on the following ground: -

GROUNDS

- I. That the impugned orders dated 08-03-2023 & 02-02-2023 of Respondents No. 02 & 03 are wrong, illegal, unfounded, unconstitutional, based on nepotism and favoritism, hence, is liable to be set aside.
- II. That the impugned Orders of Respondents are in sheer violation of the Fundamental Rights guaranteed to the Appellant as envisaged under the Constitution of Islamic Republic of Pakistan 1973.

ATTESTED

CLERK
Thakht-e-Nasrati
Service Tribunal
Faisalabad

III. That the Appellant has not been treated in accordance with law and rules by the Respondents on the subject noted above and as such the Respondents violated Article 4, 25 & 27 of the Constitution of Islamic Republic of Pakistan 1973.

IV. That the Regional Medical Board in its meeting dated 19-10-2022 has recommended that according to Standing Order 01/2016 the appellant may be exempted from the mandatory Elite Course and with further request that extra light courses in lieu of his exemption may be arranged.

(Copy of minutes Dated 19-10-2022 is Annexed as J)

V. That According to "Standing Order 01/2016" Clause 04 Major Physical Deformity any Police officer who suffers from any disability which causes hindrance in the discharge of official duties e.g. loss of eyesight or hearing suffering from heart disease, loss of limb or any major organ will be entitled for exemption from physical training but such officers shall undergo extra courses in lieu of the exemption from physical training subject to the approval of a regional board to be chaired by the concerned region police officer and consisting of medical superintendent of district headquarters and head of Unit" the appellant is fully eligible to be treated in terms of the Standing Order. **(Copy of Standing Order No 01/2016 is annexed as K)**

VI. That the impugned orders are violation of the standing order 01/2016 and the appellant has been deprived from its fruits just for no reasons.

VII. That the impugned orders are based on surmises and conjectures, and the same has been passed in slipshod manners.

VIII. That any other ground will be adduced at the time of arguments with the kind permission of this Honorable Tribunal.

It is therefore, most respectfully prayed that on acceptance of instant appeal:

- i. **The Impugned Orders dated 08-03-2023 & 02-02-2023 may kindly be set aside and the appellant may please be Exempted from Basic Elite Course on**

ATTESTED

EXAMINED
Cyber Security
Service Tribunal
Peshawar

Physical Deformity in accordance to Standing Order 01/2016.

ii. Any other relief not specifically prayed for, to which the Appellant is entitled in the facts and circumstances of the case may also be granted.

[Signature]
Appellant

Through

Muhammad Amin Khattak Lachi
Advocate Supreme Court

&

[Signature]
Muhammad Yaseen Hassankhelvi
Advocate High Court

AFFIDAVIT

I, **Khurshid Alam** (ASI) S/o Khurshid R/o Zahor ul Islam Road, C.I.A Chaoki, Kohat Cantt, Tehsil & District, Kohat, do hereby affirm and declare on oath that the contents of the instant Appeal are true and correct to the best of my knowledge and belief.

[Signature]
Deponent

ATTESTED
* **Qadir Daraz Khan** *
Qadri
Commissioner
Advocate
Kohat Cantt

ATTESTED
[Signature]
Kohat Cantt

2



Service Appeal No.794/2023 titled "Khurshid Alam Vs. Police Department"

ORDER

16th May, 2024 Kalim Arshad Khan, Chairman: Learned counsel for the appellant

and Mr. Asif Masood Ali Shah, Deputy District Attorney for the respondents present.

2. Grievance of the appellant is that he had physical deformity and the Regional Medical Board has recommended the case of the appellant for exemption from basis elite course as per Standing Order 01/2016. The respondents submitted reply and in reply to grounds IV & V are worth perusal:

"IV. Correct and his case alongwith report of the Regional Medical Board was referred to CPO vide this office Letter No.16727/EC dated 22.11.2022 which was replied with remarks vide Letter No.14635-38/Trg dated 14.12.2022 by CPO as follows:

"After perusal of the Competent Authority PASI Khushid Alam of Kohat Region is hereby dropped from the current session of the subject course on medical grounds, and shall be included in the next training session".

V. Correct, however, the petitioner was not permanently disable and could be recovered after proper treatment. Moreover, clause-4 of the standing order No.01/2016 bars disability which causes hindrance in the discharge of official duties and is further categorized into loss of sight or hearing, heart disease, loss of links or any major organ. He was, therefore, dropped for the current session of the requisite course and was recommended to be included in the next training session."

3. When confronted with this reply on two grounds, learned counsel for the appellant said that although, the appellant had missed the training, for which, exemption was granted to him, he was ready to join next course as undertook by the respondents in grounds IV & V of the reply.

ATTESTED

KALIM ARSHAD KHAN
Chairman
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

4. This being so, the appeal stands disposed of with the direction to include the appellant in the next subject course as undertook by the respondents. Consign.

5. Pronounced in open Court at Peshawar given under our hands and seal of the Tribunal on this 16th day of May, 2024.

(Rashida Bano)
Member (J)

Muazem Shah

(Kalim Arshad Khan)
Chairman

ATTESTED

REGISTRAR
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 16-5-2024
 Number of Words 67
 Copying Fee 30/-
 Urgent ✓
 Total 30/-
 Name of Copyist _____
 Date of Completion of Copy 01-8-24
 Date of Delivery of Copy 01-8-24

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.**

WAKALATNAMA

Khurshaid Alam (ASI)

(Petitioners)
(Appellant)

VERSUS

Inspector General of Police Khyber Pakhtunkhwa & others.

(Respondents)
(Defendants)

I, **Petitioner i.e. Khurshaid Alam (ASI)** in the above noted **Review
Petition**, do hereby appoint and constitute, ***Muhammad Amin Khattak
Lachi ASC & Muhammad Yaseen HassanKhelvi, Sayyed Ali Shah
Advocates High Court***, to appear, plead, act, compromise, withdraw or
refer to arbitration to me/us as my/our Counsel in the above noted matter,
without any liability for their default and with the authority to engage/
appoint any other Advocate/Counsel at my/our matter.

ACCEPTED

Muhammad Amin Khattak Lachi,
Advocate, Supreme Court of Pakistan.

BC-10-7525

CNIC#14301-3430761-9

Mob# 0300-9151041

CLIENT(S)

Just

Muhammad Yaseen HassanKhelvi
Advocate, High Court

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Sayyed Ali Shah

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