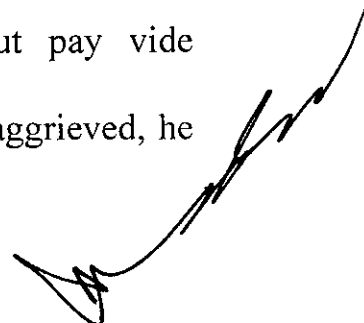


Restoration Application No.1126/2024 of, and order in Service Appeal No.7466/2021 titled  
"Rashid Khan versus Police Department"

**ORDER**

10<sup>th</sup> Oct. 2024

1. Mr. Fazal Shah Mohmand, Advocate, counsel for the applicant present. Mr. Muhammad Jan, District Attorney present.
2. Arguments on the restoration application as well as main service appeal No.7466/2021 were heard.
3. Restoration application filed by the appellant accepted and the main appeal stands restored on its original number.
4. Brief facts, as per averments of the main appeal, are that appellant was appointed as Constable on 26.10.2017; that FIR No.1485 dated 25.10.2010 was lodged against him due to the said case, he was suspended on 24.11.2011 and then vide order dated 07.06.2011, he was dismissed from service; that he filed departmental appeal followed by Service Appeal No.506/2012, during which he was acquitted by the order of the learned Civil Judge/City Magistrate on 28.02.2013; that acquittal order was produced before the Tribunal and this Tribunal vide its judgment dated 15.05.2014 remitted the matter back to the respondents to re-consider the departmental appeal of the appellant; that de-novo inquiry was conducted and the appellant was reinstated with immediate effect and his absence period was treated as leave without pay vide impugned order dated 08.09.2014; that feeling aggrieved, he

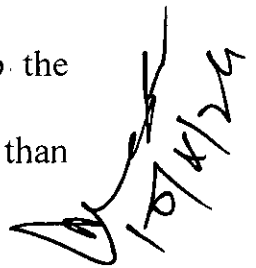


filed departmental appeal on 04.01.2021 but the same was not responded, hence, the instant service appeal.

5. Arguments heard. Record perused.

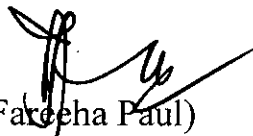
6. Record reflects that the appellant, who was appointed as Constable on October 26, 2017, faced a significant legal challenge due to the FIR No. 1485 lodged against him on October 25, 2010. Following his suspension on November 24, 2011, and subsequent dismissal on June 7, 2011, the appellant pursued a departmental appeal. His acquittal by the Civil Judge/City Magistrate on February 28, 2013, played a crucial role in his case, as it prompted the Tribunal to remand the matter for reconsideration of his appeal on May 15, 2014. The ensuing de-novo inquiry resulted in the appellant's reinstatement, although his prior absence was classified as leave without pay, as outlined in the impugned order dated September 8, 2014. Despite this reinstatement, the appellant's subsequent departmental appeal filed on January 4, 2021, went unanswered, leading him to pursue the current service appeal.

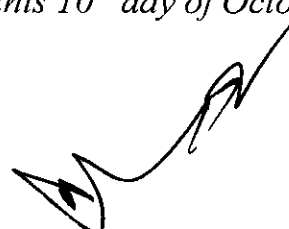
7. In the earlier round of litigation, the departmental appeal of the appellant was remitted by the Tribunal on 15.04.2014 with the direction for re-consideration of his case. The appellate authority passed the order on 08.09.2014. The appellant kept mum over that and made an appeal to the Inspector General of Police, on 14.01.2021 i.e. after more than six (06) long years.

A handwritten signature in black ink, followed by the date '10/1/24' written vertically.

8. Coupled with the fact that there is no concept of second appeal in the service, the departmental appeal of the appellant was also barred by time. Thus, the appeal in hand fails and is dismissed, because of the above stated facts, with costs. Consign.

9. *Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 10<sup>th</sup> day of October, 2024.*

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

\*Mutazem Shah\*