

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Service Appeal No. 1905/2022

BEFORE: MR. AURANGZEB KHATTAK... MEMBER (J)  
MISS FAREEHA PAUL ... MEMBER (E)

Mulazim Hussain S/O Kala R/O Dhakki Tehsil Pharpur D.I.Khan Police  
Lines FRP D.I.Khan. .... (*Appellant*)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Home Department,  
Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
3. Additional Inspector General of Police, FRP Khyber Pakhtunkhwa Peshawar.
4. Superintendent of Police FRP D.I.Khan. ....(*Respondent*)

Mr. Muhammad Abdullah Balouch,  
Advocate

... For appellant

Mr. Asif Masood Ali Shah  
Deputy District Attorney

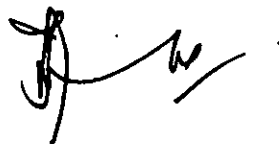
... For respondents

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Date of Institution..... 03.02.2023  
Date of Hearing.....21.10.2024  
Date of Decision..... 21.10.2024

JUDGMENT

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 24.08.2022, whereby the appellant was removed from service and against the order dated 28.11.2022, 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 respondents might be directed to reinstate the appellant into service with all back benefits.




learned Deputy District Attorney could not produce any order of the competent authority where the Inquiry Officer for second inquiry was changed from S.I Abdul Latif to S.I Sajid Hussain. Learned counsel for the appellant in his arguments stated several times that the appellant was not associated with the inquiry proceedings but the record produced by the respondents showed that he was associated in both the inquiries. Show cause notices dated 11.04.2022, 28.06.22 and 23.08.2022 available with the reply did not indicate whether they had been served upon the appellant or not, as no record of service of those show cause notices could be provided by the respondents either with the reply or by the learned Deputy District Attorney during the course of arguments.

07. In view of the above discussion, it appears that before awarding a major penalty, legal obligations have not been fulfilled in the present case. The matter is, therefore, referred back to the respondent department for denovo inquiry with the direction to fully associate the appellant in the entire proceedings by giving him full opportunity to present and defend his case and fulfill all the legal obligations of a fair trial. The appellant is reinstated into service for the purpose of denovo inquiry. The matter of back benefits is subject to the outcome of denovo inquiry. The entire process shall be completed within sixty days of the receipt of copy of this judgment. Cost shall follow the event. Consign.

08. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 21<sup>st</sup> day of October, 2024.*

  
(FAREEHA PAUL)  
Member (E)

  
(AURANGZEB KHATTAK)  
Member (J) 21/10/2024

MEMO OF COSTS.  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1905/2022

Mulazim Hussain S/O Kala R/O Dhakki Tehsil Pharpur D.I.Khan Police Lines FRAP  
D.I.Khan. .... (Appellant)

VERSUS

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Mr. Muhammad Abdullah Balouch,  
Advocate ..... For appellant

Mr. Asif Masood Ali Shah  
Deputy District Attorney ..... For respondents

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Appellant	Amount	respondents	Amount
1. Stamp for memorandum of appeal	Rs. Nil	1. Stamp for memorandum of appeal.	Rs. Nil
2. Stamp for power	Rs. Nil	2. Stamp for power	Rs. Nil
3. Services of processes	Rs. Nil	3. Services of processes	Rs. Nil
4. Pleader's fee	Rs. Nil	4. Pleader's fee	Rs. Nil
5. Security fee	Rs. 100/-	5. Security Fee	Rs. Nil
6. Profess fee	Rs. Nil	6. Process fee	Rs. Nil
7. Costs	Rs. Nil	7. Costs	Rs. Nil
Total	Rs. 100/-	Total	Rs. Nil

Note:- Counsel Fee is not allowed as the required certificate has not been furnished

Given under our hands and the seal of this Court, this 21<sup>st</sup> day of October, 2024.

  
(FAREEHA PAUL)  
Member (E)



  
(AURANGZEB KHATTAK)  
Member(J)

\*Fazle Subhan, P.S\*

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Service Appeal No. 1905 of 2022

Mulazim Hussain Versus Government of Khyber  
Pakhtunkhwa, through E&SE,  
Peshawar and others.

S.No. of Order & Date of proceedings	Order or other proceedings with signature of Chairman/Member(s)/Registrar and that of parties or counsel where necessary
Order-10 21 <sup>st</sup> October, 2024	<p>Present:</p> <ol style="list-style-type: none"><li>1. Mr. Muhammad Abdullah Balouch, Advocate for the appellant present.</li><li>2. Mr. Asif Masood Ali Shah, Deputy District Attorney for the official respondents present.</li></ol> <p>01. Vide our detailed judgment consisting of 04 pages, the matter is referred back to the respondent department for denovo inquiry with the direction to fully associate the appellant in the entire proceedings by giving him full opportunity to present and defend his case and fulfill all the legal obligations of a fair trial. The appellant is reinstated into service for the purpose of denovo inquiry. The matter of back benefits is subject to the outcome of denovo inquiry. The entire process shall be completed within sixty days of the receipt of copy of this judgment. Cost shall follow the event. Consign.</p> <p>02. <i>Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 21<sup>st</sup> day of October, 2024.</i></p> <p> (FAREEHA PAUL) Member (E)</p> <p> (AURANGZEB KHATTAK) Member (J)</p> <p>*Fazle Subhan, P.S*</p>