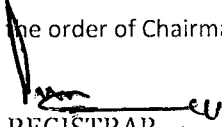


Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Execution Petition No. 525/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.09.2022	<p>The execution petition of Mr. Muhammad Aman submitted today by Roeda Khan Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p style="text-align: right;">By the order of Chairman  REGISTRAR</p>

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

Execution petition No. S25/2022

In

S.A No. 10516/2020

Mr. Muhammad Aman

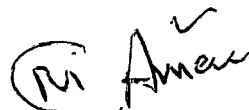
**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa  
Peshawar & Others

**INDEX**

S#	Description of Documents	Annex	Pages
1.	Execution Petition with Affidavit.		1-2
2.	Addresses of Parties		3
3.	Copy of Judgment	"A"	4-7
4.	Wakalat Nama.		

Dated: 06/09/2022



Petitioner

Through



Roeda Khan  
Advocate, High Court  
Peshawar

(D)

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

Execution petition No. 525 /2022

In

S.A No. 10516/2020



Mr. Muhammad Aman Constable No.223 Police line  
Peshawar District Peshawar.

**VERSUS**

1. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. The Capital City Police Officer Peshawar.
3. Commandant Campus Peace Corpus University Camp Peshawar.

**EXECUTION PETITION FOR  
IMPLEMENTATION OF THE  
JUDGMENT OF THIS HON'BLE  
TRIBUNAL IN APPEAL No.  
10516/2020 DECIDED ON 14/07/2022**

**Respectfully Sheweth,**

1. That the above mention Service Appeal No.10516/2020 was decided by this Hon'ble Tribunal vide Judgment dated 14/07/2022. (Copy of the judgment is annexed as annexure "A").
2. That the Petitioner after getting of the attested copy of same approached the

(2)

Respondent several time for implementation of the above mention judgment. However they are using delaying tactics and reluctant to implement the judgment of this Hon'ble Tribunal.


3. That the Petitioner has no other option but to file the instant petition for implementation of the judgment of this Hon'ble Tribunal
4. That the respondent department is legally bound to obey the order of this Hon'ble Tribunal by implementing the said judgment.

*It is, therefore, requested that on acceptance of this petition, the Respondents may directed to implement the judgment of this Hon'ble Tribunal.*

Dated: 06/09/2022

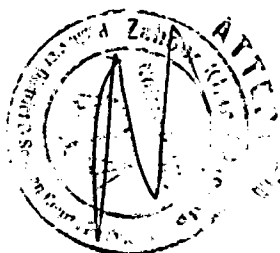
  
Petitioner

Through

  
ROEEDA KHAN  
Advocate, High Court  
Peshawar

**AFFIDAVIT:-**

I, Mr. Muhammad Aman Constable No.223 Police line Peshawar District Peshawar, do hereby solemnly affirm and declare on oath that all the contents of above application are true and correct to the best of my knowledge and belief and nothing has been misstated or concealed from this Hon'ble Court.



  
Deponent

3)

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

Execution petition No. \_\_\_\_\_/2022

In

S.A No. 10516/2020

Mr. Muhammad Aman

**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa  
Peshawar & Others

**ADDRESSES OF PARTIES**

**PETITIONER**

Mr. Muhammad Aman Constable No.223 Police line  
Peshawar District Peshawar.


**RESPONDENTS**

1. Inspector General of Police Khyber Pakhtunkhwa  
Peshawar.
2. The Capital City Police Officer Peshawar.
3. Commandant Campus Peace Corpus University Camp  
Peshawar

Dated: 06/09/2022

  
Petitioner

Through

  
**ROEDA KHAN**  
Advocate, High Court  
Peshawar

(1)  
(4)

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA  
SERVICES TRIBUNAL PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Sl. No. 9384

In Re S.A 10516/2020

Dated 27-8-2020

Mr. Muhammad Aman, Ex Constable No: 223,  
Police Line Peshawar District Peshawar.

-----*(Appellant)*

**VERSUS**

1. The Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. The Capital City Police Officer, Peshawar.
3. Commandant Campus Peace Corps, University Campus, Peshawar.

-----*(Respondents)*

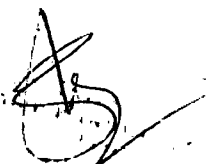
**APPEAL U/S 4 OF THE KHYBER  
PAKHTUNKHWA SERVICES TRIBUNAL  
ACT -1974 AGAINST THE IMPUGNED  
ORDER DATED 17/10/2019 WHEREBY  
THE APPELLANT DEPARTMENTAL  
APPEAL DATED 05/03/2020 HAS BEEN  
REJECTED ON NO GOOD GROUNDS.**

*Filed to-day*  
*Registrar*  
*7/8/2020*  
**PRAYER**

**ON ACCEPTANCE OF THIS APEPAL,  
THE IMPUGNED ORDERS DATED  
17/10/2019 AND DATED 05/03/2020 MAY  
VERY KINDLY BE REINSTATED ON  
SERVICE WITH ALL BACK BENEFITS  
AND ANY OTHER REMEDY WHICH**

*Re-submitted to -day  
and filed.*

*Registrar*  
*10/9/2020*



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.**

**BEFORE:** KALIM ARSHAD KHAN --- CHAIRMAN  
FAREEHA PAUL --- MEMBER(E)

*Service Appeal No.10516/2020*

**Muhammad Aman**, Ex-Constable No. 223, Police Lines Peshawar  
District Peshawar.

.....(*Appellanti*)

Versus

1. **The Inspector General of Police**, Khyber Pakhtunkhwa Peshawar.
2. **The Capital City Police Officer**, Peshawar.
3. **Commandant Campus Peace Corps**, University Campus, Peshawar.

.....(*Respondents*)

Present:

Zahid Gul,  
Advocate.....For appellanti.

Mr. Muhammad Adeel Butt,  
Additional Advocate General .....For respondents.

-----  
Date of Institution.....27.08.2020  
Dates of Hearing.....14.07.2022  
Date of Decision.....14.07.2022

**APPEAL UNDER SECTION 4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST  
THE IMPUGNED ORDER DATED 17.10.2019 WHEREBY THE  
DEPARTMENT APPEAL OF THE APPELLANT DATED  
05.03.2020 HAS BEEN REJECTED ON NO GOOD GROUNDS.**

**JUDGMENT**

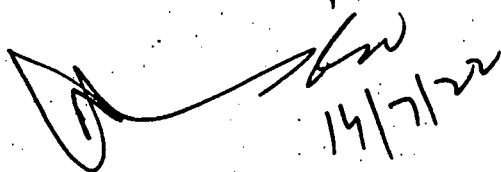
**KALIM ARSHAD KHAN CHAIRMAN:** According to the  
averments made in the memo and grounds of appeal, the appellanti was  
initially appointed as Constable in the respondent-department; that the  
appellanti, while posted in Camus Peace Corps University of  
Peshawar, was charged on the allegation of misbehavior and physical

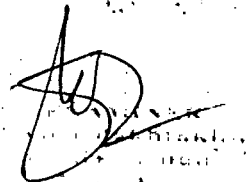
attack on his incharge Mr. Shujat Hussain, ASI with his rifle on the pretext of motorcycle parking outside Innum Hospital gate and also absented himself from lawful duty for seventeen (17) days; that neither any show cause notice, charge sheet and statement of allegations were served upon the appellant by the respondents nor any inquiry was conducted against him; that the allegations leveled against the appellant were based on baseless facts and circumstances; that the appellant was dismissed from service vide impugned order dated 17.10.2019 against which he filed departmental appeal to respondent No.2 which was rejected vide order dated 05.03.2020; that the appellant thereafter filed review petition on 08.06.2022 to respondent No.1 which was not responded, compelling him to file this service appeal on 27.08.2020.

2. On receipt of the appeal and its admission to full hearing, the respondents were summoned, who, on putting appearance, contested the appeal by filing written reply raising therein numerous legal and factual objections. The defence setup was a total denial of the claim of the appellant.

3. We have heard the learned counsel for the appellant and learned Additional Advocate General for the respondents.

4. The Learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned AAG controverted the same by supporting the impugned order(s).

  
14/7/22



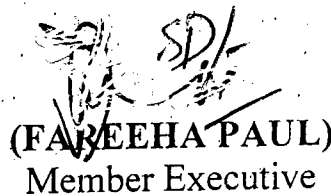


5. It is not disputed that the appellant remained absent from duty for seventeen (17) days. As act fell in the ambit of misconduct so departmental proceedings were initiated against the appellant and he was awarded major penalty of dismissal from service. No doubt the appellant was guilty of misconduct but taking into account the period of absence, we hold that quantum of punishment does not commensurate with the gravity of guilt on his part, rather it was too harsh. This Tribunal, in the past had given relief in countless cases of similar nature. Thus, the principle of consistency demands that the appellant should also be treated in the same manner. Therefore, while partially allowing this appeal, we convert the major penalty of dismissal from service into minor penalty of stoppage of three annual increments for three years. The intervening period shall be treated as leave without pay. Costs shall follow the event. Consign.

6. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 14<sup>th</sup> day of July, 2022.*



(KALIM ARSHAD KHAN)  
Chairman



(FAREEHA PAUL)  
Member Executive

20/7/22

1680  
5/8/-  
22/-

20/7/22

20/7/22



بعدالت حساب سے لکھنے کے لئے



سائل  
کو اسے

2022 بنیاد

بنام

محمد عوامان

مورد

مقدمہ

دعویٰ

جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ

ان کے لئے

آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی

اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت

مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا محترم قانونی کو اپنے ہمراہ یا اپنے بجائے

تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی ہمدہ مذکورہ با اختیارات حاصل ہوں گے۔

اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے

سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں

گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سندر ہے۔

2022

ماہ اکتوبر

6

الرقوم

الع د گ واد الع د

کے لئے منظور ہے۔

مقام

محمد عوامان  
13/10/22