

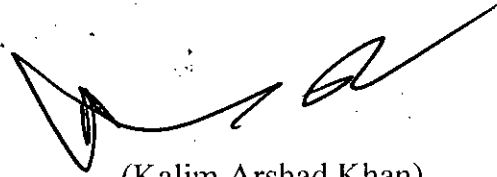
26<sup>th</sup> July, 2022

1. None for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Atta Ur Rehman, Inspector for respondents present.

2. Representative of the respondents produced copy of order OB No. 1294 dated 14.06.2022 bearing endorsement No. 3429-38/EC dated 15.06.2022 whereby in compliance of the judgment of the Tribunal, the grievance of the petitioner has been redressed. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is disposed off in the above terms. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 26<sup>th</sup> day of July, 2022.*

R






(Kalim Arshad Khan)  
Chairman

## Form- A

## FORM OF ORDER SHEET

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

Execution Petition No. \_\_\_\_\_ 180/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.04.2022	<p>The execution petition of Mr. Nasir Ali submitted today by Mr. Javed Iqbal Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	25-5-22	<p>This execution petition be put up before to Single Bench at Peshawar on <u>02-05-2022</u>. Original file be requisite. Notices to the appellant and his counsel be also issued for the date fixed. <i>Notices be also issued to the Respondents for I/R</i></p> <p style="text-align: right;"> CHAIRMAN</p>
	02.06.2022	<p>Petitioner in person present. Mr. Atta-ur-Rehman, Inspector (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and stated that although CPLA has been filed in the worthy apex court against the judgment under execution, however conditional implementation report will be produced on the next date. Adjourned. To come up for submission of conditional implementation report on 26.07.2022 before the S.B.</p> <p style="text-align: right;"> (Salah-Ud-Din) Member (J)</p>



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN

Tel No. 0937-9230109 & Fax No. 0937-9230111  
Email dpo\_mardan@yahoo.com

2022

ORDER

Consequent upon the filing of execution petition No. 180/2022 by Ex-Constable Nasir Ali No. 1879 for the implantation of the orders of Honorable Service Tribunal, KP announced on 27.01.2022 in service appeal No. 9411/2020, "the major penalty of dismissal from service awarded to Ex-Constable Nasir Ali No. 1879 vide this office OB No. 356 dated 17.02.2020 is set aside and he is conditionally re-instated in service subject to the outcome of CPLA after the Scrutiny Committee of Law department has determined the instant case fit for filing CPLA in the meeting held on 30.03.2022 and dully Endorsed by SP Courts & Litigation, KP Peshawar vide his office letter No. 1941/Legal, dated 07.04.2022 by treating his intervening period as leave of the kind due with immediate effect".

OB No. 1294

Dated. 24 / 06 / 2022

District Police Officer  
Mardan

No. 3429-35/EC, dated 15 / 06 / 2022.

Copy for information to the:-

1. Superintendent of Police, Operations, Mardan.
2. District Accounts officer, Mardan.
3. DSP/Legal
4. DSP/HQr:
5. PO.
6. PA.
7. OSI



**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
MARDAN**

Tel No. 0937-9230109 & Fax No. 0937-9230111  
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210222

**ORDER**

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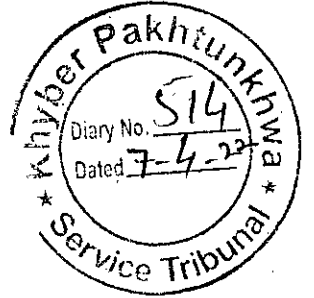
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BEFORE THE HONOURABLE COURT SERVICE TRIBUNAL

KHYBER PAKHTUNKHWA PESHAWAR.

*Execution Petition no: 180/2022*  
Service appeal NO. 9411/2020



Nasir Ali s/o Jehangir Shah r/o Toru Nawar Killi Tehsil  
and District, Mardan, ex. Constable Police Department  
K.P, Peshawar.

Versus.

1. Inspector General of Police KPK, Peshawar.
2. Deputy Inspector General of Police Mardan Region-I, Mardan.
3. District Police Officer, Mardan.

.....Respondents.

Application for execution of judgment Passed by Honourable  
Service tribunal Court KPK, Peshawar dated. 27.01.2022 vide  
which the appellant was re-instated in Service.

Respected Sheweth.

It is submitted as under:-

1. That the appellant while serving as F.C. in Police Department  
District, Mardan was dismissed from his Service and after  
failure of departmental appeal the Service appeal NO. 9411/2020  
was filed in honourable Service Tribunal K.P.K against the  
said order of dismissal.
2. That consequent upon the appellant was re-instated in  
service vide the attached judgment of the learned Court  
dated. 27.01.2022.
3. That the judgment of the Court was produced/sent to  
respondents but it was not implemented till now the  
appellant was kept in waiting without any excuse.

...2...

4. That the act of respondents are clearly violations of the law and is amount to dis-obedience of the order of the honourable Court.

It is therefore, earnestly requested that the respondents may kindly be strictly directed to implement the judgment of the Court dated 27.01.2022 without any further delay and hesitation in greater interest of justice.

06.04.2022.

( Nasir Ali ) NO.1056

s/o Jehangir r/o Toru Nawan  
Killi Tehsil and District.

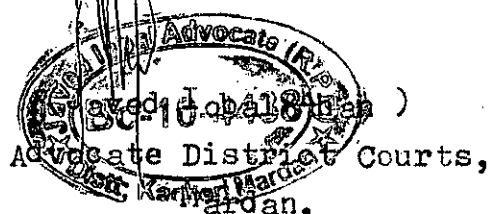
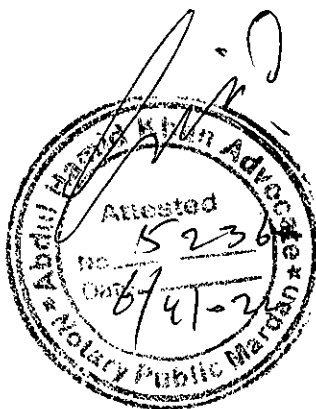
Mardan, Ex.Constable Police  
Department KPK Distt:Mardan.  
Mob:NO.0313-9594368

AFFIDAVIT.

It is certified that the contents of the application are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this honourable Court.

( Nasir Ali ) NO. 1056  
Ex.Constable Police Department  
KPK District, Mardan.  
Mob:NO. 0313-9594368

( Through Counsel )



BEFORE THE HONOURABLE COURT SERVICE TRIBUNAL

Khyber Pakhtunkhwa Peshawar.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 8966

Dated 24-8-2020

Service appeal NO. 9411 /2020

Nasir Ali s/o Jehangir Shah r/o Teru Nawan Killi  
Tehsil and District, Mardan, Ex. Constable Police  
Departmental KPK District, Mardan.

(...; Appellant)

Versus

1. Inspector General of Police KPK, Peshawar.
2. Deputy Inspector General of Police Mardan  
Region-I, Mardan.
3. District Police Officer, District Mardan  
(...Respondants).



SERVICE APPEAL U/S 4 OF SERVICE TRIBUNAL ACT  
1974 FINAL APPELLANT ORDER DATED 27.07.2020  
passed by respondent 2 against the order of  
respondent 3 on 17.02.2020 whereby the  
appellant was dismissed from Service. which  
is legally against the law and Facts.

PRAYER.

On acceptance of this appeal order dated  
27.07.2020 and order dated 27.07.2020 may kindly  
be set aside and appellants may please be reinstated in  
Service with all back benefits. Any other relief  
deem fit may also be graciously granted.

Respected Sheweth:-

Sir,

Appellant submit as under:-

Filed to-day  
Registrar  
24/8/2020

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

N/Page 2

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.9411/2020

Date of Institution ..... 24.08.2020  
Date of Decision ..... 27.01.2022



Nasar Ali S/O Jehangir Shah R/O Toru Nawan Killi Tehsil &  
District Mardan, Ex-Constable Police Department, Khyber  
Pakhtunkhwa, District Mardan.

(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar  
and two others.

(Respondents)

Javid Iqbal,  
Advocate

For appellant.

Muhammad Adeel Butt,  
Additional Advocate General

For respondents.

Ahmad Sultan Tareen  
Rozina Rehman

Chairman  
Member (J)

JUDGMENT

Rozina Rehman, Member(J): Brief facts of the case are that appellant while posted at Police Station City was proceeded against departmentally on the allegations that he alongwith FC Ayaz being in drunken condition, beat two workers in an under construction building and in this regard, report was entered vide D.D No.21 dated 17.02.2018. Consequently appellant was dismissed from service. Being aggrieved, he filed departmental appeal which was rejected, he, therefore, filed Service Appeal No.1399/2018 which appeal was accepted vide judgment dated 31.07.2019 and appellant was reinstated in service for the purpose of de-novo inquiry. In pursuance to the judgment of this Tribunal, appellant was reinstated and de-novo

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.9411/2020

Date of Institution ..... 24.08.2020  
Date of Decision ..... 27.01.2022



Nasar Ali S/O Jehangir Shah R/O Toru Nawan Killi Tehsil &  
District Mardan, Ex-Constable Police Department, Khyber  
Pakhtunkhwa, District Mardan.

..... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar  
and two others.

..... (Respondents)

Javid Iqbal,  
Advocate

..... For appellant.

Muhammad Adeel Butt,  
Additional Advocate General

..... For respondents.

Ahmad Sultan Tareen  
Rozina Rehman

..... Chairman  
..... Member (J)

JUDGMENT

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ATTESTED

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

inquiry was conducted. Consequently, appellant was once again dismissed from service vide order dated 17.02.2020. He then filed departmental appeal which was also dismissed, hence, the present service appeal.

2. We have heard Javid Iqbal Advocate learned counsel for appellant and Muhammad Adeel Butt, learned Additional Advocate General for the respondents and have gone through the record and the proceedings of the case in minute particulars.

3. Javid Iqbal Advocate, learned counsel for appellant contended with vehemence that the impugned orders are illegal and void ab initio as appellant was not treated according to law and rules. He contended appellant was discriminated and was condemned unheard; that no charge sheet and statement of allegations were communicated to the appellant and no proper inquiry was conducted into the matter. He contended that even the de-novo inquiry is silent in respect of the statement of the aggrieved persons/victims despite the fact that in the previous round of litigation, this fact had been highlighted. He, therefore, requested for the acceptance of the instant service appeal.

4. Conversely, learned AAG submitted that a complaint was submitted by Noman Hussain and Muhammad Hussain complaining therein that Constable Nasar Ali in drunken position harassed two workers namely Muhammad Rizwan and Muhammad Sarwar who were working in an under construction building. That on account of aforementioned allegations, appellant was properly issued charge sheet with statement of allegations and inquiry was entrusted to DSP Sheikh Maltoon. He contended that during the course of inquiry,

appellant was contacted time and again to appear before the inquiry officer but he neither appeared nor submitted reply, however, after

**ATTESTED**

Khairuddin  
Ser. Gen. (P) Khairuddin  
5/2/2020

fulfillment of all legal and codal formalities, ex-parte action was taken and the official was recommended for major punishment. He contended that as per directions of Service Tribunal, appellant was reinstated in service and proper de-novo inquiry was conducted. The appellant was summoned and heard in person by the competent authority in Orderly Room. He was referred to Medical Board but he didn't comply with the order of authority. Consequently, he was awarded major punishment of dismissal from service after observing all codal formalities.

5. From the record it evident that vide Naqal Mac No.21 of Daily Dairy dated 17.02.2018 of Police Station City, District Mardan one Noman Hussain reported the matter in shape of a written complaint against Constables Nasar Ali i.e. the present appellant and Ayaz that they being intoxicated unnecessarily harassed two workers namely Abdur Rehman and Muhammad Rizwan, who were working in an under construction building. Accordingly, departmental proceedings were conducted and appellant was dismissed from service vide order dated 20.08.2018. His Departmental appeal was also dismissed, however, his service appeal was accepted and he was reinstated in service for the purpose of de-novo inquiry. In pursuance of the judgment of this Tribunal, he was reinstated in service on 30.09.2019. He was allotted Constabulary Number and Mushtaq Ahmad SP Operations Mardan was appointed as Inquiry Officer. It is not denied that he was departmentally proceeded against on the strength of a complaint of one Noman Hussain who leveled allegations against the appellant and one another namely Constable Ayaz for unnecessarily harassing/beating two workers namely Abdur Rehman and Muhammad Rizwan who were working in an under construction building and that both the constables


**ATTESTED**

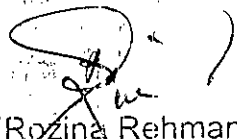
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were drunk. The entire record is silent in respect of statement of complainant and victims. This fact had been mentioned in the earlier round of litigation but the respondents failed to record their statements even at the stage of de-novo inquiry. The record is silent in respect of charge sheet with statement of allegations and show cause notice. Copies of the charge sheet and statement of allegations are available on file being annexed with the comments are without the signature of the authority/DPO rather these documents are in the shape of a blank proforma. The present appellant was not given any opportunity of cross-examination. There is nothing on file which could show that the other constable Ayaz was also proceeded against departmentally and was dismissed from service. The appellant was discriminated and was given step motherly treatment. So far as his appearance before Medical Board is concerned, the same is irrelevant now at this stage as the alleged occurrence took place on 17.02.2018, whereas, order for his appearance before the Medical Board was passed in the year 2020.

6. In the light of above discussion, the instant appeal is accepted by setting aside the impugned order and the appellant is reinstated in service. The intervening period shall be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
27.01.2022

  
(Ahmad Sultan Tareen)  
Chairman

  
(Rozina Rehman)  
Member (J)

**Certified to be true copy**  
**BY**  
**Khyber Pakhtunkhwa**  
**Service Tribunal**  
**Peshawar**

Date of Presentation of Application 14/3/22  
Number of Words 2020  
Copying Fee 22/-  
Urgent 3/-  
Total 26/-  
Number of Copies 1  
Date of Collection of Copy 14/3/22  
Date of Delivery of Copy 14/3/22

مورخہ 7/1/2020ء منجانب: \_\_\_\_\_  
 مقدمہ بعنوان: \_\_\_\_\_ نام: \_\_\_\_\_  
 مقدمہ نمبر: \_\_\_\_\_ رجوعہ: \_\_\_\_\_  
 نوعیت مقدمہ: \_\_\_\_\_  
 مقدمہ علت نمبر: \_\_\_\_\_ مورخہ: \_\_\_\_\_  
 جرم: \_\_\_\_\_ تھانہ: \_\_\_\_\_

50 روپے

## باعث تحریر آنکہ



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

آن مقام \_\_\_\_\_ کیلئے \_\_\_\_\_ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل مقررہ کو راضی نامہ کرنے و تقرر ی ثالث و فیصلہ بر حلف دینے عرضی دعویٰ، جواب دعویٰ، اقبال دعویٰ، جواب الجواب، عذر داری، درخواست زیر دفعہ (2) 12 ض د، درخواست بمراد برآمدگی و ہر چیز کی مقدمہ، درخواست بمراد منسوخی کارروائی و ذکر کی یک طرفہ دائر کرنے جواب، جواب الجواب وغیرہ درخواست کارروائی اجراء دائر کرنے و وصولی چیک و رقم اور درخواست از ہر قسم کی تصدیق زراس پر دستخط وغیرہ کرنے کا اختیار ہوگا۔ اپیل، اپیل در اپیل، نگرانی، نظر ثانی، رٹ و عذر داری وغیرہ دائر کرنے کا بھی اختیار ہوگا۔ اور بصورت ضرورت مذکورہ کے عمل یا جزوی کارروائی کے واسطے وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برداشت منظور و قبول ہوگا اور دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا اسکے استحقاق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی پر وکیل موصوف مقام دورہ پر ہو یا حد سے باہر ہو یا بیمار ہو یا کوئی ضروری کام ہو۔ تو وکیل صاحب پابند نہ ہونگے کہ پیروی مقدمہ مذکورہ کریں لہذا وکالت نامہ لکھ دیا تاکہ سند رہے۔

المرقوم: \_\_\_\_\_  
 مقام: \_\_\_\_\_

نوٹ: اس وکالت نامہ کو نوٹ کالی یا تامل قبول ہوگی۔

Advocate I.D: \_\_\_\_\_

Bar Council \_\_\_\_\_

Bar Association \_\_\_\_\_

Contact #: \_\_\_\_\_

Emboss

Attested & Accepted



Handwritten signature and text on the right margin.