


16.05.2022

Learned counsel for the petitioner present.

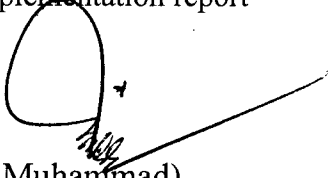
Notice of the present execution petition be issued to the respondents for submission of implementation report. To come up for implementation report on 21.07.2022 before S.B.


(Mian Muhammad)
Member(E)

21.07.2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Implementation report not submitted. Learned Additional Advocate General seeks time to contact the respondents for submission of implementation report. Adjourned. To come up for implementation report on 28.09.2022 before S.B.


(Mian Muhammad)
Member (E)

28.09.2022

Learned counsel for the appellant present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present.




Learned Additional Advocate General requested for adjournment on the ground to contact the respondents for submission of implementation report on the next date. The request is acceded to but as a last chance and final/conclusive implementation report be ensured to be submitted on the next date without fail. Adjourned. To come up for final implementation report on 24.11.2022 before S.B.


(Mian Muhammad)
Member (E)

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _____ 65/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	24.01.2022	<p>The execution petition of Mr. Babar Khan submitted today by Mr. Asad Mahmood 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-		<p>This execution petition be put up before S. Bench at Peshawar on <u>25/02/22</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	25.02.2022	<p>Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 16.05.2022 for the same as before.</p> <p style="text-align: right;"> Reader.</p>

**BEFORE KHYBER PAKHTUNWA SERVICE TRIBUNAL,
PESHAWAR**

Execution Petition No. 65 /2022

In

Service Appeal No. 314/2015

Babar Khan,

Ex-Constable, Belt No.666, R/O Ghula Dher, District Charsadda

..... **PETITIONER**

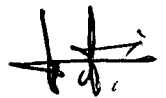
VERSUS

Inspector General Of Police, Khyber Pakhtunkhwa, Peshawar and
others.

..... **RESPONDENTS**

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2.	Copy of Judgement	A	03 - 05
3.	Application	B	06
4.	Vakalatnama	-----	07



Petitioner

Through



Advocate High Court

**BEFORE KHYBER PAKHTUNWA SERVICE TRIBUNAL,
PESHAWAR**

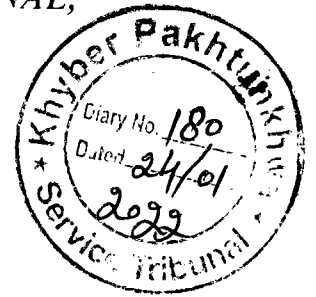
Execution Petition No. 65 /2022

In

Service Appeal No. 314/2015

Babar Khan,

Ex-Constable, Belt No.666, R/O Ghula Dher, District Charsadda



..... **PETITIONER**

VERSUS

1. Inspector General Of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Mardan Region-I, Mardan.
3. District Police Officer, Charsadda.

..... **RESPONDENTS**

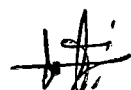
EXECUTION PETITION FOR
IMPLEMENTATION OF THE ORDER
DATED 03.09.2018 IN SERVICE APPEAL
NO. 314/2015

Respectfully Sheweth,

1. The petitioner was awarded major penalty of dismissal from service on account of absence from duty vide order dated 09.03.2015.
2. The impugned order of dismissal was passed without satisfying the legal procedure of serving charge sheet, statement of allegation upon petitioner and conducting regular inquiry to probe into the matter.
3. The impugned order of dismissal was challenged before this Hon'ble Tribunal and was set aside with direction to reinstate the petitioner for the purpose of conducting denovo inquiry vide order dated 3rd September, 2018(Annexure-A).
4. The petitioner time and again requested the respondents for passing reinstatement order and conduct the denovo inquiry. Neither petitioner was reinstated nor denovo inquiry was conducted till date.

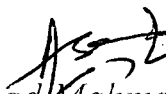
5. Despite applications(**Annexure-B**) made by the petitioner and the respondents were made fully aware of consequences in defiance of the order, yet they openly flouted and are reluctant to implement the order of this Tribunal in its letter and spirit, hence the instant execution petition.

It is, therefore, most humbly prayed that on acceptance of this execution petition, the order dated 3rd September, 2018 passed by this hon'ble Service Tribunal may kindly be implemented in its letter and spirit to bring the justice to its ultimate end.



Petitioner

Through



Asad Mahmood

Advocate High Court

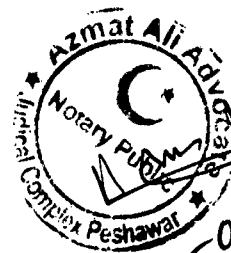
AFFIDAVIT

It is hereby solemnly affirm and stated on oath that, contents of this petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

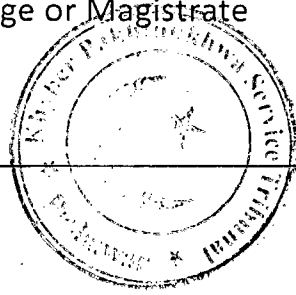


Deponent

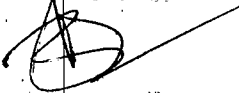
ATTESTED



12-01-2022


Sr. No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate
1	2	3
	03.09.2018	<div data-bbox="1228 293 1524 586" style="text-align: right;">  </div> <p style="text-align: center;"><u>BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL</u></p> <p style="text-align: center;">Service Appeal No.314/2015</p> <p style="text-align: center;">Date of Institution ... 10.04.2015 Date of Decision ... <u>03.09.2018</u></p> <p>Babar Khan son of Sarwar Khan Ex-Constable Service No.666 resident of GhulaDher, PS Charsadda, District Charsadda. Appellant</p> <p style="text-align: center;">Versus</p> <ol style="list-style-type: none"> 1. District Police Officer, Charsadda. 2. Deputy Inspector General of Police, Mardan Region-I Mardan. 3. Inspector General of Police, Khyber Pakhtunkhwa Peshawar. <p style="text-align: right;">Respondents</p> <p>Mr. Muhammad Hamid Mughal-----Member Mr. Muhammad Amin Kundi-----Member</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p><u>MUHAMMAD HAMID MUGHAL, MEMBER:</u> -. Learned counsel for the appellant and Mr. KabirUllahKhattak learned Additional Advocate General Present.</p> <p>2. The appellant(Ex-Constable) has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 26.11.2014 whereby he was awarded major punishment of dismissal from service on the ground of absence from duty and against the order dated 09.03.2015 whereby his departmental appeal against the order of his dismissal from servicewas rejected.</p>

ATTENDED


Signature of the Judge/Magistrate

3. Learned counsel for the appellant argued that though the charge sheet/statement of allegation was not served upon the appellant however perusal of the same would show that the competent authority deputed Raza Muhammad Khan DSP Charsadda to conduct departmental inquiry in the matter however from the original impugned order as well as appellate order it is evident that the inquiry was not conducted by the Police Officer concerned but by some other Police Officer namely Saleem Raza Khan DSP Headquarters Charsadda. Further argued that he respondent department has also admitted in his written reply that the inquiry was conducted by Mr. Saleem Riaz Khan DSP Headquarter Charsadda. Learned Additional Advocate General remained unable to defend the impugned orders when confronted with this aspect of the case that in the statement of allegation the competent authority deputed Mr. Raza Muhammad Khan DSP Charsadda for conducting departmental inquiry, however the appellant was awarded major punishment of dismissal from service on the basis of inquiry conducted by Mr. Saleem Riaz Khan DSP Headquarters Charsadda. Consequently the impugned orders are set aside and the appellant is reinstated in service for the purpose of denovo inquiry. The departmental action against the appellant shall be deemed pending, as such the respondent department is directed that proper charge sheet/statement of allegation be served upon the appellant and conduct the denovo inquiry against the appellant strictly in accordance with law/rules on the subject. The issue of back benefits

APPROVED


M. A. Raza
Additional Advocate General

shall be subject to the outcome of denovo inquiry. Parties are left to bear their own costs. File be consigned to the record room after its completion.

SDF

(Muhammad Amin Kundi)
Member

SDF

(Muhammad Hamid Mughal)
Member

ANNOUNCED
03.09.2018

Certified to be true copy

[Signature]
Secretary
Peshawar
Service Tribunal

Date of Presentation of Application 03-09-2018
 Number of Words 1200
 Copying Fee 8-
 Urgent -
 Total 8-
 Name of Applicant [Signature]
 Date of Completion of Copy 27-09-18
 Date of Delivery of Copy 27-09-18

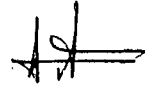
To,

District Police Officer,
Charsadda.

Application for re-instatment in service.

R/Sir,

It is beg to state that I was dismissed from service by order on 26.11.2014 due to absence from duty. I filed service appeal in service tribunal and it was set aside by service tribunal and reinstate me in service. I am very poor and out of job since my dismissal. Please implement the order of service tribunal and reinstate me in service.



Your Obedient,

Babar Khan

Date: 3.10.2018

Belt No.666

بعدالت

سروس ٹریبونل پشاور

بابر خان
سنا
لوپیس

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی۔ صاحب ہی۔ کا۔ کارہ۔ متعلقہ

آن مقام پشاور کیلئے اسد محمود ریڈر لٹ کے صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز مقرر کر 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 خلف 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 کی طرفہ 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 مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ بالا 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 وہوگا۔ 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 لکھد یا کہ سندر ہے۔

2022ء

ماہ

المرقوم

ASAD MAHMOOD
Advocate

کے لئے منظور ہے۔

مقام