

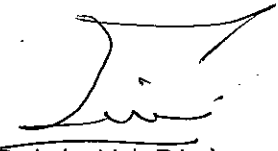
07.09.2022

Appellant in person present. Mr. Zewar Khan, Inspector (Legal) alongwith Mr. Muhammad Riaz Khan Paindakhel, Assistant Advocate General for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Supreme Court of Pakistan. Adjourned. To come up for arguments on 06.10.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)  
Member (Executive)  
Camp Court Swat




(Salah-Ud-Din)  
Member (Judicial)  
Camp Court Swat

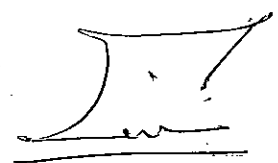
06.10.2022

Appellant alongwith his counsel present. Mr. Ali Rehman, Inspector (Legal) alongwith Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Learned counsel for the appellant sought adjournment on the ground that he is proceeding for appearance in cases fixed in the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat. Adjourned. To come up for arguments on 09.11.2022 before the D.B at Camp Court Swat.



(Rozina Rehman)  
Member (J)  
Camp Court Swat



(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

8<sup>th</sup> June, 2022

None for the appellant present. Mr. Kabirullah Khattak,  
Addl: AG alongwith Mr. Ali Rehman, SI for respondents  
present.

Counsel are on strike. To come up for arguments on  
05.07.2022 before the D.B at camp court Swat.



(Mian Muhammad)  
Member(E)



(Kalim Arshad Khan)  
Chairman  
Camp Court Swat

05.07.2022

Appellant with counsel present.

Noor Zaman Khattak, learned District Attorney alongwith Zewar  
Khan for respondents present.

Request for adjournment was made on behalf of learned  
counsel for appellant as he has not made preparation of the case.  
Adjourned. To come up for arguments on 03.08.2022 before D.B at  
Camp Court, Swat.



(Fareeha Paul)  
Member (E)  
Camp Court, Swat



(Rozina Rehman)  
Member (J)  
Camp Court, Swat

7.8.22

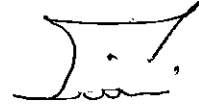
*Due to summer vacation the case  
is adjourned to 7.9.22 for the same.*



03.01.2022

Appellant in person present. Mr. Zewar Khan, S.I (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Para-wise reply on behalf of respondents No. 1 to 3 submitted, which is placed on file and copy of the same is handed over to the appellant. Adjourned. To come up for rejoinder, if any, as well as arguments on 08.03.2022 before the D.B at Camp Court Swat.



(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

08.03.2022

Due to retirement of the Hon'ble Chairman, the case is adjourned to 10.05.2022 for the same as before.

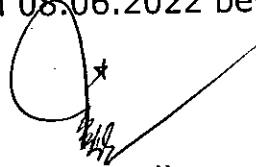


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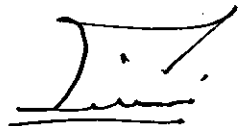
10.05.2022

Appellant in person present. Mr. Zewar Khan, Inspector (Legal) alongwith Mr. Noor Zaman Khattak, District Attorney for the respondents present.

Appellant requested for adjournment on the ground that his counsel is busy in the august Peshawar High Court, Mingora Bench (Dar-ul-Qaza), Swat. Adjourned. To come up for arguments on 08.06.2022 before the D.B at Camp Court Swat.



(Mian Muhammad)  
Member (E)  
Camp Court Swat



(Salah-ud-Din)  
Member (J)  
Camp Court Swat

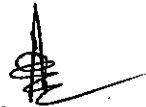
23.08.2021

Counsel for the appellant present. Preliminary arguments heard.

Points raised need consideration. The appeal is admitted for full hearing, subject to all just and legal objections including that of limitation to be determined during course of full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office at Peshawar within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 01.11.2021 before the D.B, at camp court, Swat.


Appellant Deposited  
Security & Process Fee

MAMIAST

  
Chairman  
Camp court, Swat

01.11.2021

Appellant alongwith his counsel present. Mr. Ali Rehman, S.I (Legal) alongwith Mr. Riaz Ahmed Painsdakhel, Assistant Advocate General for the respondents present and sought time for submission of reply/comments. Adjourned. To come up for submission for reply/comments as well as arguments before the D.B on 03.01.2022 at Camp Court Swat.




  
(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court Swat

  
(Salah-Ud-Din)  
Member (J)  
Camp Court Swat

## FORM OF ORDER SHEET

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

Case No.- 2768 /2021

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge   |
|-------|---------------------------|--|
| 1     | 2                         | 3  |
| 1-    | 12/02/2021                | <p>The appeal of Mr. Bahrul Mulk presented today by Mr. Muhammad Javed Khan Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"><br/>REGISTRAR</p> |
| 2-    | 01-04-21                  | <p>This case is entrusted to touring S. Bench at Swat for preliminary hearing to be put up there on <u>03/05/21</u></p> <p style="text-align: right;"><br/>MEMBER</p>  |
|       | 26.07.2021                | <p>To come up for preliminary hearing on 23.08.2021 before S.B at Camp Court, Swat. Notices be issued to appellant/counsel for the date fixed.</p> <p style="text-align: right;"><br/>Chairman</p>  |

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2021

Bahrul Mulk S/o Noor Ul Huda R/o Bayna, Post Office Choga,  
Tehsil Puran, District Shangla.....Appellant

**VERSUS**

Provincial Police Officer Government of Khyber Pakhtunkhwa and  
others


..... Respondents

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| 4    | Copy of application for temporary injunction                            |           | 10-11 |
| 5    | Copy of condonation application   |           | 12-13 |
| 6    | Copy of the application along with the letter No. 935 dated: 19/11/2020 | "A"       | 14-15 |
| 7    | Copy of the application along with affidavit dated: 09/12/2020          | "B"       | 16    |
| 8    | Copy of the letter No. 517 dated: 07/01/2021                            | "C"       | 17    |
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Appellant

Through Counsel

  
**Muhammad Javaid Khan**  
Advocate, Supreme Court of Pakistan  
Office: Allah-o-Akbar Masjid,  
College Colony, Saidu Sharif, swat  
Cell: 0343-9607492

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

Service Appeal No. 2768 /2021

Bahrul Mulk S/o Noor Ul Huda R/o Bayna, Post Office Choga,  
Tehsil Puran, District Shangla.....Appellant

**VERSUS**

Provincial Police Officer Government of Khyber Pakhtunkhwa and  
others

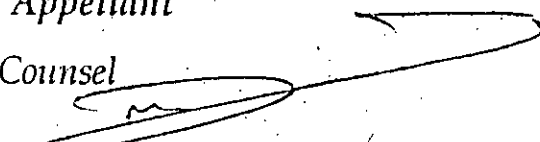
..... Respondents

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Appellant

Through Counsel

  
**Muhammad Javaid Khan**  
Advocate, Supreme Court of Pakistan  
Office: Allah-o-Akbar Masjid,  
College Colony, Saidu Sharif, swat  
Cell: 0343-9607492

①

BEFORE THE SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA, PESHAWAR

Service Appeal No. \_\_\_\_\_/2021

Bahrul Mulk S/o Noor Ul Huda R/o Bayna, Post Office  
Choga, Tehsil Puran, District Shangla

.....Appellant

**VERSUS**

- 1) Provincial Police Officer Government of Khyber  
Pakhtunkhwa at Central Police Office (CPO) Peshawar
- 2) Deputy Inspector General of Police / Regional Police Officer  
(RPO) Malakand Region at Swat
- 3) District Police Officer Dir Upper at Dir Khas

.....Respondents

Service Appeal Under Section 4 of  
Service Tribunal Act read with other relevant  
provisions against the impugned order / letter  
dated: 07/01/2021 along with endorsements  
passed by respondent No.2, whereby the  
application of the appellant dated 09/12/2020  
for withdrawal of LPR has not been



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entertained illegally, unlawfully and  
unconstitutionally.

PRAYER:

On acceptance of this service appeal the  
impugned order / letter passed by respondent No.2  
dated: 07/01/2021 along with endorsements may kindly  
be declared illegal, unlawful and unconstitutional, and  
the remaining portion of the LPR (to be completed on  
19/11/2021) may be cancelled, and the appellant may  
be allowed to rejoin his duties as Head Constable at  
Dir Upper, because up till now no retirement order /  
notification of the appellant has been issued.

Any other relief, deemed fit in the given  
circumstances of the case may also be awarded in favor  
of appellant against respondents.

Respectfully Sheweth:

The appellant submits as under:

1. That the appellant was appointed in the

police department in the year 1991, and is

3

presently serving as Head Constable in Police Station Gandigar at Dir Upper.

2. That on 18/11/2020 the appellant applied for LPR. The application was allowed vide letter No. 935 dated: 19/11/2020. (Copy of the application along with the letter No. 935 dated: 19/11/2020 is attached herewith as annexure "A").
3. That up till now the retirement notification / order of the appellant has not been issued.
4. That the appellant applied for withdrawal of his LPR, and requested for joining his duties as Head Constable at Dir Upper vide application dated: 09/12/2020. (Copy of the application along with affidavit dated: 09/12/2020 is attached herewith as annexure "B").
5. That the said application was not allowed and the result was communicated to the

(4)

appellant vide letter no. 517 dated 07/01/2021, which was received by the appellant on 09/02/2021. (Copy of the letter No. 517 dated: 07/01/2021 is attached herewith as annexure "C").

6. That leave and retirement matters of Civil Servants come within per view of this Honorable Tribunal Court. Hence, the letter dated: 07/01/2021 along with the endorsements are challenged before this Honorable Court, and are not tenable inter alia on the following grounds.

**GROUND:**

- i) That the impugned letter and endorsement are illegal, unlawful, unconstitutional, and based on mala-fide which is very much clear from the record on file.
- ii) That in the impugned order / letter dated: 07/01/2021 the precedents mentioned are

5  
interpreted wrongly, because in all these precedents the rejoining of duties to the civil servant was not allowed after the sanction of LPR, because their retirement notifications were already issued before the submission of application for withdrawal of the LPR.

- iii) That up till now no retirement notification of the appellant has been issued, hence all the precedents mentioned in letter dated: 07/01/2021 goes in the favor of appellant.
- iv) That the appellant has not been dealt with in accordance with law and rules regulating service of the appellant.
- v) That the entire proceeding has been conducted in derogation of law and rules.
- vi) That the impugned letter / order dated: 07/01/2021 and the endorsement present therein are interse contradictory.

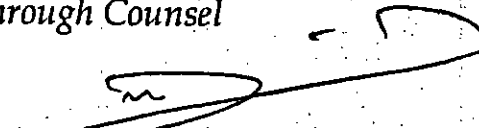
(7)

It is therefore humbly prayed that On acceptance of this service appeal the impugned order / letter passed by respondent No.2 dated: 07/01/2021 along with endorsements may kindly be declared illegal, unlawful and unconstitutional, and the remaining portion of the LPR (to be completed on 19/11/2021) may be cancelled, and the appellant may be allowed to rejoin his duties as Head Constable at Dir Upper, because up till now no retirement order / notification of the appellant has been issued.

Any other remedy which is just, appropriate and efficacious may also be awarded in favor of the appellant, please.

  
Appellant

Through Counsel

  
Muhammad Javaid Khan  
Advocate Supreme Court of Pakistan

(8)

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2021

Bahrul Mulk S/o Noor Ul Huda R/o Bayna, Post Office Choga,  
Tehsil Puran, District Shangla.....Appellant

**VERSUS**

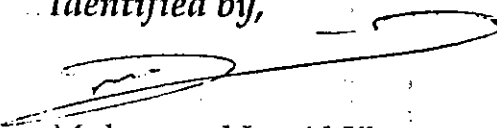
Provincial Police Officer Government of Khyber Pakhtunkhwa and  
others

..... Respondents

**AFFIDAVIT**

I, Bahrul Mulk S/o Noor Ul Huda R/o Bayna, Post Office  
Choga, Tehsil Puran, District Shangla, do hereby solemnly affirm and  
declare on oath that all the contents of this Service Appeal are true  
and correct to the best of my knowledge and belief, and nothing has  
been kept concealed from this Honorable Tribunal.

Identified by,

  
Muhammad Javaid Khan  
Advocate Supreme Court of Pakistan

DEPONENT

  
Appellant  
Bahrul Mulk

9

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2021

Bahrul Mulk S/o Noor Ul Huda R/o Bayna, Post Office Choga,  
Tehsil Puran, District Shangla.....Appellant

**VERSUS**

Provincial Police Officer Government of Khyber Pakhtunkhwa and  
others

..... Respondents

**ADDRESSES OF THE PARTIES**

**ADDRESS OF THE APPELLANT**

Bahrul Mulk S/o Noor Ul Huda R/o Bayna, Post Office Choga,  
Tehsil Puran, District Shangla  
CNIC:15505-0227615-3  
Cell: 0340-9078648

**ADDRESS OF THE RESPONDENTS**

- 1) Provincial Police Officer Government of Khyber  
Pakhtunkhwa at Central Police Office (CPO) Peshawar
- 2) Deputy Inspector General of Police / Regional Police Officer  
(RPO) Malakand Region at Swat
- 3) District Police Officer Dir Upper at Dir Khas



**APPELLANT**

Through Counsel



**Muhammad Javaid Khan**

Advocate, Supreme Court of Pakistan

(2) (10)

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2021

Bahrul Mulk S/o Noor Ul Huda R/o Bayna, Post Office Choga,  
Tehsil Puran, District Shangla.....Appellant

**VERSUS**

Provincial Police Officer Government of Khyber Pakhtunkhwa and  
others

..... Respondents

**APPLICATION FOR GRANTING TEMPORARY**  
**INJUNCTION AGAINST THE RESPONDENTS TO**  
**THE EFFECT THAT THEY MAY NOT ISSUE**  
**RETIREMENT NOTIFICATION OF THE**  
**APPLICANT / APPELLANT TILL THE FINAL**  
**DECISION OF THE SERVICE APPEAL OF THE**  
**APPELLANT.**

**Respectfully Sheweth:**

1. That the above Service appeal has been filed before this Hon'ble Court, in which no date of hearing has yet being fixed.
2. That the contents of the above mentioned Service Appeal along with the contents of the annexures may be considered as an integral part of this application.
3. That the applicant has got good prima facie case.



4. That the balance of convince is also in favor of injunction prayed for.
5. That if the injunction prayed for is not granted, then there will be an irreparable loss to the applicant / Appellant.

It is therefore respectfully prayed that on acceptance of this application, an injunction prayed for may be issued.

Any other remedy which is just, appropriate and efficacious may also be awarded in favor of Appellant please.

APPELLANT

Through Counsel

  
Muhammad Javaid Khan  
Advocate Supreme Court of Pakistan

*Affidavit:*

*It is stated on oath that contents of this application are true and correct to the best of my knowledge and belief, and nothing has been concealed from this Hon'ble Court.*



Deponent

Bahrul Mulk

**BEFORE THE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA, PESHAWAR**

Service Appeal No. \_\_\_\_\_/2021

Bahrul Mulk S/o Noor Ul Huda R/o Bayna, Post Office Choga,  
Tehsil Puran, District Shangla.....*Appellant*

**VERSUS**

Provincial Police Officer Government of Khyber Pakhtunkhwa and  
others

..... *Respondents*

**Application for condonation of delay**

**Respectfully Sheweth:**

1. That the above Service appeal has been filed before this Hon'ble Court, in which no date of hearing has been fixed so far.
2. That the impugned order dated 07/01/2021 was received by the appellant on 09/02/2021. It is pertinent to mention that the said order was received by the office of the respondent no. 3 on 11/01/2021. (which is clear from the endorsement / receiving stamp on the said letter).
3. That no copy of the impugned order was sent to the appellant, which is clear from the said letter. Hence, after getting information about the rejection of the application for cancellation of I.P.R. the appellant

(13)

belonging to District Shangla, went to District Dir Upper and received the said letter on 09/02/2021.

4. That other grounds will be raised at the time of arguments with the permission of this Honorable Tribunal.

It is therefore respectfully prayed that on acceptance of this application, an order prayed for may be passed, please.

Any other remedy which is just, appropriate and efficacious may also be awarded in favor of Appellant please.

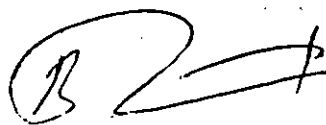
APPELLANT

Through Counsel

  
**Muhammad Javaid Khan**  
Advocate Supreme Court of Pakistan

**Affidavit:**

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



Deponent

Bahrul Mulk

صالح

نزار بن یحییٰ بن سید محمد بولسین میں دریا ۱۲/۹۱  
 کو لوتی کو رانی و لوتی نیابت ایما نزار کا، وقت شامی  
 کراہت پورا ۲۹ سال تک، قوم کی فریاد کا  
 سیدل کوشی و محمد بولسین سے دیکھا کوشی لیتا  
 و پتیلی، امی اب صاحب سے لزر کم دریا  
 اندھا تک سیدل کو ۷۲۸ نزار میں کاشمیر  
 و سیدل تو میرا ہی ہو گی

الغرض محمد  
 ذالک ۱۲/۹۱ بولسین

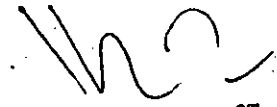
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(16)

**OFFICE OF THE DISTRICT POLICE OFFICER, DIR UPPER**

**ORDER**

In exercise of the powers conferred to me under Rules No. 20 (2) of the Khyber Pakhtunkhwa Civil Servant Revised Leave Rules 1981 amended in 2012, sanctioned is hereby accorded to the encashment of 365-days leave salary in lieu of LRP to Head Constable Bahrul Mulk No. 271 of this District Police, who has been permitted to proceed on retiring pension with effects from 31.12.2020 on his own request.



District police officer,  
Upper Dir

OB No. 935 dated. 19-11/2020

No. 5931 /EB/Pension, dated Upper Dir the, 19-11 /2020

Copy to the:-

1. Pay Officer
2. Pension Clerk

\*\*\*

(16)

بخدمت جناب ریجنل پولیس آفیسر صاحب ملاکنڈ ریجن سید و شریف سوات۔

عنوان :- (درخواست بمراد منسوخ پنشن آرڈر)

جناب عالی!

گزارش ہے کہ سال 1991 کو محکمہ ہذا میں بحیثیت کنسٹیبل بھرتی ہو کر نہایت ایمانداری اور جانفشانی سے اپنے فرائض سرانجام دے رہا تھا۔

سائیل کو گھریلو مسائل تھے جن کے بنا پر سائیل نے نومبر 19 سال 2020 میں ریٹائرمنٹ پر جانے کیلئے جناب DPO صاحب کو تحریری درخواست دے کر منظور ہوا۔ اور سائیل کو بحوالہ آرڈر بک نمبر 934 مورخہ 25.11.2020 کو محکمہ ہذا سے 31.12.2020 سے ریٹائرڈ کر کے پنشن کاغذات پراسس نہیں ہوئے ہیں۔

اب چونکہ سائل کے گھریلو مسائل حل ہو چکے ہیں اور مزید نوکری کرنا چاہتا ہے۔ لہذا بذریعہ درخواست استدعا ہے کہ سائل کے پنشن آرڈر منسوخ کر کے سائیل کو نوکری پر جاری رکھنے کے احکامات صادر فرمائیں۔ سائل تاحیات دُعا گو رہے گا۔

العارض۔

ہیڈ کنسٹیبل بجر الملک نمبر 271 متعینہ پولیس لائن ضلع دیر بالا۔

Sir  
Forwarded

Co. PL. or  
09-12-2020

Sir  
Forwarded.

DSP & DIR  
9.12.2020



(17)

**OFFICE OF THE,  
REGIONAL POLICE OFFICER, MALAKAND  
AT SAIDU SHARIF SWAT.**  
*Ph: 0946-9240388 & Fax No. 0946-9240390*  
*Email: ebmalakandregion@gmail.com*

No. 517 /E, dated Saidu Sharif the 07 101 /2021

To: **The District Police Officer, Dir Upper.**

Subject: **REQUEST FOR WITHDRAWAL/ CANCELLATION OF RETIREMENT ORDER.**

Memorandum:

Reference to your office Memo No. 6581-82/EB/Pension, dated 16/12/2020 on the subject above.

The aforementioned letter was sent to DSP Legal Swat for opinion who intimated vide his office Memo No. 100/Legal, dated 06/01/2021 that applicant HC Bahrul Mulk No. 270 of Dir Upper District on his request was permitted to proceed on retiring pension w.e.f 31/12/2020 which was allowed vide your office order No. 934 dated 19/11/2020 along with encashment of 365 days leave Salary in Lieu of LPR, hence requesting for cancellation /withdrawn of retirement order.

DSP Legal Swat quoted a judgment dated 17/04/2019 of Khyber Pakhtunkhwa Service Tribunal, Peshawar in service appeal No. 1111/2018 titled "*Muhammad Ayub VS Govt: of KPK through Secretary Home etc*" wherein the similar nature prayer of appellant was dismissed, the operating para of which is re-produced as below:-

**"There are numerous Judgments of superior Courts that LPR once sanctioned cannot be withdrawn"**

In the light of above judgment, the request of applicant cannot be entertained. However, if the applicant has any grievances, he can knock the door of proper forum/ courts.

Regional Police Officer,  
Malakand Region Swat

خطاب 134  
میں 25  
ال  
میں 25  
2021

# Shaher Pakhtunkhwa POLICE



## Commendation Certificate

CLASS III

To ASI Bahrul Mulk (incharge PP Barawa)

in Recognition of

Hardworking and dutiful Police Officer -

with cash reward Rs.1000/-

No \_\_\_\_\_

Date \_\_\_\_\_

  
Qasim Ali Khan, PSI  
District Police Officer  
Swat



19

# COMMENDATION CERTIFICATE

K.P.K Police



Class III

Granted by Mr. Muhammad Asjad D/o Buner

Granted to ASI Babzul Mulk

son of \_\_\_\_\_ R/O Village \_\_\_\_\_

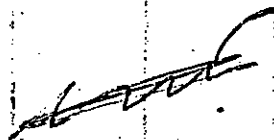
Police Station Towara District Buner

In Recognition of his good performance for the month of November 2016

Cash Reward 500/-

O.B No 129

Dated 16-12-2016

  
District Police Officer  
Buner

20

# COMMENDATION CERTIFICATE

K.P.K Police



Class III

Granted by Mr. Muhammad Ishaq D. Buner

Granted to Asst. Babul Mulk

son of \_\_\_\_\_ R/O Village \_\_\_\_\_

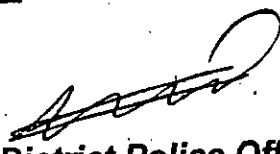
Police Station Jowar District Buner

In Recognition of his excellent performance during last four months.

Cash Reward Rs. 1000/-

O.B No 11

Dated 27.01.2017

  
District Police Officer  
Buner

بعدالت جناب سپروسیل ٹریبونل پاکستان ایس اور ایس کے لیے کورٹ سہواٹ  
صالح سہواٹ

مورخہ ۱۱ فروری ۲۰۱۲ء  
مقدمہ حکمران بنام حکومت بزرگ محکمہ لوہاس و غیر  
دعویٰ Service Appeal  
جرم

## باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنے طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام کورٹ سہواٹ کے لئے محمد احمد خان ایڈووکیٹ سپریم کورٹ کے 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 و تقرر ثالث و فیصلہ برحلف دینے جواب دہیا و اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زد اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف اپیل کی برآمدگی اور منسوخ مذکور کے مکمل یا جزوی کاروائی کے واسطے اور 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 برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ اتوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

۲۰۱۲

ماہ فروری

المقوم

العبد

گواہ شد

محمد ملک علی - ایڈووکیٹ

cell: 0340-9078648  
office: 1505-0227615-3

گواہ شد

العبد

Accepted  
M. Javid Khan

M. Javid Khan  
A. S. C  
2439607482

**BEFORE THE KHYBER PAKHTUNKHWA Service Tribunal**  
**PESHAWAR.**

Service Appeal No. 2768/2021

Bahrul mulk s/o Noo rul huda r/o Bayna, post office Choga, Tehsil Poran, District Shangla.  
(Appellant)

**Versus**

Provincial Police Officer, Khyber Pakhtunkhwa and  
others,..... Respondents.

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**Respondents Through**  
**DSP /Legal, Upper Dir.**

①

**BEFORE THE KHYBER PAKHTUNKHWA Service Tribunal**  
**PESHAWAR.**

Service Appeal No. 2768/2021

Bahrul mulk s/o Noo rul huda r/o Bayna, post office Choga, Tehsil Poran, District  
Shangla. (Appellant)

**Versus**

Provincial Police Officer, Khyber Pakhtunkhwa and  
others,..... Respondents.

**PARA WISE REPLY BY RESPONDENTS.**

**Respectfully sheweth:-**

**PRELIMINARY OBJECTIONS.**

1. That this Service Appeal is time barred by Law and limitation.
2. That the Appellant has no locus standi to file the present Service Appeal.
3. That the Appellant has suppressed and concealed the material facts from this Honorable Tribunal.
4. That the Appellant has not come to this Honorable Tribunal with clean hands.
5. That this Service Appeal is not tenable in its present forms.
6. That the Service Appeal is bad for misjoinder and non-joinder of necessary and proper parties.

**ON FACTS.**

1. Pertains to service record, of appellant.
2. Incorrect, the appellant has never been applied for LPR but he has been applied for retirement on pension. (Application is annexed as A)
3. Incorrect the retirement order has been issued Vide this office OB No 934 dated 19/11/2020.(Office order is annexed as B)

4. Incorrect as mentioned earlier that the appellant has applied for retiring on pension on his own choice and his application was processed and finally the appellant has been allowed for pension.
5. Incorrect the mentioned letter was submitted through proper channel to the Regional office for legal opinion wherein they returned the application quotation of the following judgment dated 17/04/2019 of Khyber pakhtun khwa Service tribunal Peshawar in appeal no 1111/2018;titled Muhammad Ayub vs. GOVT of KPK through Secretary Home etc. where in the similar nature prayer of appellant was dismissed, the operating Para of which is re-produced as below; there are numerous judgments of superior courts that LPR once sanctioned cannot be withdrawn. In the light of above judgment, the request of applicant cannot be entertained.(The letter of opinion is annexed as C)
6. Incorrect the appellant has wrongly challenged the legal orders, through unsound grounds.

**ON GROUNDS**

- A) Incorrect, all the orders are lawful and legal and in accordance with law/rules, hence cannot be modified or challenged according to the previous judgments of this honorable tribunal.
- B) Incorrect, the orders of retirement of the appellant on pension has already been issued but he later on applied for withdrawal of his own application which is against the law/rules and the judgment of this honorable tribunal.
- C) Incorrect, the retirement order has been issued Vide this office OB No 934 dated 19/11/2020.
- D) Incorrect the appellant has been dealt with in accordance with law/rules regulating service of the appellant.
- E) Incorrect, the proceeding has been conducted within law/rules.
- F) Incorrect, no contradiction has therein in the orders and letters.
- G) Incorrect, the appellant applied for withdrawal after the completion of all process on his retirement.

- H) Incorrect, the appellant himself avail his legal rights and now the respondent department is unable to re appoint the appellant in service.
- I) Respondents may be allowed to raise other grounds at the hearing of appeal.

7) Reply to this has been given in preliminary objections appeal is not maintainable under the law/rules.

**PRAYER.**

On the acceptance of this Para wise reply/comments the instant Service Appeal may kindly be dismissed with costs.

Respondent No. 01

*[Signature]*  
**Provincial Police Officer,**  
**Khyber Pakhtunkhwa Peshawar.**

Respondent No. 02

*[Signature]*  
**Regional Police Officer,**  
**Regional Police Officer,**  
**Malakand Region at Swat.**

Respondent No. 03

*[Signature]*  
**District Police Officer,**  
**Dir Upper.**

**BEFORE THE KHYBER PAKHTUNKHWA Service Tribunal**  
**PESHAWAR.**

Service Appeal No. 2768/2021

Bahrul mulk s/o Noo rul huda r/o Bayna, post office Choga, Tehsil Poran, District Shangla. (Appellant)

**Versus**

Provincial Police Officer, Khyber Pakhtunkhwa and others,..... Respondents.

**POWER OF ATTORNEY.**

We the undersigned do hereby authorized and appoint Mr. Ziwar Khan, DSP Legal Dir Upper to appear in the above mentioned Service Appeal on each and every date fixed by the Honorable Tribunal.

He is also authorized to file para-wise comments and all relevant documents before the Tribunal.

Respondent No. 01

*[Signature]*  
**Provincial Police Officer,  
Khyber Pakhtunkhwa Peshawar.**

Respondent No. 02

*[Signature]*  
**Regional Police Officer,  
Malakand Region,  
Regional Police Officer,  
Malakand Region at Swat.**

Respondent No. 03

*[Signature]*  
**District Police Officer,  
Dir Upper.**



5

**BEFORE THE KHYBER PAKHTUNKHWA Service Tribunal**  
**PESHAWAR.**

Service Appeal No. 2768/2021

Bahrul mulk s/o Noo rul huda r/o Bayna, post office Choga, Tehsil Poran, District  
Shangla. (Appellant)

**Versus**

Provincial Police Officer, Khyber Pakhtunkhwa and  
others,..... Respondents.

**AFFIDAVIT**

I the undersigned do hereby solemnly affirm and declared that the contents  
of para wise reply are true and correct to the best of my knowledge and belief and  
nothing has been concealed from this honorable Tribunal.



Deponent,  
Ziwar khan, DSP Legal  
Upper Dir.

ضیاء علی (گورنمنٹ ایجوکیشنل سوسائٹی) کو لکھیں۔

12.8.94 کو لوگوں کی توجہ دینی اور نئی نیابت اعلان کرنا  
سے پہلے تمام رسی اور نئی نیابت اور فلوہاں دل سے  
دیکھا، قوم کی عزت کا۔ اب سوسائٹی کو لکھیں جو  
فوری نیابت کی لینا چاہتے ہیں۔

31.12.020 سے 04/12/2020  
لہذا، ڈیڑھ گھنٹہ کے سوسائٹی کو لکھیں  
کو ریشٹریٹ کی تمام افواج اور فورسز  
کو فورسز کے سوسائٹی کی تمام افواج دیکھیں۔

الفاروق (13) کو لکھیں

18-11-020

Sir  
forwarded  
18/11/2020

Sir  
forwarded  
SD Perman  
18/11/2020

(7)

OFFICE OF THE DISTRICT POLICE OFFICER, DIR UPPER

ORDER

Having being found completed 29 Years, 4 Months and 19 Days qualifying service by Head Constable Bahrul Mulk No.271 of this district Police is hereby allowed to proceed on retiring pension with effect from 31.12.2020 on his own request.

He is entitled for all service benefits as admissible to him under the rules.

  
District Police Officer  
Dir Upper

OB No. 934 Dated 19-11 /2020

No. 5930 /E, Dated Dir Upper the 19-11 /2020

Copies to the: -

1. SHO PS Gandigar through SDPO Wari for information and necessary action with reference to the application of official concerned dated 1811/2020
2. Pay Officer
3. OASI

\*\*\*\*



(17) (8)  
OFFICE OF THE,  
REGIONAL POLICE OFFICER, MALAKAND  
AT SAIDU SHARIF SWAT.

Ph: 0946-9240388 & Fax No. 0946-9240390  
Email: ebmalakandregion@gmail.com

No. 517 /E, dated Saidu Sharif the 07.10 /2021

To: The District Police Officer, Dir Upper.

Subject: REQUEST FOR WITHDRAWAL/ CANCELLATION OF RETIREMENT ORDER.

Memorandum:

Reference to your office Memo No. 6581-82/EB/Pension, dated 16/12/2020 on the subject above.

The aforementioned letter was sent to DSP Legal Swat for opinion who intimated vide his office Memo No. 100/Legal. dated 06/01/2021 that applicant HC Bahrul Mulk No. 270 of Dir Upper District on his request was permitted to proceed on retiring pension w.e.f 31/12/2020 which was allowed vide your office order No. 934 dated 19/11/2020 along with encashment of 365 days leave Salary in Lieu of LPR, hence requesting for cancellation /withdrawn of retirement order.

DSP Legal Swat quoted a judgment dated 17/04/2019 of Khyber Pakhtunkhwa Service Tribunal, Peshawar in service appeal No. 1111/2018 titled "*Muhammad Ayub VS Govt. of KPK through Secretary Home etc*" wherein the similar nature prayer of appellant was dismissed, the operating para of which is re-produced as below:-

"There are numerous Judgments of superior Courts that LPR once sanctioned cannot be withdrawn"

In the light of above judgment, the request of applicant cannot be entertained. However, if the applicant has any grievances, he can knock the door of proper forum/ courts.

Regional Police Officer,  
Malakand Region Swat

*"Salim"*

ضابطہ مالکند  
مستند 25  
السر  
مستند 25  
2021

**BEFORE THE KHYBER PAKHTUNKHWA Service Tribunal**  
**PESHAWAR.**

Service Appeal No. 2768/2021

Bahrul mulk s/o Noo rul huda r/o Bayna, post office Choga, Tehsil Poran, District Shangla. (Appellant)

**Versus**

Provincial Police Officer, Khyber Pakhtunkhwa and others,.....

Respondents.

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**Respondents Through**

**DSP /Legal, Upper Dir.**

①

**BEFORE THE KHYBER PAKHTUNKHWA Service Tribunal**  
**PESHAWAR.**

Service Appeal No. 2768/2021

Bahrul mulk s/o Noo rul huda r/o Bayna, post office Choga, Tehsil Poran, District Shangla. (Appellant)

**Versus**

Provincial Police Officer, Khyber Pakhtunkhwa and others,..... Respondents.

**PARA WISE REPLY BY RESPONDENTS.**

**Respectfully sheweth:-**

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1. That this Service Appeal is time barred by Law and limitation.
2. That the Appellant has no locus standi to file the present Service Appeal.
3. That the Appellant has suppressed and concealed the material facts from this Honorable Tribunal.
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**ON GROUNDS**

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- H) Incorrect, the appellant himself avail his legal rights and now the respondent department is unable to re appoint the appellant in service.
- I) Respondents may be allowed to raise other grounds at the hearing of appeal.

7) Reply to this has been given in preliminary objections appeal is not maintainable under the law/rules.

**PRAYER.**

On the acceptance of this Para wise reply/comments the instant Service Appeal may kindly be dismissed with costs.

Respondent No. 01

*Open*  
**Provincial Police Officer,**  
**Khyber Pakhtunkhwa Peshawar.**

Respondent No. 02

*Z. Ashraf*  
 Regional Police Officer,  
**Regional Police Officer,**  
**Malakand Region at Swat.**

Respondent No. 03

*Miqat*  
**District Police Officer,**  
**Dir Upper.**



4

**BEFORE THE KHYBER PAKHTUNKHWA Service Tribunal**  
**PESHAWAR.**

Service Appeal No. 2768/2021

Bahrul mulk s/o Noo rul huda r/o Bayna, post office Choga, Tehsil Poran, District Shangla. (Appellant)

**Versus**

Provincial Police Officer, Khyber Pakhtunkhwa and others,..... Respondents.

**POWER OF ATTORNEY.**

We the undersigned do hereby authorized and appoint Mr. Ziwar Khan, DSP Legal Dir Upper to appear in the above mentioned Service Appeal on each and every date fixed by the Honorable Tribunal.

He is also authorized to file para-wise comments and all relevant documents before the Tribunal.

Respondent No. 01

*asif*  
**Provincial Police Officer,  
Khyber Pakhtunkhwa Peshawar.**

Respondent No. 02

*[Signature]*  
**Regional Police Officer,  
Malakand Region,  
Regional Police Officer,  
Malakand Region at Swat.**

Respondent No. 03

*[Signature]*  
**District Police Officer,  
Dir Upper.**

5

**BEFORE THE KHYBER PAKHTUNKHWA Service Tribunal**  
**PESHAWAR.**

Service Appeal No. 2768/2021

Bahrul mulk s/o Noo rul huda r/o Bayna, post office Choga, Tehsil Poran, District  
Shangla. (Appellant)

**Versus**

Provincial Police Officer, Khyber Pakhtunkhwa and  
others,..... Respondents.

**AFFIDAVIT**

I the undersigned do hereby solemnly affirm and declared that the contents  
of para wise reply are true and correct to the best of my knowledge and belief and  
nothing has been concealed from this honorable Tribunal.



Deponent,  
Ziwar khan, DSP Legal  
Upper Dir.

چیا علی گورنمنٹ ایجنسی کے ساتھ جیک لوئیس کے ساتھ

12.8.94 کو لوئیس نے دورانہ قیومی ثابت امانت کے  
سے تھری ایم ڈی۔ اورنگ نے آڈیو میں دل سے  
دکھانا توغ کیا کرتا تھا۔ اب ساتھ جیک لوئیس سے پوٹا  
فوریٹیا ٹرانسٹ لیتا جا گیا ہے۔

31.12.020 سے ساتھ جیک لوئیس کے ساتھ  
لڈر کے ذریعے آنسر حاصل ہو گیا اور 04/12/2020  
کو ریشیا ٹرانسٹ کے ساتھ افواہات کی اور فوراً  
کے فوراً پوٹ لیتا گیا تھا۔

الفارسی (13) کے ساتھ جیک لوئیس کے ساتھ  
He was

18-11-020

Sir  
Commanded-  
18/11/2020

Handwritten signature  
Sir,  
Forwarded  
SDP  
18/11/2020

(7)

OFFICE OF THE DISTRICT POLICE OFFICER, DIR UPPER

ORDER

Having being found completed 29 Years, 4 Months and 19 Days qualifying service by Head Constable Bahrul Mulk No.271 of this district Police is hereby allowed to proceed on retiring pension with effect from 31.12.2020 on his own request.

He is entitled for all service benefits as admissible to him under the rules.

  
District Police Officer  
Dir Upper

OB No. 934 Dated 19-11 /2020

No. 8980 /E, Dated Dir Upper the 19-11 /2020

Copies to the: -

1. SHO PS Gandigar through SDPO Wari for information and necessary action with reference to the application of official concerned dated 1811/2020
2. Pay Officer
3. OASI

\*\*\*\*



(17) 8  
**OFFICE OF THE,  
REGIONAL POLICE OFFICER, MALAKAND  
AT SAIDU SHARIF SWAT.**  
*Ph: 0946-9240388 & Fax No. 0946-9240390*  
*Email: ebmalakandregion@gmail.com*

No. 517 /E, dated Saidu Sharif the 07 /10 /2021

To: **The District Police Officer, Dir Upper.**

Subject: **REQUEST FOR WITHDRAWAL/ CANCELLATION OF  
RETIREMENT ORDER.**

Memorandum:

Reference to your office Memo No. 6581-82/EB/Pension, dated 16/12/2020 on the subject above.

The aforementioned letter was sent to DSP Legal Swat for opinion who intimated vide his office Memo No. 100/Legal, dated 06/01/2021 that applicant HC Bahrul Mulk No. 270 of Dir Upper District on his request was permitted to proceed on retiring pension w.e.f 31/12/2020 which was allowed vide your office order No. 934 dated 19/11/2020 along with encashment of 365 days leave Salary in Lieu of LPR, hence requesting for cancellation /withdrawn of retirement order.

DSP Legal Swat quoted a judgment dated 17/04/2019 of Khyber Pakhtunkhwa Service Tribunal, Peshawar in service appeal No. 1111/2018 titled "*Muhammad Ayub VS Govt: of KPK through Secretary Home etc*" wherein the similar nature prayer of appellatant was dismissed, the operating para of which is re-produced as below:-

**"There are numerous Judgments of superior Courts that LPR once sanctioned cannot be withdrawn"**

In the light of above judgment, the request of applicant cannot be entertained. However, if the applicant has any grievances, he can knock the door of proper forum/ courts.

بعدالت جناب سپرو سسر ٹریبونل KPK ملتان کے پاس اور لکھنے کو رٹ سوانہ صلح سوانہ

مورخہ 11 فروری 2012ء منجانب ایڈوانٹ پیس  
مقدمہ حکمران بنام حکومت بڈلچہ حکم لوئیس وغیرہ  
دعویٰ Service Appeal  
جرم

### باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنے طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ آن مقام لکھنے کورٹ سوانہ سسر ٹریبونل کے حکم کو رٹ سوانہ مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کوراضی نامہ و تقرر ثالث و فیصلہ برحلف دینے جواب دہیا اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زدا اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف اپیل کی برآمدگی اور منسوخ مذکور کے کھل یا جزوی کارروائی کے واسطے اور 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 اسکا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ اتوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کرتے وقت کا بھی اختیار ہوگا۔ اگر کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا کہ سند رہے

المرقوم 11 ماہ فروری 2012ء

العبد \_\_\_\_\_ گواہ شد \_\_\_\_\_  
العبد \_\_\_\_\_ گواہ شد \_\_\_\_\_  
العبد \_\_\_\_\_ گواہ شد \_\_\_\_\_

cell : 03440-9078648  
cnric : 1505-0227615-3

Accepted  
Ates tee  
D ce.

M. Javid Khan  
A. S. C  
03439607482

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.**

No.

16

Appeal No. 2745 of 20 21

Bahawal Khan Appellant/Petitioner

Versus

OP 17 / P 10 Pesh. Respondent

Respondent No. ....

Notice to:

Deputy Inspector General of Police / RPO,  
Malakand Region at Swat

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 17/09/21 at 8.00 A.M. If you wish to urge anything against the appellent/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this 10/9 .....

Day of Sep. 20 21

at Camp Court Swat

[Signature]

Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.

**"B"**

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.**  
JUDICIAL COMPLEX (OLD), KHYBER ROAD,  
PESHAWAR.

No.

Appeal No. 2763 of 20 21

Barkhad Mulla Appellant/Petitioner

P.P.O. District Versus P.P.O. District Respondent

Respondent No. 3

Notice to: —

District Police Officer District  
at Dera Ismael Khan

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal \*on 17/11/2021 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

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Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....  
Day of.....

at Camp Court Street

[Signature]  
Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.  
2. Always quote Case No. While making any correspondence.