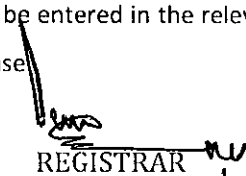




Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 366/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.06.2022	<p>The execution petition of Mr. Shahid Hussain Shah submitted today by Mr. Muhammad Aslam Tanoli Advocate may be entered in the relevant register and put up to the Court for proper order please</p> <p> REGISTRAR</p>
2	05-07-2022	<p>This execution petition be put up before touring Single Bench at A.Abad on <u>04-08-2022</u>. 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> CHAIRMAN</p>
	14 th Nov 2022	<p>Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.</p> <p>Implementation report not submitted. Respondents are directed through learned AAG to submit implementation report on the next date positively. To come up for implementation report on 12.12.2022 before S.B at camp court Abbottabad.</p> <p> (Kalim Arshad Khan) Chairman Camp Court Abbottabad</p>

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Execution Petition No... 366/2022

Shahid Hussain Shah S/O Safdar Hussain Shah (Constable No. 471 District Police Haripur) R/O village Bagra No.1, Tehsil and District Haripur.....**(Petitioner)**

Versus

1. Provincial Police Officer, KPK Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

(Respondents)

EXECUTION PETITION IN SERVICE APPEAL NO.2090/2019

INDEX

S/No	Description of Document	Ann- exure	Page No.
1.	Execution Petition.		01-04
2.	Service Appeal dated	"A"	05-09
3.	KPK Service Tribunal Decision 28-01-2022	"B"	10-15
4.	Duty Report 26-04-2022	"C"	16
5.	Copy of Notice for CPLA dated Nil	"D"	17
6.	Wakalatnama		

Through


Petitioner





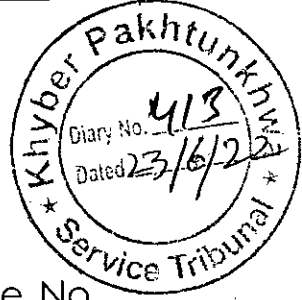
(Mohammad Aslam Tanoli)
Advocate High Court
at Haripur

Dated 23-06-2022

①

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No. 366/2022



Shahid Hussain Shah S/O Safdar Hussain Shah (Constable No. 471 District Police Haripur) R/O village Bagra No.1, Tehsil and District Haripur.....(Petitioner)

Versus

1. Provincial Police Officer, KPK Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer Haripur.

(Respondents)

EXECUTION PETITION IN SERVICE APPEAL NO. 2090/19 FOR IMPLEMENTATION OF JUDGMENT/DECISION DATED 28-01-2022 OF THIS HONOURABLE SERVICE TRIBUNAL.

PRAYER: ON ACCEPTANCE OF INSTANT EXECUTION PETITION THE RESPONDENTS MAY GRACIOUSLY BE DIRECTED TO ALLOW PETITIONER TO JOIN HIS DUTIES IN THE LIGHT OF JUDGMENT DATED 28-01-2022 OF THIS HONOURABLE SERVICE TRIBUNAL.

Respectfully Sheweth:

1. That petitioner/appellant filed subject titled service appeal before this Honorable Service Tribunal against the orders of Respondents whereby petitioner/appellant was dismissed from service and his departmental appeal was rejected in flagrant violation and negation of law, departmental rules and regulations and denied the appellant's reinstatement in service. **(Copy of the service appeal is attached as Annex-"A")**.

2

2. That this Honorable Service Tribunal on acceptance of subject service appeal issued judgment/decision dated 28-01-2022 that "instant appeal is partially accepted. The penalty of removal from service is converted into minor penalty of stoppage of increments for two years and the intervening period is treated as leave without pay. Respondents however, at liberty to conduct inquiry, if they so desire". **(Copy of judgment/order dated 28-01-2022 is attached as Annex-"B")**.
3. That on receipt of attested copy of the judgment/decision dated 28-01-2022, the appellant reported for duty on 26-04-2022. **(Copy of duty report is attached as Annexure-"C")**.
4. That Respondents instead of taking petitioner on duty issued an un-dated and un-signed Notice that Respondents were filing CPLA with stay application against the judgment of Honorable KPK Service Tribunal Peshawar dated 28-01-2022 before the Supreme Court of Pakistan in its Branch Registry at Peshawar. **(Copy of the Notice is attached as Annexure "D")**.
5. That despite petitioner's incessant approaches to respondents he has not been allowed to join his duties. Appellant is jobless since his dismissal from service. Appellant alongwith his family is facing financial distresses due to his unemployment.

3

6. That there is no stay order from the Apex Supreme Court of Pakistan against the order/judgment dated 28-01-2022 of this Honourable Service Tribunal and in such a condition respondents are legally bound to implement the orders/judgment of this Honourable Service Tribunal. Hence this Execution Petition on the following:

GROUNDS:

- A) That as this Honorable Service Tribunal in its judgment dated 28-01-2022 has ordered that "instant appeal is partially accepted. The penalty of removal from service is converted into minor penalty of stoppage of increments for two years and the intervening period is treated as leave without pay. Respondents however, at liberty to conduct inquiry, if they so desire". Hence respondents are legally bound to allow the appellant to join his duty.
- B) That there is no stay order from the Apex Supreme Court of Pakistan against the judgment and order dated 28-01-2022 of this Honourable Service Tribunal while order dated 28-01-2022 is in field. Respondents must comply with the said order.
- C) That departmental authorities/respondents are reluctant to pay heed to the decision dated 28-01-2022 of this Honorable Tribunal, hence instant execution petition.

4

- D) That petitioner alongwith his family is facing financial distresses due to his unemployment and deserves to be allowed to join his duty in the light of decision dated 28-01-2022 of this Honorable Service Tribunal.
- E) That instant execution petition is well within time and this Honourable Service Tribunal has got every jurisdiction to entertain and adjudicate upon the same.

PRAYER:

It is, therefore, humbly prayed that this Honorable Service Tribunal may graciously be pleased to accept this Execution petition and issue necessary orders/directions to be respondents to allow the petitioner to join his duties in the light of judgment/decision dated 28-01-2022 of this Honourable Service Tribunal.

[Signature]
PETITIONER

THROUGH

[Signature]
M. Aslam

MOHAMMAD ASLAM TANOLI
ADVOCATE HIGH COURT
AT PESHAWAR

Dated: 23-06-2022

AFFIDAVIT

I, Shahid Hussain Shah S/O Safdar Hussain Shah petitioner do hereby undertake/solemnly affirm that the contents of foregoing petition are true and correct to the best of my knowledge and belief and nothing has been concealed or suppressed from this honorable court.

Dated: 23-06-2022

ATTESTED



[Signature]
Deponent

6-2022

5

Annex 'A'

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No.....

Shahid Hussain Shah S/O Safdar Hussain Shah (Ex-Constable No. 471 District Police Haripur) resident of Village Bagra No.1, Tehsil and District Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 10-05-2017 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN DISMISSED FROM SERVICE AND THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD ORDER DATED 13-12-2019 WHEREBY APPELLANT'S DEPARTMENTAL APPEAL HAS BEEN REJECTED.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH THE IMPUGNED ORDERS DATED 10-05-2017 AND 13-12-2019 OF THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully sheweth,

1. That while appellant posted at Police Station Kotnajibullah (District Haripur) and performing his official duties on 03-03-2017 to the bad of luck he suffered with acute back-ach and was taken to the Doctor by his colleagues where he was examined by the Doctor, who prescribed some medicines with bed rest advice.

Mustaf

*Suy
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2. That appellant submitted a written application to the Police Station Kotnajibullah through his brother for grant of leave on medical grounds and also telephonically informed the then moharrir the Police Station about his ailing condition. **(Copy of application dated 10-03-2017 is attached as Annexure "A")**.
3. That despite regular medical treatment from different doctors the appellant's health could not be recovered and the illness took recourse to lengthy sufferings. However, the appellant continuously contacted and intimated his officers through written applications as well as telephonically about his illness and medical treatment. **(Copy of application dated 07-04-2017 is attached as Annexure-"B")**.
4. That when the appellant got recovered his health, he personally approached office of the DPO Haripur for his duty, in the beginning he was put off on one or the other pretext but ultimately he was verbally told that his services had been dismissed on 10-05-2017.
5. That due to the reason the appellant submitted a written application dated 16-04-2019 to the worthy District Police Officer Haripur for issuance of the order dated 10-05-2017 through which the appellant had been dismissed from service. Thereafter the appellant was issued his dismissal order dated 10-05-2017. **(Copies of application dated 16-4-19 and Order 10-5-17 are attached as Annexure-"C & D")**.

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6. That as the appellant throughout his entire service always performed his assigned duties with devotion and honesty to the entire satisfaction of his worthy officers and never provided them a chance of reprimand. Appellant has excellent service record at his credit. Applicant's absence was not deliberate rather due his prolonged illness and circumstances beyond his control. Appellant is jobless and the only bread earner of his large family. **(Copies of medical treatment's documents are attached as Annexure-"E")**.
7. That without conducting any proper departmental enquiry, issuing of Charge Sheet, Show Cause Notice and providing enquiry findings, if any, and even affording opportunity of personal hearing, the appellant had been awarded the extreme punishment of dismissed from service by the District Police Officer Haripur vide order dated 10-05-2017.
8. That appellant was never communicated about rejection of his medical leave despite his repeated requests for its sanction. Time and again the Office of District Police Officer Haripur was approached for grant of leave but he was kept in darkness on one pretext or the other.
9. That appellant aggrieved of the order dated 10-05-2017 of the District Police Officer Haripur preferred a departmental appeal dated 09-05-2019 before the Regional Police officer Hazara Region Abbottabad wherein he agitated all the facts and circumstances of the matter by denying the allegations leveled against

Attested
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him. **(Copy of the departmental appeal dated 09-05-2019 is attached as Annexure-"F")**.

11. That the Regional Police officer, Hazara Region, Abbottabad without taking into consideration the appellant's stance taken in memo of appeal rejected the same vide order dated 13-12-2019. **(Copy of the order dated 13-12-2019 is attached as annex-"G")**. Hence instant service appeal, inter alia, on the following amongst others:-

GROUND:

- a) That both the impugned orders dated 10-05-2017 and 13-12-2019 of respondents are illegal, unlawful against the facts and circumstances of the matter hence are liable to be set aside.
- b) That no proper departmental inquiry was conducted. No Show Cause Notice was issued to the appellant. Even appellant was not heard in person. Instant impugned order is liable to be set aside on this score alone.
- c) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully issued impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.

9

- d) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of appeal. Thus the impugned order of respondent is contrary to the law as laid down in the KPK Police Rules 1934, other departmental rules regulations read with section 24-A of General Clause Act 1897 read with Article 10A of Constitution of Islamic Republic of Pakistan 1973.
- e) That applicant's absence was not deliberate rather due his prolonged illness and circumstances beyond his control. Appellant has applied for medical treatment well in time and with supporting documents but his request for grant of medical was not treated in accordance with rules & regulations.
- f) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal both the orders dated 10-05-2017 and 13-12-2019 of respondents may graciously be set aside and appellant be re-instated in his service from the date of dismissal with all consequential service back benefits.

Through:

M Aslam Tanoli
Appellant

M Aslam Tanoli
(Mohammad Aslam Tanoli)

Advocate High Court

At Haripur

Dated 24-12-2019


VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated 24-12-2019

M Aslam Tanoli
Appellant

(1) (10) Annex 15



**BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 2090/19

Diary No. 2308

Dated 24/12/19

Shahid Hussain Shah S/O Safdar Hussain Shah (Ex-Constable No. 471 District Police Haripur) resident of Village Bagra No.1, Tehsil and District Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST ORDER DATED 10-05-2017 OF THE DISTRICT POLICE OFFICER HARIPUR WHEREBY APPELLANT HAS BEEN DISMISSED FROM SERVICE AND THE REGIONAL POLICE OFFICER HAZARA REGION ABBOTTABAD ORDER DATED 13-12-2019 WHEREBY APPELLANT'S DEPARTMENTAL APPEAL HAS BEEN REJECTED.

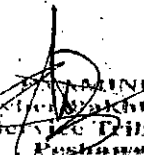
PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH THE IMPUGNED ORDERS DATED 10-05-2017 AND 13-12-2019 OF THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE RE-INSTATED IN HIS SERVICE FROM THE DATE OF DISMISSAL WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully sheweth,

Filed to-day
24/12/19
Registrar

1. That while appellant posted at Police Station Kotnajibullah (District Haripur) and performing his official duties on 03-03-2017 to the bad of luck he suffered with acute back-ach and was taken to the Doctor by his colleagues where he was examined

ATTESTED


Registrar
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

(11)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 2090/2019

Date of Institution ... 24.12.2019

Date of Decision ... 28.01.2022



Shahid Hussain Shah S/o Safdar Hussain Shah (Ex-Constable No. 471 District Police Haripur) resident of Village Bagra No. 1, Tehsil and District Haripur.
... (Appellant)

VERSUS

Provincial Police Officer Khyber Pakhtunkhwa Peshawar and others
... (Respondents)

Mohammad Aslam Tanoli,
Advocate

... For Appellant

Muhammad Adeel Butt,
Additional Advocate General

... For respondents

AHMAD SULTAN TAREEN
ATIQ-UR-REHMAN WAZIR

CHAIRMAN
MEMBER (EXECUTIVE)

JUDGMENT


ATIQ-UR-REHMAN WAZIR MEMBER (E):-

Brief facts of the

case are that the appellant while serving as Constable in Police Department was proceeded against on the charges of absence from duty and was ultimately dismissed from service vide order dated 10-05-2017, against which the appellant filed departmental appeal dated 09-05-2019, which was rejected on 13-12-2019, hence the instant service appeal with prayers that the impugned orders dated 10-05-2017 and 13-12-2019 may be set aside and the appellant may be re-instated in service with all back benefits.

02. Learned counsel for the appellant has contended that both the impugned orders are against law, facts and norms of natural justice, therefore,

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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not tenable and liable to be set aside; that departmental proceedings were not conducted as per mandate of law, hence the appellant was deprived of his right to defend his cause; that the appellant has not been treated in accordance with law, hence his rights secured under the Constitution has badly been violated; that the appellate authority has also failed to appreciate the issues presented before him; that absence of the appellant was not willful but due to his serious illness, which stance has already been taken by the appellant in his departmental appeal, which however was not taken into consideration.

03. Learned counsel for the respondents has contended that the appellant absented himself from lawful duty with effect from 03-03-2017 to 10-05-2017 without permission of the competent authority; that acts and omission of the appellant amounts to misconduct under the rules, hence the appellant was served with charge sheet/statement of allegation; that proper inquiry was conducted but the appellant did not participate in disciplinary proceedings, hence ex-parte action was taken and the appellant was proceeded in absentia and was awarded with major penalty of dismissal from service.

04. We have heard learned counsel for the parties and have perused the record.

05. Placed on record are two applications dated 10-03-2017 and 04-07-2017 in respect of illness of the appellant; who had requested for leave on medical grounds as he was feeling acute pain in Spinal Cord, but record is silent as to whether such leave was processed or not, but the appellant after resumption of duty found he has been dismissed from service, which would show that his applications for grant of leave on medical grounds had not been taken into consideration. Placed on record is medical prescription in respect of the appellant, which would show that the appellant remained under treatment during the period in question. The appellant has taken the same stance in his

ATTESTED

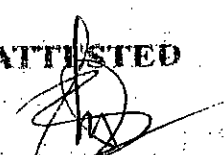
Khyber Pakhtunkhwa
Service Tribunal

13

departmental appeal, which however was not taken into consideration at any forum. The respondents however were required to take a sympathetic view of the situation, as it is a well settled legal proposition that absence on medical grounds even without permission of competent authority does not constitute gross misconduct entailing major penalty of dismissal from service. The appellant in his departmental appeal has also submitted his medical prescription that his absence was neither intentional nor willful, but he was severely ill. His thorough stance regarding his illness hold force as the respondents did not oppose such contention of the appellant in their comments nor his medical prescriptions were termed as fake, thus it can easily be inferred that there is an element of truth in stance of the appellant, which was required to be considered by the respondents. The inquiry officer was required to verify the genuineness of the medical prescriptions to reach to a just conclusion, but the inquiry officer without knowing truthfulness of his stance held him guilty in an arbitrary manner, which is against legal norms and against principle of natural justice. Reliance is placed on PLJ 2017 Tr.C (Services) 51.

06. On the other hand, the appellant was not treated in accordance with law, as impugned inquiry report submitted to the competent authority would reveal that the competent authority on the face of inquiry report has remarked as dismissed from service without issuing him proper showcause notice, thus skipped a mandatory step as prescribed in law. The appellant was not associated with proceedings of the inquiry and ex-parte action was initiated against him in his absence. In such a situation, the respondents were required to invoke the jurisdiction of Rule-9 of E&D Rules, 2011 by sending such notice through registered mail at his home address and in case of no response, the same notice was required to be published in two leading newspapers and after fulfilling all such formalities, could take ex-parte action, but the respondents hastily initiated disciplinary proceedings and without observing the legal

ATTIESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

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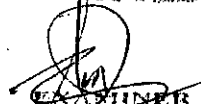
formalities, the appellant was dismissed, which was not warranted. Impugned order of dismissal would reveal that the same has been ordered with retrospective effect. Supreme Court of Pakistan in series of judgment have held that service could not be terminated with retrospective effect, unless competent authority was expressly empowered in such regard by some statute or rules made thereunder. Reliance is placed on 2012 PLC (CS) 701. We are also mindful of the question of limitation as the appellant had submitted his departmental appeal with some delay, but since the impugned order was passed in violation of mandatory provisions of law, hence no limitation would run for challenging such order. Reliance is placed on 2007 SCMR 834.

07. The appellant was not guilty of charges of gross misconduct or corruption, therefore extreme penalty of dismissal from service for the charge of absence is on higher side, hence, quantum of the punishment needs to be reduced. Reliance is placed on 2006 SCMR 1120. Charge against the appellant was not so grave as to propose penalty of removal from service, such penalty appears to be harsh, which does not commensurate with nature of the charge.

The appellant has admitted his absence but such absence was not willful, which does not constitute gross misconduct entailing major penalty of removal from service. Competent authority had jurisdiction to award any of the punishments mentioned in law to the government employee but for the purpose of safe administration of justice such punishment should be awarded which commensurate with the magnitude of the guilt, Otherwise the law dealing with the subject would lose its efficacy. Reliance is placed on 2006 SCMR 1120

08. In view of the foregoing discussion, the instant appeal is partially accepted. The penalty of removal from service is converted into minor penalty of stoppage of increments for two years and the intervening period is treated as leave without pay. Respondents however, are at liberty to conduct inquiry, if

ATTESTED


CHIEF JUSTICE
Sindh High Court
Service Tribunal
Karachi

کمزیت صاحب دستبرد چیس آفسیرو صاحب ۱۵/۱/۲۰۱۶

عنوان :- ڈیوٹی رپورٹ

ذیل ملاحظہ فرمائیں۔

دوبارہ گزارش ہے کہ نام و صاحبزادہ سے dismissal کروایا گیا تھا۔ اور نام کے ساتھ ساتھ اس کے ساتھ ساتھ شاپور میں سرورہ اسٹیشن ڈیوٹی کے طور پر منظور کر کے دیے گئے۔

حضرت عبداللہ نے نام کو اپنے حکم مورخہ 22/01/28 کے تحت من نام کو معذرت پر حال مردمان (فعلی حکم عبداللہ) 28/22 لفریڈ کیا ہے۔

کہہ نام حضرت عبداللہ کے حکم مورخہ 28/01/22 کے تحت مورخہ 25/22 کو نقل حاصل کرنے کے ڈیوٹی رپورٹ کرنا ہے۔

نام کو ڈیوٹی پر لیا جائے۔

میرا نام ہے

26/1/2020

شاہ سن شاہ مانڈیل 741 ڈسٹرکٹ ریجنل ایڈمنسٹریٹر

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(17)

Annex-D

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA No. _____/2022

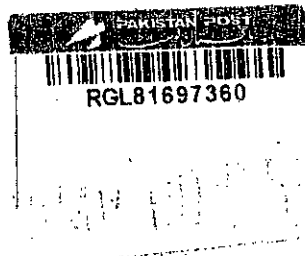
Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar & others

.....PETITIONERS

VERSUS

Shahid Hussain Shah

.....RESPONDENT



NOTICE

Advocate-on-Record
Supreme Court of Pakistan
Govt. of Khyber Pakhtunkhwa
Peshawar

To

Shahid Hussain Shah S/o Safdar Hussain Shah (Ex-Constable No.471
District Police haripur) R/o Village Bagra No.1, Tehsil and District
Haripur

Please take notice Registered A/D post to the effect that I am filing
CPLA with stay application in the above titled case against the judgment of
the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated
28/01/2022 in Service Appeal No.2090/2019 before the Supreme Court of
Pakistan in its Branch Registry at Peshawar.

Attested
by
[Signature]

(Farid Ullah Kundi)
Advocate-on-Record
Supreme Court of Pakistan
For Government

وکالت نامہ

قیمتی

کورٹ فیس

بعدالت جناب محمد رفیق علی سروسز ٹرانسپورٹ کمپنی

منجانب Patitione شہر سوات تاریخ 19/11/20

دعوی یا جرم Execution of Decree باعث تحریر آنکہ

شہر سوات آباد

مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام

محمد رفیق علی ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص روبرو عدالت حاضر ہوتا ہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر منظر حاضر نہ ہوں اور حاضری کی وجہ سے کسی وجہ پر مقدمہ میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کے علاوہ کسی اور جگہ یا کچہری کے مقرر اوقات سے پہلے یا بروز تعطیل پیروی کرنے کے مجاز نہ ہوں گے۔ اگر مقدمہ مقام کچہری کے کسی اور جگہ سماعت ہونے پر یا بروز کچہری کے اوقات کے آگیا یا پیچھے ہونے پر منظر کو کوئی نقصان پہنچے تو ذمہ دار یا اس کے رابطے کسی معاوضہ ادا کرنے مختار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھے کل ساختہ پرواختہ صاحب مشل کردہ ذات خود منظور و قبول ہوگا اور صاحب موصوف کو عرضی دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل نگرانی دائر کرنے نیز ہر قسم کی درخواست پر دستخط تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کے اجراء کرنے اور ہر قسم کار و پیہ وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپروٹاشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعویٰ کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا کطرفہ درخواست حکم انتاعی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا ہوگی علیحدہ پیروی مختار نامہ کرینا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے ہمراہ مقرر کریں اور ایسے مشیر قانونی کو بھی اس امر میں وہی اختیارات حاصل ہوں گے جیسے صاحب موصوف کو۔ پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی حالت میں میرا مطالبہ صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا اختیار نامہ لکھ دیا ہے کہ سندر ہے مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

Accepted by
M. Ashraf

مورخہ: 20-11-20

Signature
Petitioner

محمد رفیق علی

"A"

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

No.

APPEAL No. EP No. 366 of 20 22

Shahid Hussain Shah

Appellant/Petitioner

Versus

provincial police officer KPK Peshawar

RESPONDENT(S)

Notice to Respondent No. 1
Appellant/Petitioner

provincial police officer
KPK Peshawar

Take notice that your appeal has been fixed for Preliminary hearing, replication, affidavit/counter affidavit/record/arguments/order before this Tribunal on 4/8/22 at 9 am.

You may, therefore, appear before the Tribunal on the said date and at the said place either personally or through an advocate for presentation of your case, failing which your appeal shall be liable to be dismissed in default.

copy of EP is attached for implementation Report

Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

26-7-022