

28.07.2022

Nemo for petitioner.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General alongwith Fazal Subhan HC for respondents present.

At the very outset order dated 09.05.2022 of District Police Officer, Swabi was produced vide which major punishment of dismissal from service was converted into compulsory retirement w.e.f the date of his dismissal from service subject to decision of CPLA by the august Supreme Court of Pakistan.

As the grievance of the petitioner has been redressed, therefore, instant execution proceedings stand filed being fully satisfied.

Announced.  
28.07.2022

  
(Rozina Rehman)  
Member (J)

15.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 18.6.2022. for the same as before.



Reader.

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

Clerk of counsel for the petitioner present. Mr. Naseerud Din Shah, Asstt. AG for the respondents present Counsel are on strike.

Learned AAG seeks further time to submit implementation report. Request is accepted but as a last chance. To come up for implementation report on 28.07.2022 before S.B.

*The reports shall appear in person a/w implementation report.*

(Kalim Arshad Khan)  
Chairman

E.P. No. 205/2021  
Muhammad Shah vs Govt

22.12.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Fahim Khan, Inspector (Legal) for the respondents present.

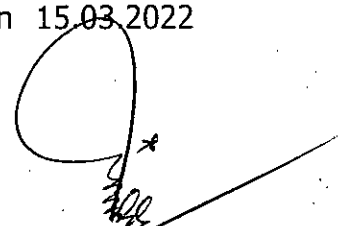
Representative of the respondents states that CPLA has been filed against the judgment under implementation. If the CPLA has been filed and the judgment has not been suspended, the respondents are under obligation to implement the judgment, subject to decision of CPLA by the august Supreme Court of Pakistan, on production of affidavit by the petitioner to the effect that in case the judgment of this Tribunal is set aside by the august Supreme Court of Pakistan, he shall be liable to refund the benefits received on strength of conditional order. Adjourned to 26.01.2022 before S.B.

  
Chairman

26.01.2022

Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Fazal Subhan, HC for respondents present.

Implementation report not submitted. Learned AAG requested for a short adjournment on the ground that the implementation/~~the~~ execution is under process and will be submitted on the next date. Request is acceded to but as a last chance. To come up for further proceedings on 15.03.2022 before S.B.

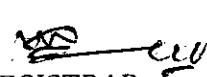


  
(Mian Muhammad)  
Member(E)

Form- A

FORM OF ORDER SHEET

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

Case No. - 205 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge		
1	2	3		
1-	28/09/2021	<p>The Excution petition I of Mr. Muzamil shah presented today by Mr. Taimur ali 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;"> REGISTRAR</p> <p>2-</p>	12.11.2021	<p>This case is entrusted to S. Bench at Peshawar for preliminary hearing to be put up there on <u>12/11/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the petitioner present.</p> <p>Notices be issued to the respondents for the date fixed. To come up for implementation report on 22.12.2021 before S.B.</p> <p style="text-align: right;"> Chairman</p>

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

Execution Petition No. 205 /2021  
In Service Appeal No.1523/2019



Muzamil Shah, Ex- Constable No.879,  
District Police Officer, Swabi.

**PETITIONER**

**VERSUS**

1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Mardan Region, Mardan.
3. The District Police Officer, Swabi.

**RESPONDENTS**

.....  
**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED 30.07.2021 OF THIS  
HONOURABLE TRIBUNAL IN LETTER AND  
SPIRIT.**  
.....

**RESPECTFULLY SHEWETH:**

1. That the petitioner has filed service appeal No.1523/2019 against the order dated 20.06.2019, whereby the penalty of dismissal from service was imposed upon the petitioner and against the order dated 30.09.2019, whereby the departmental appeal of the petitioner has been rejected.
2. The said appeal was finally heard by this Honourable Service Tribunal on 30.07.2021. The Honourable Service Tribunal converted the penalty of dismissal from service into compulsory retirement w.e.f the date of dismissal from service i.e 20.06.2019 (Copy of judgment dated 22.06.2021 is attached as Annexure-A)

3. That the penalty of dismissal from service of the petitioner was converted into compulsory retirement by this Honourable Tribunal in its judgment dated 30.07.2021, however, the respondents did not convert the penalty of dismissal from service of the petitioner into compulsory retirement till date as per judgment dated 30.07.2021 of this Honourable Tribunal.
4. That in-action and not fulfilling formal requirements by the respondents after passing the judgment of this Honourable Service Tribunal, is totally illegal amount to disobedience and Contempt of Court.
5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 30.07.2021 of this Honourable Service Tribunal in letter and spirit.
6. That the petitioner has having no other remedy except to file this execution petition for implementation of judgment dated 30.07.2021 of this Honourable Tribunal.

It is, therefore, most humbly prayed that the respondents may kindly be directed to implement the judgment dated 30.07.2021 of this Honourable Service Tribunal in letter and spirit. Any other remedy, which this august Service Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.

  
**PETITIONER**  
Muzamil Shah

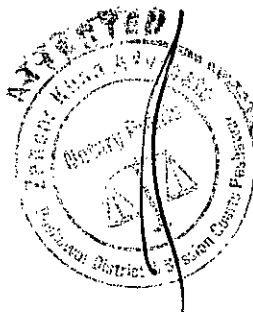
**THROUGH:**

  
**(TAIMUR ALI KHAN)**  
**ADVOCATE HIGH COURT**

**AFFIDAVIT:**

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief.

  
**DEPONENT**



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Service Appeal No. 1523 /2019

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1520

Dated 29/12/2019

Muzamil Shah, Ex-Constable No. 879,  
District Police Officer, Swabi.



APPELLANT

VERSUS

1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer Mardan Region, Mardan.
3. The District Police Officer Swabi.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNALS ACT, 1974  
AGAINST THE ORDER DATED 21.06.2019 WHEREBY  
THE PENALTY OF DISMISSAL FROM SERVICE WAS  
IMPOSED UPON THE APPELLANT AND AGAINST  
THE ORDER DATED 30.09.2019 WHEREBY THE  
DEPARTMENTAL APPEAL OF APPELLANT WAS  
REJECTED FOR NO GOOD GROUNDS.

Filed to-day

Registrar

29/10/19 PRAYER:


THAT ON ACCEPTANCE OF THIS APPEAL, THE  
ORDER DATED 21.06.2019 AND 30.09.2019 MAY  
GRACIOUSLY BE SET ASIDE AND THE APPELLANT  
MAY BE REINSTATED WITH ALL BACK AND  
CONSEQUENTIAL BENEFITS OR KEEPING IN VIEW  
THE HARDSHIP THE SAME PENALTY MAY BE  
MODIFIED INTO COMPULSORY RETIRMENT. ANY  
OTHER REMEDY, WHICH THIS TRIBUNAL DEEMS  
FIT AND APPROPRIATE THAT MAY ALSO BE  
AWARDED IN FAVOUR OF APPELLANT.

Re-submitted to -day  
and filed.

Registrar

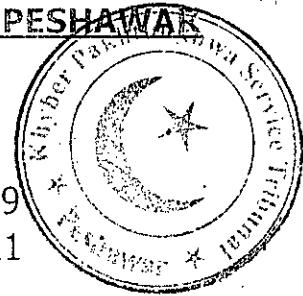
13/11/19

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1523/2019



Date of institution ... 29.10.2019  
Date of Decision ... 30.07.2021

Muzamil Shah Ex-Constable No.879, District Police Officer,  
Swabi.

(Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawa  
and two others

(Respondents)

Taimur Ali Khan,  
Advocate

For appellant.

Kabir Ullah Khattak,  
Additional Advocate General

For respondents.

AHMAD SULTAN TAREEN  
ROZINA REHMAN

CHAIRMAN  
MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): Appellant was a Constable in the Police Department. He was dismissed from service vide order dated 20.06.2019. It is the legality and validity of this order which has been challenged by him in the present service appeal filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

*[Handwritten signature]*  
18/7/21

**ATTESTED**

*[Handwritten signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

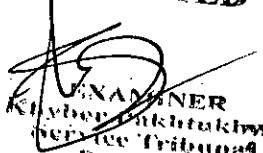


2. Brief facts of the case are that appellant remained absent from duty being ill and was having no other family member to inform the Department. As such, he was charge sheeted under Police Rules, 1975. Charge sheet and statement of allegations were issued to the appellant and an inquiry Officer was appointed to conduct inquiry. After the recommendation of Inquiry Officer, final show cause notice was served upon appellant which was replied and lastly he was dismissed from service on 21.06.2019. He preferred departmental appeal but the same was also rejected, hence, the instant service appeal.

3. Learned counsel for appellant argued that the impugned order is against law and facts as inquiry was not conducted according to law and that the entire proceedings were carried out in the absence of appellant. He contended that the appellant was not afforded any opportunity of personal hearing and he was condemned unheard and lastly, he submitted that appellant has put in considerable pensionable service of almost 18/19 years and that he would have no objection if major penalty in shape of dismissal from service is converted into major penalty in shape of compulsory retirement.

4. Conversely, learned A.A.G argued that appellant being a member of disciplined force, was supposed to follow the rules and it was his responsibility to apply for leave but he absented himself from duty, therefore, he was served with charge sheet and statement of allegations and proper departmental proceedings were initiated

30/7/21

**ATTESTED**  
  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal  
 Peshawar

against him in accordance with law. He submitted that despite proper service, appellant failed to join inquiry proceedings which shows his disinterest in his job, hence, he was recommended for major punishment by the Inquiry Officer. Lastly, he submitted that he was also served with final show cause notice but his reply was found unsatisfactory and the appellant deliberately absented despite service upon him before passing final order, therefore, he was dismissed from service.

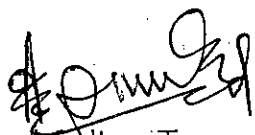
5. Perusal of record would reveal that appellant was enlisted as Constable in the Police Department. On account of absence from duty, he was dismissed from service but Regional Police Officer Mardan reinstated him in service vide order dated 03.04.2019. He reported his arrival on 05.04.2019 but again absented himself from duty w.e.f 07.04.2019 till the date when he was served with charge sheet and statement of allegation bearing endorsement No.22/CC/PA dated 22.04.2019. D.S.P Topi was appointed as Inquiry Officer to conduct departmental inquiry against the appellant. The Inquiry Officer conducted inquiry, recorded statement of all concerned and submitted his report, wherein, he found the appellant guilty of misconduct and recommended him for major punishment. Final show cause notice was then issued to the appellant and he submitted his reply to the final show cause notice, wherein, he admitted his absence from Police Lines, Swabi. Despite proper service, he failed to appear for personal hearing. His service record shows that his service

*[Handwritten signature]*  
30/7/21

**ATTESTED**  
*[Signature]*  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Roll is blotted with red ink. His service record is replete with 23 bad entries as against no good entry. He was also awarded punishment of censure, 5 days Extra Drill, twice minor punishment and major punishment of dismissal from service. He also remained absent from duty for 305 days. This shows his least interest in his job. However, keeping in view the last request of learned counsel for appellant, and without touching other merits of the case, we are of the view that since the appellant has put in considerable regular service, it would be appropriate, keeping in view the circumstances of the case to convert the major penalty awarded in the shape of dismissal from service into that of compulsory retirement from service. As such, we convert the said penalty into that of compulsory retirement w.e.f the date of his dismissal from service i.e. 20.06.2019. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
30.07.2021


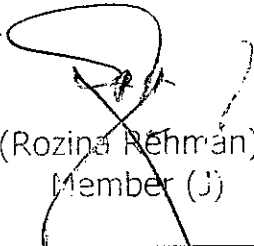
  
(Ahmad Sultan Tareen)  
Chairman

  
(Rozina Rehman)  
Member (J)

**Certified to be true copy**  
**EX-MINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 16/8/21  
 Number of Words 1670  
 Copying Fee \_\_\_\_\_  
 Urgent 3/8/21  
 Total 21/-  
 Name of Copyist \_\_\_\_\_  
 Date of Completion of Copy 16/8/21  
 Date of Delivery of Copy 16/8/21

Service Appeal No. 1523/2019

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	30.07.2021	<p><u>Present:</u></p> <p>Taimur Ali Khan, Advocate ... For Appellant</p> <p>Kabir Ullah Khattak, Additional Advocate General ... For respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, we are of the view that since the appellant has put in considerable regular service, it would be appropriate, keeping in view the circumstances of the case to convert the major penalty awarded in the shape of dismissal from service into that of compulsory retirement from service. As such, we convert the said penalty into that of compulsory retirement w.e.f the date of his dismissal from service i.e. 20.06.2019. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 30.07.2021</p> <p style="text-align: center;">               (Ahmad Sultan Tareen)              Chairman         </p> <p style="text-align: center;">               (Rozina Rehman)              Member (J)         </p>

بعد الت

مجلس شریعتی لٹریچر

مجلس 2 منجانبہ  
مجلس حلیمہ

موردہ  
مقدمہ  
دعوی  
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے بیرونی کے کاروبار یا مستحقہ  
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار ہوگا۔ نیز

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا مکمل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دینے 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 بیرونی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیرونی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی 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 باختیارات حاصل ہوں گے  
اور اس کا ساختہ پرداختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ بیرونی مذکور کریں۔ لہذا وکالت نامہ لکھد یا کہ سندر ہے۔

المقوم

Accepted  
مجلس شریعتی

العہدہ العہدہ العہدہ  
کے لئے منظور ہے۔

مقام

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

Execution Petition No. 205 /2021  
In Service Appeal No.1523/2019

Muzamil Shah, Ex- Constable No.879,  
District Police Officer, Swabi.

**PETITIONER**

**VERSUS**

1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Mardan Region, Mardan.
3. The District Police Officer, Swabi.

**RESPONDENTS**

.....  
**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED 30.07.2021 OF THIS  
HONOURABLE TRIBUNAL IN LETTER AND  
SPIRIT.**  
.....

**RESPECTFULLY SHEWETH:**

1. That the petitioner has filed service appeal No.1523/2019 against the order dated 20.06.2019, whereby the penalty of dismissal from service was imposed upon the petitioner, and against the order dated 30.09.2019, whereby the departmental appeal of the petitioner has been rejected.
2. The said appeal was finally heard by this Honourable Service Tribunal on 30.07.2021. The Honourable Service Tribunal converted the penalty of dismissal from service into compulsory retirement w.e.f the date of dismissal from service i.e 20.06.2019 **(Copy of judgment dated 22.06.2021 is attached as Annexure-A)**

3. That the penalty of dismissal from service of the petitioner was converted into compulsory retirement by this Honourable Tribunal in its judgment dated 30.07.2021, however, the respondents did not convert the penalty of dismissal from service of the petitioner into compulsory retirement till date as per judgment dated 30.07.2021 of this Honourable Tribunal.
4. That in-action and not fulfilling formal requirements by the respondents after passing the judgment of this Honourable Service Tribunal, is totally illegal amount to disobedience and Contempt of Court.
5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 30.07.2021 of this Honourable Service Tribunal in letter and spirit.
6. That the petitioner has having no other remedy except to file this execution petition for implementation of judgment dated 30.07.2021 of this Honourable Tribunal.

It is, therefore, most humbly prayed that the respondents may kindly be directed to implement the judgment dated 30.07.2021 of this Honourable Service Tribunal in letter and spirit. Any other remedy, which this august Service Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.

  
PETITIONER  
Muzamil Shah

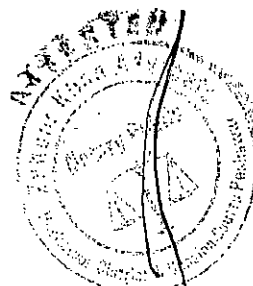
THROUGH:

  
(TAIMUR ALI KHAN)  
ADVOCATE HIGHER COURT

**AFFIDAVIT:**

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief.

  
DE



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

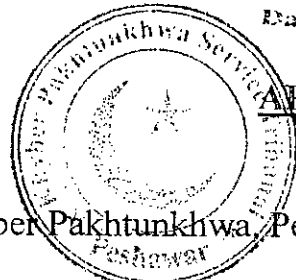
Service Appeal No. 1523 /2019

Muzamil Shah, Ex-Constable No. 879,  
District Police Officer; Swabi.

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1520

Dated 29-12-2019



APPELLANT

VERSUS

1. The Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer Mardan Region, Mardan.
3. The District Police Officer Swabi.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA, SERVICE TRIBUNALS ACT, 1974  
AGAINST THE ORDER DATED 21.06.2019 WHEREBY  
THE PENALTY OF DISMISSAL FROM SERVICE WAS  
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REJECTED FOR NO GOOD GROUNDS.

Filed to-day

Registrar

29/10/19 PRAYER:

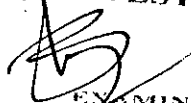
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ORDER DATED 21.06.2019 AND 30.09.2019 MAY  
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MAY BE REINSTATED WITH ALL BACK AND  
CONSEQUENTIAL BENEFITS OR KEEPING IN VIEW  
THE HARDSHIP THE SAME PENALTY MAY BE  
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OTHER REMEDY, WHICH THIS TRIBUNAL DEEMS  
FIT AND APPROPRIATE THAT MAY ALSO BE  
AWARDED IN FAVOUR OF APPELLANT.

Re-submitted to-day  
and filed.

Registrar

13/11/19

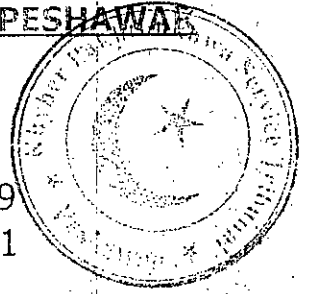
ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. 1523/2019



Date of Institution .. 29.10.2019  
Date of Decision .. 30.07.2021

Muzamil Shah Ex-Constable No.879, District Police Officer,  
Swabi.

(Appellant)

VERSUS

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar  
and two others.

(Respondents)

Taimur Ali Khan,  
Advocate

... For appellant.

Kabir Ullah Khattak,  
Additional Advocate General

... For respondents.

AHMAD SULTAN TAREEN  
ROZINA REHMAN

... CHAIRMAN  
... MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): Appellant was a Constable in the Police Department. He was dismissed from service vide order dated 20.06.2019. It is the legality and validity of this order which has been challenged by him in the present service appeal filed U/S 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974.

Handwritten signature and date: 30/7/21

**ATTESTED**

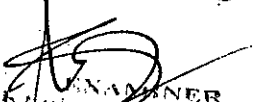
Handwritten signature  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

2. Brief facts of the case are that appellant remained absent from duty being ill and was having no other family member to inform the Department. As such, he was charge sheeted under Police Rules, 1975. Charge sheet and statement of allegations were issued to the appellant and an Inquiry Officer was appointed to conduct inquiry. After the recommendation of Inquiry Officer, final show cause notice was served upon appellant which was replied and lastly he was dismissed from service on 21.06.2019. He preferred departmental appeal but the same was also rejected, hence, the instant service appeal.

3. Learned counsel for appellant argued that the impugned order is against law and facts as inquiry was not conducted according to law and that the entire proceedings were carried out in the absence of appellant. He contended that the appellant was not afforded any opportunity of personal hearing and he was condemned unheard and lastly, he submitted that appellant has put in considerable pensionable service of almost 18/19 years and that he would have no objection if major penalty in shape of dismissal from service is converted into major penalty in shape of compulsory retirement.

4. Conversely, learned A.A.G argued that appellant being a member of disciplined force, was supposed to follow the rules and it was his responsibility to apply for leave but he absented himself from duty, therefore, he was served with charge sheet and statement of allegations and proper departmental proceedings were initiated

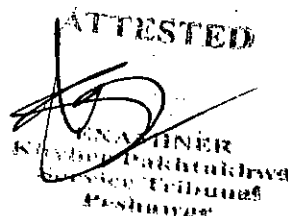
8  
30/7/21

ATTESTED  
  
 ATTESTING OFFICER  
 Maharashtra State Service Tribunal  
 Pune

against him in accordance with law. He submitted that despite proper service, appellant failed to join inquiry proceedings which shows his disinterest in his job, hence, he was recommended for major punishment by the Inquiry Officer. Lastly, he submitted that he was also served with final show cause notice but his reply was found unsatisfactory and the appellant deliberately absented despite service upon him before passing final order, therefore, he was dismissed from service.

5. Perusal of record would reveal that appellant was enlisted as Constable in the Police Department. On account of absence from duty, he was dismissed from service but Regional Police Officer Mardan reinstated him in service vide order dated 03.04.2019. He reported his arrival on 05.04.2019 but again absented himself from duty w.e.f 07.04.2019 till the date when he was served with charge sheet and statement of allegation bearing endorsement No.22/CC/PA dated 22.04.2019. D.S.P Topi was appointed as Inquiry Officer to conduct departmental inquiry against the appellant. The Inquiry Officer conducted inquiry, recorded statement of all concerned and submitted his report, wherein, he found the appellant guilty of misconduct and recommended him for major punishment. Final show cause notice was then issued to the appellant and he submitted his reply to the final show cause notice, wherein, he admitted his absence from Police Lines, Swabi. Despite proper service, he failed to appear for personal hearing. His service record shows that his service

30/7/21

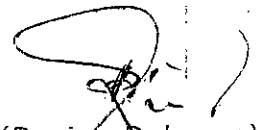
ATTESTED  
  
 INQUIRY OFFICER  
 Khyber Pakhtunkhwa  
 Police Tribunal  
 Peshawar

Roll is blotted with red ink. His service record is replete with 23 bad entries as against no good entry. He was also awarded punishment of censure, 5 days Extra Drill, twice minor punishment and major punishment of dismissal from service. He also remained absent from duty for 305 days. This shows his least interest in his job. However, keeping in view the last request of learned counsel for appellant, and without touching other merits of the case, we are of the view that since the appellant has put in considerable regular service, it would be appropriate, keeping in view the circumstances of the case to convert the major penalty awarded in the shape of dismissal from service into that of compulsory retirement from service. As such, we convert the said penalty into that of compulsory retirement w.e.f the date of his dismissal from service i.e. 20.06.2019. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.  
30.07.2021



(Ahmad Sultan Tareen)  
Chairman



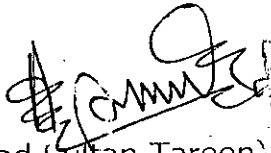

(Rozina Rehman)  
Member (J)

Certified to be true copy

  
WINNER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 16/8/21  
Number of Words 1600  
Copying Fee \_\_\_\_\_  
Urgent 3/8/21  
Total 21/8/21  
Name of Copyist \_\_\_\_\_  
Date of Completion of Copy 16/8/21  
Date of Delivery of Copy 16/8/21

Service Appeal No. 1523/2019

S.No	Date of order/ proceedings	Order or other proceedings with signature of Judge or Magistrate and that of parties where necessary.
1	2	3
	30.07.2021	<p><u>Present:</u></p> <p>Taimur Ali Khan, Advocate ... For Appellant</p> <p>Kabir Ullah Khattak, Additional Advocate General ... For respondents</p> <p>Vide our detailed judgment of today of this Tribunal placed on file, we are of the view that since the appellant has put in considerable regular service, it would be appropriate, keeping in view the circumstances of the case to convert the major penalty awarded in the shape of dismissal from service into that of compulsory retirement from service. As such, we convert the said penalty into that of compulsory retirement w.e.f the date of his dismissal from service i.e. 20.06.2019. Parties are left to bear their own costs. File be consigned to the record room.</p> <p><u>ANNOUNCED.</u> 30.07.2021</p> <p style="text-align: center;">               (Ahmad Sultan Tareen)              Chairman         </p> <p style="text-align: center;">               (Rozina Rehman)              Member (J)         </p>

بعد الت

مسوول نیشنل لیڈر

مسل 2 و مناسبت  
مسل حکم لکھو

مورخہ  
مقدمہ  
دعوی  
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں ایسی طرف سے واسطے بیرون ملک صاحب سے کاروبار یا متعلقہ  
آن مقام کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
وکیل صاحب کو راضی نامہ کرنے و تقریر ثالث و فیصلہ پر حلف دینے جو اب وہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
نہیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیرونی یا ڈگری کی طرف یا اپیل کی براہ راست  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیرونی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کارروائی 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 قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے  
سب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ بیرونی مذکور کریں۔ لہذا ذکاوت نامہ لکھ دیا کہ سند ہے۔

Accepted  
[Signature]

عزیز شاہ

ماہ

المقوم

الع  
مقام کے لئے منظور ہے۔



**KHYBER PAKHTUNKHWA**  
**SERVICE TRIBUNAL, PESHAWAR**

No: 2174-76/ST Dated: 06/07/2022

All communications should be addressed to the Registrar KPK Service Tribunal and not any official by name.

Ph:- 091-9212281  
Fax:- 091-9213262

To,

- 1 PROVINCIAL POLICE OFFICER, KHYBER PAKHTUNKHWA PESHAWAR.
- 2 REGIONAL POLICE OFFICER, MARDAN REGION, DISTRICT MARDAN
- 3 DISTRICT POLICE OFFICER, DISTRICT SWABI

Subject: PERSONAL APPEARANCE IN EXECUTION PETITION NO. 205/21 IN CASE TITLE MUZAMIL SHAH VS POLICE

I am directed to forward herewith a certified copy of Order dated 14.06.2022 passed by this Tribunal on the above subject for strict compliance.

Encl: As Above.

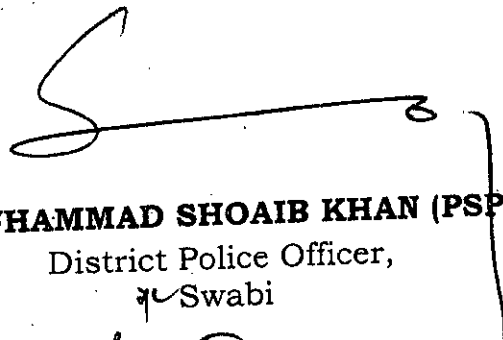
  
(WASEEM AKHTAR)

REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR

## ORDER

In compliance of judgment dated 30.07.2021 passed in Service Appeal No. 1523/2019, order dated 22.12.2021 passed in Execution Petition No. 205/2021 by the Khyber Pakhtunkhwa, Service Tribunal Peshawar and in the light of directions vide CPO Memo: No. 2134/Legal, dated 22.04.2022, the major punishment of dismissal from service vide this office OB No. 503 dated 20.06.2019 awarded to appellant Ex-Constable Muzamil No. 879 is converted into compulsory retirement with effect from the date of his dismissal from service subject to the decision of CPLA by the August Supreme Court of Pakistan.

OB No 452  
Dated 09-05/2022.

  
**MUHAMMAD SHOAIB KHAN (PSP)**  
District Police Officer,  
Swabi

No. 3514-22/EC, dated Swabi the 12/05/2022

Copy of above is forwarded for information to the:

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar w/r to above quoted letter, please.
2. Regional Police Officer, Mardan w/r to his office Endst: No. 1010/ES, dated 03.02.2022, please.
3. Registrar, Khyber Pakhtunkhwa, Services Tribunal, Peshawar w/r to order dated 22.12.2021 passed in Execution Petition No. 205/2021.
4. District Account Officer, Swabi.
5. DSP/HQrs, Swabi.
6. Inspector Legal Swabi.
7. Pay Officer.
8. Establishment Clerk/OHC.
9. Official concerned.