

21st July 2022 Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG and Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Gul Shahzad, SI (Legal) for the respondents present.

Representative of the respondents submitted an application wherein he assured that implementation report will be submitted on the next date positively. Last chance is given to the respondents for submission of implementation report. To come up for implementation report on 22.09.2022 before S.B at camp court Abbottabad.



(Kalim Arshad Khan)
Chairman

22.09.2022

Petitioner present in person. Camp Court Abbottabad

Kabir Ullah Khattak, Additional Advocate General alongwith Gul Shehzad S.I (Legal) for respondents present.

Implementation report was submitted vide which petitioner was reinstated in service conditional w.e.f 16.0.9.2022 while the petitioner wants his reinstatement from the date of judgment i.e. 29.07.2021. Respondents are directed to submit proper implementation report. To come up for submission of proper implementation report on 16.11.2022 before S.B at Camp Court, Abbottabad.



(Rozina Rehman)
Member (J)
Camp Court, A/Abad

30.12.2021

Counsel for the petitioner present and requested for listing the execution petition at hands for today instead of 31.12.2021. Request is accorded. The petition is listed for today.

Through this execution petition, the petitioner seeks implementation of the judgment of this Tribunal passed on 29.07.2021 in Service appeal No. 265/2017, whereby the petitioner was reinstated in service with condition that intervening period of his absence from duty shall be considered as leave of the kind due. It is stated vide para-3 of the execution petition that on receipt of attested copy of the judgment, the petitioner reported for duty on 11.08.2021. It is further stated that the respondents instead of taking petitioner on duty issued an undated and unsigned notice that the respondents are filing CPLA with stay application against the judgment of this Tribunal. Obviously, the respondents are at liberty to challenge the judgment of this Tribunal before the higher forum but if they are not successful in getting the judgment at credit of the petitioner suspended, they are under obligation to implement the judgment conditionally subject to outcome of CPLA, if filed by them. Notice be given to the respondents for next date. Case to come up for conditional implementation report on 17.02.2022 before S.B at camp court, Abbottabad.

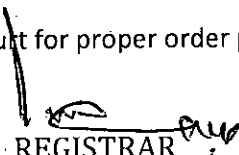


Chairman
Camp Court, A/Abad

Form- A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 348/2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	25.11.2021	<p>The execution petition submitted by Mr. Muhammad Saleem through Mr. Muhammad Aslam Tanoli Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This execution petition be put up before touring S. Bench at A.Abad on <u>31/12/21</u></p> <p style="text-align: right;"> CHAIRMAN</p>

خدمت جناب جسٹس رفیق ماسروری شریعتی کالج لاہور

محمد سلیم نام 16P ما وغنیہ

EXECUTION PETITION NO. 348/21

جناب عالی! مقدم عنوان بالا میں حکم عدالت حضور آئی تھیل
کے تحت تھیل ریورسٹ آئندہ تاریخ شیخ عیسیٰ نے شیخ عیسیٰ
ان جا تھیل

قل شہینہ الحق
Si-Legal (M)
ڈاکٹر ڈی پی آئی
21-7-022
مالسویہ

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No. 348/2021

Muhammad Saleem S/O Muhammad Akbar (Constable No. 688 District Police Mansehra) R/O village Shahkot, Tehsil & District Mansehra.

(Petitioner)

Versus

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

(Respondents)

EXECUTION PETITION IN SERVICE APPEAL NO. 265/2017.

INDEX

S/No.	Description of documents	Anne-Xure	Page No.
1.	Execution petition.		01-05
2.	Service Appeal dated 20-7-2017	"A"	06-10
3.	KPK Service Tribunal Decision 29-07-2021	"B"	11-17
4.	Duty Report Dated 11-08-2021 and Copy of CPLA Notice.	"C&D"	18-19
5.	Wakalatnama		

THROUGH

PETITIONER

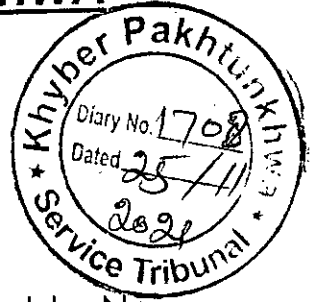
M. Aslam Tanoli
MOHAMMAD ASLAM TANOLI
ADVOCATE HIGH COURT
AT PESHAWAR

Dated: 25-11-2021

①

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No. 348/2021



Muhammad Saleem S/O Muhammad Akbar (Constable No. 688 District Police Mansehra) R/O village Shahkot, Tehsil and District Mansehra(Petitioner)

Versus

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

(Respondents)

EXECUTION PETITION IN SERVICE APPEAL NO. 265/2017 FOR IMPLEMENTATION OF JUDGMENT/DECISION DATED 29-07-2021 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 29-07-2021 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

2

petitioner/appellant was dismissed from service and his departmental & mercy appeals were 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. That this Honorable Service Tribunal on acceptance of subject service appeal issued judgment/decision dated 29-07-2021 that "instant appeal is accepted and the appellant is re-instated in service, however the intervening period of his absence from duty shall be considered as leave of kind due". **(Copy of judgment/order dated 29-07-2021 is attached as Annex-"B")**.
3. That on receipt of attested copy of the judgment/decision dated 29-07-2021, the appellant reported for duty on 11-08-2021. **(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

3

Tribunal Peshawar dated 29-07-2021 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.
6. That there is no stay order from the Apex Supreme Court of Pakistan against the order/judgment dated 29-07-2021 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:

GROUND:

- A) That as this Honorable Service Tribunal in its judgment dated 29-07-2021 has ordered that "instant appeal is accepted and the appellant is re-instated in service, however the intervening period of his absence from

4

duty shall be considered as leave of kind due". 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 29-07-2021 of this Honourable Service Tribunal while order dated 29-07-2021 is in field. Respondents must comply with the said order.
- C) That departmental authorities/respondents are reluctant to pay heed to the decision dated 29-07-2021 of this Honorable Tribunal, hence instant execution petition.
- 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 29-07-2021 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.

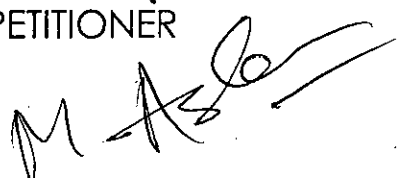
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PRAYER:

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 29-07-2021 of this Honourable Service Tribunal.


PETITIONER

THROUGH


MOHAMMAD ASLAM TANOLI
ADVOCATE HIGH COURT
AT PESHAWAR

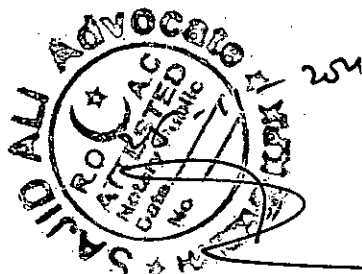
Dated: 25-11-2021

AFFIDAVIT

I, Muhammad Saleem S/O Muhammad Akbar 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: 25-11-2021


DEPONENT



⑥

Annex A
P-④

BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR

Muhammad Saleem (No. 688) son, of
Muhammad Akbar, resident of Shahkot,
Tehsil and District Mansehra...**Appellant**

Versus

- 1) District Police officer, Mansehra
 - 2) DIG Hazara Range, Abbottabad
 - 3) I.G.P. K.P.K. Peshawar.
-**Respondents**

APPEAL UNDER SECTION 4 OF K.P.K.
SERVICE TRIBUNAL AGAINST THE
ORDER OF DPO MANSEHRA VIDE
WHICH THE APPELLANT WAS
DISMISSED FROM SERVICE.

Respected Sir,

The brief facts of the instant case
are as under: -

- 1) That, the appellant was appointed
as F.C. in the Police of District
Mansehra on 30.03.1995. The
appellant served the Department,
but to his misfortune his two
brothers were shot dead. An
occurrence has taken place vide FIR
No. 49 dated 23.03.2011 under
section 302/324/427/148/149PPC
at PS Phulra, wherein the appellant

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7

P-2

was also roped in by the complainant side. The appellant was arrested; was allowed bail and later on acquitted and the appellant was dismissed from service.

(Copy of order of dismissal is annexed as Annexure "A").

2) That, it is worth-mentioning that the appellant was not served with charge sheet, statement of allegations nor he was associated with the inquiry. The entire proceedings were carried out at the back of appellant and even no final show cause notice was issued to the appellant.

3) That, the appellant was tried in the court of Additional Sessions Judge-II, Mansehra who vide his judgment acquitted the appellant.

(The copy of judgment is annexed as Annexure "B").

4) That, the appellant aggrieved by the order of DPO Mansehra and after earning his acquittal, preferred an appeal before DIG Hazara Range, the DIG Hazara Range Abbottabad dismissed his appeal.

(Copies of order and appeal are annexed as Annexure "C" & "D" respectively).

5) That, the appellant submitted mercy petition before respondent No. 3

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8

P-5

on 13.10.2016, but his mercy petition also met the same fate.

(Copies of mercy petition and order are annexed as Annexure "E" & "F" respectively).

That, the appellant seeks setting aside order of dismissal on the following amongst other grounds: -

GROUND: -

- A) That, the order of dismissal and upholding the order of dismissal by respondent NO. 1 is against the facts and law and is not maintainable in the eye of law.
- B) That, respondent No. 1 has violated the mandatory provisions of law, failed to communicate the charge sheet either personally or through registered deed and as the such order of respondent No. 1 is against the principle of natural justice.
- C) That, the allegations set-up against the appellant has been thrashed before the trial court and the appellant was acquitted and so there is no any foundation left behind for proceedings against the appellant.
- D) That, respondent No. 1 has passed the order of dismissal mechanically

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D-11

9

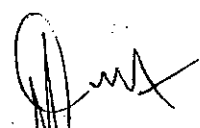
without going to the routes of the case, so the order is bed in the law.

P-4

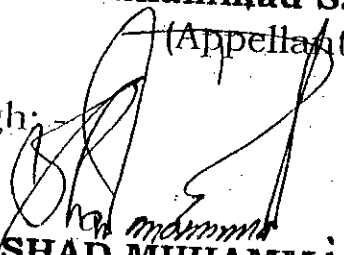
E) That, before depriving an official from service it is mandatory to provide him all the opportunities/ chances laid down by the law, but in this particular case the appellant has deprived from his constitutional opportunities stipulated by law.

It is, therefore, most humbly prayed that on acceptance of the instant appeal the appellant may kindly be re-instated into service with all back benefits.

Dated 15.03.2017

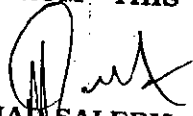

Muhammad Saleem
(Appellant)

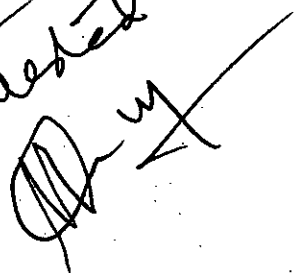
Through:


SHAD MUHAMMAD KHAN
Advocate Supreme Court of
Pakistan (Mansehra)

VERIFICATION

I, MUHAMMAD SALEEM (NO. 688) SON OF MUHAMMAD AKBAR, RESIDENT OF SHAHKOT, TEHSIL AND DISTRICT MANSEHRA DO HEREBY VERIFY THAT THE CONTENTS OF FORE-GOING APPEAL ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.


MUHAMMAD SALEEM
(DEPONENT)

Attested


10

P-5

**BEFORE THE SERVICE TRIBUNAL
K.P.K. PESHAWAR**

Muhammad Saleem.....Appellant

Versus

District Police Officer, Mansehra and
others.....Respondents

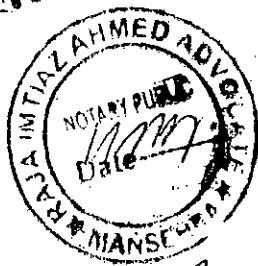
APPEAL

AFFIDAVIT

I, MUHAMMAD SALEEM (NO. 688) SON OF MUHAMMAD AKBAR, RESIDENT OF SHAHKOT, TEHSIL AND DISTRICT MANSEHRA DO HEREBY SOLEMNLY AFFIRM AND DECLARE ON OATH THAT NO SUCH SUBJECT MATTER APPEAL HAS EVER BEEN FILED BEFORE THIS HONOURABLE TRIBUNAL NOR PENDING NOR DECIDED. THAT THE CONTENTS OF FORE-GOING AFFIDAVIT ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF AND NOTHING HAS BEEN CONCEALED OR SUPPRESSED FROM THIS HONOURABLE TRIBUNAL.

ATTESTED

MUHAMMAD SALEEM
(DEPONENT)



Attested
17-03-17

11

Annex-B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 265/2017

Date of Institution ... 20.03.2017

Date of Decision ... 29.07.2021



Muhammad Saleem (No.688) son of Muhammad Akbar, resident of Shahkot, Tehsil & District Mansehra.

... (Appellant)

VERSUS

District Police Officer, Mansehra and two others.

... (Respondents)

MR. MUHAMMAD ASLAM TANOLI,
Advocate

... For Appellant

MR. USMAN GHANI,
District Attorney

... For Respondents

SALAH-UD-DIN ...
ROZINA REHMAN ...
ATIQ-UR-REHMAN WAZIR ...

MEMBER (JUDICIAL)
MEMBER (JUDICIAL)
MEMBER (EXECUTIVE)

JUDGMENT

ATIQ UR REHMAN WAZIR MEMBER (EXECUTIVE): The instant service appeal was heard by a Division Bench of this Tribunal on 21-02-2019 and judgment was pronounced. The two learned Members, however, differed in their respective opinions. A larger Bench was, therefore, constituted which heard the matter on 29-07-2021.

02: Brief facts of the case are that the appellant was appointed as Constable on 30-03-1995 in police department. While on three days leave from duty, an FIR

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

U/Ss 302/324/427/148/149 PPC, dated 23-03-2011 was lodged against him by his opponents, due to which the appellant did not resume his duty after expiry of the leave. Consequently, the appellant was suspended vide order dated 24-03-2011 and disciplinary proceedings were initiated against the appellant under Removal from Service (Special Powers) Ordinance, 2000 in absentia. The appellant was ultimately dismissed from service vide order dated 11-05-2011. The appellant remained fugitive from law for a longer time, until he was arrested on 19-10-2013. The appellant however was acquitted from the charges by the trial court vide judgment dated 30-07-2015; thereafter, he filed departmental appeal dated 11-09-2015, which was rejected vide order dated 27-09-2016. The appellant filed mercy petition on 30-10-2016, which was also rejected vide order dated 21-02-2017, hence the instant service appeal instituted on 20-03-2017 with prayers that the appellant may be re-instated in service with all back benefits.


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03. Learned counsel for the appellant has contended that the appellant was proceeded against on the charges of registration of an FIR against him in a criminal case, which have formed the foundation for his removal from service. He further contended that such proceedings were undertaken on the back of the appellant and the appellant was not associated with the inquiry proceedings. Learned counsel for the appellant argued that no charge sheet/statement of allegations and show cause notice was served upon the appellant. He further argued that the respondents hastily conducted such proceedings without affording proper opportunity of defense to the appellant, so much so that it took only 42 days right from his suspension up to his dismissal. Learned counsel for the appellant explained that the respondents without waiting for the decision of the criminal court opted to proceed with the matter in an unnecessary haste resulting in miscarriage of justice to the appellant; that such proceedings were conducted only to the extent of fulfillment of codal formalities and the appellant was kept ignorant of such proceedings, which resulted

ATTESTED
[Signature]
F. N. DAVAR
Member, Appellate
Service Tribunal
Pune

into delay in receipt of the impugned order of dismissal and which was received by the appellant on 04-09-2015. He further explained that regular inquiry is must before imposition of major penalty of dismissal, which however was not done in case of the appellant; that the appellant was acquitted from the criminal charges vide judgment dated 30-07-2015 and it is a well settled legal proposition supported by numerous judgments of the apex court that when an accused official is acquitted from criminal charges after trial by competent court of law, he cannot be ousted from service on the same very charges. On the question of limitation, learned counsel for the appellant argued that the impugned order has been passed retrospectively, therefore, the same is void and limitation does not run against the impugned order.

04. Learned District Attorney appearing on behalf of the respondents has contended that the appellant was involved in many criminal cases and remained history sheeteer of police station Phulra. He further contended that the appellant willfully absented himself from lawful duty without permission of authority due to his involvement in a criminal case. Learned District Attorney argued that the appellant remained proclaimed offender for a longer period. He further argued that the august Supreme Court have held that even where a person is innocent, absconsion amounts to showing mistrust in the judicial system. Learned District Attorney explained that to seek condonation of absence during absconsion would amount to putting premium on such act; that the appellant was properly proceeded against under the relevant law and rule. He further explained that charge sheet/statement of allegations were served upon the appellant at his home address, but since the appellant was absconder, hence was proceeded against in absentia. Learned District Attorney pointed out that when the appellant himself is not available for personal hearing, no rule of natural justice or requirement of law regarding notice or hearing or about regular inquiry had been infringed. He further pointed out that the

ATTENDED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

14

impugned order of dismissal was issued on 11-05-2011, whereas the appellant filed departmental appeal on 11-09-2015, which is badly time barred; that when appeal before departmental authority is time barred, service appeal before service Tribunal is incompetent. Reliance was placed on 2017 SCMR 965, 2006 SCMR 453, 2007 SCMR 513, 2011 SCMR 1429 and 2021 SCMR 144.

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

06. Record reveals that on 20-02-2011, the appellant received telephonic information about murder of his two brothers by their opponents, due to which three days leave was granted to the appellant. The appellant joined the funeral rituals of his brothers and also registered case FIR No. 30 dated 20-02-2011 U/S 302/34 PPC against the accused. Due to such tragic incident, the appellant being in shock, sent another application seeking five days leave from the authority, however the leave was not sanctioned. In the meanwhile, his opponents lodged an FIR against the appellant in a criminal case on 23-03-2011 U/Ss 302/324/427/148/149 PPC, due to which the appellant did not report back to his place of duty. The respondents suspended the appellant in absentia on 24-03-2011 and ex-parte disciplinary proceedings were initiated against him under Removal from Service (Special Power) Ordinance, 2000 on the ground of his involvement in a criminal case as well as absence from duty. It however was noted that there is no provision in the said ordinance, whereby a civil servant could be proceeded against ex-parte, nor any such procedure is available in the said ordinance to deal the civil servant, in case the civil servant is involved in a criminal case and is later on granted acquittal by the trial court. We are also conscious of the fact that the appellant was not available at that particular time for disciplinary proceeding, however it appears that the absence of the appellant was not willful, rather it was due to security reason as two brother of the appellant were killed and his own life was also at risk. In a

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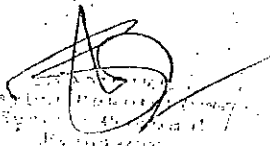
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

15

situation, principals of natural justice demands that respondents must have waited for decision of a criminal court, which is also supported by section 194-A of CSR. It is also settled law that dismissal of civil servant from service due to pendency of criminal case against him would be bad unless such official was found guilty by competent court of law. Contents of FIR would remain unsubstantiated allegations, and based on the same, maximum penalty could not be imposed upon a civil servant. Reliance is placed on PLJ 2015 Tr.C. (Services) 197, PLJ 2015 Tr.C. (Services) 208 and PLJ 2015 Tr.C. (Services) 152. As is evident from their comments, the respondents were well aware that FIR was lodged against the appellant on the basis of blood feud enmity and that his absence was not willful, where he lost two of his brothers, the respondents instead of taking lenient view, proceeded the appellant in haste and did not afford appropriate opportunity of defense as was required under the provisions of the said ordinance, rather conducted proceedings only to the extent of fulfillment of codal formalities, hence the appellant was condemned unheard. In PLJ 2016 Tr.C (Services) 326, it has been held that when a power is conferred on a public functionary and it is exercisable for benefit of any affected party then that party gets an implied right to move for exercise of such power. In case of imposing major penalty, principle of natural justice requires that a regular inquiry be conducted in matter and opportunity of defense may be provided to civil servant proceeded against. Moreover, if a civil servant is dismissed from service on account of his involvement in criminal case, then he would have been well within his right to claim re-instatement in service after acquittal from that case. Reliance is placed on 2017 PLC (CS) 1076.

07. The FIR lodged against the appellant would reveal that as per practice in vogue, eleven male family members of the appellant including the appellant had been charged in the said FIR and all of them were acquitted on merit by the competent court of law vide judgment dated 30-07-2015. Statement of the

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16

complainant, who had lodged such FIR, would reveal that the appellant was not guilty, hence was acquitted of such charges. Statement of the complainant contained in the judgment is reproduced as under:-

"It is correct that when we reached at the spot, indiscriminate firing started from behind the boulders, bushes and thick jungle all of a sudden. He further admitted that the accused had concealed behind the boulders, bushes and jungle and I could not identify them. He also admitted that we had enmity with the accused; therefore, I charged them on the basis of said ill will/enmity. He also admitted it correct that I do not charge the accused facing trial anymore".

In 2012 PLC (CS) 502, it has been held that if a person is acquitted of a charge, the presumption would be that he was innocent. Moreover, after acquittal of the appellant in the criminal case, there was no material available with the authorities to take action and impose major penalty. Reliance is placed on 2003 SCMR 207 and 2002 SCMR 57, 1993 PLC (CS) 460

08. We are also mindful of the question of limitation, as the appellant filed departmental appeal after earning acquittal from the charges leveled against him, but the circumstances in the instant appeal are eccentric, which requires dealing in a distinguishable manner, if compared with numerous cases decided by this Tribunal as well as superior court, where government employees remain fugitive from law for years, but in case of the appellant, major penalty was awarded within 40 days from the date of institution of criminal case. The Supreme Court of Pakistan in its judgment reported as PLD 2010 SC 695 has held that it would have been a futile attempt on part of civil servant to challenge his removal from service before earning acquittal in the relevant criminal case. It was unjust and oppressive to penalize civil servant for not filing his departmental appeal before earning his acquittal in criminal case, which had formed the foundation for his removal from service. Moreover, it is a well settled legal proposition that decision of cases on merit is always encouraged instead of non-suiting litigants on technical reason including ground of limitation. Reliance is placed on 2004 PLC (CS) 1014 and 1999 SCMR 880.

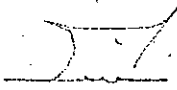
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 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal
 Peshawar

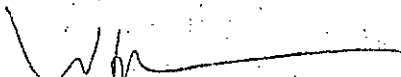
09. In order to justify their stance, the respondents had projected the appellant with a tainted past, whereas on the strength of PLJ 2005 Tr.C (Services) 107 and PLJ 2016 Tr.C. (Services) 324, it cannot be made a ground for awarding penalty to a government servant. This Tribunal however has ample power under Section-7 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 to confirm, set aside, vary or modify the orders, against which appeal is made.

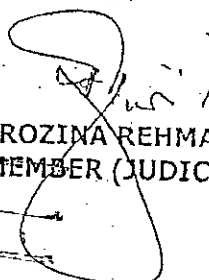
10. We have also examined the second part of the allegation, which was absence. It was noted that absence was offshoot of the first allegation, as the appellant was placed under suspension just after registration of FIR against him, when the appellant was not absent; rather he was on three days leave. Total absence between the periods from registration of FIR against him; until his dismissal from service comes to 48 days. As discussed above, the appellant has already been acquitted in the criminal case, therefore, the impugned penalty imposed upon the appellant is liable to be set aside.


11. In view of the foregoing discussion, the instant appeal is accepted and the appellant is re-instated in service, however the intervening period of his absence from duty shall be considered as leave of kind due. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
29.07.2021


(SALAH-UD-DIN)
MEMBER (JUDICIAL)


(ATIQ UR REHMAN WAZIR)
MEMBER (EXECUTIVE)


Date of Presentation of Application 09/8/21 (ROZINA REHMAN)
Number of Words 2800 MEMBER (JUDICIAL)
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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

بخدمت جناب شریک پولیس آفیسر صاحب ماہرہ

مقام

جناب عالی

میں نے اپنے ایک کمرے کے لئے ملازمہ سوزن رضویا KIPK کے نام سے 29-07-2021ء
تاریخ ملازمت پر بحال ہو کر کام شروع کیا ہے۔ اس کے لئے رقم 29-07-2021ء کو 1000 روپے
میں نے رقم کے ساتھ ملازمہ سوزن رضویا کے پاس آنے والی رقم کی سرکاری رسید

الترجمہ
2001

میں نے اپنے ایک کمرے کے لئے ملازمہ سوزن رضویا KIPK کے نام سے 1600 روپے

Attest
Dy

19

Anne-D

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

FILE NO. 2021

District Police Officer, Manjira & Others

PETITIONERS

VERSUS

Muhammad Saleem

RESPONDENT

NOTICE



Muhammad Saleem Nicks S/o Muhammad Akbar C/o Shabko
Tehsil & District Manjira

It is hereby notified with effect that I am filing
CPLA with my application in the above filed case against the judgment of
the Hon'ble Khair Pakhtunkhwa Service Tribunal, Peshawar dated
29/07/2021 in Service Appeal No 265/2017 before the Supreme Court of
Pakistan main Branch Registry at Peshawar.

(Noman-ul-Din Hanif)
Advocate-on-Record
Supreme Court of Pakistan
For Government

Attested
[Signature]

وکالت نامہ

کورٹ فیس قیمت

بعدالت جناب *محمد علی محمد علی* کی طرف سے *پروسیجر* کی درخواست

منجانب *محمد علی محمد علی* *Petitioner* *KPR-197/10 etc*

دعویٰ یا جرم *Execution Position* باعث تحریر آنکہ

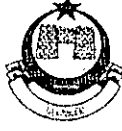
مندرجہ بالا عنوان میں اپنی طرف سے پیروی و جوابدہی مقام *اسٹے انکوارٹری*

ایڈووکیٹ بدیں شرط وکیل مقرر کیا۔ کہ میں ہر پیشی پر خود یا بذریعہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے وکیل صاحب موصوف کو اطلاع دے کر حاضر کروں گا۔ اگر کسی پیشی پر مظہر 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 مظہر 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 مثل 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 کاروبار وصول کرنے اور رسید دینے اور داخل کرنے کا ہر قسم کا بیان دینے اور سپروٹائشی و راضی نامہ و فیصلہ برخلاف کرنے اقبال دعوے کا اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا ڈگری قبل از فیصلہ اجراءے ڈگری بھی صاحب موصوف کو بشرط ادا کیگی علیحدہ پیروی مختار نامہ کرنا مجاز ہوگا۔ اور بصورت ضرورت اپیل یا اپیل کے واسطے کسی دوسرے وکیل یا پیرسٹر 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 مختار نامہ لکھ دیا ہے کہ عدالت مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

مورخہ: 25 نومبر 2021ء

Accepted
M. A. S.

محمد علی محمد علی



POLICE DEPARTMENT

DISTRICT MANSERHA

ORDER

Ex-Constable Muhammad Saleem No. 688 was reinstated in service, by Service Tribunal Khyber Pakhtunkhwa, vide order dated 29.07.2021. A CPLA has been instituted in Supreme Court of Pakistan Islamabad by the department through law department Khyber Pakhtunkhwa, Peshawar. This office has requested for guidance vide this office memo: No. 9109/GB; dated 10.08.2022. The Inspector General of Police Khyber Pakhtunkhwa, Peshawar has ordered that he may be reinstated/adjusted in service on conditionally basis till the decision of the CPLA by Supreme Court of Pakistan Islamabad.

Therefore, Ex-Constable Muhammad Saleem No. 688 is hereby reinstated in service on conditionally basis in the light of Inspector General of Police Khyber Pakhtunkhwa, Peshawar memo: No. 3991/legal dated 18.08.2022 with effect from 16.09.2022.

He is allotted constabulary No. 544


District Police Officer
Manshra

No. 10829-31 /OHC dated Manshra the 16/09/2022.

Copy to:-

1. District Account Officer Manshra
2. Pay Officer, DPO Office Manshra
3. SRC, DPO Office Manshra

03 158
16-09-2022

"B"

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

No.

Appeal No. 348 of 20
Muhammad Saleem
Appellant/Petitioner

P.P.O. in Pesh:
Versus

Respondent
Regional Police Officer Hazara Region
Respondent No. Alkattalabad

Notice to: —

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.....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.

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..... 10/11

Given under my hand and the seal of this Court, at Peshawar this.....
Day of.....20

at Camp Court A. Shah



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. 348 of 20 21

M. A. Mansoor Saleem Appellant/Petitioner.
Versus

P. O. M. M. P. S. P. S. Respondent.

Respondent No. 3

Notice to: — Distt. Police Office, Mansehra,

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 17-2-2022 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 10th

Day of Jan 20 22

at Camp Court A. Abad

[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. E.P. No. 348/21 of 20 TB

Mohammad Sultan Appellant/Petitioner
Versus

P.P.O. Pesh. Respondent
Respondent No.

Notice to: — Provincial Police Officer Govt. of K.P.K. Peshawar.

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 17-2-22 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 along with 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
Day of Jan 20 22

at Court A. A. A. A.

18/01/22

[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.