

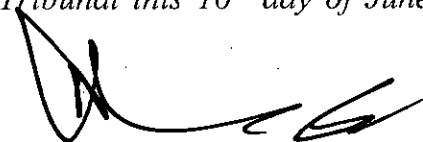
16th June, 2022

1. Petitioner alongwith his counsel present. Mr. Kabir Ullah Khattak, Additional Advocate General for respondents present.

2. Vide judgment dated 22.07.2020 the appeal of the petitioner was allowed and he was ordered to be reinstated into service. The period during which the petitioner had not performed duty was directed to be counted towards respective leave of the kind due.

3. This petition is to initiate contempt of court proceedings against the respondents for not honoring the judgment. During pendency of this petition an order was produced vide which, in compliance of the judgment of this Tribunal, the appellant was reinstated into service subject to the outcome of the CPLA and the period spent out of service was treated as leave of the kind due. It appears from the order that the judgment of this Tribunal was complied with and implemented as it was passed. The learned counsel for the petitioner submitted that the issue of leave was not dealt with in accordance with law by the DPO. Since the order passed by the Tribunal was reproduced verbatim in the order of reinstatement which was subject to the result of the CPLA, therefore, there is nothing more to be done in this petition. The petitioner is, however, at liberty to seek further remedy if he is aggrieved of any of the order of the authority. Disposed of accordingly. Consign.

4. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 16th day of June, 2022.*

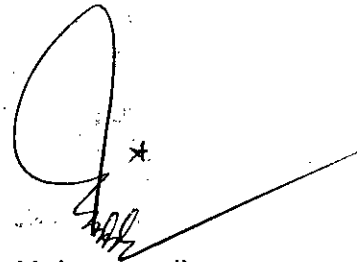


(Kalim Arshad Khan)
Chairman

31.01.2022

Petitioner alongwith his counsel present. Mr. Kabirullah Khattak, Addl: AG for respondents present.

Learned counsel for the petitioner agitated that in pursuance of the judgement of the Service Tribunal dated 22.07.2020, though the petitioner has been reinstated in service but no arrears so far have been paid to him. Learned AAG on the other hand rebutted stance of the learned counsel for petitioner on the ground that once an affidavit was submitted by the petitioner he agreed to the outcome of CPLA and the resultant outcome thereof. No doubt in pursuance of Service Tribunal judgement dated 22.07.2020 the petitioner has been reinstated in service vide office order dated 13.11.2020, also reflected in order sheet dated 19.01.2021. However, considering divergent views of the parties, is to direct the respondent department to come up with a final and conclusive implementation report on the next date being last chance. Adjourned. To come up for implementation report on 17.03.2022 before S.B.



(Mian Muhammad)
Member(E)

17.03.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 16.06.2022 for the same as before.



Reader

06.07.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

Learned AAG seeks time to contact the respondents. Request is accorded. To come up for proper implementation report on 06.09.2021 before S.B.


Chairman

06.09.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG for the respondents present.

No representative of the respondents is available. Learned AAG assured that he will take up the matter with the department for proper implementation of the judgment. Case to come up for implementation report on 25.11.2021 before S.B.


Chairman

25.11.2021

None for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

Notices be issued to the petitioner and his counsel. To come up for further proceedings on 31.01.2022 before S.B.


(MIAN MUHAMMAD)
MEMBER (E)

17.02.2021

The learned Member Judicial Mr. Muhammad Jamal Khan is under transfer, therefore, the case is adjourned. To come up for the same before S.B on 18.03.2021.



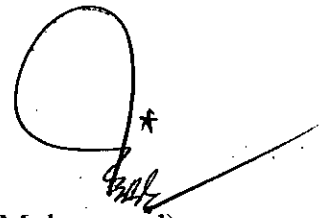
Reader

18.03.2021

Junior to counsel for the petitioner and Addl: AG for respondents present.

Implementation report not submitted. On the last date of hearing the proceedings were adjourned on the strength of Readers note, therefore, learned AAG is required to contact the respondents for submission of proper implementation report.

Adjourned to 26.05.2021 before S.B.

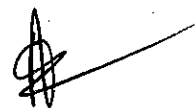


(Mian Muhammad)
Member (E)

26.05.2021

Counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Learned AAG is required to contact the respondents for submission of proper implementation report on next date. Adjourned to 06.07.2021 before S.B.

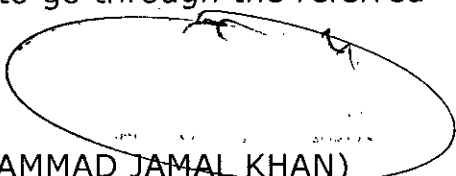


Chairman

26.11.2020

None for the petitioner is present at the moment i.e 12:36 P.M. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Khawas Khan, S.I (Legal) and Mr. Hikmat, Constable, for the respondents are present.

Mr. Khawas Khan, S.I (Legal) submitted implementation report which is placed on file. Petitioner and his counsel be noticed for 19.01.2021 directing them to go through the referred to report and submit their opinion.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)


19.01.2021

Petitioner present through counsel.

Kabir Ullah Khattak learned Additional Advocate General for respondents present.

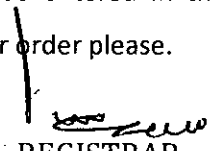

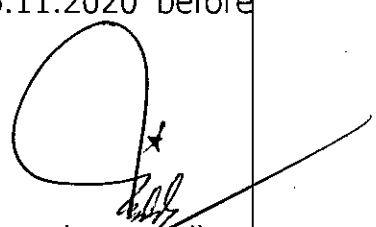
Implementation report is already available on file vide which the petitioner was provisionally reinstated into service subject to outcome of CPLA. His period spent out of service was treated as leave of the kind due. However, learned counsel for petitioner submitted that despite reinstatement, issue in respect of back benefits is yet to be decided and the respondents may be directed to expedite the matter in respect of back benefits.

None from the Department is present today despite the fact that one Khawas Khan S.I (Legal) was in attendance on the preceding date. As such, learned A.A.G is directed to contact the Department and to make sure the presence of representative of the Department not below Grade-17 alongwith proper implementation report in respect of back benefits on 17.02.2021 before S.B.


(Rozina Rehman)
Member (J)

Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 115 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.08.2020	<p>The execution petition of Mr. Arif submitted today by Mr. Saadullah Khan Marwat Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-		<p>This execution petition be put up before S. Bench on <u>02/10/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	02.10.2020	<p>Counsel for petitioner as well as Mr. Kabir Ullah Khattak learned Additional Advocate General for respondents present. Notices be issued to respondents directing them to submit implementation report at the earliest. To come up for implementation report on 26.11.2020 before S.B.</p> <p style="text-align: right;"> (Mian Muhammad) Member (E)</p>

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR

Misc Pett: No. 115 /2020

Arif

versus

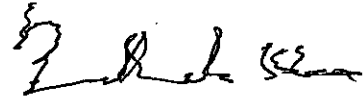
DPO & Others

I N D E X

S.#	Description of Documents	Annex	Page
1.	Memo of Misc Petition		1-2
2.	Copy of Appeal dated 10-07-2019	"A"	3-5
3.	Copy of Judgment dated 22-07-2020	"B"	6-12
4.	Compliance letter dated 29-07-2020	"C"	13

Applicant

Through



(Saadullah Khan Marwat)
Advocate

21-A Nasir Mension,
Shoba Bazar, Peshawar.

Ph: 0300-5872676

Dated: 18-08-2020

BEFORE THE KPK SERVICE TRIBUNAL, PESHAWARMisc Pett: No. 115 /2020

IN

S.A. No. 932 / 2019

Arif S/O Muhammad Jan,

R/o Harkai, Dargai,

District Malakand,

Constable No. 2683,

Police Line, Swat Appellant

Khyber Pakhtukhwa
Service TribunalDiary No. 618Dated 18-8-2020**Versus**

1. District Police Officer,
Swat.
2. Deputy Inspector General
Of Police, Malakand Region,
At Saidu Sharif Swat.
3. Provincial Police Officer,
KP, Peshawar. Respondents

⇔<=>⇔<=>⇔<=>⇔<=>⇔

**APPLICATION FOR DIRECTION TO RESPONDENTS TO
IMPLEMENT THE JUDGMENT DATED 22-07-2020 OF THE
HON'BLE TRIBUNAL PASSED IN APPEAL NO 932/2019
AND TO INITIATE CONTEMPT OF COURT PROCEEDINGS
AGAINST THE RESPONDENTS FOR NOT HONORING THE
JUDGMENT OF THE HON'BLE TRIBUNAL.**

⇔<=>⇔<=>⇔<=>⇔<=>

Respectfully Sheweth:

1. That applicant filed the subject appeal on 10-07-2019 for reinstatement in service. (Copy as annex "A")
2. That after thorough probe, the appeal came up for hearing on 22-07-2020 and then the hon'ble Tribunal was pleased to set aside the impugned orders passed by the respondents. Applicant was reinstated in service. The period during which they have not performed duty shall be counted towards their respective leave of the kind due. (Copy as annex "B")
3. That on 29-07-2020, the said judgment of the hon'ble Tribunal was remitted to the respondents for compliance by applicant as well as the Registrar of the hon'ble Tribunal. (Copy as annex "C")
4. That considerable time elapsed, but so for the judgment of the hon'ble Tribunal was not implemented.

It is, therefore, most humbly requested that respondents be directed to implement the judgment of the hon'ble Tribunal in letter and spirit with such other relief as may be deemed proper and just in circumstances of the case.

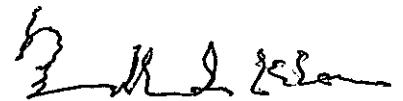
OR

In the alternate, respondents be proceeded for contempt of court and they be punished in accordance with Law.



Applicant

Through



Saadullah Khan Marwat



Arbab Saif-ul-Kamal



Amjad Nawaz
Advocates

Dated: 18-08-2020

A 3

BEFORE KPK SERVICE TRIBUNAL PESHAWAR

S.A No. 932 / 2019

Arif S/O Muhammad Jan,
R/o Harkai, Dargai,
District Malakand,
Ex-Constable, No. 2683,
Police Station Shamozaï,
Swat

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 943

Dated 10/7/2019

Appellant

Versus

1. District Police Officer,
Swat.
 2. Deputy Inspector General
Of Police, Malakand Region,
Saidu Sharif Swat.
 3. Provincial Police Officer,
KP, Peshawar,
- Respondents

⇄<=>⇄<=>⇄<=>⇄<=>⇄

APPEAL U/S 4 OF SERVICE TRIBUNAL ACT, 1974

AGAINST OB. NO. 01 DATED 01-01-2019 OF R. NO.

01 WHEREBY APPELLANT WAS DISMISSED FROM

SERVICE OR OFFICE ORDER NO. 6572-75 / E DATED

14-06-2019 OF R. NO. 02 WHEREBY HIS

DEPARTMENTAL APPEAL WAS REJECTED FOR NO

LEGAL REASON:

⇄<=>⇄<=>⇄<=>⇄<=>⇄

filed to-day
Registrar
10/7/19

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar
Respectfully Sheweth:

1. That facts and grounds of the subject matter has been fully narrated in the S.A. No. 499/16 and in the judgment dated 04-09-2018 of the Hon'ble Tribunal and need not to again repeat the same. (Copy as annex "A")

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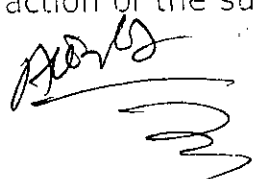
2. That on 04-09-2018, the hon'ble Tribunal was pleased to set aside the then impugned orders dated 23-12-2015 and 03-03-2016 by dismissing appellant from service and rejection of departmental appeal with direction to respondents to conduct de-novo enquiry strictly in accordance with law and rules. (Copy as annex "B")
3. That in pursuance of the said judgment, appellant was reinstated in service on 25-10-2018 by R. No. 01. (Copy as annex "C")
4. That on 29-10-2018, appellant was served with Charge Sheet and Statement of Allegation on account of misconduct. (Copy as annex "D")
5. That on 07-11-2018, the said Charge Sheet was replied and denied the allegations that no one deposed against appellant in the matter. (Copy as annex "E")
6. That enquiry into the matter was initiated and the Inquiry Officer in the Finding of report categorically stated that allegations leveled against appellant were baseless and were not proved. He is innocent and recommended for reinstatement in service with all back benefits. (Copy as annex "F")
7. That on 10-12-2018, the AIG Complaint & Inquiry, KP, Peshawar directed R. No. 03 to follow recommendation of the Investigation Officer under intimation to his office. (Copy as annex "G")
8. That instead of reinstating appellant in service, R. No. 01 again dismissed him from service vide order dated 01-01-2019. (Copy as annex "H")
9. That on 04-01-2019, appellant submitted departmental appeal before R. No. 02 which was rejected on 14-06-2019. (Copies as annex "I" & "J")

ATTESTED

Hence this appeal, inter alia, on the following grounds:-

ESTABLISHMENT
 Khyber Pakhtunkhwa
 Service **REGISTRATION:**
 Peshawar

- a. That during service tenure, appellant served the department with the best of his ability and to the entire satisfaction of the superiors without any complaint



- b. That during militancy in the area, appellant performed his duty and never decamped from the spot.
- c. That after acceptance of former appeal by the hon'ble Tribunal, De-Novo enquiry was conducted wherein recommendations not only for his reinstatement was made but also with all back benefits.
- d. That if the authority was not in agreement with the recommendations of Inquiry Officer, he was legally bound to serve appellant with Show Cause Notice stating therein the reasons of none agreement with the findings of the Inquiry Officer but not doing so, the authority deviated from the law and appellant was liable to reinstatement with all back benefits.
- e. That when the authority did not honor the recommendation of IO, then what was the need of holding of enquiry which means that the authority was bent upon to dismiss appellant from service. In the circumstances, such act of the authority is based on malafide.
- f. That after recording evidence in the criminal case against appellant etc the allegations were not proved in competent court of law and were acquitted from the baseless charges. On this score alone, appellant was legally entitled to reinstatement with all back benefits.

It is, therefore, most humbly prayed that on acceptance of appeal impugned orders dated 01-01-2019 and 14-06-2019 of the respondents be set aside and appellant be reinstated from the date 23-02-2015 in service with all consequential benefits, with such other relief as may be deemed proper and just in circumstances of the case.

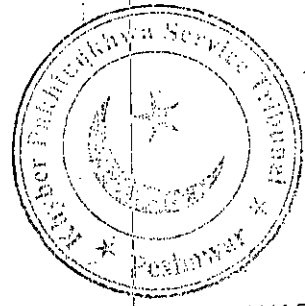
ATTESTED

EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Appellant
 22-7-2020
 Number of Words: 2600 Through
 Copying Fee: 22-
 Urgent: 22-
 Total: 22-
 Name of Copyist: Saadullah Khan Marwat
 Date of Completion of Copy: 28-7-20 Amjad Nawaz
 Dated 09-07-2019 Date of Delivery of Copy: 28-7-20 Advocates.

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B 6



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 930/2019.

Date of Institution ... 10.07.2019

Date of Decision ... 22.07.2020

Hameed Ullah son of Khan Zada, R/O Sakhra Tehsil Matta, Swat Ex-Head Constable No. 2626, Police Line Kabal Swat. ... (Appellant)

VERSUS

District Police Officer, Swat and two others. ... (Respondents)

Arbab Saiful Kamal,
Advocate.

For appellant

Mr. Muhammad Riaz Khan Paindakhel,
Asstt. Advocate General

For respondents.

MR. HAMID FAROOQ DURRANI,
MR. MIAN MUHAMMAD

Chairman.
Member (Executive)

JUDGMENT

HAMID FAROOQ DURRANI, CHAIRMAN:-

1. Instant judgment is proposed to dispose of also Service Appeal No. 932/2019 (Arif Versus District Police Officer Swat and two others) as the facts and circumstances in both the cases are similar. Besides, the issues and

legal propositions involved in the matter are identical.

2. The appellants, performing duty as constables in the Police Department, were implicated in offence recorded under different sections of law. Departmental enquiry was initiated by the respondents and upon conclusion of the proceedings they were awarded major penalty of dismissal from service through order dated 23.12.2015. After exhausting departmental

ATTESTED

SEAL OFFICER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

remedy the appellants preferred service appeals before this Tribunal which were disposed of on 04.09.2018. The impugned orders of the respondents were set aside and they were directed to conduct denovo enquiry strictly in accordance with the law while the appellants were reinstated in service for the purpose.

Consequent to the judgment of this Tribunal, respondents held denovo enquiry. The proceedings again culminated into passing of impugned orders dated 01.01.2019, whereby, the appellants were awarded penalty in shape of dismissal from service. They preferred departmental appeals which also could not find favour and were rejected vide order dated 16.06.2019, hence the appeals in hand.

3. Learned counsel for the appellants as well as learned Assistant Advocate General on behalf of the respondents heard and available record gone through.

4. Learned counsel for the appellants vehemently contended that in the first round of proceedings against the appellants the charge contained in the impugned orders was never part of statements of allegations or the show cause notices. The appellants, therefore, were practically not provided an opportunity of properly defending their cause. In that regard learned counsel referred to the judgment of this Tribunal pronounced in the previous round and pressed into service its Paragraphs 6 and 7. In his view the denovo proceedings were also not in accordance with the spirit of judgment and the law on the point. He referred to the enquiry report, though undated, as submitted before the competent authority, and stated that the same

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Signature]

[Signature]

recommended reinstatement of the appellants with all back benefits. The competent authority, while dissenting with the findings of enquiry officer did not provide any cogent reason for the purpose. Learned counsel also argued that the appellants were not initially nominated in the FIR while the star witness of the case namely Habibur Rahman resiled in his statement recorded under Section 164-Cr.PC. Coupled with the said fact the incidence of acquittal of appellants from a competent court of law on 27.04.2018 fully justified their reinstatement into service, however, the respondents did not prefer the same. He relied on judgment reported as 2011-SCMR-1504.

Learned Assistant Advocate General, while refuting the arguments from other side, referred to the enquiry report and stated that its recommendations were solely based on the acquittal of appellants from criminal case while it was not to have any bearing on the departmental proceedings. He referred to 2007-SCMR-562, in support of his arguments. In his view, the proceedings were properly held under the Khyber Pakhtunkhwa Police Rules, 1975 while the competent authority was not bound to concur with the enquiry officer. The appellants were, therefore, rightly awarded the penalty questioned through the appeals in hand.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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5. We have minutely examined the record before us and have found that the respondents have committed material irregularity/illegality while dealing with the cases of appellants. As a first instance, reference can be made to the impugned orders dated 01.01.2019 whereby the competent authority after the proceedings of regular enquiry himself attempted to resort to summary enquiry proceedings and went on to examine the officials of the

[Handwritten signature]

department but without any opportunity of participation to the appellants. The relevant portion of the impugned order is worthy of reproduction herein below:-

"The Head Constable was called in Orderly Room and heard in person. The case file was minutely perused and the delinquent officer was thoroughly interviewed which unfolded the whole incident. Therefore, the undersigned did not agree with the recommendation of the Enquiry Officer as he had not applied his judicial mind. Consequently, all concerned in the case were called. They were heard in person, thoroughly interrogated, cross examined and their statements were recorded."

The above noted content from the impugned order suggests that not only the provisions of Section 5 of the rules *ibid* were blatantly violated in superseding a regular enquiry by summary proceedings, but also the fact that the competent authority himself became an enquiry officer which is diametrically opposite to the rules of natural justice and the law. It is also a fact that the respondents failed to make part of the record the material so collected by the competent authority/respondent No. 1. The so-called foundation of difference of opinion by respondent No. 1 with the enquiry officer is still shrouded in mystery.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

6. The appellants preferred departmental appeals against the impugned orders dated 01.01.2019 which were decided by respondent No. 2 on 14.06.2019. A perusal of the orders suggests that the respondent No. 2 yet again ordered a third enquiry which was concluded and findings were submitted on 15.05.2019. It is worthwhile to reproduce hereunder the relevant portion of the order dated 14.06.2019:-

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"Both, Ex-Head Constable Hamidullah No. 1564/2626 and Constable Arif No. 2683 were called in Orderly Room by the undersigned and their case was thoroughly perused. To further scrutinize the case, S.P. Investigation Swat and Addl. SP Swat were nominated to conduct denovo enquiry into the matter and submit findings report vide this office order No. 3982-84/E, dated 27.03.2019. The enquiry officer after conducting proper denovo enquiry into the matter submitted his finding report vide SP Investigation Swat Memo. No. 3440/C-Cell. Dated 15.05.2019 wherein he recommended that though the charges against both the officers i.e. Ex-Head Constables Hamidullah No. 1564/2626 and Constable Arif No. 2683 are wholly solely responsible for registration of fake case vide FIR No. 383 dated 20.08.2015 u/s 5-Exp/9-B CNS 15-AA/34-PPC P.S Kanju District Swat. Therefore, The undersigned uphold the order passed by DPO Swat wherein he has dismissed Head Constable Hamidullah No. 1564/2626 and Constable Arif No. 2683 from service. Their appeals are hereby rejected. Moreover, the punishment of reduction in pay by three (3) stages awarded by DPO Swat vide OB No. 216 dated 23.12.2015 to S.I Muhammad Siraj is hereby converted into dismissal from service with immediate effect as the delinquent officers are equally responsible for such illegal act as proved in denovo enquiry conducted by S.P Investigation Swat."

ATTESTED

MINER
Khan
Service Tribunal
Peshawar

It is a sorry state of affairs that the respondents squarely failed to bring before this Tribunal any piece of record pertaining to the third enquiry dated 15.05.2019. For all intents and purposes, the holding of second and third enquiries could not be legally justified. Needless to note that the appellants were not associated with the subsequent proceedings at all.

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It is also pertinent to note that the impugned orders dated 01.01.2019 and 14.06.2019 were passed by the respondents after the acquittal of appellant from criminal charge on 27.04.2018. It appears that the respondents had attempted to go all out against the appellants, therefore, the element of malafide on their part cannot be ruled out.

7. Resultantly, both the appeals are allowed and the appellants are reinstated into service. The period during which they have not performed duty shall be counted towards their respective leave of the kind due.

Parties are left to bear their respective costs. File be consigned to the record room.

(MIAN MUHAMMAD)
Member (Executive)

(HAMID FAROOQ DURRANI)
Chairman

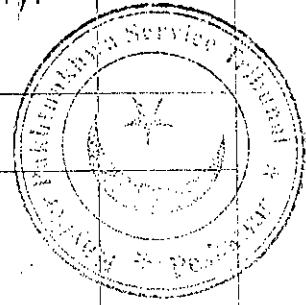
ANNOUNCED
22.07.2020

ATTESTED

ENGINEER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application	22-7-2020
Number of Words	3200
Copying Fee	34/-
Urgent	
Total	34/-
Name of Copyist	A
Date of Receipt of Copy	28-7-20
Date of Delivery of Copy	28-7-20

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
	<p>22.07.2020</p>	<p><u>Present.</u></p> <p>Arbab Saiful Kamal, ... For appellant Advocate</p> <p>Mr. Muhammad Riaz Khan Paindakhel, Asstt. Advocate General ... For respondents</p> <p>Vide our detailed judgment in Service Appeal No. 930/2019 (Hameed Ullah Vs. District Police Officer Swat and two others), this appeal is also allowed and the appellant is reinstated into service. The period during which he has not performed duty shall be counted towards leave of the kind due.</p> <p>Parties are left to bear their respective costs. File be consigned to the record room.</p> <p>(Mian Muhammad) Member (Executive)</p> <p>(Hamid Farooq Durrani) Chairman</p> <p><u>ANNOUNCED</u> 22.07.2020</p>



ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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C

13

1. District Police Officer, Swat.
2. Deputy Inspector General Of
Police Malakand Region at
Saidu Sharif Swat.
3. Provincial Police Officer,
KP, Peshawar.

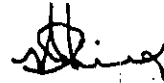
**Subject: - COMPLIANCE OF ORDER DATED 22-07-2020 OF THE
HON'BLE SERVICE TRIBUNAL, PASSED IN SERVICE
APPEAL NO. 932/2019 IN LETTER AND SPIRIT.**

Respected Sir,

Please comply with the order dated 22-07-2020 of the Hon'ble Service Tribunal, KP, Peshawar passed in the said Service Appeal in letter and spirit and obliged. (Certified copy attached)

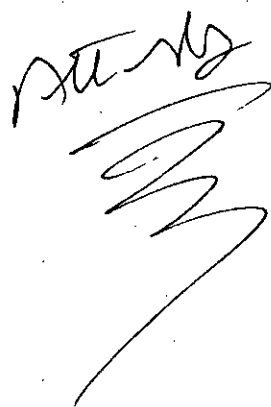
More so, this application may also be treated as my arrival report.

Humble Appellant



Arif S/O Harkai, Dargai,
District Malakand
Constable No. 2683,
Police Line Swat.
Cell No. 03400843457

Dated. 29-07-2020



یعدالت چٹا سروس ٹریڈ یونٹ صوبہ سندھ پشاور

مختراب ایڈوائس

عارف مقام محکمہ لوکیٹ

دعویٰ اصل
Supplement

باعضویت کے ساتھ

مستند مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ آن مقام پشاور
 کیس میں استغناء اٹالیا حضانہ صورت سے ایڈوائس ہائی کورٹ کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب
 محضوت کو مقدمہ کی کل کاروائی کا کابل اختیار ہوگا نیز وکیل صاحب کو کرنے یعنی نامہ و تقررات و فیصلہ برحلاف
 میں جواب دہی اور قبیل دعویٰ اور بصورت ڈگری کرنے اجراء اور دعویٰ چیک و روپیہ اور مرضی دعویٰ اور درخواست
 ہر قسم کی تقدیریں اور اس پر مقرر کرنے کا اختیار ہوگا نیز بصورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی
 اور مستحق نیز داریے کرنے اپیل نگرانہ نظر آئی و پیروی کرنے کا اختیار ہوگا اور بصورت ضرورت مقدمہ کی
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مشاور قانونی کو اپنے ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا
 اور وہ اپنے مقرر شدہ کر بھی وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سامنے پروا منتہ متعلقہ
 قبول ہوگا دوران مقدمہ میں جو خرچہ و ترہانہ التوا مقدمہ کے سبب سے ہوگا اس کے مستحق وکیل صاحب
 متصرف ہوں گے نیز بقایا و فریبہ کی وصولی کرنے کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام روزہ
 پر ہو یا عدت سے باہر ہو تو وکیل صاحب باسناد نہ ہوں گے کہ پیروی مذکور کریں۔
 لہذا وکالت نامہ رکھ دیا کہ مستند ہے۔

الرقوم 18-08-20

القلم

القلم

القلم

۱۱
ارباب سٹیم اسٹمال
ایڈوائس

معہ
سید اللہ عثمان مرشد
ایڈوائس

عارف

محمد کوان
ایڈوائس

ORDER

In compliance of the Judgement of Honorable Service Tribunal, Khyber Pakhtunkhwa in Service Appeal No.932/2019 dated 22-07-2020 and directions received from CPO, Peshawar vide Memo: No.7084/Legal, dated 10-11-2020, the appellant Ex Constable Arif No.2683 is hereby provisionally re-instated into service with immediate effect subject to outcome of CPLA. In case appeal against the Judgement of Service Tribunal, Khyber Pakhtunkhwa is accepted, the appellant (Arif) shall return all consequential/back and financial benefits to Police Department without any hesitation (The appellant should produce an affidavit to the effect). His period spent out of service is treated as leave of the kind due.


District Police Officer
Swat

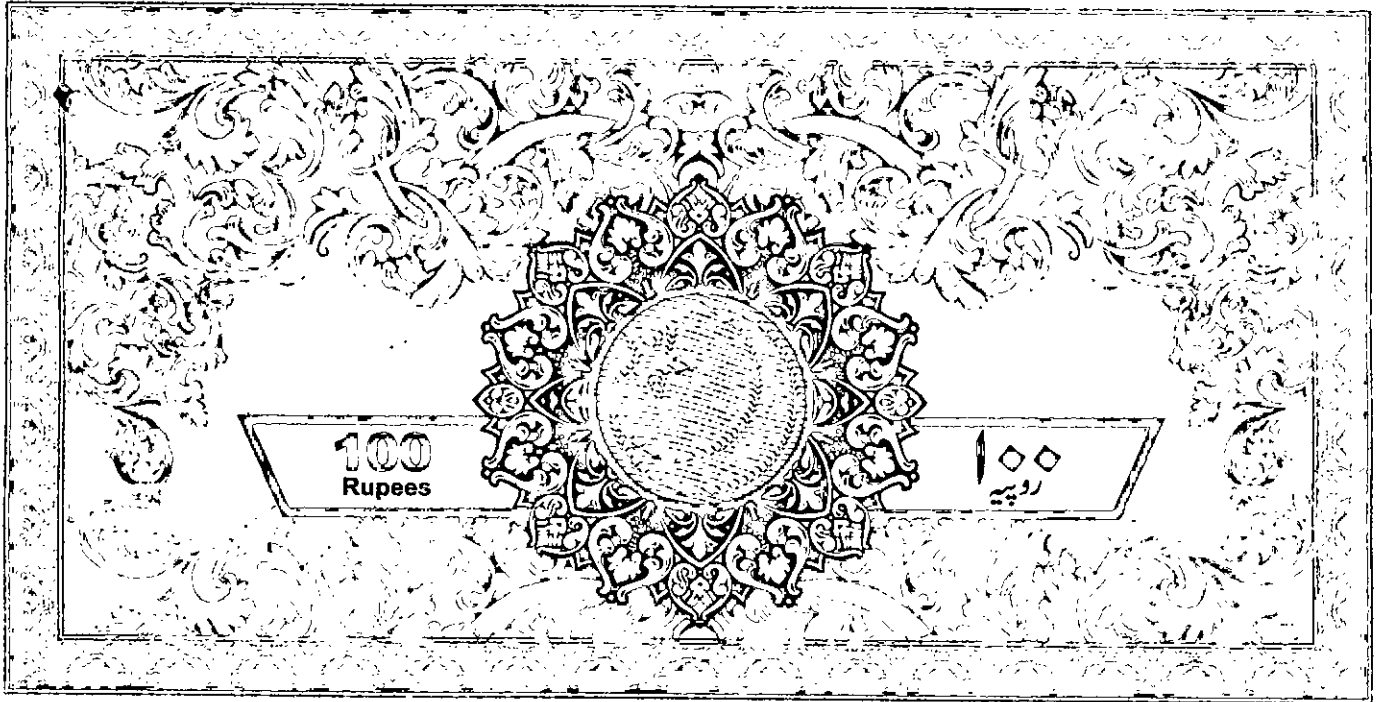
OB No. 187

Dated 13/11/2020.

No 20/37-38E, dated Saidu Sharif the, 16-11/2020.

Copy for information to the;

1. Additional Inspector-General of Police, Legal, Khyber Pakhtunkhwa w/r to his office Memo: No. quotes above.
2. Deputy Superintendent of Police, Legal, Swat



AFFIDAVIT

I Mr. Arif S/O Muhammad Jan R/O Kharkai, Dargai, Tehsil Dargai District Swat do hereby solemnly affirm and declare on oath that I shall re-pay the back benefits (If any) received on account of my re-instatement in service of CP in Supreme Court, prepared by police department against the judgment of Service Tribunal passed in Service appeal No. 932-2019 decided in favor of Police Department.

Deponent

Arif

Arif

CNIC No. 15401-2770869-9

WITNESS

Signature Khwas Khan

Name : Khwas Khan
S/O Khamash Khan
R/O College Colony, Saidu Sharif
Tehsil Babozai District Swat.
Date: 13/11/2020

Signature Mian Sikandar Shah Bacha

Name: Mian Sikandar Shah Bacha No 1267
S/O Syed Bashir
R/O Panjigram Tindodog
Tehsil Babozai District Swat.
Date: 13/11/2020

