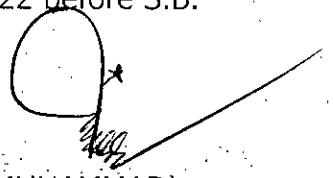


23.05.2022

Nemo for the parties. Mr. Kabirullah Khattak, Addl. AG for the respondents present.

On previous date the case was adjourned on the strength of Reader note, therefore, notices be issued to the parties. Adjourned. To come up for further proceedings on 06.07.2022 before S.B.

Notes
7/17/22



(MIAN MUHAMMAD)
MEMBER (E)

6th July, 2022

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

2. Learned counsel for the petitioner submits that grievance of the appellant has been redressed and he wants to withdraw the instant execution petition. Dismissed accordingly. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 6th day of July, 2022.*



(Kalim Arshad Khan)
Chairman

13.12.2021

Petitioner in person present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Qasim, Assistant for respondent No.2 and Mr. Aliman Shah, Asst: Superintendant for respondents present.

Representative of the respondents seeks time to submit implementation report on the next date positively. Adjourned but as a last chance. To come up for further proceedings on 13.01.2022 before S.B.



(MIAN MUHAMMAD)
MEMBER (E)

13.01.2022

Petitioner present in person.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Learned AAG requested for adjournment in order to contact the respondents and submit proper implementation report; granted. To come up for implementation report on 01.03.2022 before S.B.


(Rozina Rehman)
Member (J)

1-3-2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 23-5-2022


Reader

30.09.2021

Petitioner in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Qasim Khan, Legal Assistant for respondents present.

An interim reply in the instant execution petition, is submitted to the court today. It transpires that pension case of the petitioner is under process and duly submitted to the Accountant General office. Cheque is expected to be issued to the petitioner in due course. Adjourned. To come up for further proceedings before the S.B on 03.11.2021.


(MIAN MUHAMMAD)
MEMBER (E)

03.11.2021

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Javed, Senior Clerk for the respondents present.

The case for revised pension of the petitioner has been sent to the Accountant General office. Copies of the relevant documents has been furnished and placed on file. Another copy has been provided to the respondents. Let the respondents pursue the case for early disposal from office of the Accountant General. Petitioner shall also pursue the case at relevant quarter. Case to come up on 13.12.2021 before S.B.


Chairman

[Faint handwritten notes at the bottom of the page]

03.06.2021

Petitioner in person and Mr. Muhammad Adeel Butt, Addl. AG alongwith Tariq Umar, Inspector (Legal) for the respondents present.

Representative of the respondents seeks time to submit implementation report. The respondents are directed to implement the judgment under implementation in letter and spirit and submit compliance report on 22.06.2021 before S.B.


Chairman

22.06.2021

Counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG alongwith Tariq Umer, acting DSP for the respondents present.

Representative of the respondents confirmed the receipt of order dated 11.06.2021 requiring the implementation report in letter and spirit and states that the case is in process and placed before the concerned competent authority for signature. After signature the report shall be submitted on 10.08.2021 before S.B.


Chairman

08.08.2021

Since 10.08.2021 has been declared public holiday on account of Ist Muharram, therefore, case to come up for the same on 30.09.2021 before S.B.


Reader

02.02.2021

Counsel for the petitioner and Addl. AG for the respondents present.

The petitioner provided copy of application dated 26.11.2020 addressed to the respondent No. 1. It is essentially prayed in the application that the petitioner be extended the benefit notified on the strength of notification dated 02.09.2020 issued by respondent No. 3.

He states that despite lapse of more than two months, his application has not been responded to.

As the respondents are not being represented by any departmental representative, it is appropriate to issue notice to respondent No. 1 for 01.04.2021 on which date the said respondent shall also provide, in black & white, the detail of proceedings taken upon the application *ibid*.


Chairman

01.04.2021

Petitioner with counsel present.

Mr. Kabirullah Khattak learned Addl. AG alongwith Ibrahim Shah Superintendent for respondents present.

Representative of the respondents stated that the judgment of this Tribunal has partially implemented and counsel for the petitioner agreed from the same.

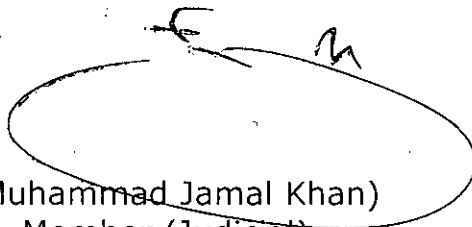
To come up for further implementation of the judgment on 03.06.2021 before S.B.


(Atiq Ur Rehman Wazir)
Member (E)

19.10.2020

Petitioner is present in person. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

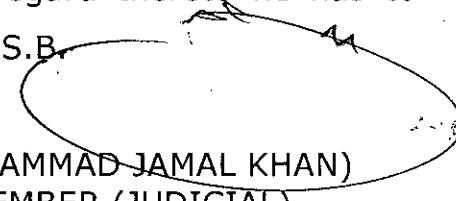
The legal fraternity is observing strike today, therefore, the case is adjourned to 23.11.2020 on which to come up for arguments before S.B.


(Muhammad Jamal Khan)
Member (Judicial)

23.11.2020

Petitioner in person alongwith Mr. Asif Yousafzai, Advocate, are present. Mr. Kabirullah Khattak, Additional Advocate General, for the respondents is present.

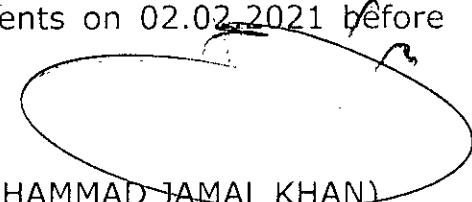
Implementation report has already been submitted, in case petitioner have any reservation with regard thereto he has to submit the same on 12.01.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

12.01.2021

Syed Noman Ali Bukhari, Advocate, for petitioner is present. Mr. Noor Zaman Khattak, District Attorney for the respondents, is also present.

Learned counsel for petitioner submitted written reservation, copy of which is handed over to learned District Attorney. File to come up for arguments on 02.02.2021 before S.B.


(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

E.P. No-11/2020
Jam Muhammad vs Govt

09.07.2020

Petitioner with counsel present.

Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Ibrahim Shah Superintendent for the respondents present.

Implementation report is still awaited; representative is strictly directed to submit implementation report in shape of conditional order on 04.09.2020 before S.B.

Member (J)

04.09.2020

Petitioner is present in person. Mr. Kabirullah Khattak, Additional Advocate General alongwith representative of the department Mr. Ibrahim Shah, Superintendent for the respondents are also present. Representative, of the department furnished implementation report dated 02.01.2020 which is placed on file. Petitioner is seeking time to examine the implementation report. Time granted. File to come up for further proceedings on 19.10.2020 before S.B.

(Muhammad Jamal Khan)
Member (Judicial)

12.03.2020

Petitioner in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Ibrahim, Superintendent for the respondents present. Implementation report not submitted. Representative of the department seeks adjournment. Adjourned to 15.04.2020 for implementation report before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

15.04.2020

Due to public holiday on account of COVID-19, the case adjourned to 09.07.2020 for the same. To come up for the same as before S.B.



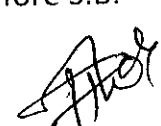

Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 11 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.01.2020	<p>The execution petition of Mr. Jan Muhammad submitted today by Syed Noman Ali Bukhari 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-	15/01/20	<p>This execution petition be put up before S. Bench on <u>31/01/2020.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	31.01.2020	<p>Learned counsel for the petition present. Notice on the present execution petition be issued to the respondent for implementation report on 12.03.2020 before S.B.</p> <p style="text-align: right;"> (Hussain Shah) Member</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Execution Petition No. 11 /2020
In Service Appeal 1170/2012

Jan Muhammad

VS

Police Telecommunication

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Execution Petition	-----	01-02
2.	Copy of Judgment	- A -	03-08
3.	Vakalat Nama	-----	09


PETITIONER
Jan Muhammad

THROUGH:

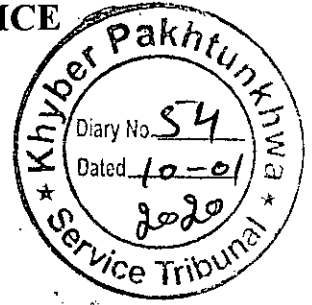

SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT

Date: 06/01/2020

Cell No: 0306-5109438

(1)

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



Execution Petition No. 11 /2020
In Service Appeal 1170/2012

Mr. Jan Muhammad
Sub-Inspector Police,
Telecommunication Peshawar.

(PETITIONER)

VERSUS

1. The Provincial Police Officer (IGP) Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police Telecommunication, Peshawar.
3. The Additional Inspector General for Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.

(RESPONDENTS)

.....

**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED 31.10.2019 OF THIS
HONORABLE TRIBUNAL IN LETTER AND
SPIRIT.**

.....

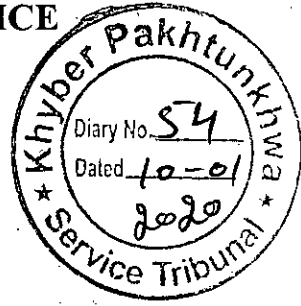
RESPECTFULLY SHEWETH:

1. That the appellant filed an appeal bearing No.1170/2012 for promotion to the post of inspector with effect from 18.01.2011.
2. That the said appeal was finally heard by the Honorable Tribunal on 31.10.2019 and the Honorable Tribunal was kind enough to accept the appeal and issued direction to the respondent that the case of appellant for promotion to the post of officiating Inspector (BPS-16) w.e.from 18.01.2011. **(Copy of judgment is attached as Annexure-A).**

(1)

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

Execution Petition No. 11 /2020
In Service Appeal 1170/2012



Mr. Jan Muhammad
Sub-Inspector Police,
Telecommunication Peshawar.

(PETITIONER)

VERSUS

1. The Provincial Police Officer (IGP) Khyber Pakhtunkhwa, Peshawar.
2. The Deputy Inspector General of Police Telecommunication, Peshawar.
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(RESPONDENTS)

.....

**EXECUTION PETITION FOR DIRECTING THE
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RESPECTFULLY SHEWETH:

1. That the appellant filed an appeal bearing No.1170/2012 for promotion to the post of inspector with effect from 18.01.2011.
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① A.S.S.

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

Service Appeal No. 1179/2012

Jan
John Mohammad Sub Inspector Police Telecommunication
Peshawar.....(Appellant)



1220
25/10/12

VERSUS

1. Provincial Police Officer (IGP) Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police Telecommunication, Peshawar.
3. Additional Inspector General for Police, Headquarters, Khyber Pakhtunkhwa, Peshawar.....(Respondents)

**APPEAL U/S 4 OF THE N.W.F.P (KHYBER
PAKHTUNKHWA) SERVICE TRIBUNAL ACT
1974 FOR PROMOTION TO THE POST OF
INSPECTOR TELECOMMUNICATION.**

Respectfully Sheweth:

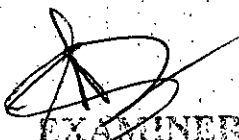
25/10/12

Brief Facts giving rise to the instant appeal are as under:

FACTS:

1. That the appellant was appointed as constable wireless operator on 16/1/1971 in police telecommunication and after attaining different qualifications was gradually promoted and finally to the post of Su-Inspector on 01/04/2000.

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1170/2012

Date of Institution ... 25.10.2012

Date of Decision ... 31.10.2019



Jan Mohammad, Sub Inspector, Police Telecommunication, Peshawar.

... (Appellant)

VERSUS

Provincial Police Officer (IGP) Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

SYED NOMAN ALI BUKHARI,
Advocate

For appellant.

MR. M. RIAZ KHAN PAINDAKHEL,
Assistant Advocate General

For respondents

MR. AHMAD HASSAN
MR. MUHAMMAD AMIN KHAN KUNDI

MEMBER (Executive)
MEMBER (Judicial)

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the parties heard and record perused.

ARGUMENTS:

02. Learned counsel for the appellant argued that he was appointed as Constable Wireless Operator in Police Telecommunication Department on 16.01.2017 and finally reached the rank of Sub-Inspector on 01.04.2000. Due to retirement of Amin Jan, Inspector a post became vacant for promotion. In a meeting of Departmental Promotion Committee held on 18.01.2011 the name of the appellant was recommended for promotion to the rank of officiating Inspector but further action was not taken in the matter by the respondents for reasons best known to them. Later on, as a result of retirement of two Inspectors namely Shafiullah and Lal Shrin

ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

two more posts became available for promotion. In order to fill these posts a meeting of DPC was convened on 22.02.2012, wherein again the appellant alongwith S.I Din Muhammad were recommended for promotion to the post of Officiating Inspector. The recommendations of DPC were transmitted to the competent authority for approval but as per record approval was not accorded for unknown reasons. Feeling aggrieved, he filed departmental appeal on 09.07.2012, which was not decided within the stipulated period, hence, the instant service appeal. On reaching the age of superannuation the appellant stood retired from government service on 31.12.2012. It is quite strange that Din Muhammad who was junior to the appellant was promoted to the rank Officiating Inspector (BPS-16) vide order dated 25.03.2013. It clearly manifested malafide, discrimination and favoritism on the part of the respondents. Reliance was placed on case law reported as 2016 GBLR 106 (Supreme Appellate Court), 2016 GBLR 35 (Supreme Appellate Court), 2016 GBLR 108 (Supreme Appellate Court), 1997 SCMR 515, 2009 PLC (C.S) 229, 2007 PLC (C.S) 1267, 1985 SCMR 1158, 2006 SCMR 1938, judgment of Peshawar High Court dated 19.09.2018 passed in writ petition no. 2969-P/2017 and judgment of this Tribunal dated 16.10.2017 rendered in service appeal no. 1118/2012.

ATTESTED

03. Learned Assistant Advocate General argued that no doubt the appellant was recommended for promotion to the rank of Inspector by the office of respondent no.2 and his case was forwarded to respondent no.1 for further consideration, but respondent no.3 did not accord approval regarding promotion of the appellant to the above post. The DPC in its meeting held on 06.04.2012 deferred his case till the next meeting for one of certain information. Later on, nomenclature of the post was

Attest
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

6


changed through Finance Department letter dated 04.04.2013. He was considered according to law and rules.

CONCLUSION:

04. The present service appeal pertains to grant of promotion to the appellant to the post of Officiating Inspector from the due date. There is hardly any dispute above eligibility of the appellant for promotion and availability of vacant post. That was the reason that his case was considered by the DPC in its meeting held on 18.01.2011 and recommended his name for promotion to the rank of Officiating Inspector (BPS-16). However, final order to this effect was not issued by the respondents for unknown reasons. Again when vacant post became available promotion case of the appellant was considered in meeting of the DPC held on 22.02.2012 and again recommended his name for promotion Officiating Inspector (BPS-16). However, again his promotion could not be notified for reasons not available on record. On reaching the age of superannuation, he stood retired from government service on 31.12.2012. Even well before his retirement, he sensitized the respondents through a departmental appeal dated 09.07.2012 for grant of promotion and date of retirement. Despite that they failed to act fairly and justly. Their conduct is vividly exhibited through order dated 25.03.2013, whereby Din Mohammad who was junior to the appellant was promoted to the rank of Officiating Inspector. It further proved malafide, malice, discrimination and favoritism on the part of the respondents. Silence on their part further confirmed our observations. Furthermore, illegal act cannot be defended through lame excuses. This proposition was dealt with thoroughly by the Apex Court in case law reported

as 2002 SCMR 71.

ATTESTED


 EXAMINER
 Kayle Pakhrunkhwa
 Service Tribunal,
 Peshawar

05. Vested right accrued to the appellant was denied without any justification by the respondents. As the respondents failed to exhibit through the available record that delay in promotion of the appellant was not intentional and deliberate then he had every right to be given promotion from due date (1997 SCMR 515, 2009 PLC (C.S) 229). His case is ripe for proforma/notional promotion as will help in getting pension and allied benefits of higher scale (2007 PLC (C.S)1267).

06. As a sequel to the above, the instant appeal is accepted and respondents are directed to consider the case of the appellant for promotion to the post of Officiating Inspector (BPS-16) w.e.f 18.01.2011. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)
Member

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
Member

ANNOUNCED
31.10.2019

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation: 31-10-19
 Number of Pages: 2000
 Copying Fee: 22500
 Urgent: _____
 Total: 22500
 Name of Copyist: _____
 Date of Completion of Copy: 19-11-19
 Date of Delivery of Copy: 19-11-19

2 جناب
بنام

Jan Mahmood
vs
Telecoms Ltd

مورخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام بار کیلئے سپر لیٹننٹ علی غلام
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دیئے 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 پیروی یا ڈگری کی طرفہ یا اپیل کی برآمدگی
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت
مقدمہ مذکور کے کل یا جزوی کاروائی 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 پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب التوائے مقدمہ کے
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سندر ہے۔

20

ماہ

المرقوم

7/4
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العبد العبد العبد

کے لئے منظور ہے۔

مقام

AM

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. _____/2019

Provincial Police Officer (IGP) Khyber Pakhtunkhwa,
Peshawar & Others

-----PETITIONERS

VERSUS

Jan Muhammad

IDENT

NOTICE

To

A343
CAMP NO. P-504

Jan Muhammad Sub-Inspector Police
Telecommunication, Peshawar



Please take notice Registered A/D post to the effect that I am filing
CPLA with stay application in the above titled case against the judgment of
the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated
31/10/2019 in Service Appeal No.1170/2012 before the Supreme Court of
Pakistan in its Branch Registry at Peshawar.

Dated this

(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
For Govt. /Petitioners

- SV/Tele
- SV/MT
- By Dir/Tele
- DSP/MT
- DSP/Tele
- OS/Tele
- PA/
- Acct/Tele
- SRC/Tele
- O/SI/Tele
- E/Branch/Tele
- ACC. Clerk
- OS/
- F/
- CG/Tele

Recd (SG)

CF 8048/2019

Recd on 21/12/2019

*Supreme Court of Pakistan
Sd/- Mian Saadullah Jandoli*

POWER OF ATTORNEY
IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

CPLA. No. /2019

Govt. of Khyber Pakhtunkhwa and others

PETITIONER(S)

VERSUS

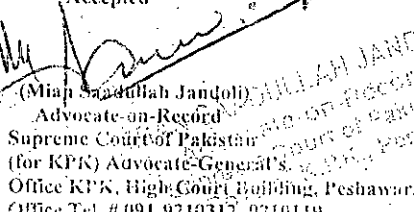
Jan Muhammad

RESPONDENT(S)

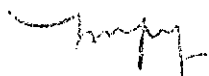
I (we) Petitioner/Govt. of KPK in the above suit/Appeal/Petition/Reference, do hereby appoint and constitute Mian Saadullah Jandoli, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid appellant [or plaintiff(s) or Petitioner(s) or Respondent (s) or defendant (s) or opposite party] to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the process of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority

In witness whereof I/we do hereunto set my/our hand (s) this day of


Accepted



(Mian Saadullah Jandoli)
Advocate-on-Record
Supreme Court of Pakistan
(for KPK) Advocate-General's
Office KPK, High Court Building, Peshawar.
Office Tel. # 091-9240312, 9210119

Signed with Official seal stamp


1- Provincial Police Officer, Khyber
Pakhtunkhwa, Peshawar.
Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

2-


Deputy Inspector General of
Police, Police Communication,
Peshawar Pakhtunkhwa Peshawar


3- Additional Inspector General of
Police, Headquarters, Khyber
Pakhtunkhwa, Peshawar.

Additional IGP/Headquarters
Khyber Pakhtunkhwa
Peshawar

OFFICE OF ADVOCATE GENERAL KHYBER PAKHTUNKHWA
PESHAWAR

RECEIPT

Received a sum of Rs. 2500/- (Rupees Two thousand and five hundred only) as expenses (Photostat, binding, Supreme Court tickets and notices to respondent etc) for filing CPLA in the Supreme Court of Pakistan in connection with case title Service Appeal No. 1170/2012 Jan Muhammad Versus Govt. of KPK and others.

Recd

BAG
BAG
BAG

Adil Aslam

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

20/12/2019

"B"

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

No.

Execution Petition 11

Appel No. of 20 20

S.B.
1052
26-2-20

Mr. Jan Muhammad Appellant/Petitioner

I.G.P. Peshawar Respondent

Respondent No. 2

Notice to: —

The Deputy Inspector General of Police Telecommunication, Peshawar.

WHEREAS an appeal/petition under the provision of the North-West Frontier 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 17/3/2020 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

Given under my hand and the seal of this Court, at Peshawar this 12th

Feb 20 20

Registrar,

2 Khyber Pakhtunkhwa Service Tribunal
Peshawar.

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.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL, PESHAWAR.

Execution Petition No. 11 /2020
In Service Appeal 1170/2012


Jan Muhammad

VS

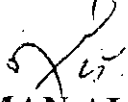
Police Telecommunication

INDEX

S.No.	Documents	Annexure	Page No.
1.	Memo of Execution Petition	-----	01-02
2.	Copy of Judgment	- A -	03-08
3.	Vakalat Nama	-----	09


PETITIONER
Jan Muhammad

THROUGH:


SYED NOMAN ALI BUKHARI
ADVOCATE, HIGH COURT

Date: 06/01/2020

Cell No: 0306-5109438

BEFORE THE SERVICE TRIBUNAL Khyber PAKKUNKHWA PESHAWAR,

Execution Petition 11/2020

In

Service Appeal No.1170/2012

Jan Muhammad(Petitioner)

Versus

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others..... (Respondents)

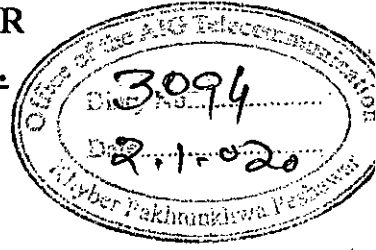
INDEX

S.No.	Description of documents	Annex	Pages
1.	Promotion order	-	1

Respondent Through


Department
Representative

**FOR PUBLICATION IN THE KHYBER
PAKHTUNKHWA POLICE GAZETTE PART-II,
ORDERS BY THE PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA, PESHAWAR.**



NOTIFICATION

No. 2263 /E-III, Promotion as Offg: Inspector, In compliance with the order of Honorable Service Tribunal Khyber Pakhtunkhwa judgment passed/announced in service appeal/write petition No.1170/2012, dated 31.10.2019, Sub-Inspector Jan Muhammad of Tele-Communication Khyber Pakhtunkhwa is hereby conditionally/provisionally promoted to the rank of Offg: Inspector (BPS-16) with effect from 18.01.2011 subject to the outcome of the CPLA.

Sd/-
DR. ISHTIAQ AHMED PSP/PPM,
Addl: Inspector General of Police HQrs.,
Khyber Pakhtunkhwa.

No. 2264-73 /E-III. Dated Peshawar, the 21 / 9 /2020.

Copy of above is forwarded for information and necessary action to the:-

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police Tele-Communication Khyber Pakhtunkhwa.
3. Registrar Govt. of Khyber Pakhtunkhwa Service Tribunal w/r to his office Judgment quoted reference above.
4. Assistant Inspector General of Police, Legal CPO, Peshawar.
5. PSO to Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: Secret CPO, Peshawar.
7. Office Supdt: E-II CPO/Peshawar.
8. Office Supdt: CPB CPO/Peshawar.
9. U.O.P files.

(KASHIF ZULFIQAR)PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa.

SP/Tele
SP/MT
Dy Dir/Tech
DSP/MT
DSP/Tele
OS/Tele
PA/
PSO/ Legal Assistant
Acct/Tele
SRC/Tele
OAS/Tele
E Branch/Tele
ACR/Clerk Tele
GSI/Tele

AIG/Tele

3/9

BEFORE THE KP SERVICE TRIBUNEL, PESHAWAR

Execution Petition No: 11/2020

Service Appeal :1170/2012

Jan MuhammadVS..... Police Tele communication Deptt

Subject: **Reservation on implementation Report**

1. That the applicant was serving as Sub-Inspector in the police Telecommunication Unit and was deprived from his legal promotion. In this respect the applicant submitted a series of application to High Ups for granting legal promotion to the rank of inspector but in vain.
2. That thereafter the applicant filed service appeal in the Service Tribunal Khyber Pakhtunkhwa vide appeal no. 1170/2012.
3. That the service Tribunal passed judgment in favor of the appellant and in compliance with order of the Honorable Service Tribunal Khyber Pakhtunkhwa the applicant was conditionally/ provisionally promoted to the rank of off. Inspector (BPS-16) with effect from 18-01-2011 subject to the outcome of the CPLA. **(copy of promotion order is enclosed)**
4. That it is pertinent to mention here that the applicant was not granted all back benefits of the rank of inspector with effect from 18-01-2011.

It is therefor, humbly prayed that the applicant may kindly be granted all back benefits of the rank of inspector w.e.f 18-01-2011 please.

If the CPLA passed against the applicant the applicant will return the emoluments of inspector.



Ex-Sub Inspector

Jan Muhammad Khan

Police Tele Unit Peshawar

12-01-2021

To

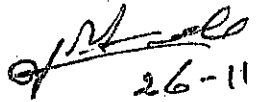
The Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

Subject: APPLICATION FOR GRANTING ALL BACK BENEFITS OF THE RANK OF INSPECTOR W.E.F 18-1-2011.

1. That the applicant was serving as Sub-Inspector in the Police Telecommunication Unit and was deprived from his legal promotion. In this respect the applicant submitted a series of application to High Ups for granting legal promotion to the rank of inspector but in vain.
2. That thereafter the applicant filed Service Appeal in the Service Tribunal Khyber Pakhtunkhwa vide appeal No 1170/2012.
3. That The Service Tribunal passed judgment in favor of the appellant and in compliance with order of the Honorable Service Tribunal Khyber Pakhtunkhwa the applicant was conditionally/provisionally promoted to the rank of off: Inspector (BPS-16) with effect from 18-01-2011 subject to the outcome of the CPLA. **(Copy of promotion order is enclosed)**
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26-11-20
Ex-Sub-Inspector
Jan Muhammad Khan
Police Tele unit Peshawar

BEFORE THE KP SERVICE TRIBUNEL, PESHAWAR

Execution Petition No: 11/2020

Service Appeal :1170/2012

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Ex-Sub Inspector

Jan Muhammad Khan

Police Tele Unit Peshawar

12-01-2021

To

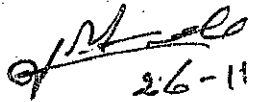
The Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

Subject: APPLICATION FOR GRANTING ALL BACK BENEFITS OF THE RANK OF INSPECTOR W.E.F 18-1-2011.

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26-11-20
Ex-Sub-Inspector
Jan Muhammad Khan
Police Tele unit Peshawar

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 324 /ST

Dated 11 / 02 / 2021

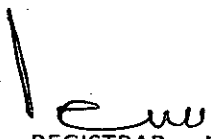
To

The Provincial Police Officer (IGP),
Government of Khyber Pakhtunkhwa,
Peshawar.

SUBJECT: - **ORDER IN EXECUTION PETITION NO. 11/2020 MR. JAN MUHAMMAD.**

I am directed to forward herewith a certified copy of order dated 02.02.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL
PESHAWAR.

To

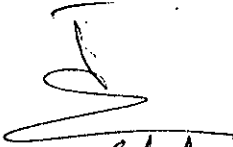
The Inspector General of Police,
Khyber Pakhtunkhwa Peshawar.

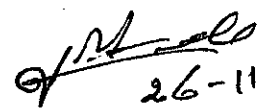
Subject: APPLICATION FOR GRANTING ALL BACK BENEFITS OF THE RANK OF INSPECTOR W.E.F 18-1-2011.

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26/11/20


26-11-20
Ex-Sub-Inspector
Jan Muhammad Khan
Police Tele unit Peshawar

FOR PUBLICATION IN THE KHYBER
PAKHTUNKHWA POLICE GAZETTE PART-II,
ORDERS BY THE PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA, PESHAWAR.

3094
2.1.20

NOTIFICATION

No. 2263 /E-III, Promotion as Offg: Inspector, In compliance with the order of Honorable Service Tribunal Khyber Pakhtunkhwa judgment passed/announced in service appeal/write petition No.1170/2012, dated 31.10.2019, Sub-Inspector Jan Muhammad of Tele-Communication Khyber Pakhtunkhwa is hereby conditionally/provisionally promoted to the rank of Offg: Inspector (BPS-16) with effect from 18.01.2011 subject to the outcome of the CPLA.

Sd/-

DR. ISHTIAQ AHMED PSP/PPM,
Addl: Inspector General of Police HQrs.,
Khyber Pakhtunkhwa.

No. 2264-73 /E-III. Dated Peshawar, the 21/9/2020.

Copy of above is forwarded for information and necessary action to the:-

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa Peshawar.
2. Deputy Inspector General of Police Tele-Communication Khyber Pakhtunkhwa.
3. Registrar Govt. of Khyber Pakhtunkhwa Service Tribunal w/r to his office Judgment quoted reference above.
4. Assistant Inspector General of Police, Legal CPO, Peshawar.
5. PSO to Inspector General of Police Khyber Pakhtunkhwa, Peshawar.
6. Office Supdt: Secret CPO, Peshawar.
7. Office Supdt: E-II CPO/Peshawar.
8. Office Supdt: CPB CPO/Peshawar.
9. U.O.P files.

(KASHIF ZULFIQAR)PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa.

Legal Assistant

AIG/Est

3/9

From : The Assistant Inspector General of Police,
Telecomm: Khyber Pakhtunkhwa, Peshawar.

To: Mr. Jan Muhammad Ex-Sub Inspector,
Resident of Mohalla Neem Bahlol, village Parmoli,
District Swabi.

No. 4541 /Tele/PC, dated Peshawar the 29 / 13 2021.

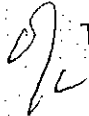
Subject: E.P.NO.11/2020 IN SERVICE APPEAL NO. 1170/2012 IN CASE
TITLED JAN Muhammad VS INSPECTOR GENERAL OF POLICE
KPK & OTHERS

Memorandum:

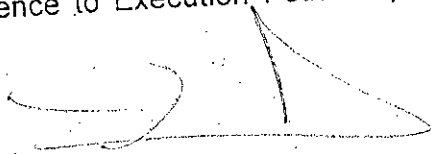
Reference to Khyber Pakhtunkhwa Service Tribunal order sheet dated 0202.2021 & your application for the grant of all back benefits of the rank of Inspector with effect from 18.01.2011.

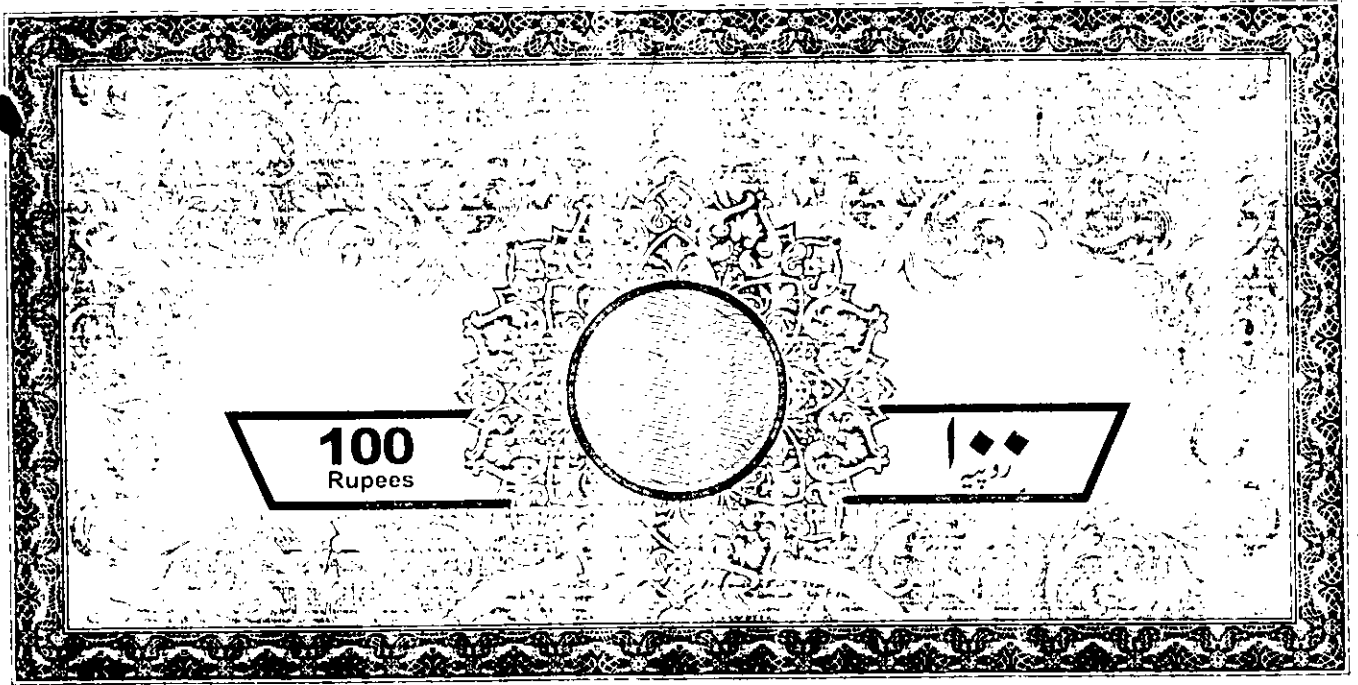
You are hereby requested to attend the office of the undersigned for provision of necessary documents etc to proceed further in the matter.

No. 4542 /Tele/PC,


Assistant Inspector General of Police,
Telecomm: Khyber Pakhtunkhwa, Peshawar.

Copy of above is forwarded for information to the Registrar, Khyber Pakhtunkhwa, Service Tribunal Peshawar with reference to Execution Petition quoted above.


Assistant Inspector General of Police,
Telecomm: Khyber Pakhtunkhwa, Peshawar.



AFFIDAVIT

I, Mr. Jan Muhammad Khan s/o Sher Muhammad r/o Mohalla Neem Bahlol, Village Permoli District Swabi do hereby state on solemn affirmation and declare on Oath, that the post of officiating Inspector (BPS-16) w.e.f 18.01.2011 granted to me vidē Service Tribunal Judgment, dated 31.10.2019.

As the department has filed CPLA against the Service Tribunal Judgment, if it is decided against me, I will return all the back benefits granted as per Service Tribunal Judgment.



Jan Muhammad Khan
30-3-2021
(JAN MUHAMMAD KHAN)
Ex-Sub Inspector
Police Telecommunication,
Khyber Pakhtunkhwa, Peshawar.
Cell No.0345-1919306

CHARGE ASSUMPTION REPORT

In compliance with the Notification issued by the Inspector General of Police, Khyber Pakhtunkhwa vide No.2263/E-III, dated 02.09.2020 regarding conditionally/provisionally promotion to the rank of offg: Inspector in BPS-16 in the light of Service Appeal 1170/2012 Jan Muhammad vs Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, I Mr. Jan Muhammad assumed the charge of the offg: Inspector Tele (BPS-16) on 18.01.2011 (F/N).



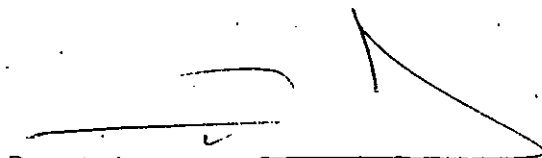
(JAN MUHAMMAD)

Inspector Telecomm: Peshawar.

No. 4618-23 /Tele/EC, dated Peshawar the 31/3 /2021.

Copy of above is submitted to the:-

- 1) Accountant General Khyber Pakhtunkhwa, Peshawar.
- 2) ~~AIG Telecomm: & Transport, Khyber Pakhtunkhwa, Peshawar.~~
- 3) SP Telecomm: Khyber Pakhtunkhwa, Peshawar.
- 4) Accountant Telecomm: Peshawar.
- 5) EC Telecomm: Peshawar.
- 6) Pension Clerk Telecomm: Peshawar.



Deputy Inspector General of Police,
Telecomm: Khyber Pakhtunkhwa, Peshawar.

Tele: No. 091-9210381
Fax: No. 091-9210638

From: The Deputy Inspector General of Police,
Telecomm: Khyber Pakhtunkhwa, Peshawar.

To: The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

No. ⁴⁶¹⁷ /Tele/EC, dated Peshawar the 31 / 3 /2021.


Subject: **RETIREMENT ORDER OF EX-INSPECTOR JAN MOHAMMAD IN LIGHT OF SERVICE APPEAL NO. 1170/2012 IN CASE TITLED JAN MOHAMMAD VRS INSPECTOR GENERAL OF POLICE KPK & OTHERS.**

Memorandum:

Please refer to your office letter No.2263-73/E-III, dated 02.09.2020 on the subject cited above.

It is submitted that the retirement order of Ex Inspector Jan Mohammad may please be issued in the light of above mentioned judgment of Honorable Service Tribunal Khyber Pakhtunkhwa and AIG/Legal CPO opinion on this office letter No. 3964/Tele/legal, dated 18.03.2021. (Copy enclosed for ready reference).

Encls: _____


For Deputy Inspector General of Police,
Telecommunication Khyber Pakhtunkhwa, Peshawar

Handwritten notes:
1/3/21
3/9



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. SS/12-13 /Legal dated Peshawar, the 11 /06 /2021.

Matter: Khul masal


To: - The Deputy Inspector General of Police,
Telecommunication, Khyber Pakhtunkhwa,
Peshawar.

The Assistant Inspector General of Police,
Establishment, Khyber Pakhtunkhwa,
Peshawar.

Subject:- EXECUTION PETITION NO. 11/2020 IN SERVICE
APPEAL NO. 1170/2012 titled JAN MUHAMMAD VS
PPO KP ETC.

Memo:-

Enclosed find copy of order sheet dated 03.06.2021,
received from the Honorable Khyber Pakhtunkhwa Service Tribunal,
Peshawar is sent herewith for compliance of Court orders, please.


IAIG/LEGAL
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
10.06.2021

PENSION ROLL DATA SHEET & PENSION SLIP

Date of issue : 16.08.2021
 PPO Type : FRESH
 PPO Number : 00032378
 Pensioner ID : 00032378
 Pension Register No: 52113
 Pensioner's Name : **JAN MOHAMMAD**
 Father / Husband name : **SHER MOHAMMAD**
 Designation : **SUB-INSPECTOR**
 NIC No. : 1620264667429
 Grade / Scale : 16
 Department Min: Home & Tribal Affairs
 Pensioner's Type: **SELF**
 Pension Type: **SUPERANNUATION**
 Date of Birth : 01.01.1953
 Date of appointment: 16.11.1971
 Date of retirement: 01.01.2013
 Date of Death:
 Date of commence : 01.01.2013
 Date of Restoration : 01.01.2021
 Accounts office ID : PW
 Accounts office Name : AG KF Peshawar
 Federal / Province : Khyber Pakhtunkhwa
 Length of Qualifying Service : 41 years, 1 months, 9 days
 Old PPO Number :
 No. and Date of sanction of pension / Letter No. : 1337/TELE/SRC
 DATED: 30.01.2013
 and the date of the other Audit and Accounts officer authorising
 the Pension/Gratuity/Commutation:
 Permanent Address: MOH: NEEM BAHLOL, VILL &
 P/O: PARMOLI, DISTT: SWABI

Note :
 Age : 60 years
 Last Drawn pay/Emoluments (Rs.) : 22030.00
 Gross Pension (Rs.) : **15421.00**
 1/4th Surrendered Portion (Rs.) :
 Computed Portion (Rs.) : 5397.35
 Net Pension (Rs.) : **10023.65**
 Net Family Pension (Rs.) : **0.00**
 Amount of Commutation (Rs.) : **801306.00**
 With Held Amount (Rs.) : 0.00
 Life Time Arrears (Rs.) : 0.00
 Arrears Of Pension (Rs.) : 0.00
 Special Additional Pension (Rs.) : 0.00
 Commutation Percentage : 35.00
 Commutation Table value : 12.37
 Recovery on A/C of
 Debitable to Govt : Khyber Pakhtunkhwa
 Total Net Share
 Federal : 0.00 Punjab : 0.00
 Sindh : 0.00 NWFP : 0.00
 Balochistan : 0.00 Military : 0.00
 A.J.K. : 0.00 Autonomous : 0.00

He/She is also entitled to the following increases

Sr. No.	Period	Increase % or amount	Increase Amount	W.E.F.
1	JUL.2010	15.00 %	1503.55	01.01.2013
2	JUL.2011	15.00 %	1729.08	01.01.2013
3	JUL.2012	20.00 %	2651.26	01.01.2013
4	JUL.2013	15.00 %	2386.13	01.07.2013
5	JUL.2014	10.00 %	1829.37	01.07.2014
6	JUL.2015	10.00 %	2012.30	01.07.2015
7	JUL.2016	10.00 %	2213.53	01.07.2016
8	JUL.2017	10.00 %	2434.89	01.07.2017
9	JUL.2018	10.00 %	2678.38	01.07.2018
10	JUL.2019	10.00 %	2946.21	01.07.2019
11	JUL.2021	10.00 %	3240.84	01.07.2021
12	0.	Rs. 0.00	0.00	
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

PENSION SLIP

Month: July
 Year: 2021

Pension roll details

Wage Type	Wage Type Text	Amount
559	Payment	39252.00
0100	Monthly Pension - Self	10024.00
0101	Pension Increases - Self	25626.00
1599	Medical Allow - Pensioner	2882.00
1600	Med. All. 2015 Pensioner	720.00

Bank Details

Bank Account Number : 028202019910011
 Bank Branch : NAWANKILLI
 NAWANKILLI
 Payment Mode : MUSLIM COMMERCIAL BANK



PAYROLL SYSTEM
AMENDMENT FORM
SINGLE EMPLOYEE ENTRY

GS&PJ..Khyber Pakhtunkhwa...41461/17--FS--500 Pads--12.3.2018--

Form: PAY02
Date

OFFICE OF THE DIG. TELE COMMUNICATIONS PESHAWAR (16)
FOR THE MONTH OF 4/2021

Page No. 2

DDO Code ⁵ (Cost Center) PR4092 Description⁶

Personnel Number ⁷ 32378 Employee Name ⁸ INSPE. JAW MUHAMMAD

National ID ⁹ Card No.

Grade (Pay Scale Group) ¹⁰ 16 8069450

Salary ¹² Status: Start Stop

GENERAL DATA CHANGE ¹³			CHANGE IN PAYMENTS/DEDUCTIONS ¹⁷							Effective Date ²¹	Remarks ²²		
Info ¹⁴ Type	Field ID ¹⁵	New Contents ¹⁶	Wage Type ¹⁸	Amount									
				Rupees ¹⁹			Paisa		Adj ²⁰				
C.C	08	GRADE 16	PAY 0001	-	2	4	4	0	0	-	-		
			ADJ 1000	-	-	1	8	1	8	-	-		
OTD	30	DIG	CA 1210	-	-	5	0	0	0	-	-		
		INSPECTOR	UNIFORM 1859	-	-	1	2	0	0	-	-		
		ADJ HRA	5002	-	-	8	0	2	0	-	-	P	
		CA	5011	-	-	1	6	3	6	0	-	-	P
		UNIFORM		-	-	2	5	1	4	2	-	-	P
		PAY	5801	-	-	4	1	2	2	7	-	-	P

ACCOUNTS OFFICER
Olo AG. Khyber Pakhtunkhwa

Prepared By M.M. 31/3/21

DDO for Asst. Inspector General of Police,
Telecommunications Khyber Pakhtunkhwa, Peshawar.

Asst. Accountant General

THE OFFICER WAS RE
FROM SERVICE WEF 31
AS SUB-INSPECTOR
AND WRITE PETITION
1170/2-12 OF 31-10-
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Handwritten notes and signatures