

15.07.2022

Petitioner alongwith his counsel present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

02. In pursuance of judgement of Service Tribunal delivered in main service appeal No. 816/2017 titled Khalid Khan on 21.03.2018, the respondent department complied with the said judgement and issued order bearing No. 4035/E dated 06.03.2019. However, learned counsel for the petitioner had observations on the said order which was subsequently modified/amended vide order No. 18075/E, dated 10.09.2021. As such grievances of the petitioner have been redressed and the Service Tribunal judgement in question stands implemented. Consign.

03. Pronounced in open court at Peshawar and given under my hands and seal of the Tribunal this 15<sup>th</sup> of July, 2022



(Mian Muhammad)  
Member (E)

26.04.2022

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Hikmat, H.C for respondents present.

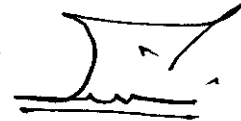
Observations raised pertaining to the provisional order issued by the respondents on 06.03.2019, are reflected in order sheet dated 05.07.2021. However, the respondent-department did not take corrective measures despite lapse of about 10 months. Learned AAG is obligated to contact the department and submit a final and comprehensive implementation report on 15.07.2022 before S.B being an old execution petition of 2018.

  
(MIAN MUHAMMAD)  
MEMBER(E)

E.P.No: 247/2018

18.11.2021

Learned counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present and sought some time for submission of implementation report as directions issued vide order dated 05.07.2021 passed by this Tribunal. Adjourned. To come up for submission of implementation report before the S.B on 06.01.2022.



(Salah-Ud-Din)  
Member (J)

06.01.2022

Clerk of counsel for the petitioner and Mr. Kabirullah Khattak, Addl. AG for the respondents present.

Perusal of record would reveal that the present petitioner was provisionally reinstated in service with immediate effect till decision of the apex court in CPLA. An order in this respect has already been produced before the Tribunal and placed on file. Lawyers on general strike today, therefore, learned counsel for the petitioner is not in attendance. In this view of the matter, case is adjourned to 21.02.2022 for further proceedings before S.B.



(Rozina Rehman)  
Member (J)

21.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 26.04.2022 for the same as before.



Reader.

17.08.2021

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

Representative of the respondents has not submitted implementation report. Respondents are directed to submit proper implementation report on the next date in the light of order dated 05.07.2021 of this Tribunal. Case to come up on 20.10.2021 before S.B.

  
Chairman

20.10.2021.

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

Learned AAG seeks time to contact the respondents. Learned AAG is required to take the concerned authority on board to implement the judgment submit compliance report on 18.11.2021 before S.B.

  
Chairman

05.07.2021

Counsel for the petitioner and Mr. Kabir Ullah Khattak, Additional Advocate General for the respondents present and heard.

After having gone through the conditional order passed in compliance of the judgment dated 21.03.2018 of this Tribunal, it is observed that the said order on the following grounds is not a proper order to reflect the compliance of the judgment in its letter and spirit:-

1. The judgment was due for compliance when it was passed on 21.03.2018 while the reinstatement has been made on 06.03.2019 with immediate effect. So the said order needs correction for the date of reinstatement.

2. The operative part of the judgment reveals that the penalty of dismissal from service was converted into minor penalty i.e stoppage of withholding of two increments for three years and treating the absence period as well as intervening period as leave without pay. The implementation order is silent above this part of the judgment.

In view of the above, it is directed the office order dated 06.03.2019 be corrected through corrigendum or be substituted to make it compatible with the judgment dated 21.03.2018 in letter and spirit. To come up for implementation report on 17.08.2021 before S.B.

  
Chairman

13.01.2021

Mr. Aslam Khan Khattak, Advocate, for petitioner is present. Mr. Noor Zaman Khattak, District Attorney, for the respondents is also present.

Learned counsel for petitioner contends that petitioner is not receiving the entire amount of his salary, in this regard learned District Attorney submitted that statement reflecting the amount of pay with effect from the month of June 2006 up to July 2019 however, information regarding the intervening period with effect from November 2007 to April 2019 has not been provided. Respondents are directed to furnish complete record with respect to salary of petitioner up to 08.05.2017 when the impugned order was passed. Time sought for the same, time is given. Respondents be noticed through good offices of District Attorney for 11.03.2021 before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

11.03.2021

Petitioner with counsel present. Addl: AG along with Mr. Khawas Khan, SI for respondents present.

Representative of the respondents submitted Implementation report in the instant execution petition which is placed on file. A copy of the same is also handed over to the learned counsel for the petitioner. Learned counsel for the appellant seeks time to go through the said implementation report.

Adjourned to 18.05.2021 before S.B.

  
(Mian Muhammad)

18.05.2021

Due to demise of the Worthy Chairman, the Member is non-functional, therefore, case is adjourned to 05.07.2021 for the same as before.

  
Reader

13.08.2020

Counsel for the petitioner and Addl. AG alongwith Khawas Khan, S.I (Legal) for the respondents present.

Former requests for time to provide written objection~~s~~ in respect of salary statement provided by the respondents and noted in the order dated 03.10.2019.


May positively do so on or before next date of hearing.  
Adjourned to 30.09.2020 before S.B.

  
Chairman

30.09.2020

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


Former submitted written objections, in the shape of application for grant of pay of Rs. 41,213/- <sup>in line</sup> to the salary statements provided by the respondents on 03.10.2019. To come up for arguments on 24.11.2020 before S.B.

  
Chairman

24.11.2020

Counsel for petitioner is present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents is also present.

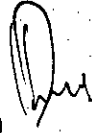
Learned counsel for petitioner is seeking adjournment.  
Adjourned to 13.01.2021 on which date file to come up for arguments before S.B.

  
(MUHAMMAD JAMAL KHAN)  
MEMBER (JUDICIAL)

14.01.2020 Petitioner in person and Addl. AG alongwith Muhammad Ishaq, H.C for the respondent.

Requests for adjournment due to non-availability of his learned counsel. Adjourned to 25.02.2020 for further proceedings before S.B.

Chairman



25.02.2020 Learned counsel for the petitioner present. Mr. Kabirullah Khattak learned Additional AG alongwith Mr. Khawas Khan Inspector for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned. To come up for further proceedings on 06.04.2020 before S.B.

(Hussain Shah)  
Member



06.04.2020 Due to public holiday on account of COVID-19, the case is adjourned to 29.06.2020 for the same. To come up for the same as before S.B.

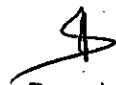
Reader



29.06.2020

The Worthy Chairman is on leave, therefore, the case is adjourned. To come up on 13.08.2020 before S.B.

Reader





E.P.No. 247/2018

03.10.2019

Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Mir Faraz, DSP (Legal) for the respondents present.

Learned counsel requests for time to submit written objections in respect of salary statements provided by the respondents. Adjourned to 30.10.2019 before S.B.

CHAIRMAN 

30.10.2019

Counsel for the petitioner and Addl. AG alongwith Mir Faraz Khan, DSP (Legal) for the respondents present.

Learned counsel requires further time to seek instructions from petitioner regarding submission of objection to salary statement provided by the respondents.

Adjourned to 03.12.2019 before S.B.

  
Chairman

03.12.2019

Petitioner in person present. Mr. Kabirullah Khattak learned Additional Advocate General alongwith Mr. Ishaq Head Constable for the respondents present. Petitioner requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for further proceedings on 14.01.2020 before S.B.

  
(M. Amin Khan Kundi)  
Member

30.07.2019

Counsel for the petitioner and Mr. Usman Ghani, District Attorney alongwith Mr. Mir Faraz Khan, DSP (Legal) for respondents present.

Learned counsel for the petitioner has submitted an application wherein it is noted that after reinstatement the petitioner has been paid the salary of Rs.30000/- per month while he is entitled to receive his pay of Rs. 40000/- per month or above. The application is placed on record. The respondent-department shall submit its reply on next date of hearing where the matter would also <sup>be</sup> argued by both the parties.


Adjourned to 05.09.2019 before S.B.

  
Chairman

05.09.2019

Counsel for the petitioner present. Mr. Usman Ghani, District Attorney alongwith Mr. Mir Faraz Khan, DSP (Legal) for respondents present.

As order sheet dated 30.07.2019, representative of the respondents produced statements indicating details of payment of salary made to the petitioner from July 2006 to July 2019 and the same is placed on record. A copy of the same was also handed over to the learned counsel for the petitioner. To come up for further proceedings on 03.10.2019 before S.B.

  
(Ahmad Hassan)  
Member

27.03.2019

Learned counsel for the petitioner and Mr. Kabir Ullah Khattak learned Additional Advocate General alongwith Mir Faraz DSP present. Representative of the respondent department furnished copy of order of provisional reinstatement in service of the petitioner till the decision of august Supreme Court of Pakistan in the relevant CPLA. Learned counsel for the petitioner seeks adjournment. Adjourn. To come up for further proceedings on 17.05.2019 before S.B

  
Member

17.05.2019

Learned counsel for the appellant present. Mr. Usman Ghani learned District Attorney alongwith Mir Faraz DSP Legal present. Adjournment requested. Adjourn. To come up for further proceedings on 20.06.2019 before S.B.

  
Member

20.06.2019

Petitioner alongwith his counsel and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Mir Faraz, DSP (Legal) for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned to 30.07.2019 for further proceedings before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

19.12.2018

Learned counsel for the petitioner present. Mr. Kabirullah Khattak learned AAG alongwith Khawas Khan Inspector for the respondents present and stated that the respondent department has filed CPLA against the judgment under implementation. Respondent department tis directed to furnish conditional implementation report or proper order regarding suspension of the operation of judgment under implementation. Adjourn. To come up on 14.01.2019 for further proceedings before S.B

  
Member

14.1.2019

Counsel for the petitioner and Addl. AG alongwith Khawas Khan, S.I (Legal) for the respondents present.

The representative of respondents requests for further time to do the needful as noted in the order dated 19.12.2018. Adjourned to 14.02.2019 for submission of implementation report.

  
Chairman

14.02.2019

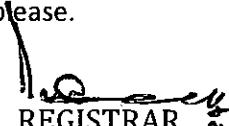



Clerk to counsel for the petitioner present. Mirfaraz DSP representative of the respondents present and submitted reply/comments. Adjourn. To come up for further proceedings on 27.03.2019 before S.B.

  
Member

**Form- A**  
**FORM OF ORDER SHEET**

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

Execution Petition No. \_ 247/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	09.08.2018	<p>The execution petition of Mr. Khaled Khan submitted by Mr. Aslam Khan Khattak 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 9/8/18</p>
2-	10-8-2018	<p>This execution petition be put before S. Bench on <u>19-9-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	19.09.2018	<p>Petitioner alongwith his counsel present. Notice be issued to the respondents for implementation report for 01.11.2018 before S.B.</p> <p style="text-align: right;"> (Muhammad Amin Khan Kundi) Member</p>
	02.11.2018	<p>Due to retirement of Hon'ble Chairman, the Tribunal is defunct. Therefore, the case is adjourned. To come up on 19.12.2018.</p> <p style="text-align: right;"> READER</p>

**BEFORE THE SERVICE TRIBUNAL, KPK PESHAWAR**

*Execution petition No. 247/2018*

CoC: \_\_\_\_\_ 2018

Khalid Khan, Ex Constable No 15 /RR .....Appellant

**VERSUS**

Inspector General of Police KPK Peshawar & Others.....Respondents

**INDEX**

S#	Description of Documents	Annexure	Page No's
1	Memo of CoC	-	1-2
2	Judgment dated 21/03/2018	A	3-5
3	Wakalatnama	-	-

Dated: 9/08/2018

*خالد خان*

Petitioner

Through

*اسلام خان*

**Aslam Khan Khattak**

Advocate, Peshawar

**BEFORE THE SERVICE TRIBUNAL, KPK PESHAWAR**

*Execution Petition No. 247/2018*

Khyber Pakhtunkhwa  
Service Tribunal

CoC: \_\_\_\_\_ 2018

Diary No. 873

Dated 9-8-18

Khalid Khan, Ex Constable No. 15/RR, R/o Shantala, Tehsil Samar Bagh,  
District Lower Dir

.....*Petitioner*

**VERSUS**

- 1) Inspector General of Police, KPK, Peshawar
- 2) Deputy inspector General of Police, Malakand Region, Saidu Sharif Swat.
- 3) District Police Officer Swat

.....*Respondents*

**APPLICATION FOR EXECUTION OF JUDGMENT DATED**  
**21/03/2018 AND INTIATION OF CONTEMPT OF**  
**COURT PROCEEDING AGAINST THE RESPONDENTS**  
**UNDER THE CONTEMPT OF COURT ACT 1976.**

***Respectfully Sheweth,***

- 1) That the Petitioner had approached this Hon'ble Tribunal with appeal No 816/2017. The said appeal was finally adjudicated upon the judgment and order was passed on 21/03/2018. (Copy of the Judgment is at annexure 'A').
- 2) That the certified copy of the judgment mentioned above has already been sent to the respondents for its implementation.


3) That the respondents have so far not implemented the aforesaid judgment of this Hon'ble Tribunal which amounts to contempt on their parts. They are, therefore, liable to be prosecuted and punished under the contempt of court act 1976.

It is, therefore, prayed that the respondents may be directed to implement the aforesaid judgment dated 21/03/2018 as soon as possible and necessary contempt proceeding may also be initiated against them under the Contempt of Court Act 1976.

Dated: 9/08/2018

  
Petitioner

Through

  
**Aslam Khan Khattak**  
Advocate, Peshawar



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

APPEAL NO. 816/2017

Date of institution ... 31.07.2017  
Date of judgment ... 21.03.2018



Khalid Khan, Ex-Constable No. 15 RR R/O Shantala,  
Tehsil Samar Bagh District Lower Dir.

... (Appellant)

VERSUS

1. Inspector General of Police, KPK, Peshawar.
2. Deputy Inspector General of Police, Malakand Region Saidu Sharif Swat.
3. District Police Officer Swat.

... (Respondents)

APPEAL UNDER SECTION-4 OF THE KHYBER  
PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST  
THE IMPUGNED ORDER NO. 6403 DATED 08.05.2017  
WHEREBY THE RESPONDENT NO. 3 HAS DISMISSED THE  
APPELLANT FROM SERVICE WITH IMMEDIATE EFFECT  
AND ALSO AGAINST THE FINAL IMPUGNED ORDER  
DATED 06.07.2017 WHEREBY IHS DEPARTMENTAL  
APPEAL WAS FILED.

Mr. Aslam Khan Khattak, Advocate.  
Mr. Usman Ghani, District Attorney

.. For appellant.  
.. For respondents.

Mr. MUHAMMAD AMIN KHAN KUNDI  
MR. MUHAMMAD HAMID MUGHAL

.. MEMBER (JUDICIAL)  
.. MEMBER (JUDICIAL)

JUDGMENT

MUHAMMAD AMIN KHAN KUNDI, MEMBER:-

Our this judgment shall also disposed of present Appeal as well as Appeal No. 817/2017 titled Haider Zaman Versus Inspector General of Police, KPK Peshawar and two others and Appeal No. 818/2017 titled Anwar Sadaat Versus Versus Inspector General of Police, KPK Peshawar and two others as common question of law and facts are involved in all the appeals.

2. Learned counsel for the appellant present. Mr. Usman Ghani, District Attorney for the respondents also present. Arguments heard and record perused.

ATTESTED

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

*Mr. Aslam Khan  
21.3.2018*

*Attested  
21/3*

3. Brief facts of the appeals are that the appellants were inducted in police service and while serving so the appellant Khalid Khan allegedly absented himself for 23 days, appellant Haider Zaman allegedly absented himself for 74 days and appellant Anwar Saddat allegedly absented himself for 12 days and as such they were discharged from service under Rule 12.21 of Police Rules vide order dated 15.11.2007. Aggrieved from the said orders they preferred service appeals before this Tribunal which were allowed vide judgment dated 26.03.2015, and their cases were remanded to the appellate authority for consideration and decision. Vide impugned order dated 01.07.2015 communicated to the appellants on 27.07.2015 their appeals were rejected. They again filed service appeals which were partially accepted and the appellants were reinstated into service, however, respondent-department was directed to conduct de-novo inquiry in the mode and manner prescribed by rules within a period of two months from the date of receipt of the judgment vide detailed judgment dated 09.11.2016. That after conducting de-novo inquiry the appellants were again dismissed from service vide order dated 08.05.2017. That the appellants again filed department appeal on 12.05.2017 but the same was rejected on 06.07.2017 hence, the present service appeals on 31.07.2017.

4. Learned counsel for the appellants contended that as per available record the appellant Khalid Khan allegedly absented himself for 23 days, appellant Haider Zaman allegedly absented himself for 74 days and appellant Anwar Saddat allegedly absented himself for 12 days therefore, their dismissal from service are very harsh. That the other colleagues of the appellants were also remained absent from duty but the respondent-department have reinstated them therefore, the appellants were discriminated and contended that the impugned order is illegal and liable to be set-aside.

5. On the other hand, learned District Attorney for the respondents opposed the contention of learned counsel for the appellant and contended that the

**ATTESTED**

EXAMINED  
Khalid Khan  
Surat  
Peshawar

Attested  
alt

appellants willfully remained absent from duty. It was further contended that they could not justify their absence from duty. It was further contended that all the codal formalities were fulfilled and the appellant were rightly dismissed from service.

6. Perusal of the record reveals that as per this Tribunal judgment dated 09.11.2016 the appellant Khalid Khan allegedly absented himself for 23 days, appellant Haider Zaman allegedly absented himself for 74 days and appellant Anwar Saddat allegedly absented himself for 12 days and the competent authority imposed major penalty of removal from service on the basis of alleged absent. Therefore, the penalty of their dismissal from service are not in commensurate with the charge and the penalty appear to be very harsh. The record also reveals that the other employees who also remained absent from service, had been reinstated by the respondent-department and their absence period was also treated as leave without pay by Deputy Inspector General of Police vide order dated 30.11.2010. Meaning thereby that the appellants were discriminated therefore, we partially accept the appeals. set-aside the impugned orders and reinstate the appellants into service. However the penalty of dismissal from service is converted into minor penalty of stoppage of withholding of their two increments for three years and their absence period as well as intervening period are treated as leave without pay. Parties are left to bear their own costs. File be consigned to the record room.

*Attested as*

ANNOUNCED  
21.03.2018

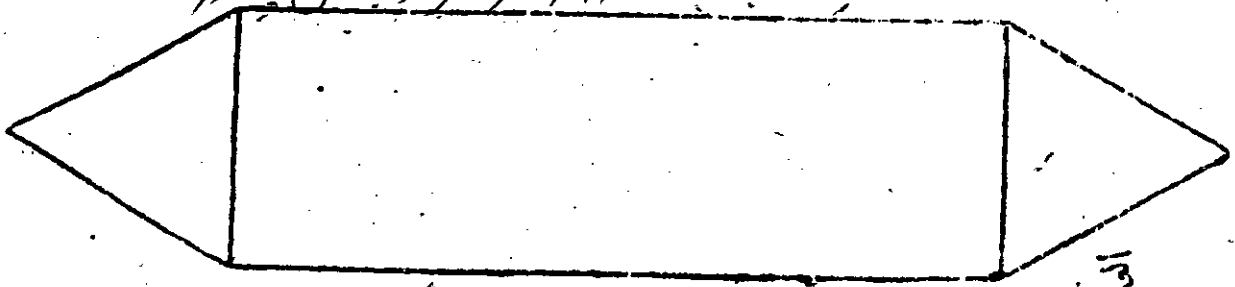
*Sd/- M. Amin Khan Kundli*  
*Member*

*Sd/- M. Hamid Nughal*  
*Member*

*Certified to be true copy*  
*Khalid Khan*  
*11-04-18*

Date of Presentation of Application 11-04-18  
Number of Pages 1200  
Copying Fee 8-  
Urgent 2-  
Total 10-  
Name of Officer M.A.  
Date of Completion 11-04-18  
Date of Delivery of file 11-04-18

یقیناً اللہ جناب KPK کروڑوں روپوں کے لئے



۹ اگست ۱۹۷۴ء منجانب ایڈوائزر

خلافان بنام انیل کھنڈل آف بوس KPK

بے سود دعوے

COC

موزع  
مقدمہ  
دعوی  
برہم

### باعث تحریر آئیگی

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی دیکل  
کارروائی متعلقہ آن مقام شہر کے لئے اسلم خان قعد  
مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا۔ نیز  
دیکل صاحب کو کرنے کے واسطے نامہ و تقررات و فیصلہ برطلف دینے جواب دہی اور اقبال دعوئی اور  
بصورت دگری کرنے اجراء اور دسولی چیک دو پیہ اور دوسری دعویٰ اور درخواست برہم کی تصدیق  
نہ رہا جس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا دگری یکطرفہ یا ایسی کی برآمدگی اور کوئی  
نیز دائر کرنے اپنی نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ اور بصورت ضرورت مقدمہ مذکور  
کے کل یا جزوی کارروائی کے واسطے اور دیکل یا مختار قانونی کو اپنے ہمراہ یا اپنی جگہ کے لئے اختیار  
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جلد مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا ساختہ  
پداختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو فریج و ہرجانہ اتوائے مقدمہ کے سبب سے ہوگا۔  
اس کے مستحق دیکل صاحب موصوف ہوں گے۔ نیز بقایا و زیمہ کی دہولی کرنے کا بھی اختیار ہوگا۔ اگر  
کوئی تاریخ پیشی مقام درہ پو یا حد سے باہر ہو تو دیکل صاحب پابند ہوں گے کہ پیروی  
مذکور کریں۔ لہذا نکات نامہ لکھدیا کہ سند ہے۔

۹ اگست ۱۹۷۴ء

المترجم

دکراشہ

Attested & accepted: کے لئے منظور ہے۔

اسلم خان

شہر

مقام



(B)

department have reinstated them therefore the respondents were discriminated and contended that the impugned order is illegal and liable to be set aside.

was also treated as leave without pay by Deputy Inspector General of Police vide order dated 30/11/2010. Meaning thereby that the respondents were discriminated therefore, we partially accept the appeals, set aside the impugned orders and reinstate the respondents into service. However the penalty of dismissal from service is converted into minor penalty of stoppage of withholding of their two increments for three years and their absence period as well as intervening period is treated as leave without pay.

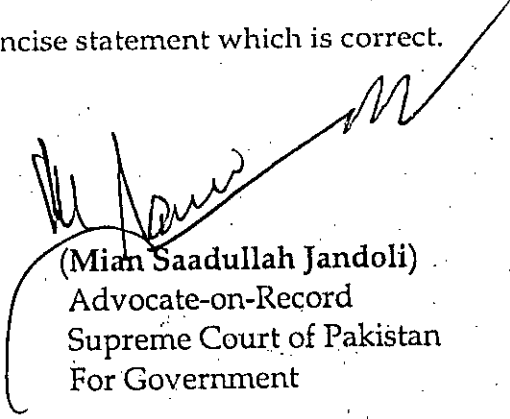
LAW/RULING ON THE SUBJECT

FOR

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- Police E&D Rules, 1975

CERTIFICATE:

Certify that I myself prepared the above concise statement which is correct.

  
(Mian Saadullah Jandoli)  
Advocate-on-Record  
Supreme Court of Pakistan  
For Government

(1)

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

On 18-6-2018  
From Saad Ullah Jandali, AOR  
P.Bs.  
A.R. (Peshawar)

CPLA NO. \_\_\_\_\_/2018

1. Inspector General of Police (Now) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Malakand Region at Saidu Sharif Swat
3. District Police Officer, Swat

PETITIONERS

VERSUS

Khalid Khan, Ex-Constable No.15 RR R/o Shantala, Tehsil  
Samar Bagh District Lower Dir

RESPONDENT

CIVIL PETITION FOR LEAVE TO APPEAL UNDER  
ARTICLES 212(3) OF THE CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN, 1973 AGAINST  
THE IMPUGNED JUDGMENT/ ORDER OF  
LEARNED KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR DATED 21/3/2018 IN  
SERVICE APPEAL NO.816/2017

RESPECTFULLY SHEWETH

The substantial questions of law of general public importance and grounds, inter alia, which falls for determination of this august Court are as under:-

1. Whether the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar suffers from material illegality, factually incorrect and require interference by this august Court?

2. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has properly and legally exercised its jurisdiction in the matter in hand?
3. Whether impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar is in utter violation of E&D Rules, 1975?
4. Whether the respondent has committed gross misconduct by willfully absenting himself from duty without obtaining a proper leave or permission from competent authority and the respondent could not prove himself to be efficient?
5. Whether a proper show cause notice with statement of allegation was issued to the respondent which was not satisfactorily replied by the respondent?
6. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has not pointed out any deficiency in the enquiry proceeding?
7. Whether the respondent could not justify his willful absence from duty during enquiry proceeding and the enquiry officer rightly recommended the respondent for major punishment?
8. Whether the punishment awarded to the respondent is commensurate with the charge leveled and proved against the respondent?
9. Whether willful absence from duty is gross misconduct and entails major punishment of dismissal from service?
10. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has traveled beyond its jurisdiction by converting major punishment into minor penalty?
11. Whether the respondent retention in police force being a disciplinary force is detrimental to the good order and discipline of police force?
12. Whether the impugned judgment is a legal judgment having no good ground and discussion in the matter impugned?



- 13. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has illegally exercised its jurisdiction by modifying the penalty of dismissal into minor penalty on the grounds of discrimination?
- 14. Whether the respondent was treated discriminately and the learned tribunal has rightly dealt with the question of discrimination?

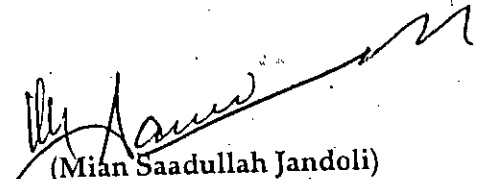
FACTS

II- Facts relevant to the above points of law, inter alia, are as under:-

- 1. That the respondent was serving in Police Department and posted in District Police Swat as Constable.
- 2. That the respondent absented himself from duty without obtaining proper leave from the competent authority and remained absent from duty for 12 days.
- 3. That the respondent was issued a show cause notice with statement of allegation which was not satisfactorily replied by the respondent.
- 4. That a proper enquiry was initiated wherein the respondent could not justify his absence from duty, therefore the enquiry officer recommended the respondent for major punishment?
- 5. That in the light of the enquiry proceeding the respondent was awarded major punishment of dismissal from service vide order dated 15/11/2007.
- 6. That the respondent filed service appeal before the Hon'ble Service Tribunal which was accepted and the case was remanded to the petitioners for reconsideration and denovo enquiry vide judgment and order dated 19/11/2016.
- 7. That in the light of the remand order the denovo enquiry was initiated through enquiry officer who recommended the respondent for major punishment and final show cause notice was also issued to the respondent wherein the respondent could not justify his willful absence from duty.
- 8. That the competent authority imposed major penalty of dismissal from service on the respondent vide order dated 8/5/2017.

- 9. That the respondent filed departmental appeal which too was dismissed vide order dated 6/7/2017.
- 10. That the respondent then again approached through service appeal No 816/2017 before Hon'ble Service Tribunal, Peshawar wherein comments were called from the petitioners which was filed accordingly.
- 11. That the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar accepted the appeal of respondent by converting the punishment of dismissal into stoppage of two increments for three years vide judgment and order dated 21/3/2018.
- 12. That the petitioners being aggrieved from the impugned judgment/order of the Honble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 21/3/2018 in Service Appeal No.816/2017 prefer this CPLA before this august Court.
- 13. That the petitioners seek leave to appeal against the impugned judgment and order of the Honble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 21/3/2018 in Service Appeal No.816/2017.

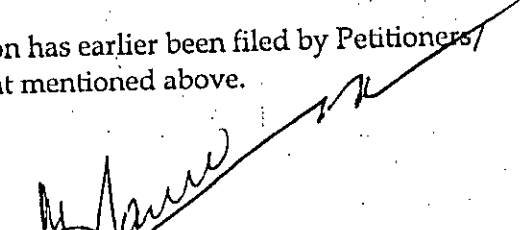
It is, therefore, prayed that on acceptance of this petition, leave to appeal against the impugned judgment and order of the Honble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 21/3/2018 in Service Appeal No.816/2017 may graciously be granted.

  
 (Mian Saadullah Jandoli)  
 Advocate-on-Record  
 Supreme Court of Pakistan  
 For Government

**NOTE:**  
 Learned Advocate General, KPK/ Addl. AG /State Counsel shall appear at the time of hearing of this petition.

**ADDRESS**  
 Office of the Advocate General, KPK, High Court Building, Peshawar. (Telephone No.091-9210119, Fax No.091-9210270)

**CERTIFICATE** Certified that no such petition has earlier been filed by Petitioners/ Government against the impugned judgment mentioned above.

  
 Advocate-On-Record

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Execution Petition No.247/18**

Khalid Khan Ex-Constable NO.15/RR R/O Shantala, Tehsil Samar Bagh, District Lower Dir.

.....Petitioner

VS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Malakand Region at Saidu Sharif, Swat.
3. District Police Officer Swat.

.....Respondents

**Reply by Respondent No.03**

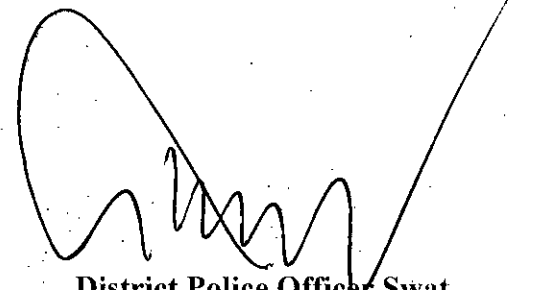
**Respectfully Shewith:**

1. That the judgment dated 21/03/2018 passed in service appeal No.816/17 by the honorable Service Tribunal has been challenged before Apex Supreme Court of Pakistan vide CPLA No.497/18 tilted Govt: of KPK & others VS: Khalid Khan copy enclosed as Annexure "A".
2. That an early hearing application and suspension of impugned judgment through Advocate on record Supreme Court of Pakistan Govt: Khyber Pakhtunkhwa, Peshawar has been filed but no date of hearing has been fixed so far.
3. That the respondents will implement the judgment of honorable Tribunal after the directions of Apex Supreme Court in Civil Petition filed by the department through Advocate on Record.

4. That the respondents have not committed any contempt under the Contempt of Court-1976.

**Prayer:**

Keeping in view the above facts and circumstance it is humbly prayed that the proceeding on the implementation application may kindly be adjourned till the final outcome of early hearing application or at least for three months.



**District Police Officer Swat  
(Respondent No.03)**

u



(B)

<p>department have reinstated them therefore the respondents were discriminated and contended that the impugned order is illegal and liable to be set aside.</p>	<p>was also treated as leave without pay by Deputy Inspector General of Police vide order dated 30/11/2010. Meaning thereby that the respondents were discriminated therefore, we partially accept the appeals, set aside the impugned orders and reinstate the respondents into service. However the penalty of dismissal from service is converted into minor penalty of stoppage of withholding of their two increments for three years and their absence period as well as intervening period is treated as leave without pay.</p>
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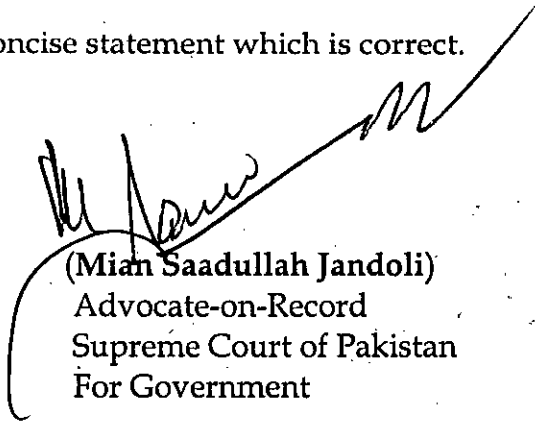
LAW/RULING ON THE SUBJECT

FOR

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- Police E&D Rules, 1975

CERTIFICATE:

Certify that I myself prepared the above concise statement which is correct.

  
(Mian Saadullah Jandoli)  
Advocate-on-Record  
Supreme Court of Pakistan  
For Government

(1)

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

On 13-6-2018  
At Peshawar  
P.Bs.  
A.R. (Peshawar)

CPLA NO. \_\_\_\_\_/2018

1. Inspector General of Police (Now) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Malakand Region at Saidu Sharif Swat
3. District Police Officer, Swat

-----PETITIONERS

**VERSUS**

Khalid Khan, Ex-Constable No.15 RR R/o Shantala, Tehsil Samar Bagh District Lower Dir

RESPONDENT

CIVIL PETITION FOR LEAVE TO APPEAL UNDER ARTICLES 212(3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 AGAINST THE IMPUGNED JUDGMENT/ ORDER OF LEARNED KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR DATED 21/3/2018 IN SERVICE APPEAL NO.816/2017

RESPECTFULLY SHEWETH

The substantial questions of law of general public importance and grounds, inter alia, which falls for determination of this august Court are as under:-

1. Whether the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar suffers from material illegality, factually incorrect and require interference by this august Court?

2. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has properly and legally exercised its jurisdiction in the matter in hand?
3. Whether impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar is in utter violation of E&D Rules, 1975?
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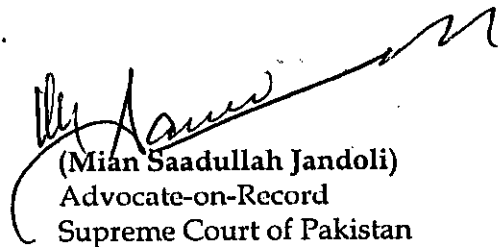
### FACTS

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1. That the respondent was serving in Police Department and posted in District Police Swat as Constable.
2. That the respondent absented himself from duty without obtaining proper leave from the competent authority and remained absent from duty for 12 days.
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8. That the competent authority imposed major penalty of dismissal from service on the respondent vide order dated 8/5/2017.

9. That the respondent filed departmental appeal which too was dismissed vide order dated 6/7/2017.
10. That the respondent then again approached through service appeal No 816/2017 before Hon'ble Service Tribunal, Peshawar wherein comments were called from the petitioners which was filed accordingly.
11. That the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar accepted the appeal of respondent by converting the punishment of dismissal into stoppage of two increments for three years vide judgment and order dated 21/3/2018.
12. That the petitioners being aggrieved from the impugned judgment/order of the Honble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 21/3/2018 in Service Appeal No.816/2017 prefer this CPLA before this august Court.
13. That the petitioners seek leave to appeal against the impugned judgment and order of the Honble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 21/3/2018 in Service Appeal No.816/2017.

It is, therefore, prayed that on acceptance of this petition, leave to appeal against the impugned judgment and order of the Honble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 21/3/2018 in Service Appeal No.816/2017 may graciously be granted.

  
 (Mian Saadullah Jandoli)  
 Advocate-on-Record  
 Supreme Court of Pakistan  
 For Government

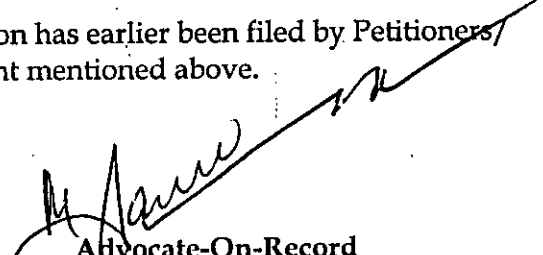
**NOTE:**

Learned Advocate General, KPK/ Addl. AG /State Counsel shall appear at the time of hearing of this petition.

**ADDRESS**

Office of the Advocate General, KPK, High Court Building, Peshawar. (Telephone No.091-9210119, Fax No.091-9210270)

**CERTIFICATE** Certified that no such petition has earlier been filed by Petitioners/ Government against the impugned judgment mentioned above.

  
 Advocate-On-Record

(1)

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

Date... 13-6-2018  
Arora... Saad Ullah Jandali, AOR  
P.Bs.  
A.R.(Peshawar)

CPLA NO. \_\_\_\_\_/2018

1. Inspector General of Police (Now) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Malakand Region at Saidu Sharif Swat
3. District Police Officer, Swat

-----PETITIONERS

**VERSUS**

Khalid Khan, Ex-Constable No.15 RR R/o Shantala, Tehsil Samar Bagh District Lower Dir

RESPONDENT

CIVIL PETITION FOR LEAVE TO APPEAL UNDER ARTICLES 212(3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 AGAINST THE IMPUGNED JUDGMENT/ ORDER OF LEARNED KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR DATED 21/3/2018 IN SERVICE APPEAL NO.816/2017

RESPECTFULLY SHEWETH

The substantial questions of law of general public importance and grounds, inter alia, which falls for determination of this august Court are as under:-

1. Whether the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar suffers from material illegality, factually incorrect and require interference by this august Court?

2. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has properly and legally exercised its jurisdiction in the matter in hand?
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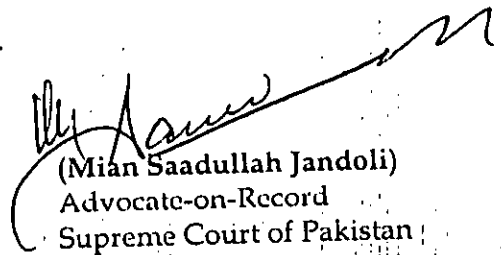
### FACTS

11- Facts relevant to the above points of law, inter alia, are as under:-

1. That the respondent was serving in Police Department and posted in District Police Swat as Constable.
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5. That in the light of the enquiry proceeding the respondent was awarded major punishment of dismissal from service vide order dated 15/11/2007.
6. That the respondent filed service appeal before the Hon'ble Service Tribunal which was accepted and the case was remanded to the petitioners for reconsideration and denovo enquiry vide judgment and order dated 19/11/2016.
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- 12. That the petitioners being aggrieved from the impugned judgment/order of the Honble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 21/3/2018 in Service Appeal No.816/2017 prefer this CPLA before this august Court.
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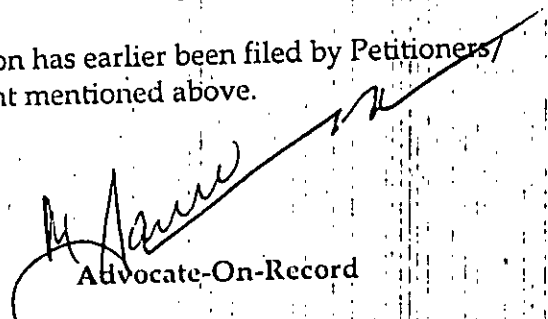
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 (Mian Saadullah Jandoli)  
 Advocate-on-Record  
 Supreme Court of Pakistan  
 For Government

NOTE:  
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 Advocate-On-Record

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No.247/18

Khalid Khan Ex-Constable NO.15/RR R/O Shantala, Tehsil Samar Bagh, District Lower Dir.

.....Petitioner

VS

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, Malakand Region at Saidu Sharif, Swat.
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.....Respondents

Reply by Respondent No.03

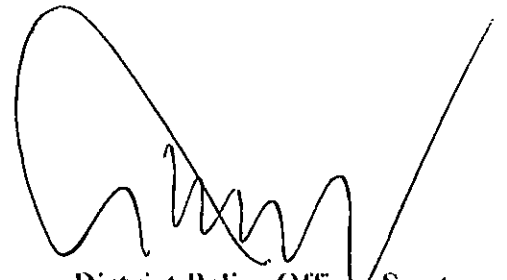
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1. That the judgment dated 21/03/2018 passed in service appeal No.816/17 by the honorable Service Tribunal has been challenged before Apex Supreme Court of Pakistan vide CPLA No.497/18 titled Govt. of KPK & others VS: Khalid Khan copy enclosed as Annexure "A".
2. That an early hearing application and suspension of impugned judgment through Advocate on record Supreme Court of Pakistan Govt: Khyber Pakhtunkhwa, Peshawar has been filed but no date of hearing has been fixed so far.
3. That the respondents will implement the judgment of honorable Tribunal after the directions of Apex Supreme Court in Civil Petition filed by the department through Advocate on Record.

4. That the respondents have not committed any contempt under the Contempt of Court-1976.

**Prayer:**

Keeping in view the above facts and circumstance it is humbly prayed that the proceeding on the implementation application may kindly be adjourned till the final outcome of early hearing application or at least for three months.



District Police Officer Swat  
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(B)

<p>department have reinstated them therefore the respondents were discriminated and contended that the impugned order is illegal and liable to be set aside.</p>	<p>was also treated as leave without pay by Deputy Inspector General of Police vide order dated 30/11/2010. Meaning thereby that the respondents were discriminated therefore, we partially accept the appeals, set aside the impugned orders and reinstate the respondents into service. However the penalty of dismissal from service is converted into minor penalty of stoppage of withholding of their two increments for three years and their absence period as well as intervening period is treated as leave without pay.</p>
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LAW/RULING ON THE SUBJECT

FOR

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- Police E&D Rules, 1975

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Certify that I myself prepared the above concise statement which is correct.



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IN THE SUPREME COURT OF PAKISTAN  
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Date..... 13-6-2018  
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CPLA NO. \_\_\_\_\_/2018

1. Inspector General of Police (Now) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
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-----PETITIONERS

VERSUS

Khalid Khan, Ex-Constable No.15 RR R/o Shantala, Tehsil Samar Bagh District Lower Dir

RESPONDENT

CIVIL PETITION FOR LEAVE TO APPEAL UNDER ARTICLES 212(3) OF THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN, 1973 AGAINST THE IMPUGNED JUDGMENT/ ORDER OF LEARNED KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR DATED 21/3/2018 IN SERVICE APPEAL NO.816/2017

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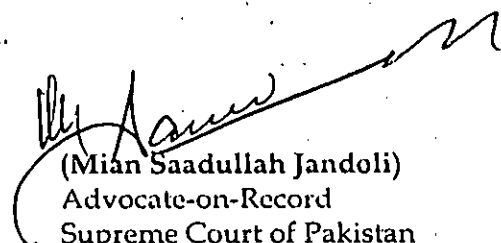
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Supreme Court of Pakistan  
For Government

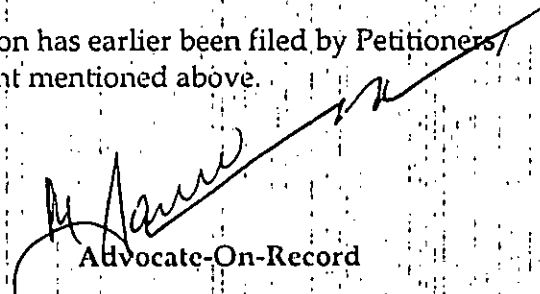
**NOTE:**

Learned Advocate General, KPK/ Addl. AG /State Counsel shall appear at the time of hearing of this petition.

**ADDRESS**

Office of the Advocate General, KPK, High Court Building, Peshawar. (Telephone No.091-9210119, Fax No.091-9210270)

**CERTIFICATE** Certified that no such petition has earlier been filed by Petitioners/ Government against the impugned judgment mentioned above.

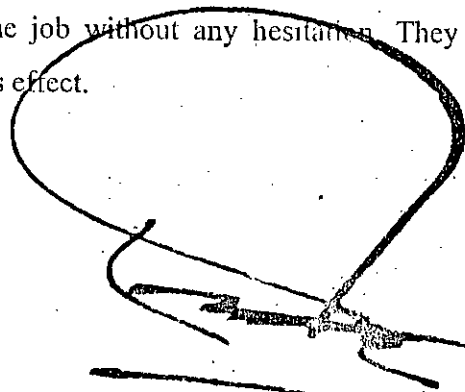
  
Advocate-On-Record

ORDER

In compliance of the Honorable Service Tribunal, Khyber Pakhtunkhwa, Peshawar judgment dated 21-03-2018 in Service Appeals Nos.816,817,818/2017 and Order Sheet dated 14-01-2019 in Execution Petitions Nos.245,246,247/2018 followed by CPO, Peshawar Memo: No.908/Legal, dated 22-02-2019; the following appellants are provisionally re-instated in service with immediate effect till decision of the Apex Supreme Court of Pakistan in CPLA Nos.497,498 and 499-P/2018 lodged by the department against the judgment of Service Tribunal, Khyber Pakhtunkhwa, Peshawar;

1. Ex-Constables Haidar Zaman No.12/MRR
2. Ex-Constable Anwar Sadat No.31/MRR
3. Ex-Constable Khalid Khan No.15/MRR

02. In case the judgment of Service Tribunal is set aside by the Apex Court, the aforesaid appellants shall be bound to leave the job without any hesitation. They shall submit affidavit duly attested by Notary Public to this effect.



(SYED ASHFAQ ANWAR) PSP  
District Police Officer  
Swat

OB No. 39  
Dated. 6-3 /2019.

\*\*\*\*\*  
No. 4035 /E, dated Saidu Sharif the, 06-03 /2019.

Copy to Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar for f/o information w/r to CPO, Peshawar Memo: No.908/Legal, dated 22-02-2019 please.

District Police Officer  
Swat  
Ph: 0946-9240393  
Fax: 0946-9240402  
Email: [dposwat@gmail.com](mailto:dposwat@gmail.com)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

**Execution Petition No.245/18**

Haider Zaman Ex-Constable NO.26/RR R/O Shantala, Tehsil Samar Bagh.  
District Lower Dir.

.....Appellant

**VS**

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar..
2. Deputy Inspector General of Police, Malakand Region at Saidu Sharif, Swat.
3. District Police Officer Swat.

.....Respondents

**Reply by Respondent No.03**

**Respectfully Shewith:**

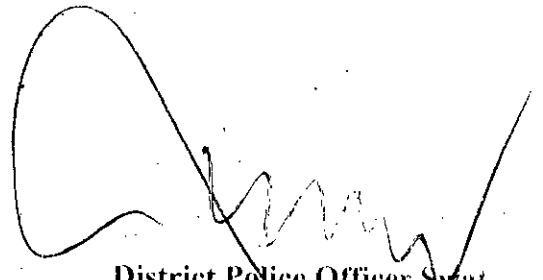
1. That the judgment dated 21/03/2018 passed in service appeal No.817/17 by the honorable Service Tribunal has been challenged before Apex Supreme Court of Pakistan vide CPLA No.498/18 tilted Govt: of KPK & others VS: Anwar Sadat copy enclosed as Annexure "A".
2. That an early hearing application and suspension of impugned judgment through Advocate on record Supreme Court of Pakistan Govt: Khyber Pakhtunkhwa, Peshawar has been filed but no date of hearing has been fixed so far.
3. That the respondents will implement the judgment of honorable Tribunal after the directions of Apex Supreme Court in Civil Petition filed by the department through Advocate on Record.



4. That the respondents have not committed any contempt under the Contempt of Court-1976.

**Prayer:**

Keeping in view the above facts and circumstance it is humbly prayed that the proceeding on the implementation application may kindly be adjourned till the final outcome of early hearing application or at least for three months.



**u District Police Officer Swat  
(Respondent No.03)**

(A)

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

CPLA NO. 998-P /2018

Provincial Police Officer, Khyber Pakhtunkhwa,  
Peshawar & Others

-----PETITIONERS

VERSUS

Haider Zaman

-----RESPONDENT

CONCISE STATEMENT

- 1- Subject matter and the law Service Matter/ Re-Instatement into Service
- 2- Which side has filed this petition Government / petitioners

Court / Forum	Date of a) Institution b) Decision	Who filed it and with what result
KPK Service Tribunal Peshawar	a)31-07-2017 b)21/3/2018	Respondent filed service appeal which has been accepted
Points noted in the impugned Judgment	Treatment of points in the impugned judgment	
Learned counsel for the respondents contended that as per available record the respondent Khalid Khan allegedly absented himself for 23 days, respondent Haider Zaman allegedly absented himself for 74 days, and respondent Anwar Saddat allegedly absented himself for 12 days, therefore, their dismissal from service are very harsh. That the other colleagues of the respondents were also remained absent from duty but	Perusal of the record reveals that as per this tribunal judgment dated 09/11/2016 the respondent Khalid Khan allegedly absented himself for 23 days, respondent Haider Zaman allegedly absented himself for 74 days and respondent Anwar Saddat allegedly absented himself for 12 days and the competent authority imposed major penalty of removal from service on the basis of alleged absent. Therefore the penalty of their dismissal from service is not in commensurate with the charge and the penalty appears to be very harsh. The record also reveals that the other employees who also remained absent from service had been reinstated by the petitioner department and their absence period	

(B)

<p>the petitioner department have reinstated them therefore the respondents were discriminated and contended that the impugned order is illegal and liable to be set aside.</p>	<p>was also treated as leave without pay by Deputy Inspector General of Police vide order dated 30/11/2010. Meaning thereby that the respondents were discriminated therefore, we partially accept the appeals, set aside the impugned orders and reinstate the respondents into service. However the penalty of dismissal from service is converted into minor penalty of stoppage of withholding of their two increments for three years and their absence period as well as intervening period is treated as leave without pay.</p>
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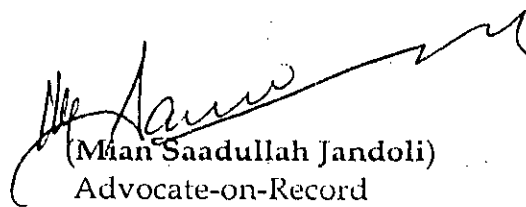
LAW/RULING ON THE SUBJECT

FOR

- 1- CONSTITUTION OF PAKISTAN, 1973
- 2- Police E&D Rules, 1975

CERTIFICATE:

Certify that I myself prepared the above concise statement which is correct.



(Mian Saadullah Jandoli)  
Advocate-on-Record  
Supreme Court of Pakistan  
For Government

(1)

IN THE SUPREME COURT OF PAKISTAN  
(Appellate Jurisdiction)

led on: 13-06-2018  
Memorandum: Saadullah Jomdali, AOR  
P.Bs.  
A.R. (Peshawar)

CPLA NO. \_\_\_\_\_/2018

1. Inspector General of Police (Now) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Malakand Region Saidu Sharif Swat
3. District Police Officer, Swat

-----PETITIONERS

**VERSUS**

Haider Zaman, Ex-Constable No.26 RR R/o Mohallah Garhi  
Chakdara, Tehsil Adenzai District Lower Dir

RESPONDENT

CIVIL PETITION FOR LEAVE TO APPEAL UNDER  
ARTICLES 212(3) OF THE CONSTITUTION OF  
ISLAMIC REPUBLIC OF PAKISTAN, 1973 AGAINST  
THE IMPUGNED JUDGMENT/ ORDER OF  
LEARNED KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL, PESHAWAR DATED 21/3/2018 IN  
SERVICE APPEAL NO.817/2017

RESPECTFULLY SHEWETH

The substantial questions of law of general public importance and grounds, inter alia, which falls for determination of this august Court are as under:-

1. Whether the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar suffers from material illegality, factually incorrect and require interference by this august Court?

2. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has properly and legally exercised its jurisdiction in the matter in hand?
3. Whether impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar is in utter violation of E&D Rules, 1975?
4. Whether the respondent has committed gross misconduct by willfully absenting himself from duty without obtaining a proper leave or permission from competent authority and the respondent could not prove himself to be efficient?
5. Whether a proper show cause notice with statement of allegation was issued to the respondent which was not satisfactorily replied by the respondent?
6. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has not pointed out any deficiency in the enquiry proceeding?
7. Whether the respondent could not justify his willful absence from duty during enquiry proceeding and the enquiry officer rightly recommended the respondent for major punishment?
8. Whether the punishment awarded to the respondent is commensurate with the charge leveled and proved against the respondent?
9. Whether willful absence from duty is gross misconduct and entails major punishment of dismissal from service?
10. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has traveled beyond its jurisdiction by converting major punishment into minor penalty?
11. Whether the respondent retention in police force being a disciplinary force is detrimental to the good order and discipline of police force?
12. Whether the impugned judgment is a legal judgment having no good ground and discussion in the matter impugned?

13. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has illegally exercised its jurisdiction by modifying the penalty of dismissal into minor penalty on the grounds of discrimination?
14. Whether the respondent was treated discriminately and the learned tribunal has rightly dealt with the question of discrimination?

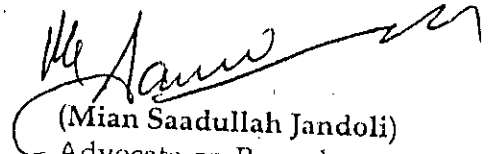
### FACTS

II- Facts relevant to the above points of law, inter alia, are as under:-

1. That the respondent was serving in Police Department and posted in District Police Swat as Constable.
2. That the respondent absented himself from duty without obtaining proper leave from the competent authority and remained absent from duty for 12 days.
3. That the respondent was issued a show cause notice with statement of allegation which was not satisfactorily replied by the respondent.
4. That a proper enquiry was initiated wherein the respondent could not justify his absence from duty, therefore the enquiry officer recommended the respondent for major punishment?
5. That in the light of the enquiry proceeding the respondent was awarded major punishment of dismissal from service vide order dated 15/11/2007.
6. That the respondent filed service appeal before the Hon'ble Service Tribunal which was accepted and the case was remanded to the petitioners for reconsideration and denovo enquiry vide judgment and order dated 19/11/2016.
7. That in the light of the remand order the denovo enquiry was initiated through enquiry officer who recommended the respondent for major punishment and final show cause notice was also issued to the respondent wherein the respondent could not justify his willful absence from duty.
8. That the competent authority imposed major penalty of dismissal from service on the respondent vide order dated 8/5/2017.

9. That the respondent filed departmental appeal which too was dismissed vide order dated 6/7/2017.
10. That the respondent then again approached through service appeal No 817/2017 before Hon'ble Service Tribunal, Peshawar wherein comments were called from the petitioners which was filed accordingly.
11. That the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar accepted the appeal of respondent by converting the punishment of dismissal into stoppage of two increments for three years vide judgment and order dated 21/3/2018.
12. That the petitioners being aggrieved from the impugned judgment/order of the Honble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 21/3/2018 in Service Appeal No.817/2017 prefer this CPLA before this august Court.
13. That the petitioners seek leave to appeal against the impugned judgment and order of the Honble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 21/3/2018 in Service Appeal No.817/2017.

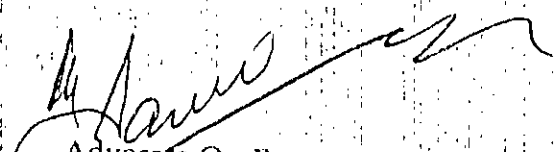
It is, therefore, prayed that on acceptance of this petition, leave to appeal against the impugned judgment and order of the Honble Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 21/3/2018 in Service Appeal No.817/2017 may graciously be granted.

  
(Mian Saadullah Jandoli)  
Advocate-on-Record  
Supreme Court of Pakistan  
For Government

**NOTE:**  
Learned Advocate General, KPK/ Addl. AG /State Counsel shall appear at the time of hearing of this petition.

**ADDRESS**  
Office of the Advocate General, KPK, High Court Building, Peshawar. (Telephone No.091-9210119, Fax No.091-9210270)

**CERTIFICATE** Certified that no such petition has earlier been filed by Petitioners/ Government against the impugned judgment mentioned above.

  
Advocate-On-Record

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

Execution Petition No: 247/18

Haider Zaman Constable No. 26/RR R/o  
Shamtala, Tehsil Samar Bagh, District Lower Dir  
..... Petitioner

Versus

Inspector General of Police KPK Peshawar & Others

**APPLICATION FOR GRANT OF PAY**  
**OF RS. 40,000/- OR ABOVE**  
**INCLUDING ARREARS**

*Respectfully Sheweth:-*

The petitioner respectfully submits as under:-

1. That the Petitioner due to 74 days absence from the duty was dismissed from service and he filed an appeal before this Hon'ble Tribunal Peshawar which was accepted.
2. That the respondents have filed CPLA in August Supreme Court of Pakistan against the judgment of this Hon'ble Tribunal and which has so far not been fixed for hearing.
3. That the Petitioner has filed an execution petition before this Hon'ble Tribunal for implementation of the judgment of this Hon'ble Tribunal.
4. That the Respondents have now reinstated the Petitioner in Service provisionally on a pay of Rs. 30,000/- P.M which is the pay of now inductees and the Petitioner's was initially appointed as Constable on 11/05/2006 and now his



reinstatement would mean to reinstate, re-establish or restore person or thing to its former state or condition and so he is entitled to get pay worth of Rs. 40,000/- or above including arrears.

It is, therefore, prayed that the Petitioner may be paid his monthly pay for about Rs. 40,000/- or above from the date of his provisional reinstatement including arrears.

Dated: 20/06/2019

*Haider*  
Appellant

Through

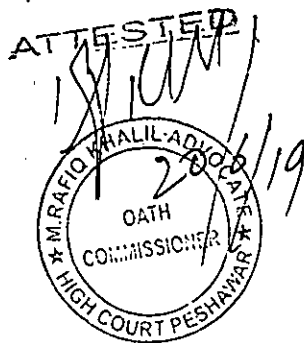
*Aslam*  
Aslam Khan Khattak  
Advocate, Peshawar

**Affidavit**

I, *Haider Zaman*, Constable No. 26/RR, do hereby solemnly affirm and state on oath that all contents of application are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.

Identified By:

*Aslam*  
Aslam Khan Khattak  
Advocate, Peshawar.



*Haider*  
Deponent  
CNIC:

From: The District Police Officer  
Swat

To: The Provincial Police officer  
Khyber Pakhtunkhwa, Peshawar

No. 395 /Legal, Dated Saidu Sharif the 8/07 /2019

Subject: EXECUTION PETITION NO.245/2018 IN SERVICE APPEAL  
NO.817/2017 HAIDER ZAMAN EX-CONSTABLE VS INSPECTOR  
GENERAL OF POLICE, KHYBER PAKHTUNKHWA,  
PESHAWAR AND OTHERS

**Memorandum:**

1. It is submitted that appellant Haider Zaman Ex-Constable No.26/RR has filed the subject Execution Petition for implementation of the Judgment dated 21/03/2018 of Service Tribunal Khyber Pakhtunkhwa, Peshawar. The Judgment of the Service Tribunal has been approved for lodging of CPLA by Scrutiny Committee. Relevant documents have already been submitted to the office of Advocate on record Peshawar and CPLA No.498-P/2018 is pending before the Apex Supreme Court of Pakistan.


2. It is therefore requested that Advocate General on record may kindly be approached to file early hearing application with suspension of the impugned order of the Service Tribunal Khyber Pakhtunkhwa, Peshawar so that progress could be produced before Service Tribunal Khyber Pakhtunkhwa Peshawar on 14/01/2018, please.

No. 396 /Legal

Copy to the Regional Police Officer at Saidu Sharif Swat for information,  
please.

  
District Police Officer  
Swat

  
District Police Officer  
Swat

  
Ph. 0946-9240393  
Fx. No. 0946-9240402  
Email: [dposwat@gmail.com](mailto:dposwat@gmail.com)

**BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

**Execution Petition No.247/2018  
Khalid Khan VS Police**

**SALARY STATEMENT OF CONSTABLE KHALID KHAN**

**Pay Personal Number:** 309654  
**Date of appointment as Constable:** 11/05/2006  
**Date of dismissal from service:** 12/11/2007  
**Date of re instatement in service:** 06/03/2019

<i>Sr. No.</i>	<i>Salary</i>	<i>Month/Year</i>
1	4823	JUNE 2006
2	4828	JULY 2006
3	4828	AUGUST 2006
4	4828	SEPTEMBER 2006
5	4828	OCTOBER 2006
6	4828	NOVEMBER 2006
7	4960	DECEMBER 2006
8	4960	JANUARY 2007
9	4960	FEBRUARY 2007
10	4960	MARCH 2007
11	4960	APRIL 2007
12	4960	MAY 2007
13	4960	JUNE 2007
14	5449	JULY 2007
15	5449	AUGUST 2007
16	5449	SEPTEMBER 2007
17	5449	OCTOBER 2007
18	5449	NOVEMBER 2007
19	29978	APRIL 2019
20	29978	MAY 2019
21	29978	JUNE 2019
22	31077	JULY 2019



**Pay Officer, for  
District Police Officer, S**

00309654 KHALID KHAN

CNIC: 1520154663312

Desig: CONSTABLE

(80244516) Grade: 07 NTN:

Buckle No.: 15 Gazetted/Non-Gazetted: N

PAYMENTS

AMOUNT DEDUCTIONS

AMOUNT

LOAN/FUND

PRINCIPAL

REPAID

BALANCE

0001 Basic Pay 10,990.00  
 1000 House Rent Allowance 1,589.00  
 1210 Convey Allowance 20 1,932.00  
 1300 Medical Allowance 1,500.00  
 1547 Ration Allowance 681.00  
 1567 Washing Allowance 150.00  
 1646 Constabulary R Allow 300.00  
 1901 Risk Allowance (Poli 3,530.00  
 1902 Special Incentive AI 775.00  
 1911 Compen Allow 20% (1- 1,000.00  
 1933 Special Risk Allowan 3,000.00  
 2148 15% Adhoc Relief All 270.00  
 2168 Fixed Daily Allowanc 2,730.00  
 2199 Adhoc Relief Allow @ 174.00  
 2211 Adhoc Relief All 201 859.00  
 2224 Adhoc Relief All 201 1,099.00  
 2247 Adhoc Relief All 201 1,099.00

4/2019

5002 Adjustment House Ren 1,127.00 3007 GPF Subscription - Rs 1,010.00-  
 5011 Adj Conveyance Allow 1,371.00 4200 Professional Tax 100.00-  
 5012 Adjustment Medical A 1,064.00 4004 R. Benefits & Death C 690.00-  
 5054 Adj Ration Allowance 483.00  
 5070 Adj Washing Allowanc 106.00  
 5079 Adj C.R.A Allowanc 212.00  
 5309 Adj. 15% Adhoc Allow 191.00  
 5322 Adj Adhoc Relief All 779.00  
 5801 Adj Basic Pay 7,799.00  
 5878 Adj Spl Incentive AI 550.00  
 5879 Adj Risk Allowance(Po 2,505.00  
 5886 Adj Comp Allowance 2 709.00  
 5891 Adj.Special Risk All 2,129.00  
 5945 Adj. Fixed Daily All 1,937.00  
 5964 Adj Adhoc Relief All 123.00  
 5975 Adj Adhoc Relief All 609.00  
 5990 Adj Adhoc Relief All 779.00

3/2019

GPF#: 1,010.00

PAYMENTS 54,151.00

DEDUCTIONS 1,800.00-

NET PAY 52,351.00 01.04.2019 30.04.2019

Branch Code:

Payment through DDO

Accnt.No:

0309654 KHALID KHAN

CNIC: 1520154663312

Desig: CONSTABLE

(80244516) Grade: 07 NTN:

Buckle No.: 15

Gazetted/Non-Gazetted: N

PAYMENTS

AMOUNT DEDUCTIONS

AMOUNT

LOAN/FUND

PRINCIPAL

REPAID

BALANCE

001 Basic Pay	10,990.00	3007 GPF Subscription - Rs	1,010.00-	GPF#:	4,040.00
000 House Rent Allowance	1,589.00	4004 R: Benefits & Death C	690.00-		
0210 Convey Allowance 20	1,932.00				
000 Medical Allowance	1,500.00				
0547 Ration Allowance	681.00				
0567 Washing Allowance	150.00				
0546 Constabulary R Allow	300.00				
0901 Risk Allowance (Poli	3,530.00				
0902 Special Incentive AI	775.00				
0911 Compen Allow 20% (1-	1,000.00				
0933 Special Risk Allowan	3,000.00				
0148 15% Adhoc Relief All	270.00				
0168 Fixed Daily Allowanc	2,730.00				
0199 Adhoc Relief Allow @	174.00				
0211 Adhoc Relief All 201	859.00				
0224 Adhoc Relief All 201	1,099.00				
0247 Adhoc Relief All 201	1,099.00				
0264 Adhoc Relief All 201	1,099.00				

7/2018

PAYMENTS 32,777.00

DEDUCTIONS 1,700.00-

NET PAY 31,077.00 01.07.2019 31.07.2019

Branch Code:

Payment through DDO

Accnt. No:

0030554 KHALID KHAN CNIC: 1520154663312 Desig: CONSTABLE (80244516) Grade: 07 NTN: Buckle No.: 15 Gazetted/Non-Gazetted: N  
 PAYMENTS AMOUNT DEDUCTIONS AMOUNT LOAN/FUND PRINCIPAL REPAID BALANCE

0001 Basic Pay	10,990.00	3007 GPF Subscription - Rs.	1,010.00-
1000 House Rent Allowance	1,589.00	4004 R. Benefits & Death C	690.00-
1210 Convey Allowance 20	1,932.00		
1300 Medical Allowance	1,500.00		
1547 Ration Allowance	681.00		
1567 Washing Allowance	150.00		
1646 Constabulary R Allow	300.00		
1901 Risk Allowance (Poli	3,530.00		
1902 Special Incentive Al	775.00		
1911 Compen Allow 20% (1-	1,000.00		
1933 Special Risk Allowan	3,000.00		
2148 15% Adhoc Relief All	270.00		
2168 Fixed Daily Allowanc	2,730.00		
2199 Adhoc Relief Allow @	174.00		
2211 Adhoc Relief All 201	859.00		
2224 Adhoc Relief All 201	1,099.00		
2247 Adhoc Relief All 201	1,099.00		

GPF#: 3,030.00

5-6/2019



PAYMENTS 31,678.00 DEDUCTIONS 1,700.00-  
 Branch Code: Payment through DDO

NET PAY 29,978.00 01.06.2019 30.06.2019  
 Accnt.No.

Accounts Office SWAT  
PAYROLL REGISTER  
For the month of October, 2006

Page: 685  
Date: 28

DDO : SU4047 S. P. H. R. SWAT (POLICE PROPER)

PAYMENTS 5,082.00  
Branch Code:

Payroll Section : 003 Section 3  
DEDUCTIONS 254.00-  
Payment through DDO

NET PAY 4,828.00 01.10.2006 31  
Accnt. No:

00309654 KHALID KHAN

26 RR

Prev Pers No:

Desig: CONSTABLE

(00000394)

Grade: 05 NTN:  
LOAN/FUND

Buckle No.:  
PRINCIPAL

Gazetted/Non-Gazet:  
REPAID BALANCE

	AMOUNT	DEDUCTIONS	AMOUNT		
0001 Basic Pay	2,415.00				
1000 House Rent Allowance	724.00	3005 GPF Subscription - Rs	210.00-		
1300 Medical Allowance	425.00	3604 Group Insurance	44.00-	GPF# : PULSW3085/CSS	420.00
1528 Unattractive Area A	75.00				
1547 Ration Allowance	581.00				
1567 Washing Allowance	100.00				
1646 Constabulary R Allow	300.00				
1864 Dearnes Allowance (2)	42.00				

PAYMENTS 5,082.00  
Branch Code:

DEDUCTIONS 254.00-  
Payment through DDO

NET PAY 4,828.00 01.10.2006 31  
Accnt. No:

00309655 AYAZ ROKHAN  
P A Y M E N T S

Prev Pers No:

Desig: CONSTABLE

(00000394)

Grade: 05 NTN:  
LOAN/FUND

Buckle No.:  
PRINCIPAL

Gazetted/Non-Gazett:  
REPAID BALANCE

	AMOUNT	DEDUCTIONS	AMOUNT		
0001 Basic Pay	2,415.00				
1000 House Rent Allowance	724.00	3005 GPF Subscription - Rs	210.00-		
1300 Medical Allowance	425.00	3604 Group Insurance	44.00-	GPF# : PULSW3097/CSS	420.00
1528 Unattractive Area A	75.00				
1547 Ration Allowance	581.00				
1567 Washing Allowance	100.00				
1646 Constabulary R Allow	300.00				
1864 Dearnes Allowance (2)	342.00				

PAYMENTS 5,082.00  
Branch Code:

DEDUCTIONS 254.00-  
Payment through DDO

NET PAY 4,828.00 01.10.2006 31  
Accnt. No:

00309656 MASAL KHAN  
P A Y M E N T S

Prev Pers No:

Desig: CONSTABLE

(00000394)

Grade: 05 NTN:  
LOAN/FUND

Buckle No.:  
PRINCIPAL

Gazetted/Non-Gazette:  
REPAID BALANCE

	AMOUNT	DEDUCTIONS	AMOUNT		
0001 Basic Pay	2,415.00				
1000 House Rent Allowance	724.00	3005 GPF Subscription - Rs	210.00-		
1300 Medical Allowance	425.00	3604 Group Insurance	44.00-	GPF# : PULSW3096/CSS	420.00
1528 Unattractive Area A	75.00				
1547 Ration Allowance	581.00				
1567 Washing Allowance	100.00				
1646 Constabulary R Allow	300.00				

00309654 KHALID KHAN

CNIC: 1520154663312

Desig: CONSTABLE

(80244516) Grade: 07 NTN:

Buckle No.: 15 \* Gazetted/Non-Gazetted: N

PAYMENTS

AMOUNT DEDUCTIONS

AMOUNT

LOAN/FUND

PRINCIPAL

REPAID

BALANCE

Accounts Office SWAT

PAYROLL REGISTER

For the month of April ,2019

Page : 346

Date : 29.04.2019

DDO : SW4042 Law and Order Swat

Payroll Section : 002 Payroll 2

0001 Basic Pay	10,990.00					
1000 House Rent Allowance	1,589.00					
1210 Convey Allowance 20	1,932.00					
1300 Medical Allowance	1,500.00					
1547 Ration Allowance	681.00					
1567 Washing Allowance	150.00					
1646 Constabulary R Allow	300.00					
1901 Risk Allowance (Poli	3,530.00					
1902 Special Incentive AI	775.00					
1911 Compen Allow 20% (1-	1,000.00					
1933 Special Risk Allowan	3,000.00					
2148 15% Adhoc Relief All	270.00					
2168 Fixed Daily Allowanc	2,730.00					
2199 Adhoc Relief Allow @	174.00					
2211 Adhoc Relief All 201	859.00					
2224 Adhoc Relief All 201	1,099.00					
2247 Adhoc Relief All 201	1,099.00					
5002 Adjustment House Ren	1,127.00	3007 GPF Subscription - Rs	1,010.00-		GPF#:	1,010.00
5011 Adj Conveyance Allow	1,371.00	4200 Professional Tax	100.00-			
5012 Adjustment Medical A	1,064.00	4004 R. Benefits & Death C	690.00-			
5054 Adj Ration Allowance	483.00					
5070 Adj Washing Allowanc	106.00					
5079 Adj C.R.A Allowanc	212.00					
5309 Adj. 15% Adhoc Allow	191.00					



5322 Adj Adhoc Relief All	779.00
5801 Adj Basic Pay	7,799.00
5878 Adj Spl Incentive Ai	550.00
5879 Adj Risk Allowance(Po	2,505.00
5886 Adj Comp Allowance 2	709.00
5891 Adj.Special Risk All	2,129.00
5945 Adj. Fixed Daily All	1,937.00
5964 Adj Adhoc Relief All	123.00
5975 Adj Adhoc Relief All	609.00
5990 Adj Adhoc Relief All	779.00

PAYMENTS 54,151.00

DEDUCTIONS 1,800.00-

NET PAY 52,351.00 01.04.2019 30.04.2019

Branch Code:

Payment through DDO

Accnt.No:

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

Execution Petition No: 247/18

Khalid Khan Constable No. 15/RR R/o Shamtala,  
Tehsil Samar Bagh, District Lower Dir

..... Petitioner

Versus

Inspector General of Police KPK Peshawar & Others

**APPLICATION FOR GRANT OF PAY**  
**OF RS. 40,000/- OR ABOVE**  
**INCLUDING ARREARS**

***Respectfully Sheweth:-***

The petitioner respectfully submits as under:-

1. That the Petitioner due to 23 days absence from the duty was dismissed from service and he filed an appeal before this Hon'ble Tribunal Peshawar which was accepted.
2. That the respondents have filed CPLA in August Supreme Court of Pakistan against the judgment of this Hon'ble Tribunal and which has so far not been fixed for hearing.
3. That the Petitioner has filed an execution petition before this Hon'ble Tribunal for implementation of the judgment of this Hon'ble Tribunal.
4. That the Respondents have now reinstated the Petitioner in Service provisionally on a pay of Rs. 30,000/- P.M which is the pay of new inductees and the Petitioner's was initially appointed as Constable on 11/05/2006 and now his

reinstatement would mean to reinstate, re-establish or restore person or thing to its former state or condition and so he is entitled to get pay worth of Rs. 40,000/- or above including arrears.

It is, therefore, prayed that the Petitioner may be paid his monthly pay for about Rs. 40,000/- or above from the date of his provisional reinstatement including arrears.

Dated: 20/06/2019

ذوالحجہ

**Appellant**

**Through**

Aslam

**Aslam Khan Khattak**  
Advocate, Peshawar

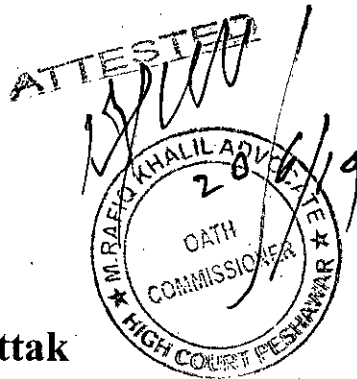
**Affidavit**

I, *Khalid Khan, Constable No: 15/RR*, do hereby solemnly affirm and state on oath that all contents of application are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.

**Identified By:**

Aslam

**Aslam Khan Khattak**  
Advocate, Peshawar.



ذوالحجہ

**Deponent**

**CNIC: 15302-0894257-9**

From: The District Police Officer  
Swat

To: The Provincial Police officer  
Khyber Pakhtunkhwa, Peshawar

No. 397 /Legal,

Dated Saidu Sharif the 8 / 1 / 2018

Subject: EXECUTION PETITION NO.247/2018 IN SERVICE APPEAL  
NO.816/2017 KHALID KHAN EX-CONSTABLE VS INSPECTOR  
GENERAL OF POLICE, KHYBER PAKHTUNKHWA,  
PESHAWAR AND OTHERS

**Memorandum:**


1. It is submitted that appellant Khalid Khan Ex-Constable No.15/RR has filed the subject Execution Petition for implementation of the Judgment dated 21/03/2018 of Service Tribunal Khyber Pakhtunkhwa, Peshawar. The Judgment of the Service Tribunal has been approved for lodging of CPLA by Scrutiny Committee. Relevant documents have already been submitted to the office of Advocate on record Peshawar and CPLA No.497-P/2018 is pending before the Apex Supreme Court of Pakistan.

2. It is therefore requested that Advocate General on record may kindly be approached to file early hearing application with suspension of the impugned order of the Service Tribunal Khyber Pakhtunkhwa, Peshawar so that progress could be produced before Service Tribunal Khyber Pakhtunkhwa Peshawar on 14/01/2018, please.

  
District Police Officer  
Swat

No. 398 /Legal

Copy to the Regional Police Officer at Saidu Sharif Swat for information, please.

  
District Police Officer  
Swat  
Ph. 0946-9240393  
Fx. No. 0946-9240402  
Email: [dposwat@gmail.com](mailto:dposwat@gmail.com)

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

Execution Petition No: 247/18

Khalid Khan Constable No. 15/RR R/o Shamtala,  
Tehsil Samar Bagh, District Lower Dir

..... Petitioner  
Versus

Inspector General of Police KPK Peshawar & Others

**APPLICATION FOR GRANT OF PAY**  
**OF RS. 40,000/- OR ABOVE**  
**INCLUDING ARREARS**

*Respectfully Sheweth:-*

The petitioner respectfully submits as under:-

1. That the Petitioner due to 23 days absence from the duty was dismissed from service and he filed an appeal before this Hon'ble Tribunal Peshawar which was accepted.
2. That the respondents have filed CPLA in August Supreme Court of Pakistan against the judgment of this Hon'ble Tribunal and which has so far not been fixed for hearing.
3. That the Petitioner has filed an execution petition before this Hon'ble Tribunal for implementation of the judgment of this Hon'ble Tribunal.
4. That the Respondents have now reinstated the Petitioner in Service provisionally on a pay of Rs. 30,000/- P.M which is the pay of new inductees and the Petitioner's was initially appointed as Constable on 11/05/2006 and now his

reinstatement would mean to reinstate, re-establish or restore person or thing to its former state or condition and so he is entitled to get pay worth of Rs. 40,000/- or above including arrears.

It is, therefore, prayed that the Petitioner may be paid his monthly pay for about Rs. 40,000/- or above from the date of his provisional reinstatement including arrears.

Dated: 20/06/2019

کمال خان

Appellant

Through

Aslam

Aslam Khan Khattak  
Advocate, Peshawar

Affidavit

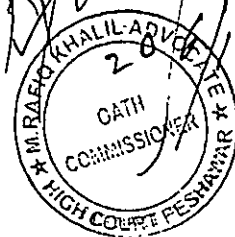
I, *Khalid Khan, Constable No: 15/RR*, do hereby solemnly affirm and state on oath that all contents of application are true and correct to the best of my knowledge and belief and nothing wrong has been stated by me in the matter.

Identified By:

Aslam

Aslam Khan Khattak  
Advocate, Peshawar.

ATTESTED



کمال خان

Deponent

CNIC: 15302-0894257-9

**BEFORE THE HON'BLE SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA PESHAWAR**

Execution Petition No: 247/2018

Khalid Khan, Constable No. 15/RR, R/o Shamtala, Tehsil  
Samarbagh, District Lower Dir.

Versus

Inspector General of Police, KPK, Peshawar and Others

**APPLICATION FOR GRANT OF PAY OF RS. 41,213 OR**  
**ABOVE INCLUDING ALL BACK BENEFITS.**

**Respectfully Sheweth,**

The Petitioner respectfully submits as under:-

1. That the date of appointment of petitioner and constable Muhammad Zaman is one and the same which is 11/05/2006 vide annexure "A".
2. That the pay of constable Muhammad Zaman is Rs. 41213.00/- and the petitioner's pay is Rs. 31077.00/- which is incorrect and needs correction.
3. That the petitioner was dismissed from service on 24/10/2007 and now he has been reinstated on 06/03/2019 and the term reinstatement would mean to reinstate, re-establish or restore person or thing to its former state or condition and only the minor penalty of stoppage of two increments for 3 years has been imposed upon him. SO the petitioner is entitled to the pay of alike Muhammad Zaman of Rs. 41213/- including all back benefits and only the amount of penalty of 2 increments for 3 years may be deducted from him.

It is, therefore prayed that the petitioner may be allowed to pay alike Muhammad Zaman, constable including all back benefits and only the amount of two increments for 3 years may be deducted from him.

Dated: 03/11/2019

Through

فاریان  
Appellant  
Aslam Khan Khattak  
Advocate, Peshawar.

**Government of Khyber Pakhtunkhwa**  
**Accountant General Khyber Pakhtunkhwa, Peshawar**  
**Monthly Salary Statement (March-2019)**



**Personal Information of Mr MOHAMMAD ZAMAN d/w/s of RAHAMANUL LAH**

Personnel Number: 00309661      CNIC: 1570230035073      NTN:  
 Date of Birth: 08.02.1988      Entry into Govt. Service: 11.05.2006      Length of Service: 12 Years 10 Months 022 Days

**Employment Category: Active Permanent**

Dedignation: CONSTABLE      80004043-GOVERNMENT OF KHYBER PAKH

DDO Code: PR5128-DIG/Commandant Elite Force NWFP

Payroll Section: 006

GPF Section: 008

Cash Center:

GPF A/C No: POL 003047

Interest Applied: Yes

GPF Balance: 77,090.00

Vendor Number: -

Pay and Allowances:      Pay scale: BPS For - 2017      Pay Scale Type: Civil      BPS: 07      Pay Stage: 10

Wage type	Amount	Wage type	Amount
0001 Basic Pay	17,090.00	1000 House Rent Allowance	1,569.00
1210 Convey Allowance 2005	1,932.00	1300 Medical Allowance	1,500.00
1547 Ration Allowance	681.00	1500 Washing Allowance	150.00
1646 Constabulary B Allowance	500.00	1901 Risk Allowance (Police)	3,000.00
1902 Special Incentive Allowance	775.00	1923 UAA-OTHER 20%(1-15)	1,000.00
1933 Special Risk Allowance	3,000.00	1938 Elite Force Allowance	5,500.00
2148 15% Adhoc Relief All 2013	387.00	2168 Fixed Daily Allowance	2,730.00
2199 Adhoc Relief Allow @10%	260.00	2241 Adhoc Relief All 2016 10%	1,709.00
2224 Adhoc Relief All 2017 10%	1,709.00	2247 Adhoc Relief All 2018 10%	1,709.00
5946 Adj. Financial Allowance	4,175.00		0.00

**Deductions - General**

Wage type	Amount	Wage type	Amount
3007 GPF Subscription - Rs1010	-1,010.00	3530 Police welf: Fed BS-1 to 18	-382.00
3609 Income Tax	-83.00	4004 B Benefits & Death Comp.	-690.00

**Deductions - Loans and Advances**

Loan	Description	Principal amount	Deduction	Balance
6805	GPF Loan Principal Instal	-80,000.00	-4,000.00	56,000.00

**Deductions - Income Tax**

Payable: 1,000.00      Recovered till MAR-2019: 752.00      Exempted 0.22-      Recoverable: 248.22

Gross Pay (Rs): 47,338.00      Deductions (Rs): -6,125.00      Net Pay (Rs): 41,213.00

Payee Name: MOHAMMAD ZAMAN

Account Number: 5979-1

Bank Details: NATIONAL BANK OF PAKISTAN, 231323 WARI, DIR UPPER, WARI, DIR UPPER., DIR UPPER

Leaves      Opening Balance      Availed:      Earned:      Balance

**Permanent Address:**

City: DIR LOWAR

Domicile: -

Housing Status: No Official

Temp. Address:

City:

Email: muhammadzaman5685@gmail.com

System generated document in accordance with APPM-4.6.12.9 (SERVICES 02.01.2019/16-26/33/v1.1)

All amounts are in Pak Rupees

Errors & omissions excepted



BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No.247/2018  
Khalid Khan VS Police

SALARY STATEMENT OF CONSTABLE KHALID KHAN

Pay Personal Number: 309654  
Date of appointment as Constable: 11/05/2006  
Date of dismissal from service: 12/11/2007  
Date of re instatement in service: 06/03/2019

<i>Sr. No.</i>	<i>Salary</i>	<i>Month/Year</i>
1	4823	JUNE 2006
2	4828	JULY 2006
3	4828	AUGUST 2006
4	4828	SEPTEMBER 2006
5	4828	OCTOBER 2006
6	4828	NOVEMBER 2006
7	4960	DECEMBER 2006
8	4960	JANUARY 2007
9	4960	FEBRUARY 2007
10	4960	MARCH 2007
11	4960	APRIL 2007
12	4960	MAY 2007
13	4960	JUNE 2007
14	5449	JULY 2007
15	5449	AUGUST 2007
16	5449	SEPTEMBER 2007
17	5449	OCTOBER 2007
18	5449	NOVEMBER 2007
19	29978	APRIL 2019
20	29978	MAY 2019
21	29978	JUNE 2019
22	31077	JULY 2019



Pay Officer, for  
District Police Officer, Swat


BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

**Execution Petition No.247/2018  
Khalid Khan VS Police**

**SALARY STATEMENT OF CONSTABLE KHALID KHAN**

Pay Personal Number: 309654  
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8	4960	JANUARY 2007
9	4960	FEBRUARY 2007
10	4960	MARCH 2007
11	4960	APRIL 2007
12	4960	MAY 2007
13	4960	JUNE 2007
14	5449	JULY 2007
15	5449	AUGUST 2007
16	5449	SEPTEMBER 2007
17	5449	OCTOBER 2007
18	5449	NOVEMBER 2007
19	29978	APRIL 2019
20	29978	MAY 2019
21	29978	JUNE 2019
22	31077	JULY 2019

  
Pay Officer, for  
District Police Officer, Swat