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 15th of July, 2022

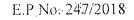


(Mian Muhammad) Member (E) 26.04.2022

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 1**o** 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)



18.11.2021

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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.

Re**å**der.

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.

han

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.

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.

man

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 alongwith 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.

18.05.2021

(Mian Muhammad) Due to demise of the Worthy Chairman, the femiliem (II) is non-functional, therefore, case is adjourned to 05.07.2021 for the same as before.

Réader

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 objections 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.

Chairmar

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/, 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.

teader

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

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

03.10.2019

2019

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.

CHAIRM

Chairman

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

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

Adjourned to 03.12.2019 before S.B.

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 14.01.220 before S.B.

(M. Amin Khán 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 argued by both the parties.

Adjourned to 05.09.2019 before S.B.

Chairn

(Ahmad Hassan) Member

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.

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

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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

/lember

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.

/lember

Form-A

FORM OF ORDER SHEET

Court of

Execution Petition No. _ 247/2018

S.No. Date of order Order or other proceedings with signature of judge proceedings 2 1 [,] 3 09.08.2018 The execution petition of Mr. Khaled Khan submitted by Mr. 1 Aslam Khan Khattak Advocate may be entered in the relevant register and put up to the Court for proper order please. REGISTRAR 12/18 10-8-2018 This execution petition be put before S. Bench on 2-19-9-2018 CHAIRMAN 19.09.2018 Petitioner alongwith his counsel present. Notice be issued to the respondents for implementation report for 01.11.2018 before S.B. (Muhammad Amin Khan Kundi) Member Due to retrement of Hon'ble Chairman, the Tribunal 02.11.2018 is defunct. Therefore, the case is adjourned. To come up on 19.12.2018. READER

BEFORE THE SERVICE TRIBUNAL, KPK PESHAWAR

Execution Petition No- 247/20/8

CoC:_____2018

Khalid Khan, Ex Constable No 15 /RRAppellant

VERSUS

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

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

Dated: <u>4</u>/08/2018

سالرحال Petitioner

Through

Aslam Khan Khattak Advocate, Peshawar BEFORE THE SERVICE TRIBUNAL, KPK PESHAWAR Execution Petition No. 247/2018

CoC	•		
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____2018

Diary No. 873

.....Petitioner

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

VERSUS

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

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: <u>q</u> /08/2018

مارمان Petitioner

Through Aslam Khan Khattak

Advocate, Peshawar

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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 $S_{\text{the contention of learned counsel for the appellant and contended that the$

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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.

Perusal of the record reveals that as per this Tribunal judgment dated 6. 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.

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ANNOUNCED Salf-M. Anin Klian Kundi' 21.03.2018 Salf-M. Anin Klian Kundi' Mennber Salf-M. Hamid Mughal Mancker



Date of Presentation of Annuarian 11-01-1 8 Number of Wassis 1.280 Copying Vec. Urgen:_ Typal. 10 Name of Charles Date of Complexities and 11-64 Date of the ivery et along - 11-d1-10

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KPK is him di Lis م الكرت مع العند منجاب اسلار مو رخر منام الشيك^ر مشرل (من يوس علم فالرفان مقدم دسوى COC لي وعرة التجريم باعد فالتجرم مقدر مندر معذان بالاي اين طرف سے داسط بردى وجوب دي وكل کاروائی متعلقہ ان مغام کر میں در مصلیم کر کم میں تعدیک مقرر کر یک اقرار کیا مانانہ ہے کہ ضاحب موصوف کو مقدمہ کی کل کا ردائی کا کا ل اختبار ہوگا نیز د مبل ماحب كوكر في المات في مدو تعور ماكن وفيعد مرجلت ويبضح اب دي ادوا قبال ديو في ا معبورت وكرى كرف اجراء ادردسونى ميك درديد ادرومى دموى ادردور والمت برتم كالقداق ندماس برمنخط كمداخ افتيارم كالمنز بعبورت عدم بردى بالأكرى يكغرفه يا ايل كابراً سكا در فوفى تردار مركز فابيل تكرف دنظرتان ويروى كرف كانعتيا مبوكا ادر معددت مزدرت مندمه مذكور مح بل إجردى كاردائى مح والمسط ادرديس بالحت ارقانون كوابي مراويا بى مجد تقرر كالممار ببوكا ادرصا حب مقريتنده كوليمى دي حمله مذكوره بالا المقيا دات صامل بول كم ادر اس كا معا ختر بداخة مُنظورً وتبول مركز ددودان مقدم من جوخ ير دم مازاتها شيمقدم كم مبب يسم كال اكسكمتحق دكيل صاحب موصوف مول الح منيز تغايا والزمير كى دمول كرف كالجوا فغبار مرجى والكر كونى تاريخ بينى منام ددره يدمو يا مدس ما برموته كتب مداحب بابندة مول ك . كريرزى مذكوركري - المذاوكات فا مركهداكم سندم ب-والكرت عاصر المرتدم المور Attested faccosted ash

IN THE SUPREME COURT OF PAKISTAN (Appellate Jurisdiction)

CPLA NO. 497-P /2018

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & Others

--PETITIONERS

VERSUS

Khalid Khan

----<u>RESPONDENT</u>

CONCISE STATEMENT

1- Subject matter and the law

Service Matter/ Re-Instatement into Service

2- Which side has filed this petition

Government / petitioners

Court / Formina) Institution b) Decisionresulta) Institution b) DecisionresultKPK Service Tribunal Peshawara)31-07-2017 b)21/3/2018Respondent filed service apper which has been acceptedPoints noted in the impugned JudgmentTreatment of points in the impugned judgmentLearned respondents contended that as per available respondentTreatment of points in the impugned judgmentLearned respondents contended that as per available respondentPerusal of the record reveals that as per the tribunal judgmentImportTreatment of points in the impugned judgmentallegedly absented himself for 23 days, respondent Haider Zaman allegedly absented himself for 23 days, respondent Haider Zaman allegedly absented himself for 74 days and respondent Anwar Saddat allegedly absented himself for 12days therefore, their dismissal from service are very harsh. That the other colleagues of the respondents were also remained absent from sevice the trip the provide the respondents absent from service had been reinstated by				
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department have reinstated them therefore the respondents were discriminated and contended that the impugned order is illegal and liable to be set aside.

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LAW/RULING ON THE SUBJECT

(B)

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.

Advocate-on-Record

(Mian Saadullah Jandoli) Supreme Court of Pakistan For Government

IN THE SUPREME COURT OF PAKISTAN (Appellate Jurisdiction)

(l)

11013. Seodelleh Jandeli, sonP.Bs. libry A.R (Peshawar)

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CPLA NO.____/2018

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

1.

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

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? 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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- 3. Whether impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar is in utter violation of E&D Rules, 1975?
 - 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?
 - Whether a proper show cause notice with statement of allegation was issued to the respondent which was not satisfactorily replied by the respondent?
 - Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar has not pointed out any deficiency in the enquiry proceeding?
 - 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?
 - Whether willful absence from duty is gross misconduct and entails major punishment of dismissal from service?
 - 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?

- 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

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- II- Facts relevant to the above points of law, inter alia, are as under:-
 - That the respondent was serving in Police Department and posted in District Police Swat as Constable.
 - That the respondent absented himself from duty without obtaining proper leave from the competent authority and remained absent from duty for 12 days.
 - 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?
 - That in the light of the enquiry proceeding the respondent was awarded major punishment of dismissal from service vide order dated 15/11/2007.
 - 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.
 - 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.
 - That the competent authority imposed major penalty of dismissal from service on the respondent vide order dated 8/5/2017.

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That the respondent filed departmental appeal which too was dismissed vide order dated 6/7/2017.

- That the respondent then again approached through service appeal No 10. 816/2017 before Hon'ble Service Tribunal, Peshawar wherein comments were called from the petitioners which was filed accordingly.
- That the Hon'ble Khyber Pakhtunkhwa Service Tribunal Peshawar accepted 11. 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.
 - 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.
 - 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.

> an Saadullah Jandoli) Advocate-on-Record Supreme Court of Pakistan For Government

NOTE:

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13.

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.

cate-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:

- 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".
- 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 Suprme 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 Offic Swat (Respondent.No.03)

IN THE SUPREME COURT OF PAKISTAN (Appellate Jurisdiction)

CPLA NO. <u>497-P</u>/2018

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & Others

-----PETITIONERS

VERSUS

Khalid Khan

-----<u>RESPONDENT</u>

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	Who filed it and with what	
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	b) Decision		
KPK Service Tribunal Peshawar	a)31-07-2017	Respondent filed service appeal	
	b)21/3/2018	which has been accepted	
	The twent of mo	into in the impurped indement	
Points noted in the impugned	Treatment of po	ints in the impugned judgment	
Judgment	·		
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per available record the	respondent Khalid Khan allegedly absented		
respondent Khalid Khan			
allegedly absented himself for 23			
days, respondent Haider Zaman			
allegedly absented himself for 74			
days and respondent Anwar	imposed major penalty of removal from service		
Saddat allegedly absented			
himself for 12days therefore,			
their dismissal from service are			
very harsh. That the other			
colleagues of the respondents			
were also remained absent from			
duty but the petitioner	petitioner department and their absence period		

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 form 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

B

<u>FOR</u>

1- CONSTITUTION OF PAKISTAN, 1973

2- Police E&D Rules, 1975

<u>CERTIFICATE:</u>

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

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

IN THE SUPREME COURT OF PAKISTAN (Appellate Jurisdiction)

(l)

011....13-6-2018 Tandeli', son 110va SeadUl hom A.R (Peshawar)

CPLA NO.____/2018

Inspector General of Police (Now) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar

Deputy Inspector General of Police, Malakand Region at Saidu Sharif Swat

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

1.

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

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? 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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- 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.

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- 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?

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?

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14. Whether the respondent was treated discriminately and the learned tribunal has rightly dealt with the question of discrimination?

FACTS

7.

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13. [°]

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

- 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 justifyhis 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.
 - 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.
 - That the competent authority imposed major penalty of dismissal from service on the respondent vide order dated 8/5/2017.

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.
- 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.

Saadullah Jandoli)

Advocate-on-Record Supreme Court of Pakistan For Government

<u>NOTE:</u>

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)

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

cate-On-Record

IN THE SUPREME COURT OF PAKISTAN (Appellate Jurisdiction)

indels' 1011.13-6-A1013.5000 (m) A.R (Peshawar)

CPLA NO.____/2018



Inspector General of Police (Now) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar

Deputy Inspector General of Police, Malakand Region at Saidu Sharif Swat



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:-

 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?

(2)

 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?

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?

3

14. Whether the respondent was treated discriminately and the learned tribunal has rightly dealt with the question of discrimination?

<u>FACTS</u>

13.

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

- 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.
- That the competent authority imposed major penalty of dismissal from service on the respondent vide order dated 8/5/2017.

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

Saadullah Jandoli)

Advocate-on-Record Supreme Court of Pakistan , For Government

9.

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.

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:

 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 Suprme Court in Civil Petition filed by the department through Advocate on Record.

 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 Offic Swat (Respondent No.03)



IN THE SUPREME COURT OF PAKISTAN (Appellate Jurisdiction)

CPLA NO. 497-P /2018

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & Others

-----<u>PETITIONERS</u>

VERSUS

Khalid Khan

------<u>RESPONDENT</u>

CONCISE STATEMENT

1- Subject matter and the law

Service Matter/ Re-Instatement into Service

2- Which side has filed this petition

days, respondent Haider Zaman

allegedly absented himself for 74

days and respondent Anwar

allegedly

himself for 12days therefore,

their dismissal from service are

colleagues of the respondents

were also remained absent from

the

absented

petitioner

That the other

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 appea which has been accepted		
Points noted in the impugned Judgment	Treatment of po	ints in the impugned judgment		
Learned counsel for the	Perusal of the	record reveals that as per this		
respondents contended that as	tribunal judgn	nent dated 09/11/2016 the		
per available record the	respondent Kh	alid Khan allegedly absented		
respondent Khalid Khan	himself for 23 c	lays, respondent Haider Zaman		
allegedly absented himself for 23	allegedly abser	nted himself for 74 days and		

Saddat

duty

very harsh.

but

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

respondent, Anwar Saddat allegedly absented

himself for 12 days and the competent authority

imposed major penalty of removal from service

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 form 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

B

FOR

1- CONSTITUTION OF PAKISTAN, 1973

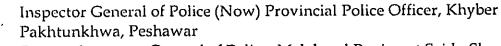
2- Police E&D Rules, 1975

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

IN THE SUPREME COURT OF PAKISTAN (Appellate Jurisdiction) Tandeli', son 1013. 5104 (574) A.R (Peshawar) CPLA NO. /2018 1.



(ì)

Deputy Inspector General of Police, Malakand Region at Saidu Sharif Swat

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

· 1.

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

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

2,

12.

2

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?
 - 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

7.

8.

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

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.

That the competent authority imposed major penalty of dismissal from service on the respondent vide order dated 8/5/2017. 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.

aadullah Jandoli)

Advocate-on-Record Supreme Court of Pakistan For Government

On-Record

<u>NOTE:</u>

9.

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

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

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

<u>ORDER</u>

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.

39 OB No. Dated. 6.3 /2019.

(SYED ASHFAQ ANWAR) PSP District Police Officer

Swat

District Police Officer Swat

Email: <u>dposwat@gmail.com</u>

Ph: 0946-9240393° Fax: 0946-9240402

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.

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

...Respondents

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.

Reply by Respondent No.03

Respectfully Shewith:

 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

Prayer:

Court-1976.

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 & (Respondent No.03)

IN THE SUPREME COURT OF PAKISTAN

(Appellate Jurisdiction)

CPLA NO. 998-P /2018

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar & Others

-----<u>PETITIONERS</u>

VERSUS

Haider Zaman

-----<u>RESPONDENT</u>

CONCISE STATEMENT

1- Subject matter and the law

Service Matter/ Re-Instatement into Service

2- Which side has filed this petition

Government / petitioners

Date of Who filed	l it and with what result
a) Institution	
b) Decision	1
a)31-07-2017 Responde	ent filed service appeal
	s been accepted
	-
npugned Treatment of points in the	impugned judgment
for the Perusal of the record rev	tople that as many the
	veals that as per this
ed that as tribunal judgment dat	red 09/11/2016 the
cord the respondent Khalid Khar	n allegedly absented
d Khan himself for 23 days, resp	ondent Haider Zaman
nimself for allegedly absented hims	elf for 74 days and
nt Haider respondent Anwar Sadd	at allegedly absented
absented himself for 12 days and the	he competent authority
days and imposed major penalty of r	removal from service on
r Saddat the basis of alleged absent	t. Therefore the penalty
nimself for of their dismissal from	n service is not in
, their commensurate with the c	harge and the penalty
ce are very appears to be very harsh.	The record also reveals
colleagues that the other employee	s who also remained
were also absent from service had	been reinstated by the
n duty but petitioner department an	d their absence period
absented himself for 12 days and the days and imposed major penalty of r r Saddat the basis of alleged absent nimself for of their dismissal from r, their commensurate with the c appears to be very harsh, colleagues that the other employee were also absent from service had	he competent autho removal from service t. Therefore the pena n service is not tharge and the pena The record also revo s who also remain been reinstated by d their absence per

respondents were discriminated and contended that the impugned order is illegal and liable to be set aside.

the petitioner department have | was also treated as leave without pay by Deputy reinstated them therefore the 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 form 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

ß

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.

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

IN THE SUPREME COURT OF PAKISTAN (Appellate Jurisdiction)

led on 13-06-2018 Mean Gadullah Nondoli, Aol

Thom

A.R (Peshawar)

3.

jith.

CPLA NO.____/2018

 Inspector General of Police (Now) Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
 Deputy Inspector General of Police, Malakand Region Saidu Sharif Swat

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

1.

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

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

2.

3.

12.

- 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?
 - 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?

3

14. Whether the respondent was treated discriminately and the learned tribunal has rightly dealt with the question of discrimination?

FACTS

7.

8.

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

 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.

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.

That the competent authority imposed major penalty of dismissal from service on the respondent vide order dated 8/5/2017.

- 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:

9.

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

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

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

ocate-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:-

- 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.
 - 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: <u>20</u>/06/2019

Houder Appellant

Through

Aslam Khan Khattak Advocate, Peshawar

<u>Affidavit</u>

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 Khan Khattak Advocate, Peshawar.



Haider Deponent **CNIC:**

From:	The District Police Officer Swat	
To:	The Provincial Police officer Khyber Pakhtunkhwa, Peshawar	
No. <u>391</u>	Dated Saidu Sharif the <u>8</u> / 5 (/2019	, , ,
Subject:	EXECUTION PETITION NO.245/2018 IN SERVICE APPEA	
	NO.817/2017 HAIDER ZAMAN EX-CONSTABLE VS INSPECTO	<u>)R</u>
×.	GENERAL OF POLICE, KHYBER PAKHTUNKHW	<u>'A</u> ,

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.

District Rolice Officer

No. 39-6 /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

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No.247/2018 Khalid Khan VS Police

SALARY STATEMENT OF CONSTABLE KHALID KHAN

Pay Personal Number:	<u>309654</u>
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

Sr. No.	Salary	Month/Year
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	MÁY 2007
13	4960	JUNE 2007
14	5449	JULY 2007
15	5449	AUGUST 2007
16	5449	SEPTEMBER 2007
17	5449	OCTOBER 2007
1.8	5449	NOVEMBER 2007
19	29978	APRIL 2019
20	29978	МАУ 2019
21	29978	JUNE 2019
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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

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PAYMENTS

Branch Code:

DEDUCTIONS

Payment through DDO

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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:-

- 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 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

ت الرحال

Appellant

Through

Aslam Khan Khattak Advocate, Peshawar

<u>Affidavit</u>

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 Khan Khattak

Advocate, Peshawar.

ÚCOLO

Deponent CNIC: 15302-0894257-9 From:

The District Police Officer Swat

To:

The Provincial Police officer Khyber Pakhtunkhwa, Peshawar

No. 39 /Legal,

Dated Saidu Sharif the 8 / 1 /2013

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. 37 X /Legal

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

District Policd Officer Swat

Ph. 0946-9240393 Fx. No. 0946-9240402 Email:<u>dposwat@gmail.com</u>

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

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:-

- 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.
- 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.
 - . 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

تختا لرحان

Appellant

Through

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 Khan Khattak Advocate, Peshawar. 1606

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

فالرفان Appellant

Aslam Khan Khattak Advocate, Peshawar.

Accountant General Khyber Pakhtunkhwa Accountant General Khyber Pakhtunkhwa, Peshawar
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	C
Date of Birth: 08.02.1988	E

CNIC: 1570230035073 Entry Into GovL Service: 11.05.2006 NTN: Length of Service: 12 Years 10 Months 022 Days

Emplo	yment Category: Activ	e Permanent					
Dedg	ation: CONSTABLE			800040	43-GOVERNMENT OF KHY	BER PAKH	
DDO	Code PRS128-DIG/Cor	mandant Ellie	Farce NWFP				
Payrol	Section: 006	GPF Section	: 008	Cash C	enter:		
GPF A	VC No: POL 003047	Interest Appl	iied:Yes		GPF Balance:	77,090:00	•
	or Number:	Pay scale (BPS For - 2017	Pay S	cale Type: Civil BPS: 07	Pay St	age: 10 Amment
	Wage type		Amount		Wagetype		
0001	Basic Pay	• •	17,090.00	1000	House Rent Allowance		1;569:00
1210	Convey Allowance 200)5	1,932.00	13(0	Medical Allowance	· ·	1,500.00
1547	Retion Allowence		681,00	1587	Washing Allowance		150.00
1646	Constability & Allower	יסו	300.00	1901	Risk Allowance (Pollog).		0,630,000
1902	Special Increasive Allow	nce	775.00	1923	UAA-OTHER 20%(1-15)		1,000.00
1933	Special Risk Allowand		3,000.00	1938	Ellte Force Allowance	•	3,500.00

2148 15% Active Gener All-2013	387.00	2168	Tixed Daly Allowance	2.730:71
2199 Adhoc Belief Allew @105	260 09	2211	Adhoc Adief All 3016 10%	1.323 (65
2224 Adhac Fullet 6/ 2017 10%	1,709.00	2247	Adhod Relief All 2018 10%	1,704.05
5946 Adj FireActal Alle-Annee	4,175,00			() (1)

Deductions - General

.Wage type	Amount	Wagetype	Amount
3007 GPF Subscription - Re1010	-1.010.09	3530 Police webFud BS-1 to 18	-342.00
3609 Income Tes	-83.00	1004 R Berefis& Death.Comp:	· -690.00

Deductions - Loans and Advances

1.030	Description	Principal amount	Deduction	Dolance
6505	GPF Loss Runcipal Instal	80,000,00	-4,000.00	56,000.00

Distuctions - Income Tax Payable: 1,000.00 Recovered all MAR-2019: 752.00 Exempted: 0.22- Recoverable: 248.22

Gross Pay (Rs): 47,339.00 Deductions: (Rs): -6,125.00 Net Pay: (Rs.): 41,213.00

Payee Name MOHAMMAD ZAMAN Account Number: 5979-1

Bark Deals NATIONAL BANK OF PAKISTAN, 231323 WARI, DIR UPPER WARI, DIR UPPER., DIR UPPER

Leaves Opening Balance Availed: Earned: Balance

 Parmanent Address
 Domiale
 Housing Status No Offilal

 City: DIR LOWAR
 Domiale
 Housing Status No Offilal

 Temp: Address
 Email: muhammedzaman5685@gmail.com

System generated doctors in accordance with APPM 4.6.12.2 (SERVICES03.04.2019/16:26/38/01.1) * All amounts growin Papillapoes * Errors & amostans appared

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Execution Petition No.247/2018 Khalid Khan VS Police

- SALARY STATEMENT OF CONSTABLE KHALID KHAN

Date of Date of	rsonal Number: appointment as Co dismissal from serv re instatement in sc	ice:	<u>309654</u> 11/05/2006 12/11/2007 06/03/2019
Sr. No.	Salary	ļ	Month/Year
1	4823	JUNE	
2	4828	JULY	
3	4828	AUGI	JST 2006
4	4828	SEPTI	EMBER 2006
5	4828		DBER 2006
6	4828	·· •· ·· · ··· · · · · · ·	MBER 2006
7	4960		MBER 2006
8	4960		ARY 2007
9.	4960		JARY 2007
10	4960		H 2007
<u>1</u> 1	4960	APRIL	2007
12	4960	MAY 2	.007
13	4960	JUNE 2	2007
14	5449	JULY 2	2007
15	5449	AUGU	ST 2007
16	5449	····	MBER 2007
17	5449	·····	3ER 2007
18	5449	• •• • • • • •	ABER 2007
19	29978	APRIL	
20	29978	MAY 2	
21	29978	JUNE 2	019
22	31077	JULY 2	019

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

	nissal from serv Istatement in sc	··· ·	
Sr. No.	Salary	Montii/Year	
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	МАКСН 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	QCTOBER 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