

23.08.2021

Counsel for the petitioner and Mr. Muhammad Riaz Khan Pindakhel, Asstt.AG, alongwith Fazal Ghafoor, S.I (Legal) for the respondents present.

Learned AAG produced the copy of judgment dated 26.04.2021 of the August Supreme Court of Pakistan, whereby the judgment of this Tribunal dated 24.08.2016 under implementation has been set aside by the August Supreme Court of Pakistan. Thus this Execution Petition has become infructuous and is filed. File be consigned to the record room.



Chairman
Camp Court, Swat

4-1 .2020

Due to summer vacation, case is adjourned to
1-3 .2021 for the same as before.

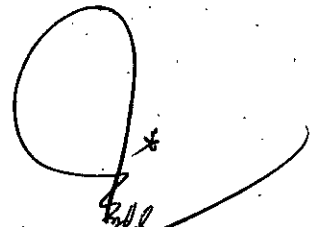

Reader

01.03.2021

Junior to counsel for the petitioner. Mr. M. Riaz Khan Paindakhel, Asst: AG alongwith Mr. Fazal Ghafoor, SI for respondents present.

Junior to counsel for the petitioner seeks adjournment as senior counsel for the petitioner was busy before the Peshawar High Court Bench Swat.

Adjourned to 03.05.2021 before S.B at camp court Swat.


(Mian Muhammad)
Member(E)
Camp Court Swat

26.07.2021

To come up for implementation report on 23.08.2021 before S:B at Camp Court, Swat. Notices be issued to petitioner/counsel as well as respondents for the date fixed.


Chairman

04.11.2020

07.10.2020

Petitioner in person present.

Petitioner is present in person. Mr. Usman Ghani, Learned Assistant Advocate General alongwith Nisar Ahmed H.C for respondents present.

Despite issuance of notice to respondents vide preceding order sheet dated 08.09.2020 nobody on behalf of respondents is present today, therefore, notice be repeated to respondents for submission of implementation report. Adjourned to 04.11.2020 on which to come up for implementation report before S.B at Camp Court, Swat.

Member (E)
Camp Court, Swat

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT SWAT

0050/11

04.11.2020

Petitioner in person present.

Learned Assistant Advocate General alongwith Nisar Ahmed H.C for respondents present.

Lawyers are on general strike, therefore, case is adjourned. To come up for implementation report on 04.01.2021 before S.B at Camp Court, Swat.

Member (E)
Camp Court, Swat

16

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Execution Petition No. 77/2020

In

Service Appeal No. 507/2017

Bakht Naeem Khan S/o Mirza Resident of Cheenar Makhai,
Tehsil Munda District Dir LowerAppellant

VERSUS


Provincial Police Officer Government of Khyber
Pakhtunkhwa at Central Police Office (CPO) Peshawar and
othersRespondents

INDEX

S. #	Description of Documents	Annexures	Pages
1.	Execution Petition alongwith Affidavit		1-3
2	Memo of Addresses		4
3	Copy of service Appeal	"A"	5-12
4.	Copy of the order and judgment dated 05/05/2018	"B"	13-17
5	Copy of the said execution petition	"C"	17-18
6	Copy of the promotion order dated 09/09/2016	"D"	20-27
7	Wakalat Nama		28

Appellant

Through Counsel


Muhammad Javaid Khan
Advocate Supreme Court
of Pakistan

Office: Allah-o-Akbar Masjid,
College Colony, Saidu Sharif, swat
Cell: 0343-9607492

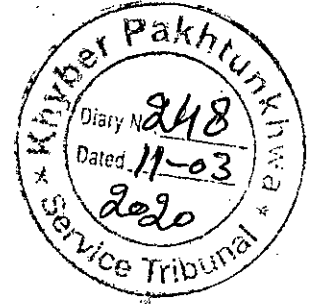
①

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, AT CAMP COURT SWAT**

Execution Petition No. 77 of 2020.

In

Service Appeal No: 507 of 2017



Bakht Naeem Khan S/o Mirza Resident of Cheenar Makhai,
Tehsil Munda District Dir Lower

.....petitioner

VERSUS

- 1) Provincial Police Officer Government of Khyber Pakhtunkhwa at Central Police Office (CPO) Peshawar
- 2) The Deputy Inspector General of Police / Regional Police Officer (RPO) Malakand Range, at Saidu Sharif, Swat
- 3) District Police Officer Dir Lower at Timergara Dir Lower

.....Respondents

Execution Petition

Respectfully Sheweth:

The petitioner submits as under:

1. That the petitioner filed a service appeal No. 507 against the respondents. (Copy of the service appeal is attached herewith as annexure "A")

2. That the said service appeal was allowed on 05/07/2018.
(Copy of the order and judgment dated 05/07/2018 is attached herewith as annexure "B")
3. That previously the applicant filed an execution petition on 06/11/2017. (Copy of the said execution petition is attached herewith as annexure "C")
4. That in the meanwhile the respondent No.2 issued an order dated 27/03/2019 with the following remarks.

"In the light of judgment dated 05/07/2018 of Service Tribunal, Khyber Pakhtunkhwa Camp Court at Swat and direction from AIG/Legal KPK, vide CPO Peshawar memo: No. 8314/Legal, dated 21/02/2018 and No. 1459/Legal, dated 21/03/2019 as per request of DPO, Dir Lower vide his office memo: No. 5612/EC, dated 26/02/2019, ASI Bakht Naeem No. 282/M is hereby allowed to join his service as routine conditionally and provisionally subject to outcome of CPLA."


"On rejoining in service he will not claim his seniority with his colleagues and back benefit until/ unless the decision of Honorable Supreme Court in this regard"

5. That the other colleagues /Batchmates of the petitioner has been promoted on 09/09/2016. (Copy of the promotion order dated 09/09/2016 is attached herewith as annexure "D")
6. That despite being provisionally allowed to join service as routine vide order 27/03/2019, uptill now the provisional promotion case of the applicant has not been forwarded so far.

It is therefore, humbly prayed that on acceptance of this application, the respondents may be directed to grant promotion to the applicant provisionally from 09/09/2016 along with all service back benefit.

Any other remedy which is just and appropriate to the given circumstances of the case may also be granted to the applicant, please.

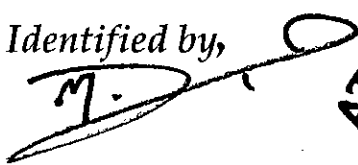

Petitioner
Bakht Naeem

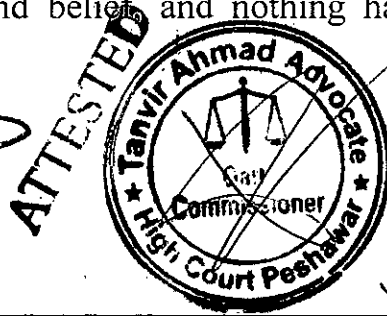
Through Counsel 

Muhammad Javed Khan
Advocate, Supreme Court of Pakistan

Affidavit:

I, Bakht Naeem Khan S/o Mirza Resident of Cheenar Makhai, Tehsil Munda District Dir Lower, do hereby solemnly affirm and declare on oath that all the contents of this execution petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

Identified by, 




DEPONENT

D. 3.



W.D. C. 1/1/17

(4)

Muhammad Javaid Khan
Advocate, Supreme Court of Pakistan

Bakht Naeem

**BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, AT CAMP COURT SWAT**

Execution Petition
Service Appeal No. _____/2019

Bakht Naeem Khan

Vs

Provincial Police Officer and others

ADDRESSES OF THE PARTIES


ADDRESSES OF THE APPELLANT

Bakht Naeem Khan S/o Mirza Resident of Cheenar Makhai,
Tehsil Munda District Dir Lower
CNIC: 15302-0869371-5
Cell: 0301-8521861

ADDRESS OF THE RESPONDENTS

1. Provincial Police Officer Government of Khyber
Pakhtunkhwa at Central Police Office (CPO) Peshawar
2. The Deputy Inspector General of Police / Regional Police
Officer (RPO) Malakand Range, at Saidu Sharif, Swat
3. District Police Officer Dir Lower at Timergara Dir Lower

Petitioner
Through Counsel


Muhammad Javaid Khan
Advocate, Supreme Court of
Pakistan

ⓑ

Annex - A

ⓓ

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 507 /2017

- 1) Bakht Naeem Khan S/o Mirza Resident of Cheenar Makhai,
Tehsil Munda District Dir Lower

.....Appellant

VERSUS

- 1) Provincial Police Officer Government of Khyber
Pakhtunkhwa at Central Police Office (CPO) Peshawar
- 2) Deputy Inspector General of Police / Regional Police Officer
(RPO) Malakand Region at Swat
- 3) District Police Officer Dir Lower at Timergara Dir Lower

.....Respondents

Service Appeal Under Section 4 of
Service Tribunal Act read with other relevant
provisions against the impugned order / letter
dated: 28/02/2017 along with endorsements
passed by respondent No.2, whereby the
application of the appellant for withdrawal of
LPR has been not entertained.

(2) (b)

PRAYER:

On acceptance of this service appeal the impugned order / letter passed by respondent No.2 dated: 28/02/2017 along with endorsements may kindly be set aside, and the remaining portion of the LPR (to be completed on 01/09/2017) may be cancelled, and the appellant may be allowed to rejoin his duties as ASI at Dir Lower, because up till now no retirement order / notification of the appellant has been issued.

Any other relief, deemed fit in the given circumstances of the case may also be awarded in favor of appellant against respondents.

Respectfully Sheweth:

The appellant submits as under;

1. That the appellant was appointed in the police department on 08/07/1991, and is presently serving as Assistant Sub Inspector at Dir Lower.

2. That on 14/07/2016 the appellant applied for LPR. The application was processed vide letter No. 36227 dated: 16/08/2016. (Copy of the application along with the letter dated: 16/08/2016 is attached herewith as annexure "A").
3. That the application of the appellant for the LPR was allowed vide order dated: 22/08/2016, and the appellant was allowed LPR from 01/09/2016. (Copy of the order 22/08/2016 is attached herewith as annexure "B").
4. That up till now the retirement notification / order of the appellant has not been issued.
5. That the appellant applied for withdrawal of his LPR, and requested for joining his duties as ASI at Dir Lower vide application dated: 29/12/2016. (Copy of the application along with affidavit

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dated: 29/12/2016 is attached herewith as annexure "C").

6. That the said application has been kept pending with the retirement case of the appellant. In this respect endorsement on letter dated: 28/02/2017 is present. (Copy of the letter dated: 28/02/2017 is attached herewith as annexure "D").

7. That leave and retirement matters of Civil Servants come within per view of this Honorable Tribunal Court. Hence, the letter dated: 28/02/2017 along with the endorsements are challenged before this Honorable Court, and are not tenable inter alia on the following grounds.

GROUND:

- i) That the impugned letter and endorsement are illegal, unlawful, unconstitutional, and based on mala-fide

(5) (9)

which is very much clear from the record on file.

- ii) That in the impugned order / letter dated: 28/02/2017 the precedents mentioned are interpreted wrongly, because in all these precedents the rejoining of duties to the civil servant was not allowed after the sanction of LPR, because their retirement notifications were already issued before the submission of application for withdrawal of the LPR.
- iii) That up till now no retirement notification of the appellant has been issued, hence all the precedents mentioned in letter dated: 28/02/2017 goes in the favor of appellant.
- iv) That the appellant has not been dealt with in accordance with law and rules regulating service of the appellant.

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10

- v) That the entire proceeding has been conducted in derogation of law and rules.
- vi) That the impugned letter / order dated: 28/02/2017 and the endorsement present therein are interse contradictory.
- vii) That the retirement order of Tahir Hazrat SI of District Dir Lower dated: 29/04/2016 favors the stance of the appellant, wherein specific order of retirement has also been mentioned. (Copy of the retirement and LPR order of Tahir Hazrat Sub Inspector of District Dir Lower dated: 29/04/2016 is attached herewith as annexure "E")
- viii) That other grounds not specifically raised will be argued with the permission

(7) (11)

of this Honorable Court at the time of arguments.

8. That this appeal is being filed against the order / letter dated: 28/02/2017, passed by the respondent No.2, and received by the appellant on 10/05/2017, hence this Honorable Tribunal has got the jurisdiction, and this appeal is in time

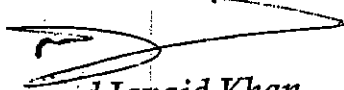
It is therefore humbly prayed that on acceptance of this appeal, the impugned order / letter along with the endorsement passed by respondent No.2 dated: 28/02/2017 etc may kindly be set aside, and the application of the appellant for withdrawal of the LPR may be accepted, and the appellant may be allowed to rejoin his duties as ASI at Dir Lower.

~~8~~

(12)

Any other remedy which is just, appropriate and efficacious may also be awarded in favor of the appellant, please.

Appellant
Through Counsel


Muhammad Javaid Khan
Advocate High Court

1 (13)

(18)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
CAMP COURT, SWAT.

Service appeal No. 507/2017

Date of institution ... 23.05.2017
Date of decision 05.07.2018



Bakht Naeem Khan son of Mirza Resident of Cheenar Makhai, Tehsil Munda District Dir (Lower).

(Appellant)

Versus

1. Provincial Police Officer, Government of Khyber Pakhtunkhwa at Central Police Office, Peshawar and two others. ... (Respondents)

Present

Mr. Muhammad Javaid Khan,
Advocate

For appellant.

Mr. Muhammad Jan,
Deputy District Attorney

For respondents.


MR. SUBHAN SHER,
MR. MUHAMMAD HAMID MUGHAL, ...

CHAIRMAN
MEMBER.

ATTESTED

JUDGMENT

SUBHAN SHER, CHAIRMAN:-


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Short facts relevant for disposal of the appeal in hand as narrated in the appeal are, that the appellant Bakht Naeem joined the Police Department as Constable and during this period, he got promotion to the rank of ASI. In the meanwhile, on completion of service of 25 years, he submitted an application on 14.07.2016 asking therein L.P.R and wished to avail the benefit of pension w.e.f. 01.09.2016 which was forwarded to the R.P.O Malakand Region. In short, it was allowed to the extent of 365 days L.P.R w.e.f 01.09.2016 but no formal order of his retirement was issued. After lapse of about 3 months, the appellant changed

Handwritten notes:
5.7.2018
[Signature]

his mind and wished to resume his duty. So he submitted a proper application to the authority on 29.12.2016. Once again it was forwarded to the competent authority i.e R.P.O Malakand but it was not entertained. So being aggrieved of the said order, the appellant approached this Tribunal, through the instant appeal.


Arguments heard and file perused.

Mr. Muhammad Javed Advocate, learned counsel for the appellant contended that before issuance of formal order of retirement, the appellant can withdraw his request for L.P.R and joined his duty as there was no bar on his resumption of duty during the period of LPR and in this respect he referred to a latest notification No. SOR-VI/E&AD/1-16/2011, dated 17.3.2014, issued by the (Provincial Government), (According to the said notification "LPR is one of the types of leave to which a government servant is entitled. As he continues to be government servant and can be called even for duty, he can, therefore, be considered for promotion a higher post during LPR.)" At the end, he requested that on acceptance of this appeal, the appellant may be allowed to resume his remaining duty as regular employee. He placed reliance on 2011-PLC(C.S)546.

Mr. Muhammad Jan, Deputy District Attorney, assisted by Mr. Fazle Mabood, Inspector (Legal) rebutted the arguments of the learned counsel for the appellant and stated that once L.P.R is sanctioned in respect of an civil servant/appellant, it cannot be withdrawn and so he cannot be allowed to resume his remaining service as a regular employee. Lastly he requested this Tribunal to dismiss the appeal. He placed reliance on 2005-SCMR-1928.

With the assistance of the learned counsel for the parties, record was consulted which transpired that from bare reading of the notification dated 17.03.2014, mentioned above, three things become crystal clear which cannot be denied. Firstly, L.P.R is one of types of leave to which a government servant is

ATTESTED



EXAMINER
Khyber Pakhtunkhwa
Judicial Tribunal

entitled. Secondly, the Government can call any government servant during L.P.R even for duty and thirdly, the government servant during period of L.P.R will be entitled for promotion against a higher post. So as per clarification given in the above mentioned notification, the appellant was on leave for all practical purposes and he can cancel his remaining leave and can join his service again.

When learned Deputy District Attorney was asked whether there was any bar on the appellant to revoke his previous request of LPR, he could not cited any law except the above mentioned judgment of the august Supreme Court of Pakistan. But on perusal of the said judgment, factual position was found different in the sense that in that very judgment while granting LPR to the government servant, order of retirement was issued at the same time, whereas in the case of present appellant, no formal order of retirement has yet been issued by the respondents. In the instant case, the judgment reported in 2011-PLC(C.S) 546 as referred to by the learned counsel for the appellant is relevant, wherein the government servant during LPR, even his retirement order was issued, but even then, the Punjab Service Tribunal was pleased to allow him to resume his duty. Even otherwise, when there is no express bar on a thing to be done, then it is presumed to permissible under the law.

The crux of the foregoing limited discussion is that after hearing the arguments of the learned counsel for the parties, consulted the record and taking guidance from the worthy rulings referred to above, and particularly the notification issued by the Provincial Government, this Tribunal reached to the conclusion that the appellant has still the right to move application for cancellation of his LPR and join his service as routine. As such, on acceptance of this appeal, the impugned order dated 28.02.2017 passed by respondent No. 2 is set aside and

ATTESTED


 ATTESTING OFFICER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

→ 8/02.2017
 C.S. 546
 2
 2/17

the appellant is allowed to join his service as routine. In the circumstances, parties are left to bear their own costs. File be consigned to the record room.

Announced

05-07-2018

Sd/- Subhan Sheer,

Chairman
Camp Court Swat

Sd/- M. Hameed Nughal,
Member

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Application: 11-7-2018
 Number of Words: 2000
 Copying Fee: 12.00
 Urgent: 2.00
 Total: 14.00
 Name of Copyist: [Signature]
 Date of Completion of Copy: 11-07-2018
 Date of Delivery of Copy: 11-07-2018

(17)

Annex - C

(18)

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKWA,

PESHAWAR

Execution Petition No. 28/2018

Bakht Naeem Khan S/O Mirza resident of village Cheenar, Makhai, Tehsil Munda,

District Lower Dir (Ex-ASI District Dir Lower)



Service Tribunal, Khyber Pakhtunkhwa

Registry No. 477

Date: 08/9/2018

VERSUS

- 1) Provincial Police Officer, Government of Khyber Pakhtunkhwa at Central Police Offices (CPO) Peshawar
- 2) Deputy Inspector General of Police / Regional Police Officer, (RPO) Malakand Region at Saidu Sharif, Swat
- 3) District Police Officer, Dir Lower at Timergara

..... Respondents / Judgment Debtors

APPLICATION FOR IMPLEMENTATION OF THE ORDER AND JUDGMENT OF THIS HONORABLE TRIBUNAL DATED 05/07/2017 IN SERVICE APPEAL NO.507/2017

Respectfully Sheweth;

The applicant submits as under

1. That the applicant filed a Service Appeal No.508 of 2017 before this honorable Tribunal (Copy of the Service Appeal is attached herewith as Annexure "A").
2. That the Service Appeal mentioned above was decided in favour of the applicant on 05/07/2018 by this honorable Tribunal. (Copy of the order and judgment dated 05/07/2018 is attached as Annexure "B").

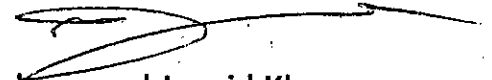
verified to be true copy
Signature
Service Tribunal,
Peshawar

3. That the applicant then filed an implementation application dated 12/07/2018 to the Respondent / Judgment debtor No.2 through TCS Consignment Note No.4708166967 dated 12/07/2018 (Copy of the application dated alongwith TCS Consignment Note No.4708166967 dated 12/07/2018 are attached herewith as Annexure "C").
4. That the Respondents are reluctant to implement the order and judgment dated 05/07/2018 of this Honorable Tribunal in its true spirit, hence this application is filed.
5. That this Honorable Tribunal has got sufficient powers to implement its order and judgment.

It is, therefore, respectfully prayed that on acceptance of this application, an order prayed for may be passed please.

Any order remedy which is just, appropriate and efficacious may also be awarded in favour of the applicant.

**Applicant
Through Counsel**

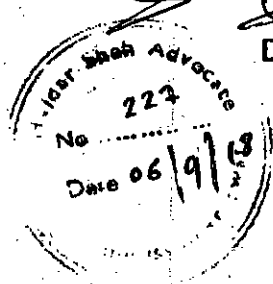


**Muhammad Javaid Khan
Advocate, High Court**

Affidavit:

It is stated on oath that contents of this application are true and correct to the best of my knowledge and belief and nothing has also been concealed from this Hon'able Tribunal.

AAI-21
21
No. 222
Date 06/9/19



Deponent



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND

AT SAIDU SHARIF SWAT.

Ph: 0946-9240355 & Fax No. 0946-9240390

Email: dlamalakand@yahoo.com

49

ORDER:

ASI Bakht Naeem No. 282/M of Dir Lower District who was proceeded on 353 days LPR with effect from 01/05/2016 and subsequently approached to Service Tribunal Khyber Pakhtunkhwa for re-joining of service. On his service appeal No. 507/2017 the Service Tribunal KPK decision dated 05/07/2018 reproduce below:-

"On acceptance of this appeal the impugned order dated 28/02/2017 passed by the respondent No. 2 is set aside and the appellant is allowed to join his service as routine"

In the light of judgment dated 05/07/2018 of Service Tribunal, Khyber Pakhtunkhwa Camp Court at Swat and direction from AIG/Legal KPK, vide CPO Peshawar memo: No. 834/Legal, dated 21/02/2018 and No. 1459/Legal, dated 21/03/2019 as per request of DPO, Dir Lower vide his office memo: No. 5612/EC, dated 26/02/2019, ASI Bakht Naeem No. 282/M is hereby allowed to join his service as routine conditionally and provisionally subject to outcome of CPLA.

On rejoining in service he will not claim his seniority with his colleagues and back benefit until/ unless the decision of Honorable Supreme Court in this regard.

(MURAD SAEED) PSP
Regional Police Officer,
Malakand, at Saidu Sharif Swat
"Sube"

No. 3945-47 /E,
Dated 27-03- /2019.

Copy for information to the:-

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. AIG/Legal Khyber Pakhtunkhwa Peshawar with reference to CPO Peshawar memo: No. 834/Legal, dated 21/02/2019, No. 1459/Legal, dated 21/03/2019 and DPO, Dir Lower memo No. 7523/LB, dated 13/03/2019.
3. District Police Officer, Dir Lower for necessary action with reference to his office memo: No. 5612/EC, dated 26/02/2019 and Enidst: No. 7524/LB, dated 13/03/2019.

OB/EC/PO

District Police Officer,
Dir Lower at Timergara
28-03

Annex-D

(20)

From :

The Regional Police Officer,
Malakand, at Saidu Sharif, Swat.

To :

The Addl: Inspector General of Police,
Special Branch, Khyber Pakhtunkhwa, Peshawar.

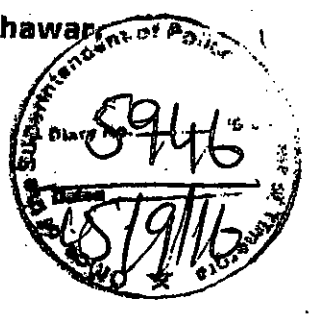
The Addl: Inspector General of Police,
Investigation, Khyber Pakhtunkhwa, Peshawar.

The Commandant Elite Force,
Khyber Pakhtunkhwa Peshawar.

The Commandant PTC, Hangu.

The Deputy Inspector General of Police,
CTD, Khyber Pakhtunkhwa, Peshawar.

All District Police Officer and Head of Investigation,
In Malakand Region.



OB 1011
15/9/2016

EC/OB

No. 7674-90/E, dated Saidu Sharif, the 09-09-2016.

Subject: PROMOTION AS SUB INSPECTORS.

Memorandum:

District Police Officer
Lower at Tander

Consequent upon recommendation by the DPC held in this office on 05/09/2016 (and permission accorded by the CPO, Peshawar vide letter No. 3377/E-III, dated 17/12/2015) the following Assistant Sub Inspectors on List-E of your District / Unit are hereby approved for promotion as offg: Sub Inspector conditionally subject to the production of satisfactory ACR for the period and qualifying mandatory training / course according to Standing Order No. 3/2015 as noted against their name:-vide

S. #	Name and No.	Present Posting	Recommendation
1.	ASI Taj Bahadar No. 36/M	CTD	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period from 01/08/2014 to 31/12/2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
2.	ASI Rafiullah No. 728/M	Dir Upper	Recommended for promotion as offg: SI amongst with his colleagues conditionally subject to production of clear ACR for the years 2013, 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
3.	ASI Wali Ahmad No. 606/M	Chitral	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
4.	ASI Badshah Said No. 718/M	Swat	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period from 01/10/2015 to 31/12/2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.

5.	ASI Qamar Ali Shah	No. 607/M	Buner	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 08 points.
6.	ASI Abdul Qahhar	No. 608/M	Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
7.	ASI Ahmad Nisar	No. 719/M	Swat	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 06 points.
8.	ASI Zaman Khan	No. 661/M	Buner	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
9.	ASI Kalimullah	No. 720/M	Shangla	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014, period 07/02/2015 to 13/09/2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
10.	ASI Sher Ali	No. 721/M	Inv: Shangla	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period from 20/03/2013 to 16/07/2013, year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 06 points.
11.	ASI Jehan Badshah	No. 690/M	Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
12.	ASI Hanifullah	No. 662/M	Dir Upper	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period 01/06/2013 to 11/10/2013, year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
13.	ASI Hasham Khan	No. 790/M	CTD	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2013, period 01/01/2014 to 30/06/2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 03 points.
14.	ASI Yaqoob Shah	No. 663/M	CTD	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2013 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 05 points.
15.	ASI Wazir Zada	No. 609/M	PTC Hangu	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
16.	ASI Faizur Rahman	No. 610/M	Chitral	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2013, 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.

17.	ASI Sattar Khan	No. 691/M	Buner	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2013, period 01/01/2015 to 27/10/2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
18.	ASI Aminur Rahman ✓	No. 611/M	Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013,2014,2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
19. ✓	ASI Bahadar Khan	No. 612/M	Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
20.	ASI Amir Jamil	No. 664/M	Buner	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 08 points.
21.	ASI Muhammad Hassan	No. 613/M	CTD	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2013, period 01/01/2014 to 12/07/2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
22.	ASI Qurben Panah	No. 665/M	Inv: Chitral	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period from 01/01/2015 to 03/04/2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
23.	ASI Akbar Aziz	No. 614/M	Chitral	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 08 points.
24.	ASI Nasir All	No. 666/M	Chitral	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
25.	ASI Abdul Bari Shahzada	No. 615/M	Inv: Swat	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 08 points.
26. ✓	ASI Pervalz Khan	No. 692/M	Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period from 18/07/2013 to 30/10/2013, years 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
27.	ASI Usman Gul	No. 667/M	Shangla	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 08 points.

28.	ASI Amin	No. 146/M	Inv: Swat	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 08 points.
29.	ASI Shah Jehan	No. 722/M	CTD	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period 01/06/2013 to 30/10/2013, 01/01/2014 to 30/06/2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
30.	ASI Muhammad Jamal	No. 693/M	Dir Upper	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
31.	ASI Fazal Rahim	No. 694/M	Swat	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period 19/06/2013 to 31/12/2013, year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
32.	ASI Sher Nawaz Balg	No. 668/M	Inv: Chitral	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2013 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 08 points.
33.	ASI Imtiaz Khan	No. 669/M	Buner	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
34.	ASI Muhammad Wakil	No. 670/M	CTD	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2013, period 01/01/2014 to 12/07/2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
35.	ASI Muhammad Sadiq	No. 616/M	Swat	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
36.	ASI Sarfaraz	No. 617/M	Swat	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period 18/06/2013 to 31/12/2013, year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
37.	ASI Akhtar Munir	No. 671/M	Inv: Buner	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2013 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 05 points.
38.	ASI Jamshid Khan	No. 695/M	Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period 18/07/2013 to 30/10/2013, years 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
39.	ASI Ibadur Rahman	No. 672/M	Chitral	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.

40.	ASI Amir Aslam Khan	No. 696/M	Inv: Shangla	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period from 19/03/2013 to 31/12/2013, year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
41.	ASI Ibrahim Jan	No. 618/M	CTD	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period from 18/07/2013 to 30/10/2013, 01/01/2014 to 30/06/2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 05 points.
42.	ASI Badshah Wali	No. 697/M	Dir Upper	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
43.	ASI Bakht Sargand	No. 619/M	Inv: Buner	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 05 points.
44.	ASI Dera Wadan	No. 791/M	Inv: Swat	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 06 points.
45.	ASI Azizur Rahman	No. 792/M	Inv: Swat	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 08 points.
46.	ASI Fazal Karim	No. 723/M	Inv: Swat	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
47.	ASI Ali Malang	No. 724/M	Inv: Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period 04/05/2013 to 31/12/2013 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 08 points.
48.	ASI Muhammad Yousaf	No. 620/M	Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
49.	ASI Sarball Khan	No. 725/M	CTD	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period from 19/03/2013 to 31/12/2013, 01/01/2014 to 30/06/2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 05 points.
50.	ASI Shamsud Din	No. 726/M	Swat	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
51.	ASI Habib ul Hussain	No. 727/M	Dir Upper	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.

52.	ASI Aqal Amin	No. 730/M	Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
53.	ASI Bulbul Hassan	No. 731/M	Chitral	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 06 points.
54.	ASI Attaur Rahman	No. 732/M	Shangla	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period from 22/06/2013 to 31/12/2013, year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
55.	ASI Ahmad Ali	No. 794/M	Dir Upper	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
56.	ASI Roidar Ali	No. 733/M	Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period from 18/07/2013 to 31/12/2013, years 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
57.	ASI Javid Iqbal	No. 734/M	Inv: Swat	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
58.	ASI Gul Nawaz	No. 795/M	CTD	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
59.	ASI Jamshid Muhammad	No. 735/M	Inv: CPO	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 06 points.
60.	ASI Bakht Munir	No. 736/M	Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
61.	ASI Muhammad Afzal	No. 789/M	Swat	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period from 14/06/2014 to 31/12/2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
62.	ASI Jehan Alam	No. 737/M	Swat	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2013 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
63.	ASI Muhammad Wahab	No. 3/M	Buner	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2013 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.

64.	ASI	Sher Wazir Balg	No. 738/M	Chitral	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
65.	ASI	Tahir Muhammad	No. 739/M	Inv: Dir Upper	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2013 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
66.	ASI	Aurang Zeb	No. 740/M	Swat	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
67.	ASI	Saeedullah	No. 363/M	Swat	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
68.	ASI	Sultan Muhammad	No. 741/M	Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 08 points.
69.	ASI	Muhammad Rauf	No. 742/M	Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the years 2013, 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 07 points.
70.	ASI	Muhammad Zahid	No. 28/M	Buner	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
71.	ASI	Yousaf Khan	No. 743/M	SB	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 03 points.
72.	ASI	Faiz Muhammad	No. 744/M	CTD	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period from 01/01/2013 to 30/10/2013, 01/01/2014 to 30/06/2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
73.	ASI	Muhammad Javid	No. 796/M	Buner	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
74.	ASI	Muhammad Rahman	No. 745/M	Swat	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
75.	ASI	Muhammad Haleem	No. 746/M	Inv: Swat	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
76.	ASI	Rasool Khan	No. 384/M	Inv: Swat	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 08 points.

27

77.	ASI Zeb Ahmad	No. 438/M	Buner	Recommended for promotion as offg: SI conditionally subject to qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
78.	ASI Fazal Rabi	No. 516/M	CTD	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period from 18/07/2013 to 30/10/2013, 01/01/2014 to 30/06/2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 03 points.
79.	ASI Rahim Gul	No. 393/M	Dir Lower	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the period 18/07/2013 to 30/10/2013, years 2014, 2015 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
80.	ASI Muhammad Rafique	No. 747/M	Buner	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
81.	ASI Muhammad Israr	No. 401/M	Chitral	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 09 points.
82.	ASI Abdul Wakeel	No. 798/M	Chitral	Recommended for promotion as offg: SI conditionally subject to production of clear ACR for the year 2014 and qualifying mandatory training / Courses according to SO No. 3/2015, earning 08 points.

1. The Seniority of the official at Sr. No. 2 will be intact amongst his colleagues.
2. Their Promotion will take effect from the dates the above officers actually take over higher responsibility.
3. Necessary gazette notification regarding their promotion be issued accordingly.
4. Their posting order is being issued separately.


Regional Police Officer,
Malakand, at Saidu Sharif Swat

No. _____/E,
Copy to Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar for favor of information please.

Regional Police Officer,
Malakand, at Saidu Sharif Swat



OFFICE OF THE
DISTRICT POLICE OFFICER,
LOWER DIR

Ph# 0945-9250005 Fax# 09459250049
E-Mail: dpo.dirlower@gmail.com

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

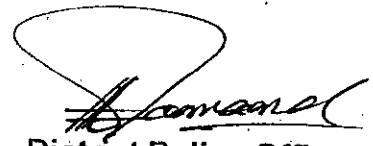
No: 8908 /LB, dated Timergara the 24 / 07 /2020

Subject: FILING OF PETITION FOR EARLY HEARING IN CPLA NO. 658-P/2018 TITLED AS PPO KP AND OTHERS VERSUS ASI BAKHT NAEEM BEFORE THE SUPREME COURT OF PAKISTAN AGAINST THE JUDGMENT PASSED BY THE HONOURABLE SERVICE TRIBUNAL VIDE ORDER DATED 05.07.2018 IN SERVICE APPEAL NO. 507/2017

Memo: -

It is submitted that ASI Bakht Naeem of this district was allowed to proceed on LPR upon his own sweet will with effect from 01.09.2016 under Khyber Pakhtunkhwa Revised Leave Rules 1981. The concerned ASI after availing 04 months in LPR again applied for withdrawal of LPR. The competent authority upon his application mentioned that it is not in consonance with law/rules and judgment of August court, therefore the application cannot be entertained. He approached Service Tribunal and on 05.07.2018, his appeal was allowed. The department filed CPLA before the Supreme Court of Pakistan, but till now no date has been fixed yet. The concerned ASI then filed execution petition No. 278/2018 for implementation of the judgment and as per direction of the honourable Service Tribunal, he was allowed to join his service conditionally subject to the outcome of CPLA vide order dated 27.03.2019. The CPLA is pending before the Supreme Court of Pakistan and no date is fixed so far.

It is therefore requested that Law department may please be approached to file petition for early hearing before the Supreme Court of Pakistan in the interest of the department please.


District Police Officer
Dir Lower
24/07/2020

No. _____ /LB,

Copy submitted to the:-

Regional Police Officer Malakand at Saidu Sharif Swat for information please.


District Police Officer
Dir Lower

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Gulzar Ahmed, CJ
Mr. Justice Ijaz ul Ahsan
Mr. Justice Sayyid Muzahar Ali Akbar Naqvi

CIVIL APPEAL NO.38 OF 2021

[Against the judgment dated 05.07.2018, passed by the
Khyber Pakhtunkhwa Service Tribunal, Camp Court, Swat; in
S.A.No.507/2017]

Provincial Police Officer, Khyber
Pakhtunkhwa, Peshawar and others.

...Appellants

Versus

~~Bakht Naeem Khan.~~

...Respondents

For the Appellant(s) : Barrister Qasim Wadood,
Additional Advocate General, KP

For the Respondent(s) : Mr. Muhammad Jawaid, ASC

Date of Hearing : 26.04.2021

ORDER

GULZAR AHMED, CJ.- The respondent has applied for
Leave Preparatory to Retirement (LPR) vide application dated
14.07.2016 stating that he may be allowed retirement on
completion of 25 years' of service with effect from 01.09.2016. The
Regional Police Officer/Appellant No.2 (the appellant), through
order dated 24.08.2016, allowed the request of the respondent
and granted him LPR with effect from 01.09.2016.

2. It seems that respondent while his LPR was allowed
gave a second thought and after having already availed about
three months of LPR, applied for recalling of order granting him
LPR. Such request of the respondent was denied by the appellant

vide order dated 28.02.2017. The respondent thereupon filed a

ATTESTED

Senior Court Associate

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service appeal before the Khyber Pakhtunkhwa Service Tribunal, Camp Court, Swat (the Tribunal), which by the impugned judgment dated 05.07.2018, came to be allowed.

3. The learned Additional Advocate General, Khyber Pakhtunkhwa has contended that once the LPR is allowed it cannot be taken back and in this regard has relied upon the judgments of this Court in the cases of Muhammad Naseer vs. Deputy Inspector General of Police, Multan Range Multan and another (2005 SCMR 1928) and Secretary, Government of Punjab, Food and Co-Operation Department vs. Shamooh Bahadur (PLD, 1979 Supreme Court 835).

4. On the other hand, learned counsel for the respondent has relied upon Sections 13 and 18 of the Khyber Pakhtunkhwa Civil Servants Act, 1973 to contend that the respondent could take back his application for retirement before its acceptance.

5. We have considered the submissions of the learned counsel for the parties and have also gone through the record of the case.

6. It is an admitted position that the respondent has applied for grant of LPR to him on completion of 25 years' of service vide his application and such application was allowed by the appellant vide order dated 24.08.2016. The respondent has also availed LPR of about three months and subsequently, made an application for withdrawal thereof, which was declined by the appellant. In Muhammad Naseer's case (Supra), this Court has

clearly laid down as a rule that once the LPR is applied by an employee and the request of LPR is granted, the employee cannot

ATTESTED

then request for withdrawal of the LPR, for that, the order by which the LPR is accepted attains finality and cannot be recalled.

7. This being the position on the record and without advertng to any other question, we note that the Tribunal, in the facts and circumstances of the case, did not consider the matter in the light of the law laid down by this Court in the above noted judgments and thus, gave an erroneous judgment not based upon proper law.

8. The impugned judgment being not in accordance with law, the same is set aside and the appeal is allowed.

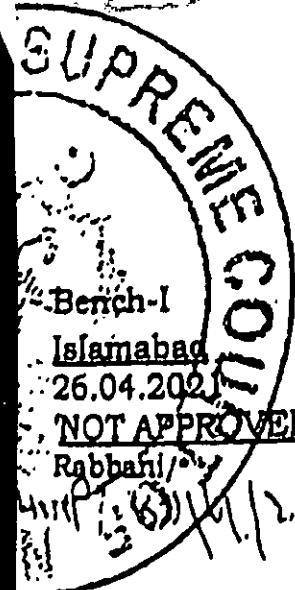
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Sd/J

Sd/J

Certified to be True Copy

Senior Court Associate
Supreme Court of Pakistan
Islamabad



NOT APPROVED FOR REPORTING

Rabbani/

Handwritten notes and numbers: 4111 (63) 1/1/21



OFFICE OF THE
REGIONAL POLICE OFFICER, MALAKAND REGION
SAIDU SHARIF SWAT.

Ph: 0946-9240388 & Fax No. 0946-9240390

Email: ebmalakandregion@gmail.com

ORDER:

ASI Bakht Naem No. 282/M was enlisted as Constable on 08/07/1991 and according to the service record his date of birth is 09/06/1972. He will be attaining the age of sixty on 08/06/2032. On 16/08/2016 DPO, Dir Lower forwarded his written application for 365 days LPR and he was allowed to proceed on 365 days LPR with effect from 01/09/2016 vide this office order Endst: No. 7052-53/E, dated 24/08/2016. Later on 29/12/2016 he submitted application for cancellation / withdrawal of LPR, which was filed vide this office memo: No. 2124/E, dated 28/02/2017. Hence he filed service appeal No. 507/2017 before the Service Tribunal Khyber Pakhtunkhwa, Peshawar and the Service Tribunals accepted his appeal vide Judgment dated 05/07/2018 and allowed him to re-join his service as routine. In compliance of the Court of Service Tribunal Khyber Pakhtunkhwa, Judgment dated 05/07/2018 and directions of AIG, Legal Khyber Pakhtunkhwa, Peshawar Memo: No. 834/Legal dated 21/02/2019 and Memo: No. 1459/Legal, dated 21/03/2019 the ASI concerned was allowed to re-join his service as routine conditionally and provisionally subject to the outcome of CPLA. Hence his service was re-join with the condition that he will not claim seniority with his colleagues and back benefits until / unless the decision of honorable Supreme Court vide this office order Endst: No. 3945-47/E, dated 27/03/2019 and he reported his arrival on 29/03/2019 vide DD No. 10 of Police Line Timergara, Dir Lower. On 26/04/2021 the honorable Supreme Court of Pakistan vide Judgment dated 26/04/2021 allowed appeal lodged vide CP No. 658-P/2018 Govt: of KP VS Bakht Naem and set aside the impugned Judgment dated 05/07/2018 passed by honorable Khyber Pakhtunkhwa, Service Tribunal Camp Court, Swat on the grounds that the Service Tribunal had passed an erroneous judgment not based upon proper law.

Therefore, in compliance of Honorable Supreme Court of Pakistan vide judgment dated 26/04/2021 in CP No. 658-P/2018 Government of Khyber Pakhtunkhwa vs ASI Bakht Naem No. 282/M followed by CPO, Peshawar Memo: No. 5267-68/Legal, dated 31/05/2021, ASI Bakht Naem No. 282/M of Dir Lower District is hereby retired from service with immediate effect.

OB No. 802
15-07-2021

OB EC

No. 8335-40 /E,

Dated 14-7-2021.

CAPT: (R) LIAQAT ALI MALIK
PSP/PPM.
District Police Officer,
Dir Lower 27/7

Regional Police Officer,
Malakand, at Saidu Sharif Swat
Zhar

Copy for information and necessary action:-

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. AIG/Legal, Khyber Pakhtunkhwa, Peshawar with reference to CPO, Peshawar Memo No. 5267/68/Legal, dated 31/05/2021.
3. District Police Officer, Dir Lower for necessary action with reference to his office Memo No. 9268/EC, dated 23/06/2021. The Service Record of the ASI concerned received with the Memo under reference is returned herewith for record in your office the receipt of which may please be acknowledged.