

06.06.2022

None for the petitioner present. Mr. Kabirullah Khattak, Addl: AG alongwith Mr. Muhammad Moosa, HC for respondents present.

On the call of Khyber Pakhtunkhwa Bar Council, District Bar Association is observing strike today, therefore, learned counsel for the appellant did not appear before the court. Adjourned. To come up for proper implementation on 08.06.2022 before the S.B at camp court Swat.

Q

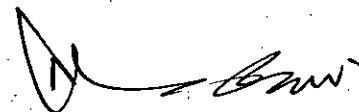
(Kalim Arshad Khan)
Chairman
Camp Court Swat

8th June, 2022

Petitioner in person present. Mr. Kabiruallh Khattak, Addl: AG alongwith Mr. Muqaddar Khan, DSP for respondents present.

Petitioner submits that the department has submitted source-II form for redressing his grievances wherein all the claim of the petitioner was mentioned but the concerned Accounts Officers had raised some objections for which he wanted to take up the matter with the Accounts Officers concerned. As regards the implementation of the judgment of this Tribunal that has already been done, therefore, this petition is filed. Consign.

Pronounced in open court in Swat and given under my hand and seal of the Tribunal this 8th day of June, 2022.



(Kalim Arshad Khan)
Chairman
Camp Court Swat

Draft

Hussain Ali 508

8th June, 2022 Petitioner in person present. Mr. Kabirullah Khattak, learned Addl. AG alongwith Mr. Muqaddar Khan, DSP for the respondents present.

Petitioner submits that the department has submitted source-II form for redressing his grievances wherein all the claim of the petitioner was mentioned but the concern Accounts Office, had raised some objections for which he wanted to take up the matter with the Accounts Office, concerned. As regard, the implementation of the judgement of this Tribunal that has already been ^{done} ~~implemented~~, therefore, this petition is filed. Consign.

Pronounced in open court in Swat and given under my hand and seal of the Tribunal this 8th day of June, 2022.

(Kalim Arshad Khan)
Chairman
Camp Court Swat

Notification dated 13-11-2012 was perused, wherein minimum qualification for promotion against the post of SST is reproduced as under:

- i. *Second class Bachelor Degree with two subjects as chemistry , botany, zoology, physics, mathematics, statistics, humanities and other equivalent groups from the recognized university OR*
- ii. *MA in Education OR Bachelor degree in Education, from recognized university.*

Record reveals that the appellant is holding 3^d division in bachelor degree but the appellant is also holding bachelor degree in Education as well and on this score alone, the appellant is entitled for promotion to the next grade. The appellant also qualified additional subject in mathematics in 2nd division and after qualifying the additional subject, his overall division comes to 2nd division, which however was not accepted by the respondents. The appellant is also holding Mater Degree as well.

06. We are of the considered opinion that the appellant has not been treated in accordance with law and he was illegally deprived of his rightful promotion. In view of the above discussion, the instant appeal is accepted and the impugned order dated 03-05-2019 is set aside by restoring his promotion order dated 22-02-2019. The appellant stands entitled to promotion from 22-02-2019 with all consequential benefits. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
07.12.2021

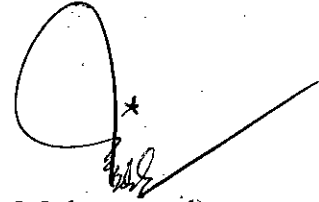
(ROZINA REHMAN)
MEMBER (J)
CAMP COURT SWAT

(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)
CAMP COURT SWAT

10.05.2022

Petitioner in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Muqaddar Khan, Inspector (Legal) for respondents present.

Implementation report not submitted. Learned AAG requested for a short adjournment. Adjourned. To come up for further proceedings on 12.05.2022 before S.B at camp court Swat.

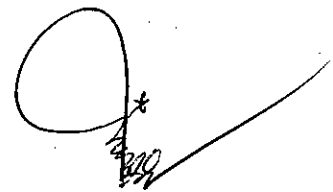


(Mian Muhammad)
Member(E)
Camp Court Swat

12.05.2022

Petitioner in person present. Mr. Kabirullah Khattak, Additional Advocate General alongwith Mr. Ali Rehman, SI for respondents present.

Learned AAG stated at the bar that execution petition is under process in the department which is being pursued thoroughly and efficiently. He hoped that it would be implemented in letter and spirit and conclusive implementation report will be submitted on the next date. To come up for proper implementation report on 06.06.2022 before S.B at camp court Swat.



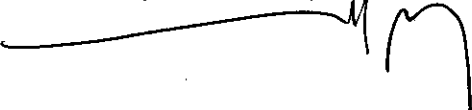
(Mian Muhammad)
Member(E)
Camp Court Swat

10.12.2021

Junior to counsel for the petitioner present. Mr. Riaz Khan
Paindakheil, Assistant Advocate General alongwith Mr. Ali Rehman
S.I (Legal) for respondents present.

Former made a request for adjournment as senior counsel for
the petitioner is busy before Hon'ble Peshawar High Court, Mingora
Bench Dar-ul Qaza Swat.

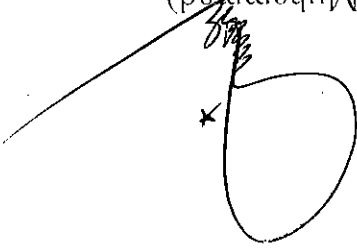
Adjourned to 03.01.2022 before S.B at Camp Court, Swat.


(Atiq Ur Rehman Wazir)
Member (E)
Camp Court, Swat

03.01.2022

Petitioner in person present. Mr. Muhammad Adeel Butt,
Additional Advocate General alongwith Mr. Ali Rehman, SI
(Legal) for respondents present.

Petitioner seeks adjournment on the ground that his
counsel is not available today. Request is acceded to but as a
last chance. To come up for further proceedings on 08.03.2022
before S.B at camp court Swat.


(Mian Muhammad)
Member(E)
Camp Court Swat

Due to retirement of the Hon'ble
Chairman the Tribunal is directed to
come up for the same as before on

10.05.2022 -


Mr
Reader

23.08.2021

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

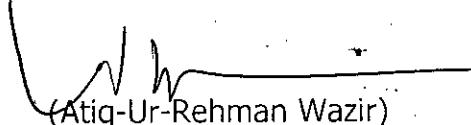
Representative of the respondents states that in pursuance of judgment of this Tribunal, the petitioner has been reinstated into service with all back benefits. In this regard he submitted copy of order dated 30.07.2019 which is placed on record. Learned counsel for the petitioner seeks time to contact the petitioner. To come up for further proceedings on 01.11.2021 before S.B at camp court, Swat.


Chairman
Camp Court, Swat

01.11.2021

Petitioner alongwith his counsel Mr. Muhammad Javed, Advocate present. Mr. Ali Rehman S.I (Legal) alongwith Mr. Riaz Khan Paindakhel, Assistant Advocate General for respondents present.

Learned counsel for the appellant stated that although the department has issued order dated 30.07.2019, however it is not in line with the relief granted to the petitioner vide judgment under execution dated 29.01.2018. Confronted with this situation, learned Assistant Advocate General stated at the bar that he will contact the respondents and proper implementation report would be submitted on the next date. Adjourned. To come up for submission of proper implementation report before the S.B on 10.12.2021 at Camp Court Swat.


(Atiq-Ur-Rehman Wazir)
Member (Executive)
Camp Court, Swat

4-1 .2020

Due to summer vacation, case is adjourned to
04-3 .2021 for the same as before.

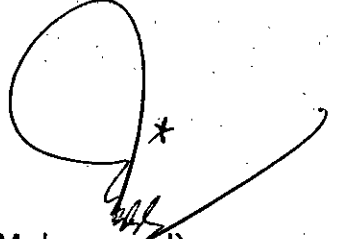

Reader

01.03.2021

Petitioner in person present. Mr. M. Riaz Khan
Paindakhel, Asst: AG for respondents present.

Former requests for adjournment as his learned counsel
is not available today.

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 reply/arguments on impleadment
application 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.

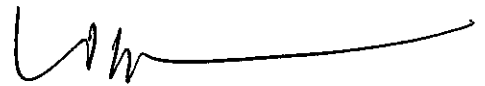

Chairman

04.11.2020

Attorney of petitioner on behalf of petitioner present.

Learned Assistant Advocate General alongwith Khawas Khan Inspector for respondents present.

Impleadment application was submitted on behalf of petitioner which is placed on file, copy of the said application is handed over to the learned Assistant Advocate General. Notice of the said application be issued to the respondents for reply and arguments on 04.01.2021 before S.B at Camp Court, Swat.




Member (E)
Camp Court Swat

09.09.2020

Nemo for petitioner.

Mr. Muhammad Jan learned Deputy District Attorney for respondents present.

As per record, vide order sheet dated 03.03.2020, copy of affidavit alongwith a copy of Source/Form Pay 02 was submitted by the petitioner and the representative sought adjournment for doing the needful but till today, no progress was shown. Notice be issued to respondents and petitioner as well with direction to respondents to submit implementation report on or before the date fixed as 06.10.2020 before S.B at Camp Court Swat


Member (J)
Camp Court, Swat

06.10.2020

Neither petitioner nor his counsel is present. Mr. Usman Ghani, District Attorney for the respondents is present.

Due to strike of the District Bar Association, Swat, learned counsel for the petitioner is not available today. Representative of the department is also absent, therefore, notice be issued to the respondents for submission of implementation report. Adjourned to 05.11.2020 on which to come up for implementation report before S.B at Camp Court, Swat.

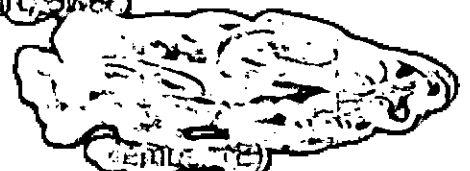

(MUHAMMAD JAMAL KHAN)
MEMBER
CAMP COURT SWAT

04.1.2021

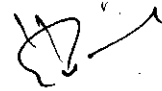
~~Calligrapher, Swat District, Swat District, Swat District~~

~~Learned Magistrate, Magistrate General, Swat District, Swat District, Swat District~~
~~Magistrate General, Swat District, Swat District, Swat District~~

~~Implication application was submitted on behalf of~~
~~petitioner Mahariq to make necessary entries in~~
~~the register of the court in relation to the application to~~
~~issue writs of Habeas Corpus, Certiorari, Prohibitory, Quo Warranto, Mandamus, and Injunction, on~~
~~04.01.2021 before S.B at Camp Court, Swat.~~


Gentle (S)
Camp Court, Swat

03.03.2020 Petitioner in person present and submitted copy of affidavit and copy of Source/Form Pay 02. Representative Muhammad Jameel AAO present and seeks adjournment for doing the needful. Adjourn. To come up for further proceedings on 08.04.2020 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

Due to corona virus tour to Camp Court Swat has been cancelled. To come up for the same on -03/06/20



Reader

03.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on 06.07.2020, at camp court Swat.



Reader

06.07.2020 Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 05.08.2020, at camp court Swat.

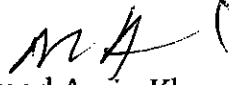


Reader

E.P No.95/2018

06.01.2020

Petitioner in person and Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. The present Execution Petition is pending since March 2018 but the respondent-department has not furnished implementation report as per judgment of this Tribunal, therefore, to come up for implementation report on 03.02.2020 before S.B at Camp Court Swat. Respondent No. 6 also directed to appear in person for assistance of the court on the date fixed.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

03.02.2020

Petitioner absent. Learned counsel for the petitioner absent. Mr. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Mr. Muhammad Jamil Assistant Account Officer for the respondents present and stated that the petitioner seems to be least interested in the present execution petition as he has not approached the respondent department to pursue his case. Adjourn. To come up for further proceedings 03.03.2020 before S.B. at Camp Court Swat. Petitioner be put to notice for the date fixed.


Member
Camp Court, Swat.

Post script

03.02.2020

Later on petitioner appeared. Date slip given. Notice to him need not be issued.


Member
Camp Court, Swat.

05.11.2019

None present on behalf of the petitioner. Mr. Riaz Ahmad Paindakheil, Assistant AG for the respondents present. Notice be issued to petitioner and his counsel for attendance for 02.12.2019 before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

02.12.2019

Counsel for the petitioner present. Mr. M. Riaz Khan, Paindakhel, Assistant Advocate General alongwith Mr. Khawas Khan, SI and Mr. Muhammad Jamil, AAO for respondents present. Learned Asst: AG sought time for submission of report/comments by respondent no.6. Adjourn. To come up for further proceedings on 06.01.2020 before S.B at camp court Swat.



Member
Camp Court Swat

Post Script
04.09.2019

In the meanwhile learned counsel for the petitioner submitted application for impleadment of District Accounts Officer, Swat and Superintendent Pay Fixation party in the panel of respondents on the ground that they are obstructing further implementation of the judgment of this Tribunal. In the interest of justice, at this stage District Accounts Officer, Swat is impleaded as respondent No.6 to the present execution petition. Notice be issued to the newly added respondent for the date already fixed. Copy of the instant application as well judgment of this Tribunal in question be also annexed with the notice to the newly added respondent i.e. respondent No.6.



Member
Camp Court, Swat.

07.10.2019

Petitioner alongwith his counsel and Mr. Anwar-ul-Haq, Deputy District Attorney for the respondents present. In the previous order sheet, the Muharrar was directed to implead District Account Officer as respondents in the panel of respondents and it was also directed to issue notice against him but neither the District Account Officer is impleaded as respondents in the panel of respondents by the Muharrar so far nor notice has been issued to him. Muharrar is strictly directed to make entry to implead the District Account Officer in the panel of respondents as respondent and also issue notice to him for implementation report. Case to come up for implementation report on 05.11.2019 before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

01.07.2019


Petitioner with counsel and Mr. Mian Amir Qadir learned District Attorney alongwith Khawas Khan SI Legal present. Representative of the respondent department seeks adjournment. Adjourn. To come up for further proceedings on 03.09.2019 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

03.09.2019

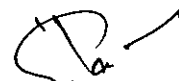
Petitioner with counsel present. Mr. Mian Amir Qadir learned Deputy District Attorney alongwith Khawas Khan Inspector present. Learned DDA requested for adjournment. Adjourn. To come up for further proceedings on 04.09.2019 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

04.09.2019

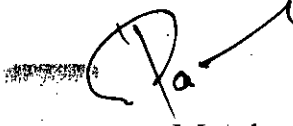
Petitioner with counsel present. Mr. Mian Amir Qadir learned Deputy District Attorney alongwith Khawas Khan Inspector present. Copy of order dated 30.07.2019 of respondent No.3 available on file. Adjournment requested. Adjourn. To come up for further proceedings on 07.10.2019 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

02.04.2019


Petitioner in person present. Khawas Khan S.I Legal representative of the respondent department present and stated that CPLA before august Supreme Court of Pakistan filed against the judgment under implementation has not yet been decided. Adjournment requested. Adjourn. To come up for further proceedings on 10.06.2019 before S.B at Camp Court Swat.



Member
Camp Court, Swat.

11.06.2019

Petitioner with counsel present. Mr. Mian Amir Qadir learned District Attorney present. Respondent department to furnish either setting aside/suspension order vis a vis judgment of this Tribunal else submit provisional/conditional implementation report in connection with grant of back benefits subject to the furnishing of requisite undertaking by the petitioner. Adjourn. To come up for further proceedings on 01.07.2019 before S.B at Camp Court Swat.



Member
Camp Court, Swat.

05.03.2019

Petitioner with counsel present. Mian Amer Qadir, District Attorney alongwith Mr. Khawas Khan, S.I (Legal) for respondents present.

Learned counsel for the appellant invited attention to para-6 of the judgment of this Tribunal dated 29.01.2018. As regards the grievance of the petitioner regarding grant of seniority, the respondents vide order dated 01.11.2018 grant him seniority on provisional basis, subject to the final outcome of the CPLA filed in the august Supreme Court of Pakistan. Learned counsel for the petitioner expressed satisfaction over the order referred to above. However, he further contended that portion of the above of the judgment pertaining to grant of back benefits is yet to be implemented by the respondents.

Attention is invited to order sheet dated 09.01.2019, wherein implementation report dated 01.11.2018 has been mentioned but this report pertaining to grant of seniority, while report pertaining to award of back benefits is still awaited. Respondents are again directed to submit provisional implementation report in connection with grant of back benefits on or before the next date of hearing. Case to come up for further proceedings on 02.04.2019 before S.B at camp court Swat.


Member
Camp Court Swat

06.12.2018

Petitioner in person and Mr. Usman Ghani learned District Attorney alongwith Mr. Khawas Khan Inspector present. Representative of the respondents seeks adjournment to furnish conditional implementation order. Adjourn. To come up for submission of conditional implementation order/further proceedings on 09.01.2019 before S.B at Camp Court Swat.



Member
Camp Court, Swat

09.01.2019

Petitioner in person present. Mr. Mian Ameer Qadir, District Attorney for the respondents present. Implementation report dated 01.11.2018 has already been submitted. Petitioner requested for adjournment on the ground that his counsel is not available today. Adjourned. To come up for arguments/further proceedings on 06.02.2019 before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

06.02.2019

Petitioner in person present. Mian Amir Qadar learned Deputy District Attorney present. Due to general strike of the bar the case is adjourned. To come up for further proceedings on 05.03.2019 before S.B at camp Court Swat.




Member
Camp Court Swat.

05.07.2018

Petitioner Hussain Ali in person present. Mr. Fazle Mabood, Inspector (Legal) on behalf of the respondents alongwith Mr. Muhammad Jan, Deputy District Attorney present.

The above named representative stated that CPLA has been filed against the judgment of this Tribunal, decision of which is still pending. Hence case to come up for further proceedings on 06.09.2018 before S.B at camp court, Swat.


Chairman
Camp court, Swat

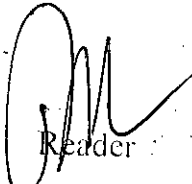
06.09.2018

Petitioner in person present. Mr. Khawas Khan, S.I alongwith Mr. Usman Ghani, District Attorney for respondents present. Today again provisional implementation order as directed vide order sheet dated 05.07.2016 was not produced. Respondents are afforded last opportunity to produce provisional implementation order failing which coercive measure in the shape of attachment of salary would be initiated against them. Case to come up for further proceedings/implementation report on 07.11.2018 before S.B at camp court Swat.


Member
Camp Court Swat




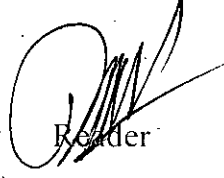
07.11.2018

Due to retirement of the Hon'ble Chairman Service Tribunal is incomplete. Tour to Camp Court Swat has been cancelled. To come up for the same on 06.12.2018 at camp court Swat.


Reader

FORM OF ORDER SHEET

Execution Petition No. 95/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	28.03.2018	<p>The Execution Petition of Mr. Hussain Ali submitted to-day by Mr. Muhammad Javaid Khan Advocate may be entered in the relevant Register and put up to the Court for proper order please</p> <p style="text-align: right;"> REGISTRAR 28/3/18</p>
2	29-3-18	<p>This Execution Petition be put up before Touring S. Bench at Swat on <u>04-04-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p>
04.04.2018		<p>Counsel for the petitioner present. Notice be issued to the respondents for implementation report for 10.05.2018 before S.B at Camp Court, Swat.</p> <p style="text-align: right;"> Chairman Camp court, Swat</p>
09.05.2018		<p>The Tribunal is non-functional due to retirement of the Worthy Chairman. To come up for the same on 05.07.2018 before the S.B at camp court, Swat.</p> <p style="text-align: right;"> Reader</p>

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Execution petition no. 95/2018

Hussain Ali S/o Farzand Ali R/o Gunbat Maira Mingora, Tehsil Babozai District Swat (Senior Clerk Police Department, Presently at DPO Office Dir Lower)Appellant

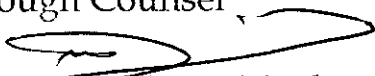
VERSUS

Provincial Police Officer Government of Khyber Pakhtunkhwa and others
..... Respondents Judgment debtors

INDEX

S. #	Description of Documents	Annexures	Pages
1.	Application	X	1-3
2	Copy of the service appeal	A	4-17
3	Copy of the order and judgment Dated: 29/01/2018	B	18-21
4	Copy of the application Dated: 20/02/2018 along with the forwarding letters Dated: 20/02/2018 and 27/02/2018	C	22-24
5	Wakalat Nama		

Applicant
Through Counsel


Muhammad Javaid Khan
Advocate High Court
Office: Allah-o-Akbar Masjid,
College Colony, Saidu Sharif, swat
Cell: 0343-9607492

①

BEFORE THE SERVICE TRIBUNAL, KHYBER
PAKHTUNKHWA, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 347

Date 28/03/2018

Execution petition NO. 95/2018

Hussain Ali S/O Farzand Ali R/ o Gunb at Maira Mingora, Tehsil
Babozai District Swat (Senior Clerk Police Department, Presently at
DPO Office Dir Lower)

VERSUS

- 1) / Provincial Police Officer, Government of Khyber
Pakhtunkhwa at Central Police Office (CPO) Peshawar
 - 2) Additional Inspector General of Police (Headquarter) Khyber
Pakhtunkhwa at CPO Peshawar
 - 3) Deputy Inspector General of Police, Enquiries and Inspection at CPO
Peshawar.
 - 4) Deputy Inspector General of Police, / Regional Police Officer,
(RPO) Malakand Region at Swat
 - 5) District Police Officer, Swat.
 - 6) *implied* District Accounts Officer, Swat.
- Respondents / Judgment Debtors

APPLICATION FOR IMPLEMENTATION OF THE ORDER AND
JUDGMENT OF THIS HONORABLE TRIBUNAL DATED:
29/01/2018 IN SERVICE APPEAL NO. 508 OF 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 favor of the applicant on 29/01/2018 by this Honorable Tribunal. (Copy of the order and judgment Dated: 29/01/2018 is attached herewith as annexure "B").
3. That the applicant then filed an implementation application Dated: 20/02/2018 to the Respondent / Judgment debtor No. 1. (Copy of the application Dated: 20/02/2018 along with the forwarding letters Dated: 20/02/2018 and 27/02/2018 are attached herewith as annexure "C").
4. That the Respondents are reluctant to implement the order and judgment Dated: 29/01/2018 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.

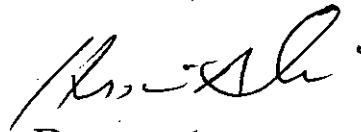
Any other remedy which is just, appropriate and efficacious may also be awarded in favor of the applicant.

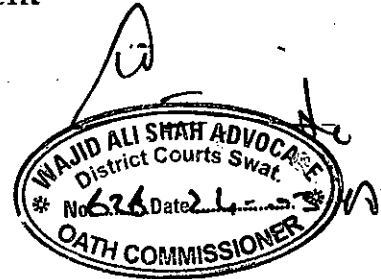
Applicant
Through Counsel


Muhammad Javid 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 been concealed from this Hon'ble Tribunal.


Deponent



~~1~~ ④ A

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Service Appeal No. 508 /2017

- 1) Hussain Ali S/o Farzand Ali R/o Gunbat Maira Mingora,
Tehsil Babozai District Swat (Ex-Senior Clerk Police
Department)

.....Appellant

VERSUS

- 1) Provincial Police Officer Government of Khyber
Pakhtunkhwa at Central Police Office (CPO) Peshawar
- 2) Additional Inspector General of Police (Head Quarter)
Khyber Pakhtunkhwa at CPO Peshawar
- 3) Deputy Inspector General of Police, Enquiries and
Inspection at CPO Peshawar
- 4) Deputy Inspector General of Police / Regional Police Officer
(RPO) Malakand Region at Swat
- 5) District Police Officer Swat

.....Respondents

Service Appeal Under Section 4 of
Service Tribunal Act read with other relevant
provisions against the impugned order dated:
04/05/2017 passed by respondent No.4

~~(2)~~ (5)

(Appellate authority), whereby the departmental appeal of the appellant has been partially allowed.

PRAYER:

On acceptance of this service appeal the impugned order passed by respondent No.4 dated: 04/05/2017 may kindly be modified, and the departmental appeal may be accepted in Toto with all service benefits as prayed in the departmental appeal.

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

Respectfully Sheweth:

The appellant submits as under;

1. That the appellant was appointed as Class IV in Police Department on 11/01/1986.
2. That later on the appellant was promoted to the post of Junior Clerk on 26/12/1989 and

~~3~~

6

later on promoted to the post of Senior Clerk on 29/04/2008.

3. That the appellant served in the police department with zeal and zest in different districts on responsible posts.
4. That the appellant also served the Department as a Traffic Clerk in the office of DPO Swat from 01/10/2011 to 28/12/2011 (02 Months and 28 days), from where agony of the appellant started.
5. That the appellant was compulsorily retired from service on 21/04/2015 by respondent No.1 illegally, unlawfully and unconstitutionally. (Copy of the order of respondent No.1 dated: 21/04/2015 is attached herewith as annexure "A")
6. That the appellant after exhausting all departmental remedies filed service appeal No. 874 of 2015 before the Service Tribunal

~~(4)~~

(7)

Khyber Pakhtunkhwa, which was allowed vide order and judgment dated 03/5/2016 and the respondents were directed to conduct a denovo enquiry within two months. (Copy of the service appeal and judgment dated 03/05/2016 along with whole record is attached herewith as annexure "B")

7. That the appellant was then re-instated in service vide CPO order dated 30/05/2016 and DSP Head quarter Lower Dir was appointed as Enquiry Officer, who after doing the needful recommended the appellant for absolute exoneration from the charges. (Copy of the recommendation of Enquiry Officer for exoneration of the appellant dated: 25/07/2016 is attached herewith as annexure "C")
8. That the respondent Nos. 1&2 did not agree with the recommendation of the Enquiry Officer for the reason that they were inimical towards the appellant due to appellant's

(5)

(8)

previous litigation before the Service Tribunal.

In this regard, the findings of the respondent No.2 dated 06/09/2016 are self-explanatory, from which the mala-fide is very much clear on the face of it. (Copy of the findings of the respondent No.2 dated 06/09/2016 is attached herewith as annexure "D")

9. That through the said letter dated: 06/09/2016 SP Investigation Swat was appointed as an Enquiry Officer, who after conducting the enquiry once again exonerated the petitioner. (Copy of the enquiry report dated: 24/10/2016 along with the enquiry record is attached herewith as annexure "E")
10. That the said enquiry was once again rejected by the respondent No.1 illegally, unlawfully and mala-fidely vide letter No. 2930 dated: 24/11/2016 issued by respondent No.3 and the case was sent back to the respondent No.4 through said letter. The contents of the said

(6) (9)

letter are self-explanatory. (Copy of the letter dated: 24/11/2016 is attached herewith as annexure "F")

11. That the respondent No.4 then endorsed the said letter dated 24/11/2016 to respondent No.5 through endorsement dated: 28/11/2016.
12. That in the meanwhile, the petitioner was transferred from Swat District to Dir Upper District illegally, unlawfully and mala-fidely through order dated: 13/12/2016 by respondent No.4. The contents of the transfer order dated: 13/12/2016 itself transpires mala-fide of the respondents. (Copy of the transferred order dated: 13/12/2016 is attached herewith as annexure "G")
13. That then through a suspicious enquiry report No. Nil dated Nil (allegedly to have been drawn / concluded by SP Investigation Swat) the enquiry against the petitioner was made alive illegally, unlawfully and

(7)

(10)

unconstitutionally. The mala-fide of the respondents is also clear from the report / opinion of the AIG (Legal) at CPO Peshawar dated: 29/12/2016. (Copy of the report of AIG (Legal) dated: 29/12/2016 is attached herewith as annexure "H")

14. That the said alleged enquiry was then sent back to the respondent No.4 by respondent No.3 (Copy of the letter dated: 04/01/2017 is attached herewith as annexure "I")
15. That the over writing in letter No.13 dated: 04/01/2017, the endorsement and over writing on letter No. 2930 dated: 24/11/2016 and the wording of Para No.3 of letter No.13 dated: 04/01/2017 clearly shows the mala-fide of the respondents, and they were bent upon to punish the appellant for their own whims and wishes.
16. That the said alleged enquiry / finding report of SP Investigation Swat was sent by

~~(8)~~

(11)

respondent No.4 to respondent No.5 through letter No.361 dated: 11/01/2017, who issued once again a suspicious final show cause notice dated: 06/03/2017. (The copy of that final show cause notice was forwarded to the appellant through DPO Upper Dir. (Copy of the letter No.361 dated: 11/01/2017 along with the suspicious show cause notice is attached herewith as annexure "J")

17. That a reply of the said notice was submitted by the petitioner on 10/03/2017. (Copy of the reply dated: 10/03/2017 is attached herewith as annexure ("K")

18. That the respondent No.5 then passed an order dated: 29/03/2017 vide which the appellant was dismissed from service illegally, unlawfully and unconstitutionally. (Copy of the order of respondent No.5 dated: 29/03/2017 is attached herewith as annexure "L")

(9)

(12)

19. That the appellant then filed a departmental appeal before respondent No.5. (Copy of the departmental appeal is attached herewith annexure "M")

20. That after the personal hearing on 02/05/2017 the departmental appeal was allowed, and the order of the respondent No.5 was set aside, but the appellant was awarded punishment of stoppage of two annual increments with cumulative effect. It was further directed that the appellant will not be posted to traffic, license and establishment branch. (Copy of the order dated: 04/05/2017 of respondent No.4 is attached herewith as annexure "N")

21. That the impugned order dated 04/05/2017 in respect of the stoppage of two annual increments etc of the appellant are illegal, unlawful, against facts available on the case file, unwarranted inter alia on the following grounds amongst other.

GROUNDS:

- i) That the impugned order is illegal, unlawful, unconstitutional, and base on mala-fide which is very much clear from the record on file.
- ii) That the impugned order dated: 20/03/2017 has been passed in violation of Khyber Pakhtunkhwa Efficiency and Discipline Rules 1973, (Amended in 2011).
- iii) That the notification No. 8511/E-V, dated: 28/12/2015 has been passed in gross contradiction of Khyber Pakhtunkhwa Efficiency and Discipline Rules 1973, (Amended in 2011).
- iv) That the record of the case shows that the respondents have decided before the first de-novo enquiry after the order and judgment of the Services Tribunal Dated: 03/05/2016, that they will dismiss the

(11)

(14)

appellant irrespective of the enquiry reports, so they conducted enquiry after enquiry till their desired results.

- v) That the alleged enquiry report of the SP Investigation Swat No. Nil dated: Nil which was been made a base for the dismissal of the petitioner is vague, self-contradictory, illegal and unlawful.
- vi) That the statement of the Jehangir Khan (Ex-DSP) before the first enquiry officer has been ignored while passing the impugned order dated: 29/03/2017, who has admitted the stance of the petitioner.
- vii) That in the impugned order dated: 29/03/2017, the reply of the petitioner has not been discussed nor decided, which is a clear cut violation of Section 24-A of General Clauses Act.

(12) (15)

- viii) That the appellant has not been dealt with in accordance with law and rules regulating service of the appellant.
- ix) That the entire proceeding has been conducted in derogation of law and rules.
- x) That the appellant being the only bread earner of his family, the entire family has been curbed vide impugned orders.
- xi) That the impugned order of respondent No.4 is whimsical, capricious and founded on surmises and conjectures.
- xii) That the impugned orders of respondent No.4 & 5 have been passed in gross violation of the order of the Peshawar High Court dated: 22/09/2016 in writ petition No.1541-P, PLC(CS) 2007, page 959 and PLC(CS) 2010, page 608. (Copy of the judgment dated: 02/09/2016 in

~~(13)~~ (16)

writ petition No.1541-P of 2016 is
attached herewith as annexure "O")

xiii) That the impugned treatment given by
the Respondents to the appellant is
violation of the articles 4, 9, 25 and 27 of
the constitution of the Islamic Republic
of Pakistan, 1973.

xiv) That other grounds not specifically
raised will be argued with the permission
of this Honorable Court at the time of
arguments.

22. That this appeal is being filed against the
order of the department appellate authority
dated: 04/05/2017, hence this Honorable
Tribunal has got the jurisdiction, and this
appeal is in time.

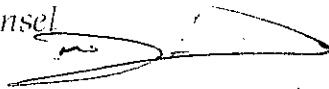
(14) (17)

It is therefore humbly prayed that on acceptance of this appeal, the impugned order passed by respondent No.4 dated: 04/05/2017 may kindly be modified, and the departmental appeal may be accepted in Toto with all service benefits as prayed in the departmental appeal.

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

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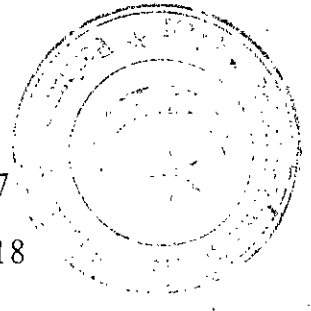
B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT SWAT

Service Appeal No. 508/2017

Date of Institution... 23.05.2017

Date of decision... 29.01.2018



Hussain Ali son of Farzand Ali R/O Gunmbat Maira Mingora Tehsil Babozai,
District Swat (Ex-Senor Clerk Police Department) ... (Appellant)

Versus

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and four others.
... (Respondents)

MR. MUHAMAD JAVOID KHAN,
Advocate ... For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney ... For respondents.

MR. NIAZ MUHAMMAD KHAN, ... CHAIRMAN
MR. GUL ZEB KHAN, ... MEMBER

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN: - Arguments of the learned
counsel for the parties heard and record perused.

FACTS

2. The appellant was compulsorily retired on 21.4.2015 by the Inspector
General of Police, Khyber Pakhtunkhwa, Peshawar. The appellant then filed
service appeal bearing No. 874/2014 before this Tribunal which was decided on
03.05.2016. In the said judgment, this Tribunal issued the direction for denovo

ATTESTED

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

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proceedings within a period of two months of the receipt of that judgment. The department however, initiated denovo proceedings and then dismissed the appellant on 29.03.2017. Against this order, the appellant filed departmental appeal on 3.4.2017 which was partially accepted on 4.5.2017 and thereafter, he filed the present service appeal on 23.05.2017.

ARGUMENTS

3. The learned counsel for the appellant argued that the department failed to conclude the departmental proceedings within given time hence the order of dismissal was illegal. That the department failed to issue fresh charge sheet after denovo proceedings. That in the denovo proceedings, the enquiry officer was appointed who exonerated the appellant on 25.7.2016. Thereafter another enquiry officer was appointed who also not recommended any penalty as per her report of 24.10.2016. That on 28.11.2016, the authority again directed the enquiry officer to conduct the enquiry afresh. That after that final show cause notice was issued to the appellant by the District Police Officer on 06.03.2017 and then the order of dismissal was passed on 29.3.2017. The learned counsel for the appellant further argued that proper procedure was not followed as no charge sheet was issued after the denovo proceedings nor the time given by the Tribunal was honored. That the majority of the proceedings were ordered by the incompetent authority. The learned counsel for the appellant also relied upon the judgment of the Worthy Peshawar High Court in Writ Petition No. 1541-P/2015 decided on 22.09.2016. He also relied upon a judgment reported as 2007-PLC(C.S)959.

ATTENDED

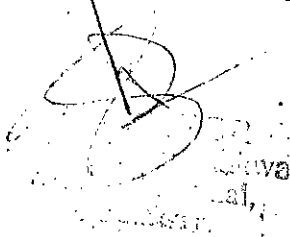
[Signature]
 K. M. Khan
 District Police Officer
 Peshawar

4. On the other hand, the learned Deputy District Attorney argued that in the order of this Tribunal ordering *denovo* proceedings, the Tribunal did not make it conditional whereas the judgment of the august Supreme Court of Pakistan relied upon by the learned counsel for the appellant was a conditional order. He further argued that there was no need of any fresh charge sheet as the charge sheet was already issued to the appellant in the earlier proceedings. That all the formalities were fulfilled. That the appellate authority had already taken a lenient view.

CONCLUSION

5. This Tribunal is first to decide whether the proceedings were initiated and concluded by a competent authority or not. There is an order of delegation of powers issued by the Inspector General of Police in exercise of the powers under Article 31 of the Police Order, 2002 on 28.12.2015 wherein the powers of competent authority for disciplinary proceedings have been delegated to DPO. But except the final show cause notice and the order of dismissal, the whole proceedings were initiated by the I.G.P despite the above mentioned delegation of powers. This Tribunal is therefore, of the view that the proceedings before the final show cause notice were *coram non iudice* and had no legal value. There is also no charge sheet issued to the appellant by any authority whether by the I.G.P or by the DPO. The departmental representative pressed into service a charge sheet issued to the other civil servants who ^{ere} was also involved in the present disciplinary proceedings but the said charge sheet was issued by the AIG. That charge sheet had not been issued by the AIG on behalf of IGP but by AIG himself. It is not understandable that how AIG could issue charge sheet as he was neither

ATTESTED

A handwritten signature is written over a circular stamp. The stamp contains the word "ATTESTED" at the top and some illegible text below. The signature is written in dark ink and is somewhat scribbled.

the original appointing authority nor he was delegated any disciplinary powers by the IGP.

6. As a sequel to the above discussion, this Tribunal is of the view that the whole proceedings are illegal. The appellate order to the extent of back benefits etc. is set aside. Back benefits are allowed to the appellant subject to fulfillment of codal formalities regarding gainful employment etc. during the period he remained out of service. The appellant is also allowed seniority for the said period.

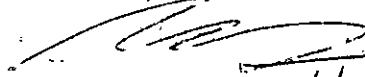
Parties are left to bear their own costs. File be consigned to the record room.

Announced
29.01.2018

Sd/- Niaz Muhammad Khan
Chairman
Appellate Bench

Certified to be true copy


Sd/- Erubzeb Khan
A. Clerk

Date of Payment	14-2-18
Number	1600
Copy	1000
Unit	200
Total	1200
Name	
Date of	14-2-18
Date of	14-2-18

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C 1

BEFORE WORTHY PROVINCIAL POLICE OFFICER, KHYBER PAKHTUNKHWA,
PESHAWAR

Through PROPER CHANNEL

Subject: APPLICATION FOR PROMOTION AS ASSISTANT IN LIGHT OF COURT
JUDGMENT

Respected Sir,

It is submitted that August Service Tribunal, Khyber Pakhtunkhwa while on 29/01/2018 deciding the Service Appeals No.508/2017 and 1067/2017 filed by the applicant, has granted all back benefits including allowing seniority of the said periods.

The applicant colleagues as well as junior have already been promoted as Assistant Grade Clerks during the mentioned periods. The Annual Confidential Reports of the applicant are already complete and in the entire service for more than 30 years rendered by the applicant has not yet been conveyed any adverse report(s).

It is, therefore, humbly requested that the applicant may kindly not be further deprived from legal rights and may very kindly be promoted as Assistant Grade Clerk with assigning and fixing of seniority amongst colleagues with back benefits in the light of August Service Tribunal judgment for which the applicant shall ever pray for your long life and prosperity for your this act of kindness and obliged.

Photo copies of judgment of August Service Tribunal, Khyber Pakhtunkhwa are submitted herewith for perusal please.

Yours Obediently,

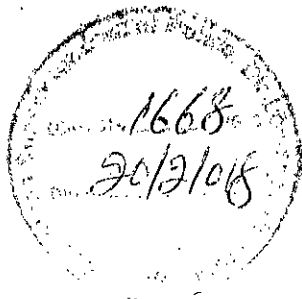
Hussain Ali

(HUSSAIN ALI)

Senior Clerk,

DPO Office, Dir Lower

Dated 20/02/2018



EC

S. Khan
District Police Officer
Dir Lower at Timergara

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OFFICE OF THE
DISTRICT POLICE OFFICER
DIR LOWER



Ph#.0945-9250005 Fax#. 0945-9250049

E-mail: dpolowerdir@gmail.com

No. 5790 /EC, dated 20/2/2018

To

The Regional Police Officer,
Malakand at Saidu Sharif, Swat

Subject:

APPLICATION

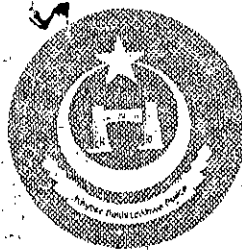
Memorandum:

Application along-with photo copies of judgments of August Service Tribunal, Khyber Pakhtunkhwa of Senior Clerk Hussain Ali of this office requesting therein for promotion as Assistant Grade Clerk and fixing of seniority amongst colleagues is forwarded herewith for onward submission to CPO Peshawar for consideration under intimation to this office please.

Encls:- (06)


District Police Officer,
Dir Lower

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

**Ph: 0946-9240381-83 & Fax No. 0946-9240390
Email: digmalakand@yahoo.com**

No. _____ /E, dated Saidu Sharif the 27 / 02 / 2018

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

22/2
8/3/18

Subject: **APPLICATION.**

Memorandum:

The District Police Officer, Dir Lower vide his office memo No. 5790/EC, dated 20/02/2018 has forwarded an application (alongwith judgment of August Service Tribunal, Khyber Pakhtunkhwa Peshawar) submitted by Senior Clerk Hussain Ali requesting therein for promotion as Assistant Grade Clerk and fixing of seniority amongst his colleagues.

His application alongwith relevant papers is submitted herewith for necessary action.

**Regional Police Officer,
Malakand, at Saidu Sharif Swat**

No. 2162 /E,

Copy for information to the District Police Officer, Dir Lower with reference to his office memo No. quoted above.

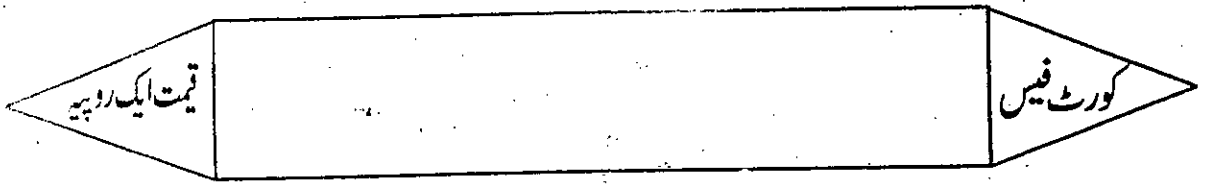
**Regional Police Officer,
Malakand, at Saidu Sharif Swat**

EC
[Signature]

**District Police Officer,
Dir Lower at Timergara.**

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بعدالت ^{سلسلہ} سس و سس ٹریبونل فیصلہ دہن تو خواہ کیا کورٹ بنام ملزم مسوور



مورخہ ۱۸ مئی ۱۹۶۸ء منجانب سیکرٹری
مقدمہ جسٹس مسوور حکومت فیصلہ دہن تو خواہ
دعویٰ بنام

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ آن مقام سرسول مسوور محکمہ کورٹ مسوور سید احمد جواوید خان ایڈووکیٹ کو مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ و تقرر ثالث و فیصلہ پر حلف دینے جواب دی اور اقبال دعویٰ اور درخواست ہر قسم کی تصدیق زر اور اس پر دستخط کرنے کا اختیار ہوگا۔ نیز بصورت عدم پیروی یا ڈگری ایک طرف یا اپیل کی برآمد ہوگی اور منسوخ مذکور کے نسل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنی ہمراہ یا اپنی بجائے تقرر کا اختیار ہوگا۔ اور صاحب مقررہ شدہ کو بھی جملہ مذکورہ بالا اختیارات حاصل ہونگے اور اس کا ساختہ برواختہ منظور و قبول ہوگا۔ اور دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا اسکے مستحق وکیل صاحب ہونگے۔ نیز بقایا و خرچہ کی وصولی کر پتے وقت کا بھی اختیار ہوگا اگر کوئی تاریخ پیشی مقام دورہ ہر ہو یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہونگے کی پیروی مقدمہ مذکور لہذا وکالت نامہ لکھ دیا ک سند رہے

المترقوم

واہ شادہ العبدہ
سید احمد جواوید خان
ایڈووکیٹ

العبد گ واہ شادہ العبدہ

بمقام سرسول مسوور کورٹ مسوور کے لئے منظور ہے

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Execution Petition No.95/2018

Hussain Ali s/o Farzand Ali r/o Gumbat Maira, Mingora, Tehsil Babozai District Swat
(Senior Clerk Police Department, presently at DPO Office Dir Lower).

----- (Appellant)

Versus

1. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General of Police, (Head Quarter) Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police, Enquiry and Inspections at CPO Peshawar.
4. Deputy Inspector General of Police, Malakand Region at Saidu Sharif, Swat.
5. District Police Officer, Swat.

----- (Respondents)

INDEX

S.No:	Description of Documents	Annexure	Page
1	Para-wise Comments	-	1-2
2	Affidavit	-	3
3	Authority	-	4


District Police Officer, Swat
(Respondent No.04)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Execution Petition No.95/2018

Hussain Ali s/o Farzand Ali r/o Gumbat Maira, Mingora, Tehsil Babozai District Swat (Senior Clerk Police Department, presently at DPO Office Dir Lower).

----- (Petitioner)

Versus

1. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General of Police, (Head Quarter) Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police, Enquiry and Inspections at CPO Peshawar.
4. Deputy Inspector General of Police, Malakand Region at Saidu Sharif, Swat.
5. District Police Officer, Swat.

----- (Respondents)

Parawise comments on behalf of Respondents.

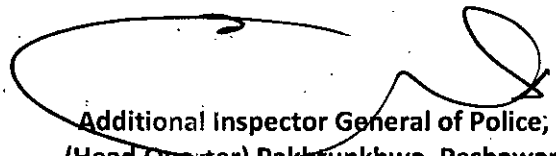
Respectfully Sheweth:

1. Correct that applicant filed appeal before the Honorable Service Tribunal Khyber Pakhtunkhwa, Peshawar.
2. That the respondent department duly contested the appeal by filing reply which was decided by the Honorable Tribunal. The respondent department referred case of the applicant to Law department through proper channel for filing Civil Petition Leave to Appeal and the same made fit.
3. As discussed earlier order^{of} the Honorable Tribunal has been assailed before the Apex Court of Pakistan vide CPLA No.248-P/2018 which is pending before the Apex Court, therefore application of the applicant was not entertained.
4. Incorrect. Neither the respondent department is reluctant to implement the order of Honorable Tribunal nor any malafide is on its part rather there is every likelihood that CPLA will bear fruitful results in shape of its acceptance by the Apex Court which is subjudice.

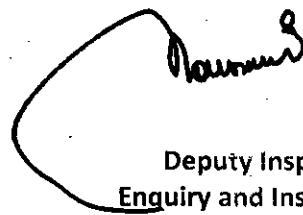
5. Respondent department has always gave due weightage to the orders of the Honorable Tribunal being its foremost duty but since the matter in issue is subjudice before Apex Court of Pakistan.



Provincial Police officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)



Additional Inspector General of Police;
(Head Quarter) Pakhtunkhwa, Peshawar.
(Respondent No.2)



Deputy Inspector General of Police,
Enquiry and Inspections at CPO Peshawar.
(Respondent No.3)



Deputy Inspector General of Police,
Malakand Region at Saigu Sharif, Swat
(Respondent No.4)



District Police Officer, Swat
(Respondent No.5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Execution Petition No.95/2018

Hussain Ali s/o Farzand Ali r/o Gumbat Maira, Mingora, Tehsil Babozai District Swat (Senior Clerk Police Department, presently at DPO Office Dir Lower).

----- (Petitioner)

Versus

1. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General of Police, (Head Quarter) Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police, Enquiry and Inspections at CPO Peshawar.
4. Deputy Inspector General of Police, Malakand Region at Saidu Sharif, Swat.
5. District Police Officer, Swat.

----- (Respondents)

Affidavit

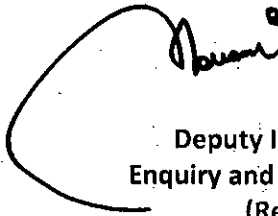
We, the above respondents do hereby solemnly affirm on oath and declare that the contents of the appeal are correct/true to the best of our knowledge/ belief and nothing has been kept secret from the August Court.



Provincial Police officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)



Additional Inspector General of Police,
(Head Quarter) Pakhtunkhwa, Peshawar.
(Respondent No.2)



Deputy Inspector General of Police,
Enquiry and Inspections at CPO Peshawar.
(Respondent No.3)



Deputy Inspector General of Police,
Malakand Region at Saidu Sharif, Swat
(Respondent No.4)



District Police Officer, Swat
(Respondent No.5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Execution Petition No.95/2018

Hussain Ali s/o Farzand Ali r/o Gumbat Maira, Mingora, Tehsil Babozai District Swat
(Senior Clerk Police Department, presently at DPO Office Dir Lower).

----- (Appellant)

Versus

1. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. Additional Inspector General of Police, (Head Quarter) Pakhtunkhwa, Peshawar.
3. Deputy Inspector General of Police, Enquiry and Inspections at CPO Peshawar.
4. Deputy Inspector General of Police, Malakand Region at Saidu Sharif, Swat.
5. District Police Officer, Swat.

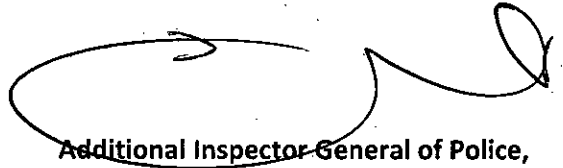
----- (Respondents)

Authority Letter

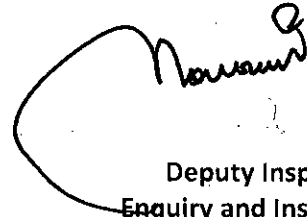
We, the above respondents do hereby authorize Mr. Khawas Khan SI Legal Swat to appear in the Service Tribunal on our behalf on each date fixed in connection with titled Service Appeal and do whatever is needed.



Provincial Police officer,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.1)



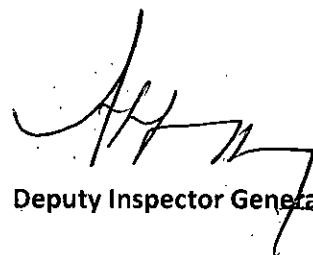
Additional Inspector General of Police,
(Head Quarter) Pakhtunkhwa, Peshawar.
(Respondent No.2)



Deputy Inspector General of Police,
Enquiry and Inspections at CPO Peshawar.
(Respondent No.3)



District Police Officer, Swat
(Respondent No.4)



Deputy Inspector General of Police,
Malakand Region at Saidu Sharif, Swat
(Respondent No.4)

①

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. 248 P /2018

Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar & Others

-----PETITIONERS

VERSUS

Hussain Ali

-----RESPONDENT

Appeal from : Hon'ble Khyber Pakhtunkhwa Service
Tribunal, Camp Court Swat
Counsel for Petitioner : *Advocate General, KPK, Peshawar*
Instituted by : *Mian Saadullah Jandoli, AOR*

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CERTIFIED that the paper book has been prepared in accordance with the rules of the Court and all the documents necessary for due appreciation of the court have been included in it. Index is complete in all respect.

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

APPELLATE JURISDICTION

CPLA NO. 248/P /2018

Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar & Others

PETITIONERS

VERSUS

Hussain Ali

RESPONDENT

CONCISE STATEMENT

- 1- Subject matter and the law Claim for Release of Salary
- 2- Which side has filed this petition Government / petitioners

Court / Forum	Date of a) Institution b) Decision	Who filed it and with what result
KPK Service Tribunal Camp Court Swat	a) 23/05/2017 b) 29/01/2018	Respondent filed service appeal which has been accepted
Points noted in the impugned Judgment	Treatment of points in the impugned judgment	
<p>The learned counsel for the respondent argued that the department failed to conclude the departmental proceeding within given time hence the order of dismissal was illegal. That the department failed to issue fresh charge sheet after denovo proceedings. That in the denovo proceedings, the enquiry officer was appointed who exonerated the respondent on 25/7/2016. Thereafter another enquiry officer was appointed who also not recommended</p>	<p>This tribunal is first to decide whether the proceedings were initiated and concluded by a competent authority or not. There is an order of delegation of powers issued by the Inspector General of Police in exercise of the powers under article 31 of the Police Order 2003 on 28/12/2015 wherein the powers of competent authority for disciplinary proceedings have been delegated to DPO. But except the final show cause notice and the order of dismissal, the whole proceedings were</p>	

any penalty as per her report of 24/10/2016. That on 28/11/2016 the authority again directed the enquiry officer to conduct the enquiry afresh. That after that final show cause notice was issued to the respondent by the District Police Officer on 06/03/2017 and then the order of dismissal was passed on 29/3/2017. The learned counsel for the respondent further argued that proper procedure was not followed as no charge sheet was issued after the denovo proceedings nor the time given by the tribunal was honored. That the majority of the proceedings were ordered by the incompetent authority.

On the other hand the learned Deputy District Attorney argued that in the order of this tribunal ordering denovo proceedings, the tribunal did not make it conditional whereas the judgment of the august supreme Court of Pakistan relied upon by the learned counsel for the respondent was a conditional order. He further argued that there was no need of any fresh charge sheet as the charge sheet was already issued to the

initiated by the IGP despite the above mentioned delegation of powers. This tribunal is therefore of the view that the proceedings before the final show cause notice were coram non iudice and had no legal value. There is also no charge sheet issued to the respondent by any authority whether by the IGP or by the DPO. The departmental representative pressed into service a charge sheet issued to the other civil servants who were also involved in the present disciplinary proceedings but the said charge sheet was issued by the AIG. That charge sheet had not been issued by the AIG on behalf of IGP but by AIG himself. It is not understandable that how AIG could issue charge sheet as he was neither the original appointing authority nor he was delegated any disciplinary powers by the IGP. As a sequel to the above discussion, this tribunal is of the view that the whole proceedings are illegal. The respondent order to the extent of back benefits etc. is set aside. Back benefits are allowed to the respondent subject to fulfillment of codal formalities regarding gainful employment etc, during the period he

(C)

4

<p>respondent in the earlier proceedings. That all the formalities were fulfilled. That the respondent authority had already taken lenient view.</p>	<p>remained out of service. The respondent is also allowed seniority for the said period.</p>
--	---

LAW/RULING ON THE SUBJECT

FOR

1- CONSTITUTION OF PAKISTAN, 1973

CERTIFICATE:

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

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

①

5

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

CPLA NO. 248P /2018

1. Provincial Police Officer Khyber Pakhtunkhwa at Central Police Office(CPO) Peshawar
2. Additional Inspector General of Police (Head Quarter) Khyber Pakhtunkhwa at CPO Peshawar
3. Deputy Inspector General of Police, Enquiries and Inspection at CPO Peshawar
4. Deputy Inspector General of Police, Malakand Region Swat
5. District Police Officer, Swat

-----PETITIONERS

VERSUS

Hussain Ali S/o Farzand Ali R/o Gunbat Maira Mingora
Tehsil Babozai District Swat (Ex-Senior Clerk Police
Department)

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, CAMP COURT SWAT DATED
29/01/2018 IN SERVICE APPEAL NO.508/2017.

RESPECTFULLY SHEWETH

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

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

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

~~_____~~
~~_____~~
~~_____~~

and facts of the case?

4. Whether the respondent has committed gross misconduct by indulging himself in illegal practice and corruption?
5. Whether a proper show cause notice was issued to the respondent with statement of allegation which was not satisfactorily replied by the respondent?
6. Whether the enquiry officer was appointed for the purpose of probing the charge and allegation leveled against the respondent?
7. Whether the enquiry officer conducted the enquiry by associating the respondent in the enquiry proceeding wherein the respondent was found guilty of misconduct being involved in corruption?
8. Whether the guilt of respondent does constitute gross misconduct which entails major punishment of dismissal?
9. Whether the punishment awarded to the respondent is commensurate with the charge leveled and proved against the respondent?
10. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat has properly construed the record and material in its true perspective?
11. Whether the appellate authority has already treated the respondent leniently by reducing his punishment into withholding of stoppage of two increments with immediate effect?
12. Whether the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat has accepted and allowed the appeal of respondent in disregard of law on extraneous consideration?

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

1. That the respondent was serving in Police Department as License Clerk in the Traffic Branch where he indulged himself in illegal and corrupt practice.

2. That the respondent was issued charge sheet and statement of allegation which was not satisfactorily replied.

3. That an enquiry officer was appointed who conducted enquiry in the matter by associating the respondent wherein the respondent was found guilty of gross misconduct and the enquiry officer recommended the respondent for punishment.

4. That the competent authority imposed the punishment of compulsory retirement from service on the respondent vide order dated 21/4/2015.

5. That the respondent filed departmental appeal which was rejected.

6. That the respondent filed service appeal before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat which was accepted and the respondent case was remanded to the petitioners for denovo enquiry vide on 3/5/2016.

7. That in the light of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat the respondent was reinstated into service vide order dated 30/8/2016.

8. That denovo enquiry was again initiated wherein the respondent was found guilty of misconduct and the enquiry officer recommended the respondent for punishment.

9. That the competent authority issued final show cause notice which was not satisfactorily replied by the respondent therefore the competent authority dismissed the respondent from service vide order dated 19/3/2017.

That the respondent filed departmental appeal which was accepted and the punishment of dismissal was modified by withholding two annual increments vide order dated 4/5/2017.

11. That the respondent again filed service appeal No.508/2017 before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat wherein comments was called from the petitioners which were filed accordingly.
12. That the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat accepted and allowed the service appeal of respondent vide judgment and order dated 29/1/2018.
13. That the petitioners being aggrieved from the impugned judgment/order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat dated 29/01/2018 in Service Appeal No.508/2017 prefer this CPLA before this august Court.
14. That the petitioners seek leave to appeal against the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat dated 29/01/2018 in Service Appeal No.508/2017.

It is, therefore, prayed that on acceptance of this petition, leave to appeal against the impugned judgment and order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat dated 29/01/2018 in Service Appeal No.508/2017 may graciously be granted.

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

NOTE:

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

ADDRESS

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

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

(39)

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IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

(Handwritten signature)

CMA NO. 248P /2018

IN

CPLA NO. 288 /2018

Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar & Others

-----PETITIONERS

VERSUS

Hussain Ali

-----RESPONDENT

APPLICATION FOR SUSPENSION OF OPERATION OF THE
IMPUGNED JUDGMENT/ ORDER OF THE LD. SERVICE
TRIBUNAL, CAMP COURT, SWAT PASSED IN SERVICE APPEAL
NO.508/2017 DATED 29/01/2018 AND TO MAINTAIN THE STATUS
QUO TILL THE FINAL DECISION OF THE CASE.

RESPECTFULLY SHEWETH:-

1. That the respondent was serving in Police Department as License Clerk in the Traffic Branch where he indulged himself in illegal and corrupt practice.
2. That the respondent was issued charge sheet and statement of allegation which was not satisfactorily replied.
3. That an enquiry officer was appointed who conducted enquiry in the matter by associating the respondent wherein the respondent was found guilty of gross misconduct and the enquiry officer recommended the respondent for punishment.
4. That the competent authority imposed the punishment of compulsory retirement from service on the respondent vide order dated 21/4/2015.

5. That the respondent filed departmental appeal which was rejected.
6. That the respondent filed service appeal before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat which was accepted and the respondent case was remanded to the petitioners for denovo enquiry vide on 3/5/2016.
7. That in the light of the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat the respondent was reinstated into service vide order dated 30/8/2016.
8. That denovo enquiry was again initiated wherein the respondent was found guilty of misconduct and the enquiry officer recommended the respondent for punishment.
9. That the competent authority issued final show cause notice which was not satisfactorily replied by the respondent therefore the competent authority dismissed the respondent from service vide order dated 19/3/2017.
10. That the respondent filed departmental appeal which was accepted and the punishment of dismissal was modified by withholding two annual increments vide order dated 4/5/2017.
11. That the respondent again filed service appeal No.508/2017 before the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat wherein comments was called from the petitioners which were filed accordingly.
12. That the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Camp Court Swat accepted and allowed the service appeal of respondent vides judgment and order dated 29/1/2018.
13. That the impugned judgment of the Honble Service Tribunal is totally illegal against justice and having no backing of law.

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14. That the petitioner has a good prima facie case and balance of convenience also lies in maintaining status-quo.
15. That if the impugned judgment and order is not suspended and status-quo is not granted the very purpose of this petition would be lost.

It is, therefore, humbly prayed that the operation of the impugned judgment/order of the Hon'ble Khyber Pakhtunkhwa Service Tribunal; Camp Court Swat in service appeal No.508/2017 Dated 29/01/2018 may graciously be suspended and to maintain status quo till the final decision of the case.

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

MOST URGENT
SUPREME COURT MATTER

OFFICE OF THE ADVOCATE GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR

No. 149-157 /A.G.

Dated 5-1-2019 /2019

Address: High Court Building, Peshawar. Tel: No. 091-9210119, 9210312,
Fax No. 091-9210270, Exchange No. 091-9213833

To:

1. Provincial Police Officer, Khyber Pakhtunkhwa at Central Police Office (CPO) Peshawar.
2. Additional Inspector General of Police, (Head Quarter) Khyber Pakhtunkhwa, at CPO Peshawar.
3. Deputy Inspector General of Police, Enquiries and Inspection at CPO Peshawar.
4. Deputy Inspector General of Police, Multan Region Swat.
5. District Police Officer, Swat.

Dispatched
Advocate General's Office
Khyber Pakhtunkhwa
Peshawar

On Pakistan State Service

Subject:

CP.248-P/18-PROVINICAL POLICE OFFICER KPK -VS-HUSSAIN ALI

Sir,

The above noted case is fixed for hearing before the Supreme Court of Pakistan at Islamabad/ Peshawar on 11-1-2019.

An officer not below the rank of Grade-17 and fully conversant with the facts of the subject case, may kindly be deputed alongwith complete record to discuss with the Additional Advocate General, Khyber Pakhtunkhwa at Islamabad / Peshawar on 10-1-2019 and attend the Supreme Court of Pakistan at Islamabad / Peshawar on 11-1-2019

کتاب
دست
دست

Wig. Saad
ADVOCATE ON RECORD,
KHYBER PAKHTUNKHWA,
PESHAWAR.

Subject: Hearing of CPLA #248-P/18
title Provincial Police Officer KPK Vs:
Hussain Ali

R/Sir,

The subject CPLA has been fixed
for hearing on 10, 11 January 2019 before
Supreme Court Islamabad as per
notice received from Advocate on record
KP Peshawar.

As representative of Police Deptt.
I with no. in official vehicle may
be allowed to proceed w-e-f. 09-1-19.

W-DPO/swat

Allowed 7/2

Dep Legal

(Mufaraz Khan)
DSP Legal Swat
09-1-2019

[Signature]
xi.

To, The worthy Provincial Police Officer,
Malakand at Saidu Sharif, Swat

Through **PROPER CHANNEL**

Subject: **SUBMISSION OF ORDER SHEETS OF EXECUTIVE
PETITION NO.95/2018**

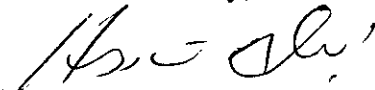
Respected Sir,

It is submitted that:-

1. The applicant was compulsorily retired from service vide CPO Peshawar order issued over Endst No.2570-74/E-V, dated 21/04/2015.
2. After departmental remedy the applicant filed Service Appeal No.874/2015 for re-instatement into service before August Service Tribunal, Khyber Pakhtunkhwa and subsequently re-instated in service on 03/05/2016 as well as by CPO Peshawar on 02/06/2016 for the purpose of denovo departmental enquiry proceedings.
3. The authority concerned while deciding the denovo departmental enquiry proceedings counted applicant out of service period as leave without pay and stopped two annual increments.
4. Therefore the applicant lodged Service Appeal No.508/2017 before August Service Tribunal, KPK, Peshawar, which was decided in favour of applicant.
5. Then the department lodged CPLA NO.248-P/18 before Supreme Court of Pakistan, against the judgment of August Service Tribunal, Khyber Pakhtunkhwa.
6. To implement the decision / judgment of August Service Tribunal, Khyber Pakhtunkhwa, the applicant filed Execution Petition No.95/2018 before concerned competent August court, which is still subjudiced.

Attested copies of judgment in Service Appeal No.508/2017 and detail order sheets / judgments passed in Execution Petition No.95/2018 by August Service Tribunal, Khyber Pakhtunkhwa, are submitted herewith for consideration please.

Yours Obediently,



(HUSSAIN ALI)

Senior Clerk

Region Offices, Swat

Dated 25/03/2019

From: The District Police Officer
Swat

To: The Assistant Inspector General of Police,
Legal CPO Peshawar

No. 9824 /Legal,

Dated Saidu Sharif the 27/ 6 /2019

Subject: IMPLEMENTATION REPORT IN SERVICE APPEAL NO.95/2018
TITLED HUSSAIN ALI VS PPO ETC ETC

Memorandum:

Please refer to the subject.

1. It is submitted that Khyber Pakhtunkhwa Service Tribunal, Peshawar vide Order dated 11/06/2019 has directed to respondent department to submit conditional implementation report before or on 01/07/2019 in connection with grant of back benefits to the appellant.

2. CPLA No.248/18 has already been filed through Advocate on Record in Supreme Court of Pakistan and no date of hearing is fixed so far. Vide this office Memo: 17466/Legal dated 28/09/2018 guidance regarding the implementation of Tribunal Order dated 06/09/2018 was solicited but no opinion/guidance has been received to this office, so far.

4. It is, therefore once again requested that necessary guidance for provisional/conditional implementation of Judgment is solicited, so that implementation report could be prepared and submitted to Court before date of hearing i.e 01/07/2019, please.

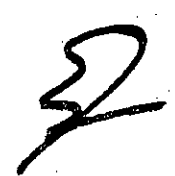
Encl: (copy of Order Sheet, Letter)

The matter may be treated as most urgent being Court matter.

No. 9825 /Legal


District Police Officer
Swat

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


District Police Officer
Swat
Ph. 0946-9240393
Fx. No. 0946-924
Email: dposwat@gp

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

ORDER

In compliance of the judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No.508/2017 and approval accorded by the competent authority vide CPO Peshawar Memo: No.3331/LB, Dated 05/07/2019, received vide District Police Officer, Swat office Memo: No.10640/Legal, dated 15/07/2019, the back benefits for the period from 22/04/2015 to 02/06/2016, from 29/03/2017 to 05/05/2017 with releasing of two annual increments stopped with cumulative effect vide this office Endst: No.4295-96/E, dated 04/05/2017 is hereby released and granted to Senior Clerk Hussain Ali presently posted to this office provisionally subject to the outcome of CPLA and fulfillment of codal formalities regarding gainful employment etc.

On releasing and granting of back benefits for above period and releasing of his two annual increments stopped with cumulative effect, the pay of Senior Clerk Hussain Ali is re-fixed as under:-

1. Pay on 21/04/2015Rs.16540/-PM
2. Pay provisionally re-fixed in the revised pay scales on 01/07/2015 @.....Rs.21400/-PM
3. PI @ Rs.790/- in BPS-14 on 01/12/2015 raising pay from Rs.21400/-PM to.....Rs 22190/-PM
4. Pay provisionally re-fixed in BPS-14 in the revised pay scales on 01/07/2016 @.....Rs.27420/-PM
5. PI @ Rs.980/- in BS-14 on 01/12/2016 raising pay from Rs.27420/- PM to.....Rs.28400/- PM
6. Pay provisionally re-fixed in BS-14 in the revised pay scales on 01/07/2017 @.....Rs.33900/-PM
7. PI @ Rs.1170/- in BS-14 on 01/12/2017 raising pay from Rs.33900/- PM to.....Rs.35070/-PM
8. PI @ Rs.1170/-PM in BS-14 on 01/12/2018 raising pay from Rs.35070/- PM to.....Rs.36240/-PM

No. 8273-76 /E,

Dated Saidu Sharif the, 30/07 /2019

Regional Police Officer,
Malakand at Saidu Sharif, Swat

Copies for information with reference to their offices Nos quoted above to the:-

1. Assistant Inspector General of Police, Legal, CPO, Peshawar.
2. District Police Officer, Swat
3. District Accounts Officer, Swat for necessary action.
4. Accountant, Region Office, Swat.

1	2	3	4	5	6	7	8
Name of Post	Substantive Whether Substantive or officiating and whether permanent or temporary	If officiating state (i) substantive appointment, or (ii) whether service counts for pension under art 371 C.S.R.	Pay in substantive post	Additional pay for officiating	Other emolument falling under the term 'Pay'	Date of Appointment	Signature of Government Servant

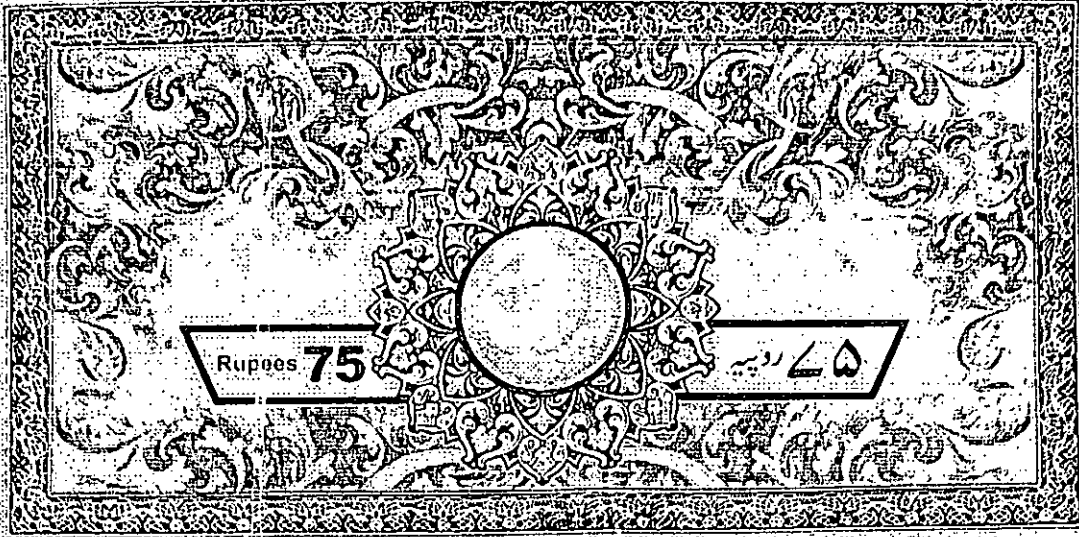
order.
 In compliance of the judgment of the K.K. Service Tribunal Bench in Service Appeal No. 508/2017 and approval accorded by the Competent authority vide C.Po. Peshawar Memo. No. 333/2 B dt 05/07/2019, received vide D.Po. S.W. Office Memo. No. 1066/0/ dt 15.07.2019, The back benefits for the period from 22.4.2016 to 2.6.2016, from 29.3.2017 to 05.05.2017 with releasing of two annual increments stopped with cumulative vide this Office Memo. No. 1295-96/E dt. 04.05.2017 is hereby released and granted to Sr. clerk Hussain Ali presently posted to this office provisionally subject to the outcome of C.P.A. and fulfillment of condal formalities regarding lawful employment etc.

on releasing and granting of back benefits for above period and releasing of his two annual increments stopped with cumulative effect, the pay of Sr. clerk Hussain Ali is re-fixed as under:-

1. Pay on 21.4.2015 Rs. 16547/- PM
2. Pay provisionally re-fixed in the revised pay scales on 1.7.2015 @ Rs. 21400/- PM
3. P.I @ Rs. 790/- in BPs-14 on 1.12.2015 raising pay from Rs. 21400/- PM to Rs. 22190/- PM
4. Pay provisionally re-fixed in BPs-14 in the revised pay scales on 1.7.2016 @ Rs. 27420/- PM
5. P.I @ Rs. 980/- in BS-14 on 1.12.2016 raising pay from Rs. 27420/- PM to Rs. 28407/- PM
6. Pay provisionally re-fixed in BS-14 in the revised pay scales on 1.7.2017 @ Rs. 33900/- PM
7. P.I @ Rs. 1170/- in BS-14 on 1.12.2017 raising pay from Rs. 33900/- PM to Rs. 35070/- PM
8. P.I @ Rs. 1170/- PM in BS-14 on 1.12.2018 raising pay from Rs. 35070/- PM to Rs. 36240/- PM

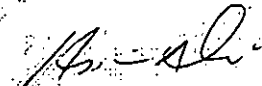
[Handwritten Signature]
 V. K. Malik
 [Signature]

A253310



AFFIDAVIT

I, Hussain Ali S/O Farzand Ali (late) R/O Mohallah Masjid Umar Bin Khalab, Gumbat Merrra, Mingora presently serving as Assistant Grade Clerk in the office of worthy Regional Police Officer, Malakand Region, Saidu Sharif, Swat do hereby solemnly affirm that I remained out from service for the period from 21/04/2015 to 03/06/2016 and from 29/03/2017 to 04/05/2017. During these periods, I have neither performed nor worked any private job or service, except of struggle for proving my innocence. However, in case Supreme Court of Pakistan passed judgment against me, I will refund and credit the received back benefits in lump sum at once in government treasury.


Hussain Ali
Assistant Grade Clerk
(P # No.71647)
Office of worthy RPO,
Malakand Region, Saidu Sharif, Swat
Dated 18/02/2020



Pay Roll System
Amendment Form
Single Employee Entry
Office of the:

REGIONAL POLICE OFFICER, MALAKAND REGION AT SAIDU SHARIF SWAT

Form: Pay 02
Date _____
Page No _____

For the Month of _____/2020.

DDO Code

Personal Number

5 2 4 3 7 2 3
0 0 0 7 1 6 4 7

Description. Senior Clerk

Employee Name. Hussain Ali

Grade (pay Scale Group)

1 4

Salary Status

Start

Stop

FIELD ID	GENERAL DATE CHANGE NEW CONTENTS	CHANGE IN PAYMENT /DEDUCTION		EFFECTIVE DATE	REMARKS
		WAGE TYPE	AMOUNT		
		5801	Pay 245064		Arrears/back benefits for the from 21-04-2015 to 03-06-2016 from 29-03-2017 to 04-05-2017 and releasing of two annual increments in the light of August service Tribunal, Khyber Pakhtunkhwa, Judgment dated 29-01-2018 passed in Service Appeal No. 508/2017 duly approved by Inspector General of Police Khyber Pakhtunkhwa. Peshawar vide C.P.O Peshawar No. 3331/Legal, dated 05-07-2019.
		5002	HRA 22470		
		5011	CA 41767		
		5012	MA 21246		
		5886	Comp 14625		
		5898	AR 2010 61569		
		5911	AR 2011 2904		
		5938	AR 2012 7608		
		5309	AR 2013 34202		
		5950	AR 2014 22108		
		5964	AR 2015 518		
		5975	AR 2016 3449		
		5990	AR 2017 2558		
		5322	AR 2018 1739		
		5336	AR 2019 335		
		Total	Rs. 482162/-		

Regional Police Officer,
Malakand at Saidu Sharif Swat.

Audit/Checked By:

Entered /Verified By:

DETAIL OF PAY AND ALLOWANCES

	Pay	1476 HRA	CA	MA	Comp Allow	ARA 2010	ARA 2011	ARA 2012	ARA 2013	ARA 2014	ARA 2015	ARA 2016	ARA 2017	ARA 2018	ARA 2019	Total
22/04/2015 to 30/04/2015 09 days. Rs.16540/ 9/30	4962	442	856	360	300	1263	378	992	744	496	0	0	0	0	0	10793
01/05/2015 to 30/06/2015. Rs.16540/- x 2 months	33080	2952	5712	2400	2000	8420	2526	6616	4962	3308	0	0	0	0	0	71976
01/07/2015 to 30/11/2015 Rs.21400 x 5 months	10700	7380	14280	7500	5000	21050	0	0	12405	8270	0	0	0	0	0	86585
01/12/2015 to 31/05/2016 Rs.22190/- x 06 months.	133140	8856	17136	9000	6000	25260	0	0	14886	9924	0	0	0	0	0	224202
01/06/2016 to 02/06/2016. Rs.22190 x 2 days.	1479	984	190	100	67	280	0	0	165	110	0	0	0	0	0	3375
29/03/2017 to 31/03/2017 Rs.28400/- x 03 days	2748	142	276	145	97	407	0	0	80	0	39	265	0	0	0	4199
01/04/2017 to 30/04/2017 Rs.28400/- x 1 month.	28400	1476	2856	1500	1000	4210	0	0	827	0	413	2742	0	0	0	43424
01/05/2017 to 05/05/2017 Rs.28400/- x 5 days	4580	238	461	241	161	679	0	0	133	0	66	443	0	0	0	7002
Total	219089	22470	41767	21246	14625	61569	2904	7608	34202	22108	518	3450	0	0	0	451556
Arrears of Ann Inc:	25974												2558	1739	335	30606
G Total	245063	22470	41767	21246	14625	61569	2904	7608	34202	22108	518	3450	2558	1739	335	482162

Regional Police Officer,
Muzaffarpur at State Staff, Swat.

From: The District Police Officer
Swat

To: The Assistant Inspector General of Police,
Legal CPO Peshawar

No. 23814 /Legal,

Dated Saidu Sharif the 26/11/2021

Subject: EXECUTION PETITION NO.95/2018 IN SERVICE APPEAL
NO.25/2018 TITLED HUSSAIN ALI VS PPO ETC ETC

Memorandum: 805/017

Please refer to the subject.

It is submitted that senior clerk Hussain Ali had filed the subject execution petition before the Khyber Pukhtunkhwa Service Tribunal for implementation of Judgment 29/01/2018 (copy enclosed) wherein the honorable Tribunal allowed back benefits to the appellant subject to fulfillment of codal formalities regarding gainful employment during the period he spent out of service. The appellant was also allowed seniority for the said period.

In compliance of Judgment dated 29/01/2018 of Khyber Pukhtunkhwa Service Tribunal Peshawar, appellant was granted back benefit along with releasing of two annual increments stopped with cumulative effect vide Regional Police Officer Order No.8273-76/E dated 30/07/2019 (copy of order enclosed).

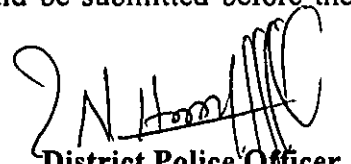
2. CPLA No.248/2018 has already been filed against the order dated 29/01/2018 through Advocate on Record in Supreme Court of Pakistan and no date of hearing has been fixed so far.

Aggrieved from the order dated 30/07/2019 of RPO Malakand, the honorable Service Tribunal passed the Order Sheet dated 01/11/2021 (copy of order sheet enclosed), the operating Para of which is re-produced as below;


"Learned counsel for the appellant stated that although the department has issued order dated 30/07/2019, however it is not in line with the relief granted to the petitioner vide Judgment under execution dated 29/01/2018. Confronted with this situation learned Asst: Advocate General stated at the bar that he will contact the respondents and proper implementation report would be submitted on the next date. Adjourned. To come up for submission of proper implementation report before this Service Tribunal on 10/12/2021 at Camp Court Swat"

It is, therefore requested that the Judgment copy may please be got examined and competent authority may kindly be approached for proper implementation of order dated 29/01/2018, so the implementation report could be submitted before the tribunal on next dated of hearing i.e 10/12/2021.

No. 23815 /Legal


District Police Officer
Swat

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


District Police Officer
Swat

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

60930
30/7/19

ORDER

In compliance of the judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No.508/2017 and approval accorded by the competent authority vide CPO Peshawar Memo: No.3331/LB, Dated 05/07/2019, received vide District Police Officer, Swat office Memo: No.10640/Legal, dated 15/07/2019, the back benefits for the period from 22/04/2015 to 02/06/2016, from 29/03/2017 to 05/05/2017 with releasing of two annual increments stopped with cumulative effect vide this office Endst: No.4295-96/E, dated 04/05/2017 is hereby released and granted to Senior Clerk Hussain Ali presently posted to this office provisionally subject to the outcome of CPLA and fulfillment of codal formalities regarding gainful employment, etc.

On releasing and granting of back benefits for above period and releasing of his two annual increments stopped with cumulative effect, the pay of Senior Clerk Hussain Ali is re-fixed as under:-

- | | |
|---|---------------|
| 1. Pay on 21/04/2015 | Rs.16540/-PM |
| 2. Pay provisionally re-fixed in the revised pay scales on 01/07/2015 @ | Rs.21400/-PM |
| 3. PI @ Rs.790/- in BPS-14 on 01/12/2015 raising pay from Rs.21400/-PM to | Rs.22190/-PM |
| 4. Pay provisionally re-fixed in BPS-14 in the revised pay scales on 01/07/2016 @ | Rs.27420/-PM |
| 5. PI @ Rs.980/- in BS-14 on 01/12/2016 raising pay from Rs.27420/- PM to | Rs.28400/- PM |
| 6. Pay provisionally re-fixed in BS-14 in the revised pay scales on 01/07/2017 @ | Rs.33900/-PM |
| 7. PI @ Rs.1170/- in BS-14 on 01/12/2017 raising pay from Rs.33900/- PM to | Rs.35070/-PM |
| 8. PI @ Rs.1170/-PM in BS-14 on 01/12/2018 raising pay from Rs.35070/- PM to | Rs.36240/-PM |

Regional Police Officer,
Malakand at Saidu Sharif, Swat

No. 8273-76 /E,

Dated Saidu Sharif the, 30/07/2019

Copies for information with reference to their offices Nos: quoted above to the:-

1. Assistant Inspector General of Police, Legal, CPO, Peshawar.
2. District Police Officer, Swat.
3. District Accounts Officer, Swat for necessary action.
4. Accountant, Region Office, Swat.

Dst Legal / EC
The V Mactin

NO-11944/E

30-7-2019

Office Supdt.
DPO/Swat