

14.09.2020

Petitioner in person and Addl. AG alongwith Attaur Rahman, Inspector for the respondents present.


Learned AAG has produced copy of order dated 01.09.2020 passed by the Apex Court in Civil Petition No. 794-P/2019, whereby, the maintenance of status quo has been ordered.

In the circumstances, the proceedings in hand are consigned to record. The petitioner may apply for restoration of the proceedings as and when required after the decision by the August Supreme Court of Pakistan.

  
Chairman

19.02.2020

Petitioner in person and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Khalid Mehmood, Head Constable for the respondents present. Implementation report not submitted. Learned Additional AG requested for adjournment. Adjourned to 17.03.2020 for implementation report before S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

17.03.2020

Petitioner in person present. Mr. Kabirullah Khattak learned Addl. AG alongwith Atta ur Rehman Inspector for the respondents present and requested for time to furnish implementation report. Adjourned. To come up for further proceedings/implementation report on 16.04.2020 before S.B.

  
Member

16.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 13.07.2020 for the same. To come up for the same as before S.B.

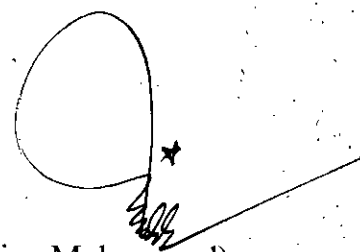
  
Reader

13.07.2020

Petitioner in person and Addl: AG alongwith Mr. Atta Ur Rehman, SI for respondents present.

Implementation report not submitted. Representative of the respondents seeks time to submit implementation report. Last opportunity granted.



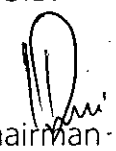
Adjourned to 14.09.2020 before S.B.

  
(Mian Muhammad)  
Member(E)

Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. 04/2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	07.01.2020	<p>The execution petition of Mr. Noor-ul-Anwar submitted today by Mr. Amjid Ali 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 7/1/2020</p>
2-	09/01/20	<p>This execution petition be put up before S. Bench on <u>24/01/2020</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	24.01.2020	<p>Petitioner in person present.</p> <p>Notices be issued to the respondents. To come up for implementation report on 19.02.2020 before S.B.</p> <p style="text-align: right;"> Chairman</p> <p style="text-align: center;">P N</p>

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

IN Re: *Execution Petition NO.4/2020*

S.Appeal No.223/2019



Noor ul Anwar.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa through  
Secretary Home & others .....Respondents

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3.	Copies of applications	B	10-12
4.	Wakalatnama		13

*نورالانور*  
Appellant

Through

*[Signature]*  
**Amjad Ali (Mardan)**  
Advocate

Supreme Court of Pakistan

Cell: 0321-9882434

(1)

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

IN Re: *Execution Petition No. 4/2020*  
S.Appeal No.223/2019

Noor ul Anwar.....Appellant

Versus

Govt. of Khyber Pakhtunkhwa through  
Secretary Home & others .....Respondents

**APPLICATION FOR IMPLEMENTATION  
OF JUDGMENT DATED 16.10.2019 OF  
THIS HON'BLE TRIBUNAL**

**Sir,**

Applicant humbly submits as under:-

1. That the appellant filed titled appeal before this hon'ble Tribunal, which was deposed-off / allowed on 16.10.2019. (Copy of judgment is enclosed as Annex "A")
2. That the Hon'ble Tribunal observed as under

*"we are not inclined to agree with the view point of learned AAG on the maintainability of the present service appeal. He raised objection that impugned order was issued on 11.04.2018, whereas departmental appeal was filed on 21.11.2018, which was barred by time, as such the present service appeal was not maintainable. It merits to mention here that the appellant was deprived of his*

valuable rights coupled with consequential benefits due to an illegal/ unlawful decision of the respondents. When a wrong was committed by the respondents why the appellant be penalized for the same? Will it not defeat the cause of justice, if we shut our eyes and provide safe passage to the respondents under the garb of technicalities. The present service appeal has all the ingredients for deciding it merit. Fairness demands that those responsible for this lapse be brought to justice. they were responsible for causing financial loss and mental torture to the appellant through the orders referred to above. the primary function of any Court/ Tribunal is to dispense justice within the forewalls of law/ rules. Above all in the present case, the appellant was not treated according to Article-4 of the Constitution being supreme law of the land and alone is sufficient for vitiating, arbitrary, whimsical and unlawful orders of the respondents.

As a sequel to the above, the instant appeal is accepted, impugned order dated 11.04.2018 and 29.01.2019 are set-aside and order dated 30.03.2015 is restored.

3. That appellant moved several applications for implementation of judgment of this Hon'ble Tribunal, but in vain. (Copies of applications are attached)

- 4. That till date, no any step whatsoever has been taken by the respondents, which amounts to contempt of Court order, hence are required to be dealt with in accordance with law.
- 5. That appellant approaches this Hon'ble Tribunal for implications of judgment of this Hon'ble Tribunal.

It is therefore, humbly requested to please direct respondents to implement the judgment dated 16.10.2019 of this Hon'ble Tribunal.

Appellant *کوثر اللہ*

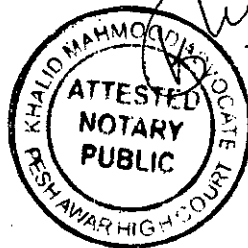
Through

**Amjald Ali (Mardan)**  
Advocate

Supreme Court of Pakistan

**AFFIDAVIT**

I, do hereby affirm and declare as per instructions of my clients that the contents of this **Application** are true and correct and nothing has been concealed from this honorable court.

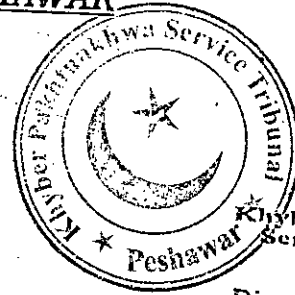


*Amjald*  
2-1-2026  
*کوثر اللہ*

DEPONENT

(4)

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



Service Appeal No. 223 /2019

Diary No. 201

Dated 19-2-2019

Noor ul Anwar, Police Constable, District Mardan  
S/o Noor ul Hamad (Rt) Sub-Inspector  
R/o Toru Qasim Police Lines, Mardan

.....Appellant

**VERSUS**

1. Govt. of KPK through Secretary Home, Civil Secretariat, Peshawar.
2. Provincial Police Officer/ Inspector General of Police, Mardan.
3. Deputy Inspector General of Police, Mardan.
4. District Police Officer, Mardan.

....Respondents

Wed-to-day

*Qasim*  
gistrar  
12/11

Service Appeal u/s 4 of the Service Tribunal Act, 1974 against the order of respondent No.3 dated 11-4-2018, wherein departmental appeal dated 21-11-2018 has been dismissed against the order dated 29-1-2019 passed by respondent No.4, wherein, appellant has not been reinstated in service with all back benefits w.e.f. 30-3-2015, both orders are illegal against law and facts.

**ATTESTED**

*[Signature]*  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



(5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 223/2019

Date of Institution ... 19.02.2019

Date of Decision ... 16.10.2019

Noor ul Anwar, Police Constable, District Mardan, S/O Noor ul Hamad(Retd) Sub-Inspector, R/O Toru Qasim Police Lines, Mardan. ... (Appellant)

VERSUS

Govt: of Khyber Pakhtunkhwa through Secretary Home, civil Secretariat, Peshawar and three others. ... (Respondents)

PRESENT:

MR. AMJID ALI,  
Advocate

--- For appellant.

MR. KABIRULLAH KHATTAK,  
Additional Advocate General

--- For respondents.

MR. AHMAD HASSAN,  
MR. MUHAMMAD AMIN KHAN KUNDI

--- MEMBER(Executive)  
--- MEMBER(Judicial)

K

JUDGMENT.

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

ARGUMENTS

02. Learned counsel for the appellant argued that he applied for appointment as Constable in the Police Department against Employees Son Quota but was not considered on the ground that he could not qualify the running test. Feeling aggrieved, he knocked the door of Peshawar High Court, Peshawar through writ petition no. 2768-P/2014 decided on 24.02.2015. As a sequel to the directions contained in the said judgment, the appellant was appointed as Constable (BPS-05) by the DPO, Mardan vide order dated 30.03.2015. The respondents filed CPLA against the judgment of Peshawar High Court, Peshawar in the august Supreme

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Court of Pakistan. The august court in its order dated 03.04.2015 suspended the judgment in question. Resultantly, respondent no.4 withdrew appointment order of the appellant on 24.04.2015. Finally, the august Supreme Court of Pakistan vide order dated 21.03.2018 dismissed the appeal filed by the respondents. Thereafter, vide order dated 11.04.2018, the appellant was again appointed as Constable (BPS-07) on three years probation w.e.f 21.03.2018. As the appellant was not satisfied from the dispensation referred to above, therefore, he filed departmental appeal on 21.11.2018 which was dismissed vide order dated 29.01.2019, hence, the present service appeal. The plea of the appellant was to reinstate him from the date of recall order referred to above. Learned counsel for the appellant further argued that after dismissal of CPLA filed by the respondents order of his appointment stood restored. Moreover, withdrawal order by the respondents was patently illegal, as the august Supreme Court of Pakistan only suspended the operation of judgment of Peshawar High Court, Peshawar dated 24.02.2015:

03. Learned Additional Advocate General argued that in compliance of directions contained in judgment of Peshawar High Court, Peshawar dated 24.2.2015, the appellant was appointed as Constable vide order dated 30.03.2015. However, the respondents assailed the aforementioned judgment in the august Supreme Court of Pakistan through CPLA no. 121-P/2014 and vide order dated 03.04.2015 the operation of impugned judgment was suspended. Resultantly, appointment order of the appellant was recalled vide order dated 24.04.2015. When CPLA was finally dismissed by the august Supreme Court of Pakistan, the appellant was again appointed through order dated 11.04.2018. Reliance was placed on 2019 SCMR 349, 2004 SCMR 1308 and judgment of this Tribunal dated 25.04.2019 handed down in service appeal no. 964/2016.

ATTESTED

EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

(7)

CONCLUSION

04. The appellant applied for the post of Constable in the Police Department against Employees Son Quota but was not considered. Thereafter, he invoked the jurisdiction of Peshawar High Court, Peshawar through writ petition no. 2768-P/2014 decided vide order dated 24.02.2015. Directions contained in the said judgment were complied with by the respondents by appointing the appellant as Constable through order dated 30.03.2015. Subsequently, the respondents filed CPLA no. 121-P/2014 in the august Supreme Court of Pakistan against the judgment of Peshawar High Court referred to above and vide order dated 03.04.2015, operation of that judgment was suspended. Thereafter, the respondents withdrew his appointment order dated 24.04.2015. Finally, CPLA was dismissed by the august Supreme Court of Pakistan vide order dated 21.03.2018 and through order dated 11.04.2018, the appellant was again reenlisted as a Constable afresh.

05. We have carefully gone through the case file and observed that through order dated 03.04.2015 passed in CPLA no. 121-P/2014 only operation of judgment of Peshawar High Court, Peshawar dated 24.02.2015 was suspended. The respondents without proper deliberations/home work withdrew his appointment order on the strength of suspension of the judgment mentioned in the preceding para. The respondents failed to justify their act with the help of any law/rules etc. The saner course for them was to have waited for the final outcome of CPLA filed in the august Supreme Court of Pakistan. Another option available with them was to have kept his appointment order in abeyance or could have suspended the same. Furthermore, another way of tackling the issue under question was to allow provisional payment of salary to the appellant subject to the final outcome of the said CPLA. To be further on the safe side, they could get an undertaking from the

**ATTESTED**

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

(8)

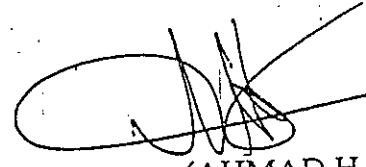
appellant on judicial paper that in case of any adverse order, he would be bound to return the salaries drawn by him. The Police Department in numerous service appeals decided by this tribunal followed this path. Had they judiciously applied their mind, the present embarrassment would have been avoided. Withdrawal order was arbitrary, illegal and without any lawful authority. Finally, on dismissal of CPLA, he was appointed vide order dated 11.04.2018 w.e.f 21.03.2018. It is pertinent to mention that after dismissal of CPLA appointment order dated 30.03.2015 stood restored thus there was no occasion to issue fresh order.

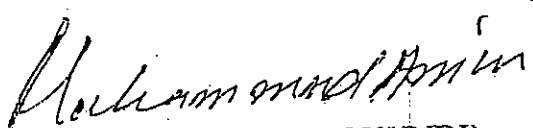
06. We are not inclined to agree with the view point of learned AAG on the maintainability of the present service appeal. He raised objection that impugned order was issued on 11.04.2018, whereas departmental appeal was filed on 21.11.2018 which was barred by time, as such the present service appeal was not maintainable. It merits to mention here that the appellant was deprived of his valuable rights coupled with consequential benefits due to an illegal/unlawful decision of the respondents. When a wrong was committed by the respondents why the appellant be penalized for the same? Will it not defeat the cause of justice, if we shut our eyes and provide safe passage to the respondents under the garb of technicalities. The present service appeal has all the ingredients for deciding it merit. Fairness demands that those responsible for this lapse be brought to justice. They were responsible for causing financial loss and mental torture to the appellant through the orders referred to above. The primary function of any court/Tribunal is to dispense justice within the forewalls of law/rules. Above all in the present case, the appellant was not treated according to Article-4 of the Constitution being supreme law of the land and alone is sufficient for vitiating, arbitrary, whimsical and unlawful orders of the respondents.

**ATTESTED**  
  
**EXAMINER**  
**Khyber Pakhtunkhwa**  
**Service Tribunal,**  
**Peshawar**


(9)

07. As a sequel to the above, the instant appeal is accepted, impugned order dated 11.04.2018 and 29.01.2019 are set aside and order dated 30.03.2015 is restored. Parties are left to bear their own costs. File be consigned to the record room.

  
(AHMAD HASSAN)  
MEMBER

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

ANNOUNCED  
16.10.2019

  
Certified to be true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 7-1-2020  
Number of Words 2400  
Copying Fee 26  
Urgent 4-  
Total 30-  
Name of Copyist J  
Date of Completion of Copy 7-1-2020  
Date of Delivery of Copy 7-1-2020

Aux-B

(10)

جناب عالی!

معروض بطریق ذیل ہوں!

- ۱- میں مورخہ 2015-03-30 کا بھرتی شدہ ہوں۔
- ۲- میرے خلاف محکمہ پولیس نے ٹائم باٹ اپیل دائر کر کے مجھے بلاوجہ محکمہ سے 24-04-2015 کو فارغ کر دیا۔
- ۳- مورخہ 2018-3-21 کو عدالت عالیہ سپریم کورٹ نے محکمہ پولیس کا اپیل خارج کر کے مجھے محکمہ نے 2018-3-21 سے دوبارہ بھرتی کیا۔ جو کہ سراسر نا انصافی ہے۔ مورخہ 2015-03-30 سے بحال کرنا چاہیے تھا۔
- ۴- سروس ٹریبونل کو رجوع کیا گیا۔ جو کہ میرا اپیل منظور ہو کر میری سینیاریٹی 2015-3-30 سے بحال رکھا۔

استدعا ہے کہ میرے سینیاریٹی 2015-3-30 سے تصور کر کے آرڈر بک کیجئے اور میرے کنفرمیشن کا حکم صادر فرمائیں۔ اور 2015-03-30 سے میرے تمام تنخواہیں بمعہ دیگر واجبات دیئے جانے کا حکم صادر فرمائیں۔

مورخہ 2019-10-28

العارض

نورالانوار کا نشیبل نمبر 1 تھانہ شیخ ملتون ٹاؤن ضلع مردان

سورالانوار

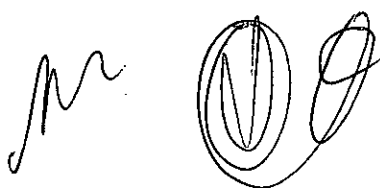
## بھطور جناب انسپکٹر جنرل صاحب پولیس خیبر پختونخوا پشاور

داستان ظلم کی فریادری

جناب عالی!

آٹھ سال یعنی 13-06-2012 سے آج تک داستان ظلم منجانب پولیس محکمہ ذیل ہے۔

- ۱۔ میں پولیس سب انسپکٹر ریٹائرڈ ہوں۔ مردان کا سکونتی ہوں۔
- ۲۔ نورالانوار کنسٹیبل نمبر 1 میرا بیٹا ہے جس کو 13-06-2012 میں مردان کے 300 آسامیاں برائے کانسٹیبلان آکر میرا بیٹا شامل ہوا۔ سینہ کا کمی کا بہانہ بنا کر بھرتی نہ کیا گیا۔ جو کہ سینہ  $33 \times 36 \frac{1}{2}$  سے بھی زیادہ ہے۔
- ۳۔ ہائی کورٹ میں رٹ دائر کر کے محکمہ پولیس نے جھوٹ موٹ جواب دیکر رنگ نہ پاس کرنا بیان دیا۔ عدالت میں ثبوت رنگ پاس شدہ پیش کر کے عدالت نے بذریعہ پولیس کمیٹی لڑ کے کا تحریری ٹسٹ اور انٹرویو لے کر کامیابی کی رپورٹ دی۔ (جولفہذا ہے)
- ۴۔ وہی رپورٹ عدالت میں پیش کر کے مورخہ 30-03-2015 کو DPO صاحب مردان نے عدالت کے حکم پر لڑ کے کو بھرتی کیا۔ جو نوکری کرتا رہا۔
- ۵۔ محکمہ نے سپریم کورٹ اسلام آباد میں اپیل ٹائم بارٹ دائر کی جو کہ سماعت کے لئے منظور ہوئی اور ہائی کورٹ کا فیصلہ معطل کیا گیا نہ کہ ختم کیا گیا۔
- ۶۔ محکمہ پولیس نے اس کے بعد بلاوجہ نورالانوار کنسٹیبل نمبر 1 کو پولیس سے علیحدہ کیا جو کہ غیر قانونی اور ظلم ہے۔
- ۷۔ مورخہ 21-3-2018 کو چیف جسٹس صاحب سپریم کورٹ پاکستان نے محکمہ پولیس کا اپیل خارج کر کے ہائی کورٹ کا فیصلہ بحال رکھا۔ مگر پولیس نے 21-03-2018 کو نورالانوار کو Reinlist کیا کیونکہ 30-03-2015 سے ہونا چاہیے تھا۔ اپیل خارج ہو کر پولیس کی تمام کارروائی کا عدم رہ گئی۔
- ۸۔ قانونی تقاضے پورے کرتے ہوئے ہم نے Tribunal پشاور میں اپیل دائر کی جو کہ 16-10-2019 کو فیصلہ ہو کر عدالت نے 30-03-2015 کا حکم Restore کر دیا۔
- ۹۔ اندریں بارہ آنجناب کو تحریری درخواست دی ہے۔
- ۱۰۔ 8 سال مقدمہ ہم نے چلا کر والد مرحوم کا متروکہ 5 کنال لہمہ زمین فروخت کر کے قرض خواہوں کو دے چکا ہوں۔
- ۱۱۔ محکمہ پولیس اب پھر Tribunal کے فیصلہ پر ہمارے خلاف سپریم کورٹ میں اپیل دائر کرنے کی کوشش میں ہے۔



۱۲۔ عجیب بات ہے سپریم کورٹ نے اپیل خارج کی ہے اور Tribunal نے اس کی تائید کی ہے تو دوبارہ سپریم کورٹ جانا محکمہ پولیس کا سپریم کورٹ کے فیصلہ سے مذاق کرنا ہے۔ صرف محکمہ پولیس کا رقم ضائع کرنا میری تاوان اور اپنا TA/DA بنانا ان کو مقصود ہے۔

جناب والا! ہم کسی MNA یا MPAL کے دروازہ میں بیٹھیں۔ یا سرکاری جگہ خرابی کی مزدوری کرے۔ کہاں جائے۔  
۱۳۔ اگر Tribunal کی فیصلہ کے الفاظ ملاحظہ فرمائے گئے تو سراسر رحم دلی اور پولیس کی طرف سے ظلم کی داستان ہے۔ ایک پولیس آفیسر ریٹائرڈ کا بیٹا بھرتی ہوا ہے۔ صرف اور صرف یہی جرم ہے۔ محکمہ کوئی دوسرا جرم یا عمارت داری نہیں بتلا سکتے۔

لہذا استدعا ہے کہ آپ صاحبان مہربانی کر کے لڑکے کو سیناریٹی، تنخواہیں اور جملہ واجبات دئے جانے کا حکم صادر فرما کر منکھور فرمائیں۔  
نوٹ: جملہ فیصلے جات لفظ ہیں۔

مورخہ 30/11/19

العارض

*Naeem*  
سابقہ سب انسپکٹر نور احمد ولد احمد خان  
ساکن طور و قاسم، تھانہ دار کلمے مردان  
موبائل نمبر 0342-7297464

*M*



7/11/2020

2020ء منجانب

اسٹیک

مورخہ:

مقدمہ:

دعویٰ:

بنام:

حکومت

لورالوار

جرمہ Implimentation

باجت تحریر آفند

الہ آباد

مقدمہ مندرجہ عنوان بالا اپنی طرف سے واسطے بیروی و جواب دہی وکل کاروائی متعلقہ

آئن مقام لورالوار کیلئے امجد علی ایڈووکیٹ، سپریم کورٹ آف پاکستان اسلام آباد

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا مکمل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ

برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء وصولی چیک دروپیہ عرضی دعویٰ اور درخواست ہر قسم کی تصدیق زاریں پر

دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم بیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و بیروی کرنے کا

اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختیار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار

ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ پرواختہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ و جانہ

التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ بیروی مذکور کریں۔

لہذا وکالت نامہ لکھ دیا کہ سنڈ رہے۔

المزقوم:

2020ء

صورہ

۵۶

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العبد

گواہ

العبد

بمقام کے لیے منظور ہے۔

Attested & Accepted  
 Anwarul Haq  
 Director

لورالوار

امجد علی ایڈووکیٹ سپریم کورٹ آف پاکستان، ڈسٹرکٹ کورٹس، مردان

0321-9882434 0321-9870175

BC No 105506

**SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Gulzar Ahmed, CJ.  
Mr. Justice Ijaz ul Ahsan

**Civil Petition No. 794-P of 2019**

(Against the judgment dated 10.10.2019, passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Appeal No. 223 of 2019)

**Government of Khyber Pakhtunkhwa through  
Secretary Home, Peshawar and others.** ...Petitioners

**Versus**

**Noor-ul-Anwar.** ...Respondents

For the Petitioner(s) : Mr. Aatif Ali Khan, Additional  
Advocate General, KP  
Respondent : In person  
Date of Hearing : 01.09.2020

**ORDER**

Gulzar Ahmed, CJ: Learned Additional Advocate General, KP contends that the respondent was appointed pursuant to an order passed by the Peshawar High Court, Peshawar dated 10.12.2013 in the case of Noor-ul-Anwar vs. Government of KP through Home Department, Peshawar and others (W.P.No.719-P of 2013). The said order of the High Court was challenged by the petitioner before this Court in C.P.No.121-P/2014, where operation of such order was suspended vide order dated 03.04.2015. However, before the order of the High Court, could have been suspended by this Court, the respondent was appointed and after the said order was suspended by this Court, his appointment order was recalled vide order dated 24.04.2015. He contends that on appeal having been dismissed by this Court, the respondent was again appointed through letter dated 11.04.2015. He further contends that the service appeal filed by the respondent before the Khyber

**ATTESTED**

Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

C.M.A.No.1718-P of 2019

Pakistan Civil Service Tribunal, Peshawar (the Tribunal) in the first place was time barred and secondly, the respondent cannot be paid benefits of the period during which his appointment remained suspended, owing to the order of this Court and such benefits could not be legitimately granted to the respondent, thus, the Tribunal in this regard has made serious mistake of law.

2. Submissions made by the learned Additional Advocate General, KP require consideration. Leave to appeal is granted to consider, *inter alia*, the same. The appeal shall be heard on the available record but the parties are allowed to file additional documents, if any, within a period one month. As the matter relates to service, office is directed to fix the same, expeditiously, preferably, after three months.

C.M.A.No.1718-P of 2019

3. Meanwhile status quo be maintained.



Sd/-HCJ  
Sd/-J  
Certified to be True Copy  
*[Signature]*  
Senior Court Associate  
Supreme Court of Pakistan  
Islamabad

GR No: 12322/20  
Date of Filing: 01/07/20  
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No of Witnesses: 6  
No of Exhibits: 500  
Remuneration: 3000  
Costs: 800  
Case No: 315/19  
*[Signature]*  
01/07/20  
H.A. Vaid