

24.11.2021

None present on behalf of the petitioner. Mr. Asif Masood, Deputy District Attorney for the respondents present.

After submission of the execution petition at hands, it was fixed before the Bench on 24.09.2020. On the date fixed, notices were ordered to be issued to the respondents, petitioner as well as his learned counsel. The matter was adjourned for submission of implementation report to 30.10.2020 at camp court, D.I.Khan. The record reveals that the requisite notices were duly issued but neither the petitioner nor his counsel was available. The matter was adjourned from time to time but no one marked attendance on behalf of the petitioner. Even today the position is the same. It seems that the petitioner is not interested in pursuit of the execution petition at hands and is consigned to the record room with liberty to him to apply for restoration of the proceedings, in case any portion of judgment at his credit remained un-implemented.

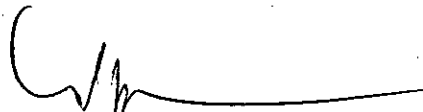

Chairman
Camp Court, D.I.Khan

22.02.2021

Nemo for parties.

Noor Zaman Khattak learned District Attorney present.

Preceding date was adjourned on reader's note, therefore, notice be issued to both the parties for 25.05.2021 before S.B for implementation report at Camp Court, D.I Khan.


(Atiq ur Rehman Wazir)
Member (E)
Camp Court, D.I Khan

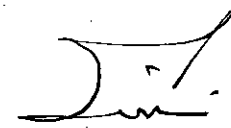
*Due to COVID, 19 therefore to
come up for the same on 28/9/21*

*On
Reader*

28.09.2021

Nemo for the petitioner. Mr. Usman Ghani, District Attorney for the respondents present and sought time for submission of implementation report. Adjourned. To come up for implementation report before the S.B at Camp Court D.I.Khan on 23.11.2021.

Notice for prosecution of the petition also be issued to the petitioner as well as his counsel for the date fixed.


(SALAH-UD-DIN)
MEMBER (JUDICIAL)
CAMP COURT D.I.KHAN

29.10.2020

Since 30.10.2020 has been declared as public holiday on account of Eid Milad-ud-Nabi, therefore, to come up for the same on 23.11.2020 before S.B at Camp Court, D.I.Khan.




READER

23.11.2020

Nemo for petitioner.

Mr. Muhammad Jan, learned Deputy District Attorney present.

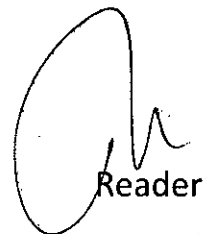
Notice be issued to petitioner/counsel and respondents for implementation report on 22.12.2020 before S.B at Camp Court, D.I. Khan.



(Atiq-Ur-Rehman Wazir)
Member (E)
Camp Court, D.I. Khan

22.12.2020



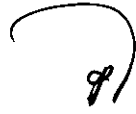
Due to Pandemic of Covid-19, the case is adjourned to 22.02.2021 for the same.



Reader

Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 9577 /2020

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	19.06.2020	<p>The execution petition of Mr. Sajid Ali submitted today by post through Mr. Muhammad Abdullah Baloch Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2-	14.9.20	<p>This execution petition be put up before touring S. Bench at D.I.Khan on <u>24.9.20</u></p> <p> CHAIRMAN</p>
	24.09.2020	<p>Nemo for petitioner.</p> <p>Notice be issued to petitioner/counsel and respondents for implementation report for 30.10.2020 before S.B at Camp Court, D.I.Khan.</p> <p> (Rozina Rehman) Member (J) Camp Court, D.I.Khan</p>

BEFORE THE WORTHY SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Petition No. 3953/2020

Sajjid Ali (Petitioner)

VERSUS

I.G.P etc


IMPLEMENTATION PETITION

INDEX

S.No	Particulars of the Documents	Annexure	Page
01	Implementation Petition with affidavit.	--	1-3
02	Copy of Service appeal	A	4
03	Copy of order dated 24/10/2016	B	5-7
04	Copy of applications	C	8-11
05	Wakalatnama	--	12

Date: 17/06/2020

Yours Humble Petitioner.


Sajjid Ali
Through Counsel,


Muhammad Abdullah Baloch
Advocate High Court

(1)

BEFORE THE WORTHY SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA, PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 442

Date: 19-06-2020

Implementation Petition No. 957 /2020

Sajjid Ali Ex-constable No. 545 FRP-Headquarter Police Line
Peshawar presently Basti Kanchikianwali, Near Rehmania
Hospital Dera Ismai Khan.

..... **Petitioner/Appellant**

VERSUS

1. Inspector General of Police (PPO). *Khyber Pakhtunkhwa, Peshawar*
2. Commandant Frontier Reserve police, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Commandant Frontier Reserve Police, Khyber Pakhtunkhwa, Peshawar.

..... **Respondents.**

APPLICATION FOR IMPLEMENTATION OF
JUDGMENT DATED 24/10/2016 IN SERVICE
APPEAL #460 OF 2016 PASSED WORTHY TRIBUNAL
REGARDING REINSTATEMENT OF PETITIONER.

Prayer:

On acceptance of instant implementation petition the judgment dated 24/10/2016 in Service appeal #460 of 2016 by this worthy tribunal may kindly be implemented by directing the respondents to conduct de-novo inquiry against the petitioner in light of above mentioned judgment of this worthy tribunal.

Respectfully Sheweth:-

Petitioner most respectfully submits as under:-

1. That the petitioner was inducted in FRP in year 2012. The petitioner was discharged from service vide order 06/01/2016. The Petitioner file Service Appeal No. 460/2016 on 02/05/2016.

*As per
Petitioner*

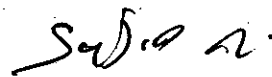
(2)

2. That dated 24/10/2016, the service appeal of petitioner was decided and the worthy tribunal decided the appeal vide judgment dated 24/10/2016 of the petitioner, but the same was not implemented.
3. That the petitioner has filed applications dated 16/03/2020 & 20/02/2020 regarding the implementation but the respondents are not implementing the judgement dated 24/10/2016 passed by the worthy service tribunal. Contents of my implementation application to the Worthy Inspector General of Police (PPO) & Deputy Commandant Frontier Reserve Police Headquarter Khyber Pakhtunkhwa, Peshawar may kindly be considered as the integral part of the implementation petition. Copy of application is annexed.
4. That after the laps of considerable time, the department has not succeeded to implement the judgment dated 24/10/2016 of worthy tribunal which the respondent are legally bound to do. The respondents are hesitating to implement the judgment of this worthy tribunal.

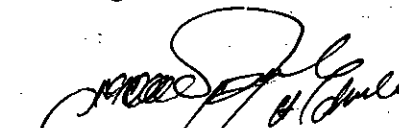
It is, therefore, humbly prayed that on acceptance of instant implementation petition the order dated 24/10/2016 in service appeal NO. 460/2016 passed by this worthy tribunal may kindly be implemented.

Date: 17/06/2020

Yours Humble Petitioner



Sajjid Ali
Through Counsel,



Muhammad Abdullah Baloch
Advocate High Court

3

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

Petition No. _____/2020

Sajjid Ali (Petitioner)

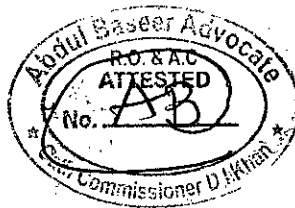
VERSUS

I.G.P etc

AFFIDAVIT

I, **Sajjid Ali** Ex-Constable No. 545 FRP, the petitioner, do hereby solemnly affirm and declare on oath that contents of above Petition are true & correct to the best of my knowledge and that nothing has been concealed from this Honourable Tribunal Court.

Dated: 17 /06/2020



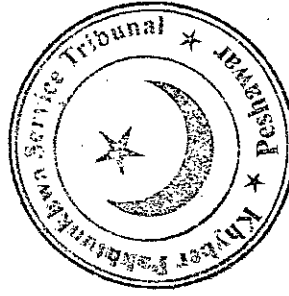
Sajjid Ali
DEPONENT

17/6/2020

(43)

Annex A² (2)

BEFORE THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.
Service Appeal No:.....460...../2016.



M.W.F. Province
Service Tribunal
Diary No 433
Dated 02-5-2016

Sajjid Ali,
Constable No.545, FRP
FRP Hqs; Police Lines, Peshawar.
Presently, Basti Kanjkian-wali, Near Rehmania Hospital,
Dera Ismail Khan.

(Appellant)

Versus

1. Commandant FRP, KPK,
FRP Hqs; Peshawar.
2. Deputy Commandant, FRP,
FRP Hqs; Khyber Pakhtunkhwa, Peshawar,

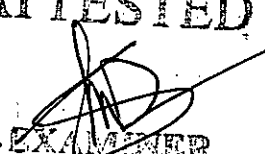
(Respondents)

Note: The addresses given above are sufficient for the purpose of service:
.....


SERVICE APPEAL AGAINST ORDER DTD 06.01.2016 WHEREBY THE APPELLANT IS AWARDED PUNISHMENT BY RESPDT: NO.2 OF DISCHARGE FROM SERVICE.

Respectfully Sheweth: -

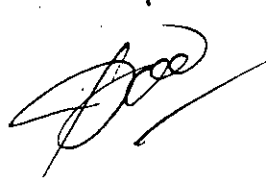
The appellant very humbly submits as under:

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BRIEF FACTS:


2/5/16

1. That during the year 2012 the petitioner was inducted in FRP as Constable and was posted at FRP Hqs; Peshawar. Later, during the year 2015 the



5

Armer 'B'

BEFORE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
CAMP COURT D.I.KHAN

E-8-95/20

SERVICE APPEAL NO. 460/2016

Date of institution ... 02.05.2016

Date of judgment ... 24.10.2016



Sajjid Ali,
Constable No. 545, FRP
FRP Headquarter Police Lines, Peshawar.
Presently, Basti Kanjkian-wali, Near Rehmania Hospital,
Dera Ismail Khan.

... (Appellant)

VERSUS

1. Commandant FRP, Khyber Pakhtunkhwa, FRP Headquarter, Peshawar.
2. Deputy Commandant, FRP, FRP Headquarter Khyber Pakhtunkhwa, Peshawar.

... (Respondents)

SERVICE APPEAL AGAINST ORDER DATED 06.01.2016 WHEREBY THE APPELLANT WAS AWARDED PUNISHMENT BY RESPONDENT NO. 2 OF DISCHARGE FROM SERVICE.

Mr. Muhammad Ismail Alizai, Advocate.
Mr. Farhaj Sikandar, Government Pleader

.. For appellant.
.. For respondents.

MR. ABDUL LATIF
MR. MUHAMMAD AAMIR NAZIR

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

ATTESTED

JUDGMENT

ABDUL LATIF, MEMBER:-

Facts giving rise to the instant appeal are that

the appellant was inducted in Frontier Reserve Police in the year 2012. That in the year 2015 appellant was deputed to Recruit Training Wing, Mansehra for basic recruit training.

That on October 2015 the appellant was informed by his family that his mother had fallen ill and was in critical condition and the appellant was the sole family member obligated to attend her. That the appellant sought leave of absence from the authorities but was refused

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

and as such the appellant was compelled to leave the station of his posting to seek medical attendance for his ailing mother. That consequence thereof the appellant was subjected to departmental action on the allegation of absence from duty and discharged from service vide order dated 06.01.2016. That aggrieved from the impugned order appellant moved an appeal to respondent No. 1 which was not responded and hence the instant service appeal with a prayer that on acceptance of this appeal the impugned order 06.01.2016 may be set-aside and the appellant may be reinstated in service with all back benefits and hence the instant service appeal on 02.05.2016.

2. The learned counsel for the appellant argued that order passed by respondent No. 2 was arbitrary, legally and factually incorrect, ultra-vires, void ab-initio and was against the rights of the appellant and against the law, rules as well as the principles of natural justice and was liable to be set-aside. He further argued that respondent No. 2 failed to conduct departmental inquiry against the appellant in accordance with law and procedure prescribed for the purpose thus causing grave miscarriage of justice and deprived the appellant from due right of defence, the impugned order therefore required to be struck down. He further argued that order passed by respondent No. 2 on holding of departmental proceeding including order on award of punishment and non-disposal of departmental appeal had infringed the rights of the appellant and caused grave miscarriage of justice to the appellant without any lawful excuse. He further contended that penalty of discharge from service for absence for 28 days was very harsh as such penalties should always be commensurate to the degree of offence and prayed that the impugned order dated 06.01.2016 may be set-aside and the appellant may be reinstated in service with all back benefits.

The learned Government Pleader resisted the appeal and argued that the appellant absented himself from recruit course without any prior permission of the competent authority and was proceeded against on the charges of absence. He further argued that on the basis of inquiry the competent authority discharged him from service under Police Rule 12.21. He further argued that the appellant was habitually absentee as he remained absent on various occasions but was treated leniently and on his failure to

ATTESTED

EXAMINER
 Kyber Pakhtunkhwa
 Service Tribunal
 Peshawar

mend his manners and improve his efficiency, the competent authority was justified in discharging him from service. He prayed that the appeal being devoid of merits may be dismissed.

- 4. Arguments of learned counsels for the parties heard and record perused.
- 5. From perusal of record it transpired that the appellant absented himself without prior permission of the competent authority and due to absence from the training course he returned to FRP Headquarters Peshawar as unqualified. He was proceeded against and based on the recommendations of the inquiry officer the appellant was discharged from service under Police Rules 12.21. The record reveals that the appellant remained absent from basic recruit course which the appellant attributed to illness of his old age mother, the appellant agitated the issue of his discharge from service before the appellate authority which remained un-responded. In the above scenario, the Tribunal is of the considered view that the appellant was not given adequate opportunity of defence against the charge of absence and penalty of discharge from service also seem to be a little bit harsh. We therefore, deem it appropriate to set-aside the impugned order dated 06.01.2016 and remand the case to the respondent-department for proceeding de-novo against him strictly in accordance with law and rules providing him adequate opportunity of defence and decide the case within a period of 60 days of the receipt of this judgment. The appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
24.10.2016

*SD/- Abdul Latif, Member
Comp Court D.I. Khan*

SD/- M. Amir Nazir, Member

Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Appeal 18-02-2020
 Number of Words 1600
 Copying Fee 18-00
 Urgent 4-00
 Total 22-00
 Name of Copyist [Signature]
 Date of Completion of Copy 18-02-2020
 Date of Delivery of Copy 18-02-2020

8

Annex 'C'

To,

The Deputy Commandant,
Frontier Reserve Police, HQ
Khyber Pakhtunkhwa, Peshawar.

Subject:- **APPLICATION FOR REINSTATEMENT BY
IMPLEMENTING THE JUDGEMENT OF KPK
SERVICE TRIBUNAL CAMP COURT, DERA
ISMAIL KHAN DATED 24 /10 /2016 IN SERVICE
APPEAL NO.460/2016.**

Respected Sir,

The petitioner submits as under:-

1. That the petitioner / applicant was inducted in Frontier Reserve Police in the year 2012. The petitioner was discharged from service vide order 06/01/2016. The Petitioner file Service Appeal no. 460 /2016 on 02/05/2016.
2. That dated 24/10/2016, was the date fixed for announcement of the service appeal of the petitioner. The petitioner was present at the court room on that day, but unfortunately went for some time to answer the call of nature, when the petitioner come back in the court room the honorable bench has left for retiring room while record of the court told the petitioner that the service appeal has been dismissed. The petitioner, being poor fellow, did not file any appeal before the supreme court. Mother of the petitioner has also been suffering sever disease and the time pass by.
3. That, few days before the petitioner met one of his oldest colleagues and friend, told me that my service appeal has been accepted. The petitioner went to Peshawar and when obtained certified copies on 17/02/2020, was astonished to see that service appeal no. 460 was decided in petitioner favour with the direction of reinstatement and for denovo inquiry.

9

4. That neither the petitioner was reinstated nor denovo inquiry was initiated because if it was so, the petitioner might had knowledge about the judgment of Service Appeal No. 460.
5. That the most precious and valuable rights of the petitioner are involved but could not be availed due to the wrong pronouncement of the decision of the Service Appeal by the reader of the Court.
6. That, certified copy which I obtained on 18/02/2020 is annexed here with, it is, therefore, requested that, I may kindly be exceeded benefit of judgment dated 24/10/2016 in Service Appeal No. 460/2016.

Your Humble Applicant,

Dated 20/02/2020

Sajid Ali 20-2-2020
SAJID ALI,

Ex-Constable No. 545, FRP,
FRP Headquarter Police Line,
Peshawar.

Presently Basti Kanjkian Wali,
Near Rehmania Hospital,
Dera Ismail Khan.

03488971819
03322398008

10

To

The Worthy Inspector General of Police (PPO),
Khyber Pakhtunkhwa, Peshawar.

Subject: **APPLICATION FOR REINSTATEMENT BY
IMPLEMENTING THE JUDGMENT OF KPK SERVICE
TRIBUNAL CAMP COURT DERA ISMAIL KHAN
DATED 24/10/2016 IN SERVICE APPEAL NO.
460/2016.**

Respected Sir,

The petitioner humbly submits as under;

1. That the petitioner/applicant was inducted in Frontier Reserve Police in the year 2012. The petitioner was discharged from service vide order dated 06/01/2016. The petitioner filed a Service Appeal No. 460/2016 on 02/05/2016 before the learned KPK Service Tribunal Peshawar.
2. That on 24/10/2016, the service appeal of the petitioner was fixed for announcement of order. The appellant was present in the court premises on the date fixed but due to some unavoidable reasons, the appellant remained unable to appear before the learned Service Tribunal and the appellant was asked by the staff of learned Tribunal that his appeal is dismissed due to non prosecution. The petitioner being poor fellow did not file any appeal before the Supreme Court of Pakistan.
3. That, few days before the petitioner met one of his oldest colleagues and friend, told me that my service appeal has been accepted. The petitioner went to Peshawar and when obtained certified copies on 17/02/2020, was astonished to see that service appeal No. 460 was decided in petitioner's favour with the direction of reinstatement and for de-novo inquiry .
4. That neither the petitioner was reinstated nor de-novo inquiry was initiated because if it was so, the petitioner might had knowledge about the judgment of service appeal No. 460.

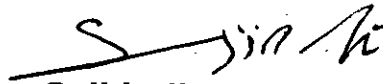
(11)

5. That most precious and valuable rights of the petitioner are involved but could not be availed due to the wrong pronouncement of the decision of the Service Appeal by the reader of court.
6. That earlier an application in this respect has already been moved to the respected Deputy Commandant FRP, HQ on dated 20/02/2020, but no positive response was shown towards me.

It is therefore, requested that I may kindly be exceeded benefit of judgment dated 24/10/2016 in service appeal No. 460.

Dated 16/03/2020

Humble Applicant



Sajid Ali

Ex-Constable No. 545 FRP-Headquarter
Police Line Peshawar.
Presently Basti Kanchkianwali,
Near Rehmania Hospital
Dera Ismail Khan
Cell#0348-8971819,
0332-2398008



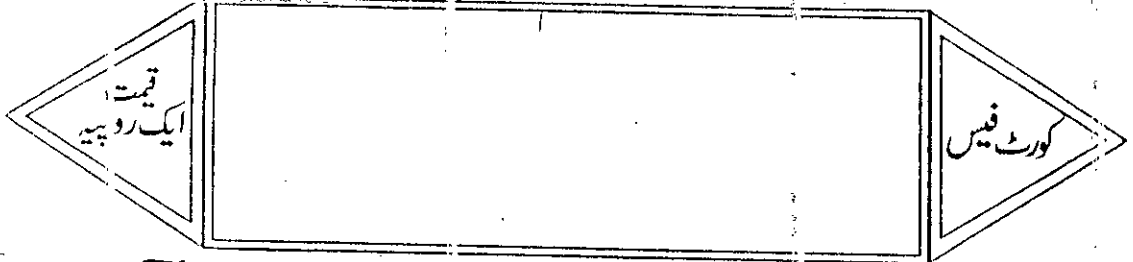
MUHAMMAD ABDULLAH

Advocate High Court
N.I.C. 12101-9938149-7
S.No. 1288



Issuing Authority

وکالت نامہ



Before The Worthy Servic Tribunal Peshawar

Petitioner منجانب

Sajjid ali بنام I.G.P etc

دعوی یا جرم

Implementation Petition تفصیل دعوی یا جرم

باعث تحریر آنک

مقدمہ مندرجہ بالا العنوان میں اپنی طرف واسطے بیرونی وجوہات ہی برائے بڑی یا تصفیہ مقدمہ مقام DCC کیلئے

Muhammad Abdullah Baloch AHC DCC

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے۔ کہ میں ہر قسم پر خود بذریعہ اختیار خاص رو برو عدالت حاضر ہوتا ہوں گا۔ اور ہر وقت پکارتے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا، اگر کوئی بر منظر حاضر نہ ہوں اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا۔ تو صاحب موصوف اسکے کسی طرح ذمہ دار نہ ہوں گے، نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ کسی جگہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے۔ اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ سمیت ہونے یا بروز تعطیل یا پکھری کے اوقات تکے آگے پیچھے پیش ہونے پر منظر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا عینت واپس کرنے کے بھی موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پر داخل صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب موصوف کو عرضی دعویٰ یا جواب دعویٰ یا درخواست اجراء کے ذگری نظر ثانی اپیل گرانٹی درجہ درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا۔ اور کسی حکم یا ڈگری کرانے اور ہر قسم کا روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے میان دینے اور اس پر حاشی یا راضی نہ نہ فیصلہ بر حلف کرنے، اٹھال دعویٰ کا بھی اختیار ہوگا۔ اور بصورت مقرر ہونے تاریخ پیش مقدمہ مذکورہ بیرون از پکھری صدر بیرونی مقدمہ مذکورہ نظر ثانی و اپیل و گرانٹی و برآمدگی مقدمہ یا منسوی ڈگری یکطرف یا درخواست انجم انتہائی یا قرتی یا گرفتاری مل از فیصلہ اجراء کے ڈگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ ضمانت بیرونی یا اختیار ہوگا اور تمام ساختہ پر دائرہ صاحب موصوف کو کردہ ذات خود منظور و قبول ہوگا۔ اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہوگا کہ مقدمہ مذکورہ یا اسکے کسی جزو کی کارروائی یا بصورت درخواست نظر ثانی اپیل یا گرانٹی یا دیگر معاملہ مقدمہ مذکورہ کسی دوسرے وکیل یا ہونڈ کو اپنے بجائے یا اپنے امراء مقرر کریں۔ اور ایسے مقرر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے، جیسے صاحب موصوف کو حاصل ہیں، اور دوران مقدمہ میں جو کچھ ہر جائتہ التوا ہر پکا وہ صاحب موصوف کا حق ہوگا۔ مگر صاحب موصوف کو پوری فیس تاریخ پیش سے پہلے ادا نہ کروں گا۔ تو صاحب موصوف کو پورا اختیار ہوگا کہ وہ مقدمہ کی بیرونی نہ رہیں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔

17 June 2020

Accepted
17/6/2020

Petitioner - Sajjid Ali
Sajjid