


**E.P 235/2021**

31<sup>st</sup> March, 2022

Petitioner in person present. Mr. Kabirullah Khattak, Addl. AG alongwith Attaur Rahman, Inspector (Legal) for the respondents present.

Petitioner states that judgment of this Tribunal has been implemented by the respondent department and his grievance has been redressed. Petitioner requested for withdrawal of this execution petition. As a token of admission of his submission he signed the margin of order sheet. In view of the above, the execution petition is dismissed as withdrawn. Consign.

Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal this 31<sup>st</sup> day of March, 2022.



**(KALIM ARSHAD KHAN)**  
**CHAIRMAN,**

Handwritten notes on the left margin: a horizontal line, the number '4', a vertical line, and the date '31/3/22'.

22.12.2021

Counsel for the petitioner and Mr. Muhammad Adeel Butt, Addl. AG alongwith Khewa Roz, Inspector (Legal) for the respondents present.

Representative of the respondents states that CPLA has been filed against the judgment under implementation. If the CPLA has been filed and the judgment has not been suspended, the respondents are under obligation to implement the judgment, subject to decision of CPLA by the august Supreme Court of Pakistan and on production of affidavit by the petitioner to the effect that in case the judgment under execution is set aside by the august Supreme Court of Pakistan, he shall be liable to refund the benefits received on strength of conditional order. Adjournd to 10.02.2022 before S.B.

  
Chairman

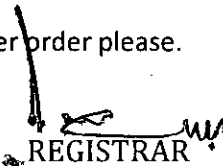


10.02.2022

Due to retirement of the Worthy Chairman, the Tribunal is defunct, therefore, case is adjourned to 31.03.2022 for the same as before.

  
Reader

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Execution Petition No. 235 /2021

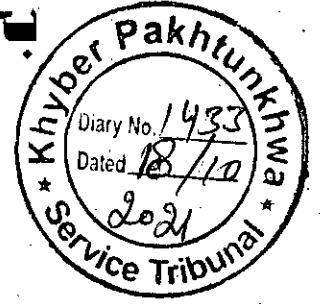
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.10.2021	<p>The execution petition of Mr. Sultan Bahadur submitted today by Mr. Najmuddin Khan Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2-	09.11.2021	<p>This execution petition be put up before S. Bench on <u>09/11/21</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Junior to counsel for the petitioner present. Notices be issued to the respondents. To come up for implementation report on 22.12.2021 before the S.B.</p> <p style="text-align: right;"> Chairman</p>

# بخدمت جناب سروس ٹریبونل پشاور

E.P No : 235/2021

درخواست بمراد کاروائی اجراء

سلطان بہار بنام آرپی اومردان



جناب عالی: سائل حسب ذیل عرض رساں ہے۔

(۱) یہ کہ مقدمہ عنوان بالا عدالت حضور میں زیر تجویز تھا جس میں عدالت حضور میں سائل کے حق میں موزخہ 07/09/2021 کو زیر سروس اپیل 662/2018 فیصلہ فرمایا ہے۔

(۲) یہ کہ سائل نے فیصلہ معہ درخواست بمراد کنفرمیشن Sub-Inspector دفتر آرپی اومردان جمع کیا ہے۔ مگر فیصلہ عدالت پر تا حال عمل درآمد نہیں ہوا ہے۔

لہذا استدعا ہے کہ اندریں بالا اجراء پر کاروائی فرمائی جائے۔

المرقوم: 18/10/2021

عین نوازش ہوگی

ارض

سائل: سلطان بہادر (Sub-Inspector)

EXECUTION PETITION NO 235 /2021

SULTAN BAHADAR

VS

RPO MARDAN

AFFIDAVIT

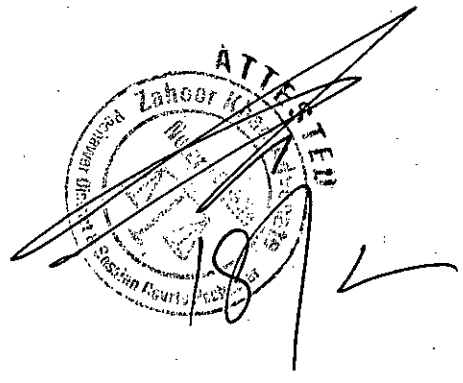
Stated on oath that the contents of the accompanying **execution Petition** are correct to the best of my knowledge and belief and nothing has been concealed from this Hon' able Service Tribunal.

  
DEPONENT

CETTIFICATE

Certify that no earlier service appeal has been filed by the appellant in the instant matter before this Honorable Service Tribunal.

  
CERTIFICATION

  
ATTORNEY  
Zahoor Khan  
18/11/21  
Service Tribunal, Mardan

کورٹ ٹیس

قیمتی

# پہلا دست جرنل خیر احمد سرکاری سٹیجیوئل ۱۹۲۱ء

میں ڈگری دار ڈگری مندرجہ ذیل کی اس سزا کے واسطے درخواست کی ہے جس کا قاعدہ ضابطہ دیوانی سیشن ۱۹۱۸ء ہے

۱	نمبر مقدمہ	462/2018
۲	نام فریقین	سلمان کھدر بنام ۱۹۸ پوسٹی ۱۹۱۱ء
۳	تاریخ ڈگری	7.9.2021
۴	آیا اپیل ہوا ہے یا نہیں؟	نہیں
۵	کیا کوئی اور ایسا یا تصفیہ ہوا ہے یا نہیں؟	
۶	درخواست ماہ قبل معائنہ کیے گئے	
۷	اصل ڈگری یا سودا ڈگری اور کسی جوٹنگ کی ہر معائنہ ڈگری	
۸	خارجہ جو دلا یا گیا	
۹	کس شخص پر اجرائے مطلوب ہے۔	۱۹۸ پوسٹی ۱۹۱۱ء
۱۰	یہ طریق جس طرح پر اجراء عدالت مطلوب ہے۔	بازار بیفہ پوسٹی، عدالت کی

جواب عمالی

تصدیق یافتہ شخص سے

میں تصدیق کرتا ہوں کہ اس سزا کے ساتھ ساتھ یہ سزا بھی مل چکی ہے۔

16/01/2779586 0305722804

سلمان کھدر اور اس کے اہل خانہ

پورھان و من ملائند پورھان  
پورھان

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.462/2018



Date of Institution ... 26.03.2018  
Date of Decision ... 07.09.2021

Sultan Bahadur S/O Said Afzal Sub Inspector No.250/MR Police  
Department Mardan:

(Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa Peshawar and  
two others.

(Respondents)

Najmuddin,  
Advocate

For appellant.

Usman Ghani,  
District Attorney

For respondents.


AHMAD SULTAN TAREEN  
ROZINA REHMAN.

CHAIRMAN  
MEMBER (J)

JUDGMENT

ROZINA REHMAN, MEMBER (J): Appellant has filed the instant  
service appeal U/S 4 of the Khyber Pakhtunkhwa Service Tribunal  
Act, 1974 against the order dated 22.02.2018 whereby, the appellant  
was not confirmed in the rank of Sub Inspector.

ATTESTED


  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

2. The relevant facts leading to filing of instant appeal are that appellant was appointed as Constable and was promoted to the rank of Head Constable. He was further promoted to the rank of Assistant Sub Inspector and lastly promoted to the rank of Sub Inspector. He submitted applications to the respondents that he should be posted as an S.H.O or Incharge Investigation Branch but to no avail. Hence, the present service appeal.

3. We have heard Najmuddin Advocate for appellant and Usman Ghani learned District Attorney for the respondents and have gone through the record and the proceedings of the case in minute particulars.

4. Najmuddin Advocate learned counsel appearing on behalf of appellant, inter-alia, submits that despite repeated requests to the authorities to post him as an S.H.O in any police station, appellant was never posted as an S.H.O for the reason best known to the respondents. He submitted that he was not assigned the duty to serve as Incharge of Investigation Branch and that such omission is not attributable to the appellant as he was not afforded this opportunity by his high-ups. In support of his claim, reliance was placed on judgments of this Tribunal passed in Service Appeals No.1021/2015; 1450/2013 and 1227/2013, wherein it was observed that it is the authority to give assignment of the S.H.O to the concerned official and when the authority fails to give such opportunity, then the role of serving as an independent S.H.O for one year would have no ground.

ATTESTED

  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

07/9/21



5. Conversely, learned District Attorney submitted that the appellant was required to spend a period of three years in Counter Terrorism Department but he remained there for less than two years. He further submitted that the District Police Officer is competent to choose anyone from among S.H.O's pool and to post him as an S.H.O in any police station subject to professional competence, good skills in community relations, public dealing etc. He submitted that the appellant lacked the above-mentioned qualities, therefore, he was not given the task to serve as an S.H.O of an independent police station.

6. It is not denied that according to Rule-13.10(2) of Police Rules, 1934, no Sub Inspector shall be confirmed in substantial vacancy unless he has been tested for a year of an officiating Sub Inspector in independent charge of a police station, an independent police post or as Incharge Investigation of a police station or in Counter Terrorism Department. From the comments of the respondents, it is evident that as per policy guideline No.1/2013, a pool of suitable officers not below the rank of Sub Inspectors is formed for posting of S.H.Os at district level by D.P.O concerned and the officers whom names are placed in S.H.O's pool are considered for S.H.O posting as and when required. Admittedly, the name of the present appellant S.I Sultan Bahadur has been placed in S.H.O's pool of the district, but he was not given the opportunity of serving as an S.H.O of an independent police station. Had the relevant authority posted the appellant as an S.H.O and had the appellant failed to perform duty despite such posting, then the

07/9/21

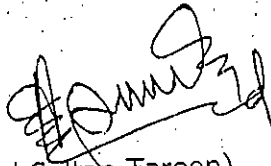
ATTESTED

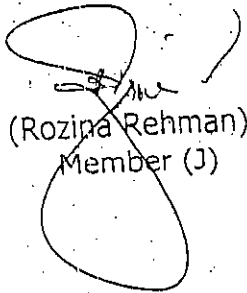
EXAMINER  
 Khyber Pakhtunkhwa  
 Service Commission

4  
appellant would have not been found entitled to the relief claimed.  
Since the omission is on the part of respondents, as such the appellant  
cannot be deprived of his right to antedate confirmation as Sub  
Inspector w.e.f 2<sup>nd</sup> November, 2017 i.e. the date on which his  
colleagues were confirmed.

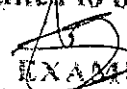
7. For the reasons mentioned above, we allow this appeal and set  
aside the impugned order dated 22.02.2018 and direct that the  
appellant be granted antedate confirmation as Sub Inspector w.e.f 2<sup>nd</sup>  
November, 2017 i.e. the date on which his colleagues were confirmed.  
Parties are left to bear their own costs. File be consigned to the record  
room.

ANNOUNCED.  
07.09.2021

  
(Ahmad Sultan Jareen)  
Chairman

  
(Rozina Rehman)  
Member (J)

Date of Presentation of Application 16-9-21  
Number of Words 1602  
Copying Fee 18/-  
Urgent 4/-  
Total 22/-  
Name of Copy -  
Date of Completion of Copy 16-9-21  
No. of Copies 16-9-21

**Certified to be true copy**  
  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

کھوسہ صاحب RPO صاحب دوران ریج دوران

درخواست برآمد کنفرمنس آئی لیٹ F

مورہ 22/11/2017 سے مطالبہ منجملہ عدالت

عالیہ سرورس ٹریبونل سپاور

ضمانت

تدارت کی جاتی ہے اس میں مارچ 2014 میں یہ عہدہ سب انسپکٹر

ترقیہ پورے 2 سال کا سیروڈ جی ڈی من تدارت کے اہل 2016

میں ڈسٹرکٹ تدارت ہوا اس دوران میں نے لیبر فون کنفرمنس

سیروڈ 2017 کا تدارت کی درخواستیں دی گئیں مگر میں کو سیروڈ

زار نے کا سوچ فرام کنفرمنس کیا گیا جبکہ میں نے بھی ریٹ پاس

مورہ 22/11/2017 کو یہ عہدہ منجملہ عدالت سے درخواستیں کی گئیں

منجملہ عدالت تدارت کے درخواست زاری مگر میں کو کنفرمنس نہیں کیا گیا

بعد میں میں نے سرورس ٹریبونل سے رجوع کیا جس پر منجملہ عدالت

نے منجملہ عدالت میں درخواست کی اور مورہ 22/11/2017 سے منجملہ عدالت

منجملہ عدالت سے درخواست کی اور مورہ 22/11/2017 سے منجملہ عدالت

میں لگنے کا منجملہ عدالت سے درخواست کی اور مورہ 22/11/2017 سے منجملہ عدالت

منجملہ عدالت سے درخواست کی اور مورہ 22/11/2017 سے منجملہ عدالت

17 اکتوبر 2021

سلطان بھادر ای

MR 256

قیمت  
50 روپے

102763



ایڈویکٹ: محمد امین خان ایسوسی ایٹس  
بار کونسل / ایسوسی ایشن نمبر: 155556-155-155  
رابطہ نمبر: 3339899475

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

بعدالت جناب: خیبر پختونخواہ سروسز سوسائٹی

دعویٰ:	
علت نمبر:	<u>462/2018</u>
مورثہ:	
جزم:	<u>ضمیمہ</u>
تھانہ:	
منجانب: <u>ڈسٹریبیوٹر</u>	

باعت تحریر آجکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دی کاروائی متعلقہ

آن مقام محمد امین خان ایسوسی ایٹس کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرکے و فیصلہ برحلف دینے جو اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یک طرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے نگران کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور ان کا ساختہ برداشتہ منظور و قبول ہوگا دوران مقدمہ میں جو چیز چاہے جاننا اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المقوم: محمد امین خان ایسوسی ایٹس

مقام: پشاور

نوٹ: اس وکالت نامہ کی فونو کالی ناقابل قبول ہوگی۔

محمد امین خان ایسوسی ایٹس  
1615779586

**POWER OF ATTORNEY**  
**IN THE SUPREME COURT OF PAKISTAN**  
**(APPELLATE JURISDICTION)**

CPLA. No. \_\_\_\_\_ /2021

Govt. of KPK and others

PETITIONER(S)

VERSUS

Sultan Bahadur

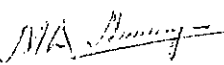
RESPONDENT(S)

I (we) Petitioner/Govt. of KPK in the above suit/Appeal/Petition/Reference, do hereby appoint and constitute Moin-ud-Din Humayun, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa the Attorney for the aforesaid appellant [ or plaintiff(s) or Petitioner(s) or Respondent (s) or defendant (s) or opposite party] to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, to draw and deposit money, to file and take back documents, to accept the process of the Court, to appoint and instruct counsel, to represent the aforesaid appellant [ or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in the above matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority

In witness whereof I/we do hereunto set my/our hand (s) this day of

Accepted

Signed with Official seal stamp

  
(Moin-ud-Din Humayun)  
Advocate-on-Record  
Supreme Court of Pakistan  
(for KPK) Advocate-General's  
Office KPK, High Court Building, Peshawar.  
Office Tel. # 091-9210312, 9210119

1- Provincial Police Officer, Khyber  
Pakhtunkhwa, Peshawar

2- Regional Police Officer, Mardan  
Region-1 Mardan

4- District Police Officer, Mardan

District Police Officer  
Mardan

Power of attorney issued on 01-10-2021

Before the Khyber Pakhtunkhwa service tribunal Peshawar

Service appeal no 462/2018

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 448

Dated 26-3-2018

Sultan bahadur s/o said afzal

Sub inspector no.250/MR police department Mardan

-----appellant

Versus

- ✓ 1) Inspector General of police kpk Peshawar.
- ✓ 2) Regional police officer Mardan.
- 3) District police officer Mardan.

-----Respondents

26/3/18 Appeal U/S 4 of the Khyber Pakhtunkhwa service tribunal Act 1974 against office no 47/ CPB dated Peshawar the 22/02/2018 whereby the appellant was not confirmed at the Rank of Sub inspector.

Respected sheweth

- 1) That the appellant was initially appointed as constable in 1988 in the force and was promoted to the rank of head constable. He was further promoted to the rank

5/4/18