

03.02.2021


Learned counsel for the petitioner and Addl. AG alongwith Yaqoob H.C for respondents present.

Representative of respondents has provided copy of order dated 02.02.2021 whereby the adverse remarks regarding the ACR of petitioner, from 20.05.2017 to 31.12.2017, have been expunged. In view of the development learned counsel for the petitioner does not wish to further pursue the implementation of judgment proceedings in hand.

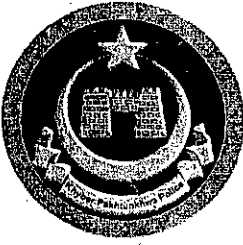
File be consigned to the record room.

ANNOUNCED

03.02.2021



(HAMID FAROOQ DURRANI)
CHAIRMAN



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

No. S/ 405 /21, Dated Peshawar the 02.02 /2021.

ORDER

This order pertains to the Service Appeal 44/2019 to 48/2019 before the Khyber Pakhtunkhwa Service Tribunal Peshawar for expunction of adverse remarks passed by the reporting officer in his ACR for the period from 20.05.2017 to 31.12.2017. His representation after due consideration was also filed vide No. S/4396-99/18, dated 25.10.2018. His appeal was accepted and ordered that "the Tribunal has also found that mandatory requirement of prior counseling was not provided before recording of adverse remarks against the respondents. In view of such findings recorded by the Tribunal in the impugned judgment, we find that submission of the learned law officer is not tenable. Further, no substantial question of law of public importance in terms of Article 212 (3) of Constitution of the Islamic Republic of Pakistan, 1973 has been raised in these petitions. The same are therefore dismissed and leave to appeal is refused" vide judgment dated 28.06.2019. The competent authority has directed to implement the judgment dated 28.06.2019.

Therefore, in compliance with the order of Tribunal, upheld by the Apex Court, the adverse remarks recorded in ACR of Senior Clerk Kifayatullah Khan for the period from 20.05.2017 to 31.12.2017 are hereby expunged.

~~AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar~~

No. S/ 406-10 /21

Copy of above is forwarded for information and necessary action, to the:-

1. Regional Police Officer, Bannu Region Bannu w/r to his memo: No. 11464, dated 18.07.2019. Necessary entry into this effect may also be made in his Duplicate Character Roll Dossier. The applicant may also please be informed accordingly.
2. District Police Officer, Bannu.
3. Registrar, Service Tribunal Khyber Pakhtunkhwa Peshawar.
4. Office Supdt: "E-V" Branch, CPO.
5. Office Supdt: CP Branch CPO.

~~AIG/Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar~~

10.12.2020

Nemo for petitioner.

Kabir Ullah Khattak learned Additional Advocate General alongwith Yaqoob H.C for respondents present.

Proper implementation report is still awaited. Last chance is given. To come up for implementation report on 20.01.2021 before S.B.



(Rozina Rehman)
Member (J)

20.01.2021

Naila Jan Advocate present on behalf of petitioner.

Noor Zaman Khattak learned District Attorney alongwith Yaqoob Khan H.C for respondents present.

Representative of respondents produced letters on behalf of D.P.O Bannu and R.P.O Bannu to the concerned for proper implementation report. He requested for a short adjournment as the case of the present petitioner is in progress and implementation report would be produced positively on the next date of hearing; adjourned with strict directions to submit proper implementation report on 03.02.2021 before S.B.



(Rozina Rehman)
Member (J)

29.09.2020

Petitioner with counsel and Addl. AG alongwith Muhammad Farooq, Inspector (Legal) for the respondents present.

Representative of respondents has provided copy of memo. dated 14.09.2020, whereby, the decision of competent authority regarding conditional/provisional order of implementation subject to outcome of CPLA, has been communicated to RPO Bannu and DPO Bannu. He states that the matter would be completed at an early date.

Adjourned to 27.10.2020 on which date the requisite report shall be submitted without fail.



Chairman

27.10.2020

Petitioner present through counsel.

Kabir Ullah Khattak learned Additional Advocate General alongwith Yaqoob H.C for respondents present.

Representative of respondents has produced copy of order passed by august Supreme Court of Pakistan vide which Leave to Appeal was refused. Therefore, last chance is given to the respondents for proper implementation report in the light of judgment of the Tribunal on 10.12.2020 before S.B. It is worth to mention here that as Leave to Appeal was refused to the respondents, therefore, there is no need of any conditional/provisional order of implementation rather judgment of this Tribunal be implemented in letter and spirit before the date fixed.

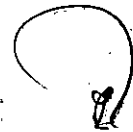

(Rozina Rehman)
Member-(J)

07.07.2020

Counsel for the petitioner present.

Mr. Kabir Ullah Khattak learned Additional Advocate General for the respondents present.

Despite directions to the respondents for submission of implementation report, no progress was shown. All the respondents be strictly directed to submit implementation report on 31.08.2020 before S.B.



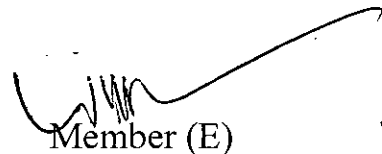
Member (J)

31.08.2020

Learned counsel for the petitioner present. Mr. Kabirullah Khattak learned Addl. AG Iqbal-ud-Din Inspector for the respondents present.

Representative of the respondents stated at the Bar that CPLA has been filed against the impugned order before August Supreme Court of Pakistan. Respondents are directed to submit conditional implementation report or suspension of impugned order by August Supreme Court of Pakistan.

Adjourned to 29.09.2020 before S.B.



Member (E)

09.03.2020

Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Yaqoob, Head Constable for the respondents present. Representative of the department requested for adjournment. Adjourned to 13.04.2020 for implementation report before S.B.

MA
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

13.04.2020

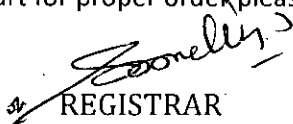



Due to public holiday on account of COVID-19, the case is adjourned to 07.07.2020 for the same. To come up for the same as before S.B.

[Signature]
Reader

~~Spontaneous submitted to submit implementation report on 09.03.2020 before S.B.~~

Form- A
FORM OF ORDER SHEET

Court of _____
Execution Petition No. 424/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.11.2019	<p>The execution petition of Mr. Kifyat Ullah and others submitted today by Naila Jan 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-	19/11/19	<p>This execution petition be put up before S. Bench on <u>13/12/19.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
13.12.2019		<p>None present on behalf of the petitioner. Notices be issued to respondents for implementation for 23.01.2020 before S.B. Petitioner/counsel for the petitioner be also put on notice for the date fixed.</p> <p style="text-align: right;"> (MUHAMMAD AMIN KHAN KUNDI) MEMBER</p>
	23.01.2020	<p>Nemo for petitioner. Addl. AG for the respondents present.</p> <p>Due to general strike of the Bar instant matter is adjourned to 09.03.2020 for further proceedings.</p> <p style="text-align: right;"> Chairman</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No. 424 /2019

In

Service Appeal No: 63/2019

Kifayat Ullah & Others

VERSUS

IGP Peshawar And Others

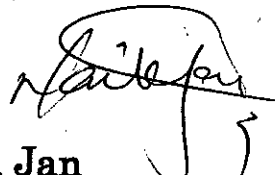
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S#	Description of Documents	Annex	Pages
1.	Execution Petition with Affidavit.		1-3
2.	Addresses of Parties		4
3.	Copy of Judgment		5-7
4.	Wakalat Nama.		

Dated: 14/11/2019


Petitioners

Through


Naila Jan
Advocate, High Court
Peshawar



BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No. 424 /2019

In

Service Appeal No: 63/2019

1. Kifayatullah Khan, Senior Clerk, DPO Office,
Bannu
Appeal No:63/2019.
2. Abdul Malik, Appeal No: 47/2019
3. Nazar Hayat, Appeal No: 65/2019

-----(*Petitioners*)

VERSUS

1. Inspector General of Police Khyber
Pakhtunkhwa Peshawar.
2. Additional Inspector General Establish Khyber
Pakhtunkhwa Peshawar.
3. Regional Police officer Bannu Region Bannu.
4. District Police officer Bannu.

-----(*Respondents*).

EXECUTION PETITION
FOR IMPLEMENTATION
OF THE JUDGMENT OF
THIS HONBLE TRIBUNAL
IN APPEAL No. 63/2019
DECIDED ON 28/06/2019

Respectfully Sheweth,

1. That the above mention appeal was decided
by this Hon'ble Tribunal vide Judgment

dated 28/06/2019. (Copy of the judgment is annexed as annexure "A")

1. That the relevant portion of the judgment is reproduced *as a sequel to the above, the instant appeal is accepted and the impugned orders dated 03.07.2018 and 25.10.2018 are set aside. Parties are left to bear their own costs. File be consigned to record room.*

2. That the Petitioners after getting of the attested copy of same approached the Respondent several time for implementation of the above mention judgment. However they are using delaying tactics and reluctant to implement the judgment of this Hon'ble Tribunal.

3. That the Petitioners have no other option but to file the instant petition implementation of the judgment of this Hon'ble Tribunal


4. That there is nothing which may prevent this Hon'ble Tribunal from implementing of its own judgment.

It is, therefore, requested that on acceptance of this petition, the Respondents may directed to implement the judgment of this Hon'ble Tribunal by reinstating the Petitioner with all back benefits.

Dated: 14/11/2019

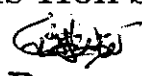

Petitioners

Through


Naila Jan
Advocate, High Court
Peshawar

AFFIDAVIT:-

I, *Kifayatullah Khan, Senior Clerk, DPO Office, Bannu*, do hereby solemnly affirm and declare on oath that all the contents of above application are true and correct to the best of my knowledge and belief and nothing has been misstated or concealed from this Hon'ble Court.


Deponent

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No. _____/2019

In

Service Appeal No: 63/2019

Kifayat Ullah & Others

VERSUS

IGP Peshawar And Others

ADDRESSES OF PARTIES

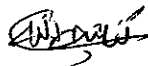
PETITIONER

Kifayatullah Khan, Senior Clerk, DPO Office, Bannu.

RESPONDENTS


1. Inspector General of Police Khyber Pakhtunkhwa Peshawar.
2. Additional Inspector General Establish Khyber Pakhtunkhwa Peshawar.
3. Regional Police officer Bannu Region Bannu.
4. District Police officer Bannu.

Dated: 14/11/2019



Petitioners

Through



Naila Jan
Advocate, High Court
Peshawar

Freeman



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 63/2019

Date of Institution ... 07.01.2019

Date of Decision ... 28.06.2019

Kifayatullah Khan, Senior Clerk, DPO, Office, Bannu.

... (Appellant)

VERSUS

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

... (Respondents)

MR. NAILA JAN,
Advocate

--- For appellant.

MR. MUHAMMAD JAN,
Deputy District Attorney

--- For respondents.

MR. AHMAD HASSAN,
MR. MUHAMMAD AMIN KHAN KUNDI

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

JUDGMENT

AHMAD HASSAN, MEMBER:-

This judgment shall dispose of the instant service appeal as well as connected service appeal no. 44/2019 titled Sibghat Ullah, appeal no. 45/2019 titled Ghulam Muhammad, appeal no. 46/2019 titled Abdul Malik, appeal no. 47/2019 titled Tariq Hayat, appeal no. 48/2019 titled Nazar Hayat, appeal no. 65/2019, titled Muhamamd Anwar Shah and appeal no. 64/2019 titled Muhammad Ismail as similar question of law and facts are involved therein.

ATTESTED

2. Arguments of the learned counsel for the parties heard and record perused.

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ARGUMENTS

03. Learned counsel for the appellant argued that he was inducted as Junior Clerk in the Police Department through order dated 12.06.2009 and performed duty regularly.

That in his PER for the period from 20.05.2017 to 31.12.2017 some adverse remarks were recorded and communicated to him vide order dated 30.07.2018. Feeling aggrieved, he filed departmental appeal on 17.07.2018 which was rejected vide order dated 25.10.2018. It was followed by a mercy petition filed by the appellant on 12.11.2018 which was dismissed on 06.12.2018 followed by the present service appeal. Learned counsel for the appellant further added that in his entire career adverse remarks were never recorded in the PERs of the appellant. Prior counseling being a mandatory requirement of the rules was not followed by the respondents. Moreover, similar remarks recorded in the PER's of nine other officials were expunged by the respondents which amounts to discrimination, as enshrined in Article-25 of the constitution.

04. Learned Deputy District Attorney at the very outset raised the issue of maintainability of the present service appeal being barred by time. He further argued that respondent no. 3 being the competent authority was the best judge to evaluate his working. Keeping in view, the performance of the appellant adverse remarks were recorded in his PER. All codal formalities were observed before recording the adverse remarks.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

CONCLUSION

05. The present case pertains to the recording of adverse remarks in the PERs of the appellant for the period from 20.05.2017 to 31.12.2017. The stance of the respondents was that these remarks were communicated to the appellant vide letter dated 03.07.2018. The perusal of said letter would reveal that it was addressed to the Regional Police Officer, Bannu with directions to convey it to the official concerned (appellant). He was further directed that acknowledgement as a token of receipt be also obtained from the official concerned. In the first place the record is silent when these remarks were

conveyed to the appellant? However, departmental appeal was filed by him in time and was dismissed vide order dated 25.10.2018. Remarks recorded by RPO, Bannu on the face of the said letter are reproduced:-

"To informed the official concerned and copy also placed in his character role".

06. Thereafter, he filed mercy petition before the PPO, Khyber Pakhtunkhwa in which apart from other grounds he agitated the issue of discrimination as PERs some of the official were expunged. However, it was dismissed in a stereotype manner and without valid justification. Prior counseling before recording adverse remarks in the PERs of a civil servant was a mandatory requirement of the rules but in this case the respondents failed to adhere to the above provision of rules. Subsequently orders passed by them were patently illegal and unlawful. The appellant has succeeded in making out a strong case to be considered of merit. Therefore, his valid and genuine grievance could not be dismissed on the sole ground of limitation and that too when the respondents failed in fulfilling other requirements under the law/rules.

07. As a sequel to the above, the instant appeal is accepted and the impugned orders dated 03.07.2018 and 25.10.2018 are set aside. Parties are left to bear their own costs.

File be consigned to the record room.

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Muhammad Amin
(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

(AHMAD HASSAN)
MEMBER

ANNOUNCED
28.06.2019

Date of Presentation of Application 11-11-2019
Number of Words 1200
Copying Fee 14
Urgent 4
Total 16
Name of Copier Q
Date of Completion of Copy 11-11-2019
Date of Delivery of Copy 11-11-2019

وکالت نامہ

عدالت KP کرسٹن سٹریٹس رشاد

نہایت اہم و ضروری بنام حکومت

مخواب Petitioners تاریخ 14/11/2019

باعث تحریر آنگہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف سے واسطے پیروی و جوابدہی
بمقام نہایت اہم کے لیے ہے۔

نالہ جان ایڈوکیٹ ہائی کورٹ

کو بدیں شرط و کیل مقرر کیا ہے کہ میں ہر پیشی پر خود یا بذریعہ مختیار خاص رو بروئے عدالت حاضر ہوتا رہوں گا اور بوقت پکارے جانے مقدمہ و کیل صاحب موصوف کو اطلاع دیکر حاضر عدالت کروں گا اگر پیشی پر من مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا پکھری کے کسی اور جگہ سماعت ہونے پر من مظہر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختیار نامہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔ مجھ کو کل ساختہ پرداختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرضی دعویٰ و جواب دعویٰ اور درخواست اجراءے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہو گا۔ اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کاروبار وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد وراثی و راضی نامہ کو فیصلہ برخلاف کرنے، اقبال دعویٰ دینے کا بھی اختیار ہو گا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادا ایگی علیحدہ مختیار نامہ پیروی کا اختیار ہو گا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہو گا یا مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے کسی دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں نیز ایسے مشیر قانون کو ہر امر میں وہی اور ایسے ہی اختیارات حاصل ہوں گے جیسے کہ صاحب موصوف کو حاصل ہیں اور پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہو گا۔ لہذا یہ مختیار نامہ لکھ دینا کہ سندر ہے۔ مورخہ: 14/11/2019 مضمون مختیار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا اور منظور ہے۔

ATTESTED & ACCEPTED

Sanjiv Kumar

Sanjiv Kumar

نالہ جان ایڈوکیٹ پشاور ہائی کورٹ پشاور

نہایت اہم

عبدالحمید

نظر صاحب

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR

Execution Petition No.424/2019 in Service Appeal: 63/2019

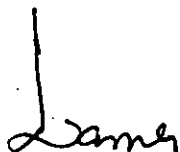
Kifayat-Ullah and others VS: IGP KP and others.

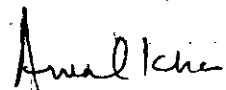
Subject: **IMPLEMENTATION REPORT**

Respectfully Sheweth:

1. That the Service appeal No. 63/2019 titled Kifayat Ullah & VS IGP etc was decided on 28.06.2019 in favour of appellant and respondents department forwarded the judgment to Committee of Law Department for opinion.
2. That on the advice of Committee Advocate on Record Supreme Court KPK has filed CPLA against the Impugned order before Supreme Court of Pakistan, Copy enclosed as annexure "A".
3. That in compliance of Honorable Tribunal directions, an application for early hearing of CPLA and suspension of Impugned judgment has been moved. Copy of application enclosed as Annexure "B".
4. That Law Department vide letter No. SOL/DG/Law/9-13 (60-67) Home/2019/51167-68 dated 24.07.2020 directed Advocate General KP/Advocate on Record to file early hearing application. Copy annexed as Annexure "C".
5. That the respondent department and Govt. has the right under rules/law to file appeal against the order/judgment of Tribunal/Court which has caused graved miscarriage of Justice or against the facts / rules.

Keeping in view the above facts and quoted letters it is humbly prayed that the execution proceeding may be filed or adjourned till the disposal of CPLA/Early hearing application please.


District Police Officer,
Bannu


Regional Police Officer,
Bannu Region Bannu



OFFICE OF THE
DISTRICT POLICE OFFICER,
BANNU

Phone No: 0928-9270 038

Fax No: 0928-9270045

No. 3834 /Dated Bannu, the 12 / 03 /2020.

The Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar.

SERVICE APPEAL NO.63/19 TITLED KIFAYAT ULLAH KHAN VS IGP KPK, No.46/19
TITLED ABDUL MALIK VS IGP KPK, No.48/19 TITLED NAZAR HAYAT VS
INSPECTOR GENERAL OF POLICE KHYBER PAKHTUNKHWA & OTHERS.

It is submitted that the subject Service Appeals were decided on 28.06.2019 by the Honourable Service Tribunal, Khyber Pakhtunkhwa Peshawar in favour of the appellants.

Consequently, this office has been approached to your good office for lodging of CPLA vide this office Memo No.11464 dated 18.07.2019 which was forwarded to Home & TAs Department, Khyber Pakhtunkhwa Peshawar for further legal process. The Law Department, Khyber Pakhtunkhwa sent back the case to CPD Peshawar with the decision that;

"The subject cases are fit for filing of appeal/ CPLA in the Supreme Court of Pakistan".

Representative/Inspector Legal of District Bannu has submitted all the required credential along with court fee in the office of Advocate on Record of Supreme Court of Pakistan in Peshawar on 12.09.2019 within a stipulated time.

The Appellants have moved an execution petition No.424/19 before the Honourable Tribunal whereas directions issued to the respondents (Police Department) to implement the judgment and report should be submitted on 13.04.2020. The contention of the Honourable Tribunal is that although the cases were approved for CPLA but no stay order was granted from the Supreme Court of Pakistan. Therefore, the Department are directed to implement the judgment before 13.04.2020 and the implementation report will be submitted in the court as per the Honourable Tribunal directions.

It is therefore requested that the above mentioned order/ judgment of the Service Tribunal KP Peshawar may please be implemented and to submit report on next date i.e. 13.04.2020.

Execution Petition is enclosed.

No. 3835

Copy of above is forwarded to the Regional Police Officer, Bannu Region Bannu for favour of information, please.

29/3
District Police Officer,
Bannu

29/3
District Police Officer,
Bannu



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar.

No. 36/37 / Legal

dated 15 the 15 107/2019.

To: The Secretary,
Government of Khyber Pakhtunkhwa,
Home & Tribal Affairs Department, Peshawar.

Attention:- SO (Courts)

Subject:

LODGING OF EARLY HEARING APPLICATION AGAINST THE JUDGMENT DATED 28.06.2019, OF HONORABLE KP SERVICE TRIBUNAL IN SERVICE APPEAL NO. 63/2019 FILED BY KIFAYAT ULLAH KHAN VS IGP KPK ETC ALONGWITH CONNECTED SERVICE APPEALS NOS. 44/2019 to 48/2019 FILED BY SIBGHAT ULLAH, GHULAM MUHAMMAD, ABDUL MALIK, TARIQ HAYAT AND NAZAR HAYAT AND SERVICE APPEAL NO. 64/ 2019 MUHAMMAD ISMAIL.

Memo:

Kindly refer to your office Letter No. SO(Courts)/HD/3-1/2019, dated 16.06.2020 on the subject noted above. It is submitted that appellant namely Kifayat Ullah along with others filed Service Appeal in the Honorable KP Service Tribunal against orders dated 03.07.2018 and 25.18.2018, passed by the Competent Authority.

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Brief facts of the case are as the appellant was inducted as Junior Clerk in the Police Department through order dated 12.06.2009. That in his PER for the period from 20.05.2017 to 31.12.2017 some adverse remarks were recorded and communicated to them vide order dated 30.08.2018. Feeling aggrieved they filed departmental appeal on 17.07.2018, which was rejected vide order dated 25.10.2018.

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Learned Deputy District Attorney at the very outset raised the issue of maintainability of the present service appeal being barred by time. He further argued that Respondent No. 3 being the Competent Authority was the best judge to evaluate his working, keeping in view, the performance of the appellant adverse remarks were recorded in his PER. All codal formalities were observed before recording the adverse remarks.


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The Honorable Tribunal vide judgment 28.06.2019, disposed of the service appeal along with other connected cases in favor of appellants. The Operating Para of which is reproduced as under:-

As a sequel to above, the instant appeal is accepted and the impugned orders dated 03.07.2018 and 25.10.2018 are set aside. Parties are left to bear their own costs, file be consigned to the record room. CPLA has been filed in through Advocate on Record but no date of hearing has been fixed so far.

It is therefore, requested that Law Department may be approached for onward approaching Advocate on Record of Supreme Court of Pakistan to file an application for early hearing before the Supreme Court of Pakistan along with an application for suspension of impugned judgment dated 28.06.2019, passed by the KP Service Tribunal and also file an application for transfer of the subject case from Registry Branch, Peshawar to Principal Seat at Islamabad, at an early date, please.


For SP/ Courts & Litigation,
CPO, Peshawar.

R | Copy to DPO Bannu with the request to depute well conversant representative to attend the Office of Advocate on Record with relevant record etc at the earliest please.


For SP/ Courts & Litigation,
CPO, Peshawar.



MOST IMMEDIATE
GOVERNMENT OF KHYBER PAKHTUNKHWA,
HOME & TRIBAL AFFAIRS DEPARTMENT.
 Peshawar-0110012 FAX # 931001.

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No. SC(Courts)/HD/3-1/2019
 Dated Peshawar, the 17th August, 2020

To
 The Inspector General of Police,
 Khyber Pakhtunkhwa.

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Subject: - SERVICE APPEAL NO.63/2019 FILED BY KIFAYAT ULLAH KHAN INSPECTOR GENERAL OF POLICE AND THREE OTHERS ALONGWITH CONNECTED SERVICE APPEALS NOS. 44/2019 TO 48/2019 FILED BY SIBGHAT ULLAH, GHULAM MUHAMMAD, ABDUL MALIK, TARIQ HAYAT AND NAZAR HAYAT AND SERVICE APPEAL NO. 65/2019 TITLED MUHAMMAD ANWAR SHAH AND APPEAL NO. 64/2019 MUHAMMAD ISMAIL.

Dear Sir,

I am directed to refer to the subject noted above and to annex herewith a self-explanatory letter No.SOL/DG/Law/9-13(60-67)Home/2019/51167-69, dated 29.07.2020, received from Assistant Solicitor (Lit), Directorate of Law & Human Rights, Khyber Pakhtunkhwa, Hayatabad, Peshawar, for necessary action, please.

Encl: As above.

Yours faithfully,

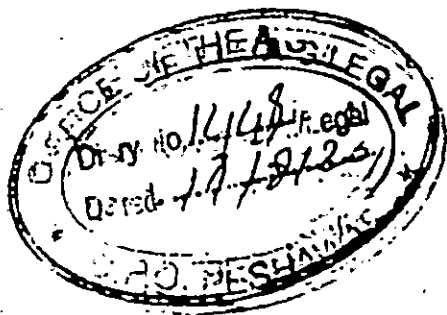
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Section Officer (Courts)

17/8/2020

Copy to:-

- 1) The Assistant Solicitor (Lit), Directorate of Law & Human Rights, Khyber Pakhtunkhwa, Street B.2, Flat No.21, Phase-5, Hayatabad, Peshawar, w/r to his letter mentioned above.
- 2) The PS to Secretary Home, Khyber Pakhtunkhwa.



Section Officer (Courts)

MC Sini Peshawar

Per M.A.

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1/11/20



DIRECTORATE GENERAL OF LAW & HUMAN RIGHTS
KHYBER PAKHTUNKHWA, STREET B.2 PLOT NO. 21
PHASE 5, HAYATABAD PESHAWAR

No.SOL/DO/Law/9-13(60-67)/Home/2019/...
Dated Peshawar the 13/8/2020

To

The Advocate General,
Khyber Pakhtunkhwa, Peshawar.

Attention: Advocate on Record

Subject: Service Appeal No. 63/2019 filed by Kifayat Ullah Khan Inspector General of Police and three others alongwith connected Service Appeals Nos. 44/2019 to 48/2019 filed by Sibghat Ullah, Ghulam Muhammad, Abdul Malik, Tariq Hayat and Nazar Hayat and Service Appeal No. 65/2019 titled Muhammad Anwar Shah and Appeal No. 64/2019 Muhammad Ismail.

Sir,

I am directed to refer to Government of Khyber Pakhtunkhwa Home and Tribal Affairs Department letter No.SO(Courts)/HD/3-1/2019, dated: 15.07.2020 on the subject noted above and to request you to file an application for early hearing before the Supreme Court of Pakistan alongwith an application for suspension of impugned judgment dated: 28.06.2019, passed by the Khyber Pakhtunkhwa Service Tribunal and also file an application for transfer of the subject case from Registry Branch, Peshawar to Principal Seat at Islamabad, at an early date, please.

Yours faithfully,

ASSISTANT SOLICITOR (Lit)

Endst: No.& Date Even.

Copy is forwarded to the:

- Secretary to Government of Khyber Pakhtunkhwa Home and Tribal Affairs Department with reference quoted above with the request to depute Departmental Representative to the office of Advocate General Khyber Pakhtunkhwa / Advocate on Record alongwith complete record of the subject case for doing the needful, please.
- Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

ASSISTANT SOLICITOR (Lit)

Dr. Dawood Hossain Deptt.

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