03.06.2021

Petitioner with counsel and Mr. Muhammad Adeel Butt, Addl. AG alongwith Shah Jehan, Inspector (Legal) for the respondents present.

The department has produced copy of notification dated 11.03.2021 and accordingly the judgment of this Tribunal to the extent of relief granted has been implemented. However, learned counsel for the petitioner contends that the petitioner has the legitimate expectation that after implementation of the judgment, his name might have been included in list "F". Let the petitioner to pursue the matter with the department in the light of his expectation. The department should not withhold the information, if approached by the petitioner under due course. Instant Execution Petition is filed. File be consigned to the record room.

Chairman

01.04.2021

E. P. No. 161/2020 Naveed Gul is Grat

Petitioner with counsel present.

Mr. Kabirullah Khattak learned Addl. AG alongwith Shahjehan for respondents present.

Representative of the respondents have submitted copy of order dated 11.03.2021, wherein it has been stated that since the petitioner was dismissed from service at the time of Departmental Promotion Committee, hence his name was not reflected in the seniority list. Now the petitioner was given revised promotion to the rank of officiating SI w.e.f 16.04.2014; but the enclosed list does not contain name of the petitioner.

Learned counsel for the petitioner contended that the petitioner was allowed relief with all back benefits and placing him in proper place in the seniority list is also included in such benefits; whereas the respondents have referred to promotion to the rank of officiating SI, which is required to be confirmed as was done with his other colleagues.

In view of the situation, respondents are directed t pass an appropriate order in respect of seniority of the petitioner and submit implementation report o 03.06.2021 before S.B.

(Atiq Ur Rehman Wazir) Member (E)



OFFICE OF THE CAPITAL CITY POLICE OFFICER, PESHAWAR.

Telephone: No:091-9210641 Fax No: 091-9212597

No. 5050

OSO /EC-I. dat

/EC-I, dated Peshawar the

1 / 63

/2021.

To :-

The District Police Officer,

Charsadda.

Subject:

NOTIFICATION.

Memo:

Please refer to your office memo: NO. 593/EC, dated

05-03-2021.

The name of PASI Naveed Gul No. 768/P of Capital City Police,
Peshawar presently serving in District Charsadda, as he was dismissed from service
at the time of Departmental Promotion Committee meeting promotion of PASIs to
the rank of SIs held on 22-01-2019.

Now the PASIs batches 2010 & 2011 including the above named PASI was given revised promotion to the rank of offg: SI w.e.from 16-04-2014, please.

FOR CAPITAL CITY POLICE OFFICER,

02.02.2021

Counsel for the petitioner and Addl. AG alongwith Shah Jehan, Inspector (Legal) for the respondents present.

The representative of respondents has provided copy of order dated 11.01.2021, whereby, the petitioner has been reinstated in service with all back benefits from the date of his arrest dated 19.02.2018. The order is, however, conditional and provisional to the outcome of CPLA. Placed on record.

Learned counsel for the petitioner states that the petitioner was allowed relief by this Tribunal with all back benefits which include his seniority as well. On the other hand, the seniority list settled on 31.12.2020 is not to the said effect and does not contain the name of petitioner. To this, learned AAG contended that the referred seniority list was completed and circulated before the date of passing of order of reinstatement, therefore, its benefits regarding seniority were not included.

In order to implement judgment in letter & spirit, the respondents are required to pass an appropriate order, be it conditional and provisional to the outcome of CPLA, in respect of seniority of petitioner. They are expected to complete the task at the earliest.

Adjourned to 01.04.2021 for further proceedings before S.B.

Chairman

FORM OF ORDER SHEET

Court or	
Execution Petition No. 161	/2020
Excedition retition No. 7 0	

Date of order proceedings	Order or other proceedings with signature of judge or Magistrate		
2	3		
08.09.2020	The Execution Petition submitted by Mr. Naveed Gul through Mr. Noor Muhammad Khattak Advocate may be entered in the relevant		
	Register and put up to the Court for proper order please.		
	REGISTRAR 819		
	This Execution Petition be put up before S. Bench on 31-12-20		
	CHAIRMAN		
,			
2.2020	Learned counsel for the petitioner present. Mr. Noor		
Z	aman Khattak, District Attorney for respondents present.		
,	Notices be issued to the respondents for submission of		
ir	Adjourned to 02.02.2021 before S.B. (Mian Muhammad) Member(E)		
	2 08.09.2020 Z.2020		

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL **PESHAWAR**

Implementation Petition No. 161 / 2020 Appeal No.1065/2019

NAVEED GUL

VS

POLICE DEPTT:

INDEX

S.NO.	DOCUMENTS	ANNEXURE	PAGE NO.	
1-	Memo of petition		1- 2.	
2-	Affidavit		3.	
3-	Judgment	A	4- 9.	
4-	Vakalat nama		10.	

PETITIONER/APPLICANT

THROUGH:

NOOR MOHAMMAD KHATTAK **ADVOCATE** MOBILE NO:0345-9383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Implementation Petition No. 16/2020
In
Appeal No. 1065/2020

Mr. Naveed Gul, ASI No.768/P,
Police Lines, District Charsadda.

PETITIONER

VERSUS

- 1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
- 2- The Regional Police Officer, Mardan Region.
- 3- The District Police Officer, District Charsadda.

IMPLEMENTATION PETITION FOR DIRECTING THE RESPONDENTS TO OBEY THE JUDGMENT DATED 21.07.2020 IN LETTER AND SPIRIT

R/SHEWETH:

- 1- That the petitioner filed Service appeal bearing No. 1065/2019 before this august Service Tribunal against the impugned order dated 03.12.2015.
- 3- That after obtaining attested copy of the judgment dated 21.07.2020 the petitioner submitted the same before the respondents for implementation but till date the judgment of this Tribunal has not been implemented by the respondent in letter and spirit.
- 4- That the petitioner has no other remedy but to file this implementation petition.

It is therefore, most humbly prayed that on acceptance of this implementation petition the respondents may be directed to implement the judgment dated 21.07.2020 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

And the finding

PETITIONER

NAVEÉD GUL

THROUGH:
NOOR MOHAMMAD KHATTAK

MIR ZAMAN SAFI ADVOCATES

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Implementation Petition No.	/2020
In	
Appeal No.1065/2019	

NAVEED GUL

VS

POLICE DEPTT:

AFFIDAVIT

I Noor Mohammad Khattak, Advocate on behalf of the petitioner, do hereby solemnly affirm that the contents of this **implementation petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.



NOOR MOHAMMAD KHATTAK ADVOCATE BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Kityber Pakh

Khyber Pakhtukhwa Service Tribunal

APPEAL NO. 1065 /2019

Diary No. 1176

Mr. Naveed Gul, Ex-ASI No.768/P, Police Lines, District Charsadda....

Dated 20/8/2019

APPELLANT

VERSUS

1- The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

2- The Regional Police Officer, Mardan Region.

3- The District Police Officer, District Charsadda.

RESPONDENTS

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKWHA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 03.12.2015 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE WAS IMPOSED ON THE APPEALLANT AND NO ACTION TAKEN ON THE REVISION PETITION OF THE APPELLANT WITHIN THE STATUTORY PERIOD OF NINETY DAYS.

PRAYER:

That on acceptance of this appeal the impugned order dated 03/12/2015 may very kindly be set aside and the relationary respondents may be re-instated into service with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

R/SHEWETH: ON FACTS:

Briefs facts giving rise to the present appeal are as follows:-

- 1- That appellant was inducted in the respondent Department as ASI under the deceased employee son's quota and after induction the appellant served the respondent Department quite efficiently and upto the entire satisfaction of his superiors.

ATTESTED

EMMINER Naybor Pekhunkhwa Service Tribunal

Parly Manual



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1065/2019

Date of Institution ...

20.08.2019

Date of Decision

21.07.2020



Mr. Naveed Gul, Ex-ASI #.768/P, Police Lines, District Charsadda.

(Appellant)

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & 02 others.

(Respondents)ATTEST

Mr. Noor Muhammad Khattak, Advocate

For appellant.

Mr. Riaz Khan Paindakheil Assistant Advocate General

For official respondents.

MRS. ROZINA REHMAN MR. ATTIQ UR REHMAN MEMBER (J)

MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER: Pithy facts of the case are that appellant Naveed Gul was inducted as an ASI. During service he was charged in case FIR #.183 dated 19.07.2014 registered at Police Station Nisatta, U/S 302/324/148/149 PPC. He was arrested and sent to judicial lockup. In the meanwhile, he was dismissed from service vide impugned order dated 03.12.2015. Later on, he was acquitted by the Trial Court vide order dated 08.04.2019, therefore, he filed

departmental appeal which was rejected. He preferred Revision Petition but that was not attended to, hence the present service appeal.

- 2. Learned counsel for appellant contended that the impugned order dated 03.12.2015 is against law and facts as the appellant was not treated in accordance with law and rules on the subject. He submitted that charge sheet and statement of allegation was not issued to the appellant before the issuance of impugned order and lastly, he submitted that appellant was dismissed from service without waiting for the final decision of the Trial Court in the murder case which order is, therefore, not maintainable in the eyes of law and liable to be set aside. Reliance was placed on1988 PLC (C.S) 179; 2003 SCMR 215 and PLD 2010 Supreme Court 695.
- 3. Conversely, learned AAG argued that the impugned order is in accordance with law on the subject and that the appellant was rightly dismissed from service. He argued that he did not inform the department and remained absent. He remained absconder for a long period, therefore, it was not possible to conduct proper inquiry and that he was involved in a heinous crime, therefore, he was dismissed from service and lastly, he submitted that departmental appeal was time barred, therefore, appeal before the Tribunal is not maintainable. Reliance was placed on 2006 SCMR 554; 2006 SCMR 1005 and 2006

After hearing the learned counsel for parties and going service Trithrough the record of this case with their assistance and after perusing

ATTESTED

the precedent cases cited before us, we are of the opinion that Naveed Gul was removed from service vide impugned order dated 03.12.2015 by respondent #.3 on account of being involved in a murder case and being fugitive from law since the commission of offence. His departmental appeal met the same fate at the hands of respondent #.2 where after he preferred revision petition before respondent #.1 which was not attended to, so the present appeal was filed. During service he was charged in case FIR #.183 dated 19.07.2014 registered at Police Station Nisatta, U/S 302/324/148/149 PPC. He, alongwith coaccused were arrested and tried. It was on 08.04.2019, when he alongwith one Abid S/O Taj Wali were acquitted of the charges leveled against them. Soon after earning acquittal, he filed departmental appeal which is undated, however, the order passed by the Regional Police Officer Mardan shows that appeal was filed on 18.04.2019 which was decided on 02.05.2019.

5. The assertion of the learned AAG regarding the departmental appeal being barred by time does not find support from any document. The appellant had been acquitted in the criminal case on 08.04.2019 and he had filed his departmental appeal on 18.04.2019 i.e. within 10 days of his acquittal in the criminal case. It would have been a futile attempt on the part of appellant to challenge his removal from service before earning acquittal in the criminal case and it would be unjust to penalize the appellant for not filing his departmental appeal before earning his acquittal in the criminal case which had formed the foundation of his removal from service. Relevant para from the order

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of Regional Police Officer Mardan is hereby reproduced for ready reference:

"The appellant was dismissed from service on 03.12.2015 being involved in a criminal case. Therefore, I find no grounds to intervene into the order passed by the then District Police Officer, Charsadda. His appeal is also time barred for four (04) years"

- 6. It has been held by the superior forum that all acquittals are certainly honorable. There can be no acquittals, which may be said to be dishonorable. Conviction of the appellant in the case of murder was the only ground on which he had been removed from service and the said ground had subsequently disappeared through his acquittal, making him re-emerge as a fit and proper person entitled to continue with his service.
- 7. It is established from the record that charges of murder and attempted murder etc. ultimately culminated in honorable acquittal of the appellant by the competent court of law in the above mentioned criminal case. In this respect, we have sought guidance from 1988 PLC (C.S) 179; 2003 SCMR 215 and PLD 2010 Supreme Court 695.

For what has been discussed above, this appeal is accepted and the impugned order dated 03.12.2015 is set aside alongwith other orders on the appeal/review petition of the appellant and the appellant is reinstated in service with back benefits from the date of his arrest in

criminal case. No order as to costs. File be consigned to the record room.

ANNOUNCED. 21.07.2020

> ÁTTIQ ÜR ŔEHMAN) MEMBER (E)

(ROZINA REHMAN) MEMBER (J)

Certified to he ture copy Peshawar

Date of Presentation of Application. Number of Wores......2400 Copying Fee_26: 00

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Date of Delivery of Copy.

VAKALATNAMA

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

	OF 2020		
Marced Gul	(APPELLANT)(PLAINTIFF) (PETITIONER)		
<u>VER</u>	<u>sus</u>		
Molier Deptt: I/We_Naveed Qu	(RESPONDENT)(DEFENDANT)		
Do hereby appoint and con KHATTAK, Advocate, Pesh compromise, withdraw or refemy/our Counsel/Advocate in without any liability for his defengage/appoint any other Adv I/we authorize the said Advocate in the said Advocat	awar to appear, plead, act, or to arbitration for me/us as the above noted matter, fault and with the authority to ocate Counsel on my/our cost. Cate to deposit, withdraw and sums and amounts payable or		
Dated//2020	CLIENT ACCEPTED NOOR MOHAMMAD KHATTAK KAMRAN KHAN MIR ZAMAN SAFI		

AFRASIAB KHAN WAZIR
ADVOCATES

OFFICE:

Flat No.4, 2nd Floor, Juma Khan Plaza, near FATA Secretariat, Warsak Road, Peshawar. Mobile No.0345-9383141



GOVERNMENT OF KHYBER PAKHTUNKHWA OFFICE OF THE DISTRICT POLICE OFFICER CHARSADDA PHONE# 091/9220400 FAX# 091-9220401

EMAIL: charsaddadpo@yahoo.com

No. 98-100 /EC, dated Charsadda the 11/01/2021

ORDER

In compliance with the judgment dated 21.07.2020, passed by the Hon'ble Khyber Pakhtunkhwa Service Tribunal in Service Appeal No. 1065/2019, coupling with letter No.43/Legal dated 06.01.2021, issued by the office of Assistant Inspector General of Police, Legal, Khyber Pakhtunkhwa, for Implementation petition No.161/2020, PASI Naveed Gul is hereby reinstated in service with all back benefits from the date of his arrest i.e 19.02.2018, conditionally and provisionally subject to outcome of CPLA.

(Muhammad Shoaib Khan), PSP
District Police Officer
Charsadda

CC:

- 1. The Registrar, Hon'ble Khyber Pakhtunkhwa Service Tribunal.
- 2. The Regional Police Officer, Mardan for information.
- 3. The Assistant Inspector General of Police, Legal, Khyber Pakhtunkhwa, Peshawar w/r quoted above

10BN034 10BN034



OFFICE OF THE CAPITAL CITY POLICE OFFICER, PESHAWAR.

Telephone No.091-9210641 Fax No. 091-9212597

No. 5050

/EC-I, dated Peshawar the

11/03

/2021.

To :-

The District Police Officer,

Charsadda.

Subject:

NOTIFICATION.

Memo:

Please refer to your office memo: NO. 593/EC, dated

05-03-2021.

The name of PASI Naveed Gul No. 768/P of Capital City Police, Peshawar presently serving in District Charsadda, as he was dismissed from service at the time of Departmental Promotion Committee meeting promotion of PASIs to the rank of SIs held on 22-01-2019.

Now the PASIs batches 2010 & 2011 including the above named PASI was given revised promotion to the rank of offg: SI w.e.from 16-04-2014, please.

FOR CAPITAL CITY POLICE OFFICER,



OFFICE OF THE CAPITAL CITY POLICE OFFICER, PESHAWAR.

POLICE DEPIT:

Leisphone He.091-9210041 Fex.No. 091-9212597 CCP. PESIIAWAR.

EOR PUBLICATION IN THE KHYBER PAKHTUNKHWA. POLICE GAZETTE PART-11. ORDERS BY THE CAPITAL CITY POLICE OFFICER KHYBER PAKHTUNKHWA. PESHAWAR.

NOTIFICATION.

Dated 16 /03 /2021.

No. 343 / EC-1, CONFIRMATION IN THE RANK OF SI:- In light of the recommendation of Departmental Promotion Committee meeting dated 20-02-2021 constituted in the backdrop of Writ Petition No. 3900/P in CM No. 2171/P filed by Abdul Sattar and others, consequently upon revised notification in the rank of Offg: SI promoted w.e from 16.04.2014 the following Offg: SIs of Capital City Police, Peshawar are hereby confirmed in the rank of SIs w.e.from the dates on which they completed mandatory periods provided in the P.Rules 13.10(2) and Standing orders issued from time to time.

They are allotted new CCP, Peshawar number.

5#		Place of posting	New CCP, Peshawar Number	Date of confirmation in the rank of SI
1.	Offg; SI Abdul Sattar No. 746/P	СТО	P/172	16.04.2016
2.	Offg; SI FazalHadi No. 747/P	Special Branch	P/173	16.04.2016
3.	Offg; SI Muhammad Umer- 755/P	Elite/CPO	P/174	16-04-2016
4.	Offg; SI Tahir Ali Khan No. 749/P	Special Branch	P/178	16-04-2016
5.	Offg; SI Wisal Khan No. 753/P	Special Branch	P/179	16-04-2016
6.	Offg; SI Imran Ullah No. 751/P	CCP, Peshawar	P/181	16-04-2016
7.	Offg; SI Riaz Ahmad No. 761/P	Legal Branch	P/184	16-04-2016
3.	Offg; SJ Saced Jan No. 795/P	ACE	P/186	16-04-2016
).	Offg; SI Muhammad Ashfaq No. 796/P	Elite Force	P/187	16-04-2016
0.	Offg; SI Ahmad Ullah Khan-797/P	Special Branch	P/202	28-04-2016
1.	Offg; SI RehmatUliah Khan-759/P	Special Branch	P/303	02-09-2016
2.	Offg; SI Mumtaz Khan No.791/P	CCP, Peshawar	P/32B	19-09-2016
3.	Offg; SI Nauman Khan No. 803/P	Elite Force	' P/365	20-10-2016
4.	Offg; SI Bismillah Jan No. 750/P	CCP, Peshawar	P/413	01-12-2016
5.	Offg; SI Irfan Ullah No. 776/P	Charsadda	P/462	02-12-2016
· ·	Offg; SI Abdullah Jalal Khan -793/P	Elite Force	P/463	08-12-2016
	Offg; SI Asif All Khan No.785/P	FRP KPK	P/464	14-12-2016
	Offg; SI IhsanUllah No. 767/P	CCP, Peshawar	P/465	15-02-2017
	Offg; SI Ishfaq Ahmad No. 775/P	Charsadda	P/466	22-02-2017
- 1	Offg; SI InamUllah No.787/P	Special Branch	P/467	28-02-2017
	Offg; SI Mamoon Rashid No.800/P	FRP KPK	P/468	28-02-201

Notification

235 [3]

22.	Offg; SI Afzal Khan No. 766/P	Elite Force	P/469	27-04-2017
23.	Offg; SI Qazi Muhammad Arlf No. 790/P	Elite Force	9/470	03-05-2017
24.	Offg; S1 Muhammad Aslf Khan No. 788/P	Policse school of Investigation	P/571	11-05-2017
25.	Offg; SI Imtiaz Ahmad No. 784/P	Elite Force	P/472	28-08-2017
26.	Offg; SI Afzal Gul No. 760/P	CCP, Peshawar	P/474 \	10-11-2017
27.	Offg; SI Wajid Khan No. 777/P	Elite Force	P/475	20-12-2017
28.	Offg:SI Now SI Muhammad Mubarak Zeb- 794/P	CCP, Peshawar	P/476	24-02-2018
29.	Offg; SI Manzoor Khan No. 748/P	CCP, Peshawar	P/477	31-03-2018
30.	Offg; SI Azaz Alam Khan Khaiil No.783/P	Elite Force	P/478	11-04-2018
31.	Offg:SI Saleem Khan No. 786/P	CCP, Peshawar	P/479	21-01-2021

Sd/-CAPITAL CITY POLICE OFFICER, PESHAWAR.

No. 3440- JEC-I,

Copy of above is forwarded for information and necessary action to

the:-

- 1. Addl: Inspector General of Police, HQrs:,Inv; Elite Force& Special Branch Khyber Pakhtunkhwa, Peshawar.
- 2. Deputy Inspector General of Police, HQrs:,CTD KPK, Peshawar.
- 3. Commandant FRP, KPK, Peshawar.
- 4. Asstt: Inspector General of Police, Establishment KPK, Peshawar.
- 5. SSsP/Operation, Investigation & Traffic, Peshawar.
- 6. AIG, Legal, KPK, Peshawar.
- 7. Director Anti-Corruption Establishment, Peshawar.
- 8. DSP/Legal Peshawar.
- 9. Asstt: Secret, & EC-II, CCP, Peshawar.

FOR CAPITAL CITY POLICE OFFICER
PESHAWAR.