

EP 360/18

19.08.2019

Counsel for the petitioner and Mr. Muhammad Riaz Khan
Paindakhel, Asstt. AG for the respondents present.

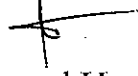
Learned counsel states that she is under instructions to
request for consignment of instant proceedings as the
petitioner has been reinstated into service.

Order accordingly.


Chairman

04:04.2019

None for the petitioner present. Addl: AG for respondents present. Due to general strike of the bar, the case is adjourned. Case to come up for further proceedings on 07.05.2019 before S.B.


(Ahmad Hassan)
Member

07.05.2019

Counsel for the petitioner and Mr. Usman Ghani, District Attorney for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned. To come up for further proceedings/implementation report on 25.06.2019 before S.B.


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

25.06.2019

Counsel for the petitioner and Addl: AG for respondents present. Learned AAG sought adjournment to produce implementation report. Allowed. Respondents are directed to positively, produce implementation report on the next date of hearing. Case to further proceedings on 19.08.2019 before S.B.


(Ahmad Hassan)
Member

10.1.2019

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

The representative of the respondents states that a CPLA has been preferred against the judgment under implementation before the Apex Court on 06.11.2018. However, no date of hearing has been fixed in that matter.

The respondents are required to produce copy of order of Apex Court requiring suspension of operation of judgment under implementation, if any, or the implementation report on 19.02.2019 before S.B.


Chairman

19.02.2019




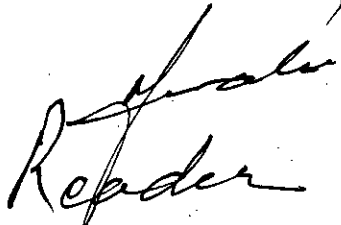
Learned counsel for the petitioner and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Implementation report not submitted. Adjournment requested. Adjourn. To come up for further proceedings/implementation report on 04.04.2019 before S.B.


Member

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. _ 360/2018

| S.No. | Date of order proceedings | Order or other proceedings with signature of judge |
|------------|---------------------------|--|
| 1 | 2 | 3 |
| 1 | 06.10.2018 | <p>The execution petition of Mr. Wali Ayaz submitted 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- | 9-10-18 | <p>This execution petition be put before S. Bench on <u>16-10-2018</u></p> <p style="text-align: right;"> CHAIRMAN</p> <p>Counsel for the petitioner present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Notices be issued to the respondents for submission of implementation report on the next date of hearing. Case to come up for implementation report on 21.11.2018 before S.B.</p> <p style="text-align: right;"> (Ahmad Hassan) Member</p> |
| 16.10.2018 | 21-11-2018 | <p>Since 21, November has been declared as Public holiday on account of 12th Rabi-ul-mawal therefore the case is adjourned to come up for the same on 10-1-2019</p> <p style="text-align: right;"> Reader</p> |

10.01.2019

Petitioner alongwith counsel and Addl. AG alongwith Muhammad Sheraz, H.C and Gulzar Khan, ASI for the respondents present.

At the outset learned AAG referred to the order dated 13.03.2018 passed by District Police Officer, Nowshera whereby the petitioner was dismissed from service. The petitioner admitted the receipt of copy of the said order and stated that he had preferred departmental appeal against the same on 16.11.2018.

In view of the above development where a fresh order of dismissal from service was passed against the petitioner the instant execution proceedings cannot further be proceeded. The same are, therefore, consigned to record room.

Chairman

ANNOUNCED
10.01.2019

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No. 360 /2018

In

Service Appeal No: 369/2012

Wali Ayaz Khan


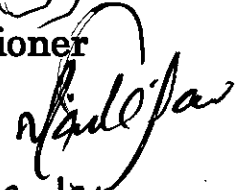
VERSUS

District Police Officer Bannu and Others

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Dated: 06/10/2018


Petitioner
Through 
Naila Jan
Advocate, High Court
Peshawar

(4)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No. 360 /2018

In

Service Appeal No: 369/2012

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 170

Dated 6-10-18

Wali Ayaz Khan, Exconstable No. 682 R/O Zul Qadar
Mandan P.O Khawaga ad Mandan Tehsil and
District Bannu.

.....*Petitioner*

Versus

1. District Police Officer, Bannu,
2. Regional Police Officer, Bannu Region, Bannu.
3. The Inspector General Of police Khyber
Pakhtunkhwa Peshawar.

.....*Respondents*

EXECUTION PETITION FOR
IMPLEMENTATION OF THE
JUDGMENT OF THIS HON'BLE
TRIBUNAL IN APPEAL No.
369/2012 DECIDED ON
10/09/2018

Respectfully Sheweth,

1. That the above mention appeal was decided by
this Hon'ble Tribunal vide Judgment dated
10/09/2018. (Copy of the judgment is annexed as
annexure "A")


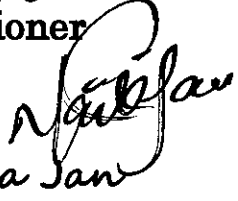
2. That the relevant portion of the judgment is reproduced "*Consequently the Present appeal is partially accepted and the major punishment of dismissal from service is modified and converted into withholding of three annual increments for a period of five (5) years. Absent period and intervening period shall also be treated as extraordinary leave without pay. In case the appellant is found still adamant not to qualify the recruit course, the Respondent department is at liberty to proceed against him in accordance with law. The present appeal is partially accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room after its completion*".
3. That the Petitioner after getting of the attested copy of same approached the Respondents 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.
4. That the Petitioner has no other option but to file the instant petition implementation of the judgment of this Hon'ble Tribunal.

(3)

5. 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.

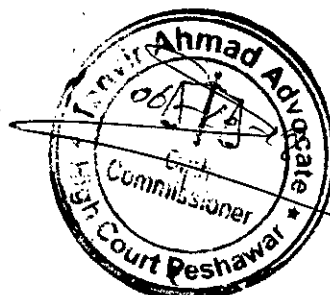
Dated: 06/10/2018


Petitioner
Through

Naila Jan
Advocate, High Court
Peshawar

AFFIDAVIT:-

I, Wali Ayaz Khan, Exconstable No. 682 R/O Zul Qadar Mandan P.O Khawaga ad Mandan Tehsil and District 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.


Depoent



(4)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution petition No. _____/2018

In

Service Appeal No: 369/2012

Wali Ayaz Khan

VERSUS

District Police Officer Bannu and Others

ADDRESSES OF PARTIES


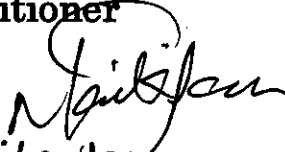
PETITIONER

Wali Ayaz Khan, Exconstable No. 682 R/O Zul Qadar
Mandan P.O Khawaga ad Mandan Tehsil and
District Bannu.

RESPONDENTS

1. District Police Officer, Bannu,
2. Regional Police Officer, Bannu Region, Bannu.
3. The Inspector General Of police Khyber
Pakhtunkhwa Peshawar.

Dated: 06/10/2018

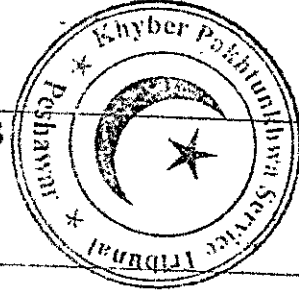

Petitioner
Through

Naila Jan
Advocate, High Court
Peshawar

وکالت نامہ

فر کثرتاً فیما فیہ

(5)

| Sr. No | Date of order/ proceedings | Order or other proceedings with signature of Judge or Magistrate |
|--------|----------------------------|--|
| 1 | 2 | 3 |



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

Appeal No. 369/2012

Date of Institution ... 16.03.2012

Date of Decision ... 10.09.2018

Wali Ayaz Khan, Ex-constable No.682 R/O zul-qadar Mandan P.O. Khawaga-mad Mandan Tehsil and District Bannu.

-----Appellant

1. District Police Officer, Bannu.
2. Regional Police Officer, Bannu Region, Bannu.
3. The Inspector General of Prision Khyber Pakhtunkhwa.

-----Respondent

Mr. Hussain Shah.....Member

Mr. Muhammad Hamid Mughal.....Member

10.09.2018

JUDGMENT

HUSSAIN SHAH, MEMBER: - Appellant, learned counsel

for the appellant and Mr. Kabirullah Khattak, Learned Additional

Advocate General on behalf of the official respondents present.

2. Appellant Wali Ayaz Khan has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act being aggrieved against the order of respondents No.1 dated 30.06.2010 the appellant was dismissed from service from the date of absence.

The appellant has also contested the rejection orders of the

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

(Handwritten signature)