

31.08.2020


Nemo for the appellant. Mr. Kabirullah Khattak learned Addl. AG alongwith Mr. Aziz Shah Reader for the respondents present.

The record shows that judgment of this Tribunal dated 02.08.2018 in Service Appeal No. 1227/2013 has been provisionally/conditionally implemented vide order dated 15.04.2019. It seems that petitioner is no more interested in prosecution of instant execution petition.

On previous date of hearing notice was required to be issued to petitioner for today. The record shows that requisite notice has been issued to the petitioner. Despite no one is present on his behalf.

In the circumstances, it will be appropriate to consigned instant proceedings to record with the permission to petitioner to apply for restoration as and when required under the law.

Announced  
31.08.2020

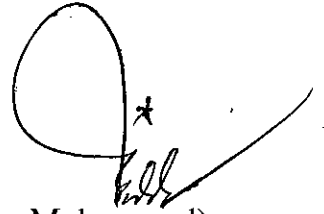
  
Member (E)

15.07.2020

None for the petitioner present. Addl: AG alongwith Mr. Aziz Shah, Reader for respondents present.

On the previous date of hearing the case was adjourned through Reader note, therefore, the office shall issue notice to the petitioner and his counsel.

Adjourned to 31.08.2020 before S.B.

A handwritten signature in black ink, consisting of a large, stylized loop followed by a checkmark-like stroke. A small asterisk is visible above the signature.

(Mian Muhammad)  
Member(E)

10.02.2020

Learned counsel for the petitioner present. Aziz Shah Reader representative of respondents present. Representative of respondent department stated that judgment of this Tribunal has been provisionally/conditionally implemented vide order dated 15.04.2019. Copy of the said order is available on file.

It was brought to notice of this Tribunal that in one of the identical nature case, operation of judgment of this Tribunal has been suspended by the august Supreme Court of Pakistan. Adjourn. To come up for further proceedings/arguments on 16.03.2020 before S.B.

  
Member

16.03.2020

Petitioner in person present. Mr. Kabirullah Khattak learned Addl. AG for the respondents present. None present on behalf of respondent department nor submitted implementation report therefore notice be issued to the respondents for submission of implementation report. Adjourned. To come up for further proceedings on 21.04.2020 before S.B.

  
Member

21.04.2020

Due to public holiday on account of COVID-19, the case is adjourned to 15.07.2020 for the same. To come up for the same as before S.B.

  
Reader

09.10.2019

Counsel for the petitioner and Addl. AG alongwith Aziz Shah, Reader for the respondents present.

Request for time to submit a detailed reply to the execution petition in view of opinion by the AIG/Legal furnished on 04.10.2019.

May do so on or before next date of hearing. Adjourned to 06.11.2019 before S.B.

Chairman 

06.11.2019

Counsel for the petitioner and Addl. AG alongwith Muhammad Raziq, Reader for the respondents present.

Representative of respondents requests for further time to submit reply to the execution petition. May do so positively on the next date.

Adjourned to 19.12.2019 before S.B.

Chairman 

19.12.2019

Nemo for petitioner. Addl. AG for the respondents present.

Adjourned due to general strike of the Bar. To come up on 10.02.2020 for further proceedings before S.B.

Chairman 

09.08.2019

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

Learned counsel for petitioner states that despite issuance of notification dated 15.04.2019 and allowing confirmation of petitioner from 15.09.2007 his name has not been enlisted with his colleagues for the purpose.

The representative of respondents undertakes that the requisite enlistment of petitioner would be effected within one month.

The respondents shall positively produce on next date the evidence/documents reflecting the requisite enlistment of petitioner.

Adjourned to 16.09.2019 before S.B.

  
Chairman

16.09.2019

Nemo for petitioner. Addl. AG alongwith Abdur Razaq, H:C for the respondents present.

Representative of the respondents has produced copy of a letter sent by DSP (Legal) CCP Peshawar to Establishment Branch, wherein, a seniority list has been sought to be issued in compliance with the order of the Tribunal. It is further stated that requisite list would be made available in a couple of weeks, therefore, requests for adjournment ~~is made~~.

Adjourned to 09.10.2019 on which date the requisite list shall positively be produced.

  
Chairman

03.04.2019

None for the petitioner present. Addl: AG alongwith Mr. Aziz Shah, H.C for respondents present.

In pursuance of directions contained in order sheet dated 07.01.2019, representative of the respondents have produced a copy of record note/note sheet through which case of the petitioner has been recommended to the CCPO, Peshawar for issuance of provisional implementation order. Respondents are directed to positively produce provisional implementation order on the next date of hearing. To come up for further proceedings on 06.05.2019 before S.B.



(Ahmad Hassan)  
Member

06.05.2019

Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Raziq, Head Constable for the respondents present. Representative of the department submitted implementation report, which is placed on record. Counsel for the petitioner seeks adjournment to examine the same. Adjourned. To come up for further proceeding on 24.06.2019 before S.B.



(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER

24.06.2019

Mr. Mir Zaman, Advocate appeared on behalf of counsel for the petitioner and seeks adjournment as counsel for the appellant is not available today. Addl: AG for respondents present. Case to come up for further proceedings on 09.08.2019 before S.B.




(Ahmad Hassan)  
Member

07.1.2019

Counsel for the ~~petitioner~~ and Addl. AG  
alongwith Naeem Hussain, S.I (Legal) for the  
respondents present.

The representative of the respondents states that  
the respondent department has moved a CPLA before  
the Apex Court against the order under execution. He is  
directed to produce the order of restraint passed by the  
Apex Court, if any, or the implementation report on the  
next date of hearing.

Adjourned to 28.01.2019 before S.B.

  
Chairman


28.01.2019

Counsel for the petitioner present. Mr. Kabirullah Khattak,  
Additional AG for the respondents present. Implementation report not  
submitted. Learned Additional AG requested for further adjournment.  
Adjourned. To come up for implementation report on 28.02.2019 before  
S.B.

  
(MUHAMMAD AMIN KHAN KUNDI)  
MEMBER




28.02.2019

Clerk to counsel for the petitioner present.  
Implementation report not submitted. M/S Muhammad  
Raziq H.C and Sulaiman H.C representatives of the  
respondents present and seeks time to furnish  
implementation report. Granted. To come up for  
implementation report on 03.04.2019 before S.B.

  
Member

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_  
Execution Petition No. 387/2018

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	25.10.2018	<p>The execution petition of Mr. Waqar Ahmad submitted by Mr. Sardar Sadaqat Ali 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	17-11-2018	<p>This execution petition be put up before S. Bench on <u>22-11-18.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	22.11.2018	<p>Notice to all concerned. Adjourned to 07.01.2019 for implementation report before S.B.</p> <p style="text-align: right;"> Chairman</p>



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Implementation petition No. 387 /2018

In

Appeal No.1227/2013

Waqar Ahmad

vs


police Deptt:

INDEX


S.NO	DOCUMENTS	ANNEXURE	PAGE
1-	Memo of petition		1-2
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3-	Attested copy of appeal & Judgment dated 02/08/18	"A"	4-7
4-	Wakalat nama		5

Petitioner

Through:

  
Sardar Saadat Ali

&

  
Khurram shahzad M.zai

Advocates High Court

Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Implementation petition No. 387/2018

In

Appeal No.1227/2013

2050

25-10-18

Waqar Ahmad Director Public Relations KP Police Peshawar.

(PETITIONER)

Vs

1. The Provincial Police officer KPK Peshawar.
2. The CCPO Peshawar.
3. The SSP Co-Ordination, CCPO Office Peshawar.
4. The DPC through its chairman, AIG (HQS) Peshawar.

(RESPONDENTS)

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

*Respectfully Sheweth:*

1. That the petitioner filed service appeal bearing No.1227/2013 before this august service tribunal for his confirmation as SI with effect from due date when his colleagues have been confirmed as SI.
2. That the appeal of the petitioner was finally heard by this august tribunal on **02/08/2018** and was decided in favor of the petitioner vide judgment date **02/08/2018** with the view that ***"the present service appeal is accepted in terms of judgment passed in service appeal NO 736/2016 as mentioned above .The inter se seniority of the colleagues/badge mates of the appellant shall however remain intact in accordance with Law/rules."***  
(Copy of the judgment is attached as annexure A)

3. That after obtaining copy of the judgment the petitioner applied to the department for his claim but the respondent department is not willing to obey the judgment and till date the respondents have not confirmed the appellant as SI with effect from his due date when his colleagues have been confirmed as SI.
4. That the petitioner has no other remedy but to file this implementation petition.

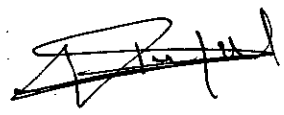
It is therefore, most humbly prayed that on acceptance of this implementation petition the respondents may be directed to implement the judgment dated **02/08/2018** in letter and spirit. Any other remedy which this august tribunal deems fit that may also be awarded in favor of the petitioner.

Petitioner

Through:

  
Sardar Saadat Ali

&

  
Khurram shahzad M.zai

Advocates High Court

Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

Implementation petition No. \_\_\_\_\_/2018

In

Appeal No.1227/2013

Waqar Ahmad

vs

police Deptt:

AFFIDAVIT

I WAQAR AHMAD do solemnly affirm that the contents of the implementation petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable tribunal.



*Waqar Ahmad*  
DEPONENT

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**



APPEAL NO. 1227 /2013.

~~1227~~  
~~1254~~  
~~16/08/13~~

Waqar Ahmed Inspector NO. 101/P

PRO, CCPO Office, Peshawar.....Appellant.

VERSUS

*Annexure  
A<sup>22</sup>*

- 1- The Provincial Police Officer KPK Peshawar.
- 2- The CCPO Peshawar.
- 3- The SSP Co-Ordination, CCPO Office Peshawar.
- 4- The DPC through its Chairman, AIG (Hqs) Peshawar.


.....Respondents.

**APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNALS ACT 1974 AGAINST THE ORDER DATED. 18.7.2013 WHERE BY THE APPEAL OF THE APPELLANT FOR CONFIRMATION AS SI W.E.FROM HIS DUE DATE HAS BEEN REJECTED.**

**PRAYER;**

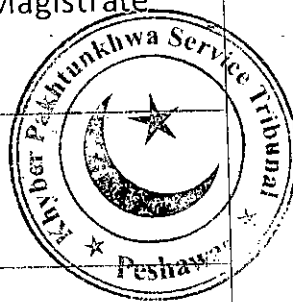
*That on acceptance of this appeal the order dated. 18.7.2013 may be set-aside and the respondents may be directed to consider the appellant's confirmation as SI from June 2005 OR at least from the date when his colleagues have been confirmed as S.I. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of appellant.*

**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*16/8/13*

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. 1227/2013**

Date of Institution ... 16.08.2013  
Date of Decision ... 02.08.2018

Waqar Ahmad Inspector No. 101/P  
PRO, CCPO Office, Peshawar.

**Appellant**

1. The Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. The CCPO Peshawar
3. The SSP Co-Ordination, CCPO Office Peshawar.
4. The DPC through its Chairman, AIG (Hqs) Peshawar.

**Respondents**

**Mr. Muhammad Hamid Mughal-----Member**  
**Mr. Ahmad Hassan-----Member**

02.08.2018

**JUDGMENT**

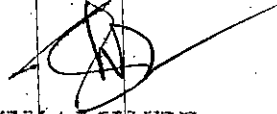
**MUHAMMAD HAMID MUGHAL, MEMBER:** Appellant

with counsel and Mr. Zia Ullah, Learned Deputy District Attorney for respondents present.

2. Through the present service appeal the appellant seeks anti-dation of his confirmation as SI.

3. Learned counsel for the appellant argued that vide order dated 21.06.2003 the appellant was promoted as officiating Sub Inspector alongwith other colleagues and then vide order dated

**ATTESTED**

  
**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

04.12.2008 he was confirmed as SI w.c.f 25.11.2008. Learned counsel for the appellant while relying upon the judgment of this Tribunal passed in service appeal No. 736/2016 titled Amjad Ali Versus Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department Peshawar and others, argued that this Tribunal in a number of judgments held that confirmation of officiating police officials shall take place from the date of officiating promotion. Learned counsel for the appellant stressed that the appellant is also entitled to the same relief extended to Amjad Ali in Service Appeal No.736/2016.


4. As against that learned Deputy District Attorney resisted the present appeal and defended the impugned order dated 04.12.2008.

5. Arguments heard. File perused.


6. It is not disputed that this Tribunal has already held in a number of cases that the confirmation of officiating police officials shall be from the date of officiating promotion and that Service Appeal No.736/2016 filed by Mr. Amjad Ali was also accepted on the same analogy, with the direction to the respondent department to take into consideration the cases of all those similarly placed persons who have not been confirmed from the date of their officiating promotion in the light of judgments reported as 1996-SCMR-1 and 1996-SCMR-1185.

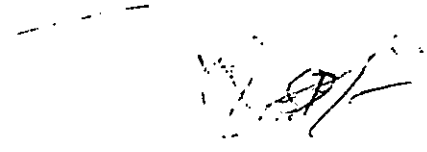
7. In view of above the present service appeal is accepted in terms of judgment passed in service appeal No.736/2016 as mentioned above. The inter se seniority of the colleagues/badge mates of the

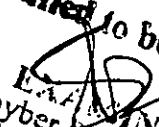
**ATTESTED**

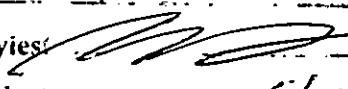
  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

appellant shall however remain intact in accordance with law/rules.  
Parties are left to bear their own costs. File be consigned to the record room.

  
(Ahmad Hassan)  
MEMBER

  
(Muhammad Hamid Mughal)  
MEMBER

**Certified to be true copy**  
  
**E. A. M. WINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

**Date of Presentation of Application** 31-08-2018  
**Number of Words** 1600  
**Copying Fee** 10:00  
**Urgent** —  
**Total** 10:00  
**Name of Copyies**   
**Date of Completion** 01-09-2018  
**Date of Delivery of Cop.** 01-09-2018



10



6653

پشاور بار ایسوسی ایشن، خیبر پختونخوا

ایڈوکیٹ:

بار کونسل ایسوسی ایشن نمبر:

رابطہ نمبر: 0346-8489333

بعدالت جناب: Before the KPK Service Tribunal Peshawar

مخانب: <i>Pebitimar</i>	دعویٰ: <i>Implementation petition</i>
<i>Waqar Ahmad</i>	عکس نمبر:
<i>و/بیتام</i>	موضوع:
<i>Police Dept.</i>	بجھ:
	تھام:

بامث تحریر آگہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کاروائی متعلقہ شاہد کے آگے پیش کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقررات و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ 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 بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داختم منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے 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

22/10/18

المرقوم:

العبد العبد واہ شد العبد

مقام پشاور کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

*[Signature]*

*[Signature]*

722 LB  
19/03/19

Reference Attached

Sir,

It is submitted that Inspector Waqar Ahmad No.101/P of CCP, Peshawar had filed Service Appeal No.1227/2013 before the Khyber Pakhtunkhwa Service Tribunal Peshawar for ante date confirmation to the rank of SI.

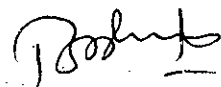
Brief facts of the case are that the appellant was confirmed to the rank of Sub Inspector on 25.11.2008 vide order dated 04.12.2008 on qualifying the mandatory pre-requisite criteria. However the appellant wants seniority with his colleagues who were confirmed on 15.09.2007. Feeling aggrieved the appellant then filed Service Appeal No.1227/2013 before the Khyber Pakhtunkhwa Service Tribunal Peshawar

The Hon'able Service Tribunal Peshawar vide judgment order dated 02.08.2018 accepted his appeal.

On procurement of judgment order dated 02.08.2018 this office moved request for filing CPLA against the judgment order which subsequently was filed in the apex court through law department, which is still subjudice and not yet finalized.

The Worthy P.P.O Khyber Pakhtunkhwa Peshawar vide his office letter No.906/ Legal dated 22.02.2019 directed that " the competent authority has approved the judgment dated 02.08.2018 in service appeal No.1227/2013 and order sheet dated 07.01.2019 in execution petition No.387/18 to revise confirmation of appellant Waqar Ahmad SI with his colleagues provisionally and conditionally subject to the outcome of CPLA."(Copy of CPO implementation letter received from CPO is attached as annexure "B")

It is therefore requested, that Judgment of the Service Tribunal may be implemented conditionally as CPLA before the Apex Court has already been filed which is still subjudice.



DSP/Legal,  
CCP, Peshawar.



OFFICE OF THE  
CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

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

POLICE DEPTT:

CCP, PESHAWAR.

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA, POLICE GAZETTE PART-II,  
ORDERS BY THE CAPITAL CITY POLICE OFFICER KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION

Dated 15/9 /2019.

No. 11367 /EC-I, REVISION OF NOTIFICATION IN THE RANK OF SI:- As per direction of CPO in the light of Service Tribunal Judgment dated 02-08-2018 and opinion of DSP/Legal duly approved by the competent authority, the confirmation of SI Waqar Ahmad is hereby revised provisionally/conditionally w.e. from 15-09-2007 with his colleagues instead of 25-11-2008 subject to outcome of CPLA.

No. 1063-LB  
15/09/2019

No. 11368-73 /EC-I,

FOR CAPITAL CITY POLICE OFFICER,  
PESHAWAR.

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

1. Inspector General of Police Khyber Pakhtunkhwa, Peshawar w/r to his office no. 906/Legal, dated 27-02-2019.
2. SSI/Operations, Peshawar.
3. DSP/Legal, Peshawar.
4. PO EC-II & AS CPO, Peshawar.

R-A313

For M/S PL

Dy. Supt. Police  
Legal, CDM/Police  
15/4/19

Reference Attached

Sir,

It is submitted that Inspector Waqar Ahmad No.101/P of CCP, Peshawar had filed Service Appeal No.1227/2013 before the Khyber Pakhtunkhwa Service Tribunal Peshawar for ante date confirmation to the rank of SI.

Brief facts of the case are that the appellant was confirmed to the rank of Sub Inspector on 25.11.2008 vide order dated 04.12.2008 on qualifying the mandatory pre-requisite criteria. However the appellant wants seniority with his colleagues who were confirmed on 15.09.2007. Feeling aggrieved the appellant then filed Service Appeal No.1227/2013 before the Khyber Pakhtunkhwa Service Tribunal Peshawar.

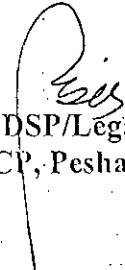
The Hon'able Service Tribunal Peshawar vide judgment order dated 02.08.2018 accepted his appeal.

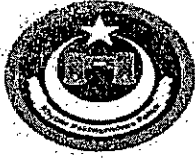
On procurement of judgment order dated 02.08.2018 this office moved request for filing CPLA against the judgment order which subsequently was filed in the apex court through law department, which is still subjudice and not yet finalized.

Appellant has now filed execution petition No. 387/2018 for implementation of the judgment order dated 02.08.2018 passed by the Service Tribunal Peshawar. The execution petition was contested before the Service Tribunal and finally the appellant was conditionally confirmed with his colleagues subject to the outcome of CPLA.

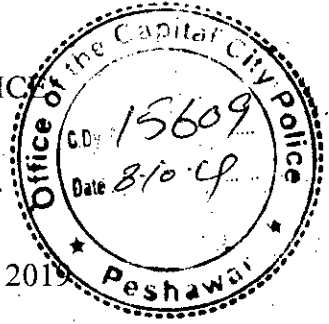
Subsequently, the Honorable Chairman of Service Tribunal vide order dated 09.08.2019 issued direction that "the respondents shall positively produce on next date the evidence/documents reflecting the requisite enlistment of petitioner."

It is therefore requested, that in compliance of order sheet dated 09.08.2019, a seniority list on the above facts may kindly be issued for onward submission before the Service Tribunal on 16.09.2019.

  
DSP/Legal,  
CCP, Peshawar.



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



No. 4810 /Legal dated Peshawar, the 04 11 0 /2019

To: - The Capital City Police Officer,  
Peshawar.

No 2119 - LB  
08 -10 -18

Subject:- SERVICE APPEAL NO. 1227/2013 FILED BY WAQAR AHMAD INSPECTOR OF CCP PESHAWAR.

Memo:-


Please refer to your office letter No.3044/LB dated 30.09.2019, on the subject cited above.

As per rules a seniority list is issued annually before 31<sup>st</sup> March every year, wherein the requisite enlistment may be made with his colleagues.


The Competent Authority has directed to submit comprehensive reply /report before the Tribunal that enlistment in seniority list will be made in the new seniority list as per rules.

C.C.P.O. \_\_\_\_\_  
SSP/O \_\_\_\_\_  
SSP/I \_\_\_\_\_  
SP/Cantt \_\_\_\_\_  
SP/City \_\_\_\_\_  
SP/Rural \_\_\_\_\_  
SP/Sec \_\_\_\_\_  
SP/HQ \_\_\_\_\_  
SP/T.O \_\_\_\_\_  
SP/T. HQ \_\_\_\_\_  
✓ DSP/LOS \_\_\_\_\_  
P.O./C.C. \_\_\_\_\_  
PA/EC-II \_\_\_\_\_  
AS /C.Cell \_\_\_\_\_

8/11/19

  
AIG/Legal,  
For Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar  
02.10.2019

Reader Azis  
For m action pl

  
Dy. Supdt. Police  
Legal. CCP/Peshawar

08/11/19