

18.10.2019

Petitioner in person and Addl. AG alongwith Sher Afzal, S.I (Legal)
for the respondents present.

Representative of respondents has produced letter dated
24.09.2019 sent by District Police Officer Tank to District Accounts Officer
Tank alongwith the calculation of leave account of petitioner.

The petitioner states that he had opted for 532 days of leave
against half pay and requests for consigning the instant proceedings to
record.

Order accordingly.


Chairman

17.06.2019

Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG alongwith Sher Afzal, S.I (Legal) for the respondents present. Learned counsel for the petitioner requested for adjournment. Adjourned to 17.07.2019 for further proceedings before S.B.


(Muhammad Amin Khan Kundi)
Member

17.07.2019

Counsel for the petitioner and Mr. Muhammad Riaz Khan Paindakhel, Assistant A.G alongwith Muhammad Nadeem H.C for the respondents present.

The representative of the respondents requests for some more time to settle the leave account of petitioner and payment of salary to him, if any, as per calculation of the leave.

Adjourned to 03.09.2019 before S.B.


Chairman

03.09.2019

Petitioner alongwith his counsel and Mr. Sher Afzal, S.I (Legal) alongwith Mr. Usman Ghani, District Attorney for the respondents present.

Representative of the respondents states that the settlement of leave account of the petitioner has already been set in motion which is likely to consume some more time in view of extraordinary engagement of respondents in the forth coming Aushara security plans. Adjourned to 18.10.2019 on which date the implementation report shall positively be submitted.


CHAIRMAN

18.02.2019 Counsel for the appellant and Mr. Zia Ullah Deputy District Attorney alongwith Mr. Saleem Ullah H.C for the respondents present.

To the implementation report submitted on 03.01.2019 the petitioner has reservations in terms that although he has been reinstated into service, he has not be paid his salary in accordance with the judgment nor his leave account has been settled. In view of such facts the representative of respondents requests for further time to furnish a proper implementation report after doing the needful.

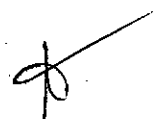
Adjourned to 22.03.2019 before S.B


Chairman

22.03.2019 Petitioner in person present. Mr. Kabirullah Khattak learned Addl; AG alongwith Mr. Salman Head Constable for the respondents present. Petitioner seeks adjournment as his counsel is not in attendance. Adjourned. To come up for further proceeding on 24.04.2019 before S.B.


Member

24.04.2019 Counsel for the petitioner present. Mr. Usman Ghani, District Attorney alongwith Mr. Saleemullah, H.C for respondents present. Learned counsel for the petitioner seeks adjournment. Adjourned. Case to come up for further proceedings 17.06.2019 before S.B.

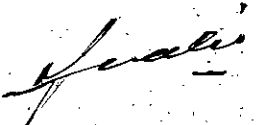

(Ahmad Hassan)
Member

27.09.2018

Mr. Nadeem Khan, Clerk of counsel for the petitioner present. Mr. Muhammad Nadeem, LHC alongwith Kabirullah Khattak, Addl. AG for the respondents present. Implementation report submitted. Counsel for the petitioner is not in attendance due to general strike of the bar. To come up for further proceedings on 15.11.2018 before the S.B.



Chairman

15-11-2018 Due to Retirement of Honorable Chairman the Tribunal is non functional therefore the case is adjourned to come up for the same on 3-1-2019


Reader

03.01.2019

None present on behalf of the petitioner. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Muhammad Nadeem, Head Constable for the respondents present. Representative of the department submitted implementation report. Copy of the same is placed on record. Notice be issued to petitioner and his counsel for attendance for 18.02.2019 before S.B.

Noted for
18/2/19



Muhammad Amin Khan Kundi
Member

11.07.2018

Petitioner in person present. Mr. Sardar Shoukat Hayat, Additional AG for the respondents also present. Implementation report not submitted. Learned Additional AG requested for further adjournment. Adjourned. To come up for implementation report on 30.07.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

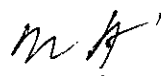
30.07.2018

Petitioner Mr. Inamullah in person alongwith his counsel Mr. Taimur Ali Khan, Advocate present. Mr. Kabirullah Khattak, Addl: AG for respondents present. Implementation report not submitted. Respondents No.1 and 2 are directed to submit implementation report through responsible police officer not below the rank of Inspector on 27.08.2018 before S.B.


Chairman





27.08.2018

Counsel for the petitioner and Additional AG for the respondents present. Implementation report not submitted. Learned Additional AG seeks further adjournment. Respondents No. 1 & 2 are directed to submit implementation report through responsible officer not below the rank of Inspector on 27.09.2018 before S.B.


(Muhammad Amin Khan Kundi)
Member

FORM OF ORDER SHEET

Execution Petition No. 109/2018

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	<p>05.04.2018</p> <p>06/04/18</p> <p>16.04.2018</p> <p>03.07.2018</p>	<p>The Execution Petition of Mr. Inam Ullah submitted to-day by Mr. Taimur Ali 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 5/4/18 </p> <p>This Execution Petition be put up before S. Bench on- <u>16/04/18.</u></p> <p style="text-align: right;">  MEMBER </p> <p>Counsel for the petitioner present. Notice be issued to the respondents for implementation report for 03.07.2018 before S.B.</p> <p style="text-align: right;">  (Muhammad Amin Khan Kundi) Member </p> <p>Junior counsel for the petitioner and Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Implementation report not submitted. Learned Deputy District Attorney requested for adjournment. Adjourned. To come up for implementation report on 21.07 2018 before S.B.</p> <p style="text-align: right;">  (Muhammad Amin Khan Kundi) Member </p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.**

Execution Petition No. 109 /2018
In Service Appeal No.317/2014

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 384

Dated 05/04/2018

Inam Ullah S/O Atta Ullah Caste Yaqoobkhel
R/O Garah Sheikh Sultan District Tank.

PETITIONER

VERSUS

1. Deputy Inspector General of Police D.I Khan.
2. District Police Officer Tank.

RESPONDENTS

.....
**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE
JUDGMENT DATED 25.10.2017 OF THIS
HONOURABLE TRIBUNAL IN LETTER AND
SPIRIT.**
.....

RESPECTFULLY SHEWETH:

1. That the petitioner has filed service appeal No. 317/2014 against the orders dated 11.02.2014 whereby the departmental appeal of the petitioner was rejected and against the order dated 02.12.2013 whereby the petitioner was discharged from service.
2. The appeal was finally heard by the this august Tribunal on 25.10.2017 and the august Tribunal was kind enough to partially accept the appeal and the punishment of discharge from service was modified/convert to the withholding of one increment for a period of two (2) years. **(Copy of judgment dated 25.10.2017 is attached as Annexure-A)**
3. That since the announcement of the judgment, the petitioner waited for more than six months to implement judgment dated 25.10.2017 of this Honourable Tribunal, but the departmental authority did not take any action on the judgment dated 25.10.2017.

4. That in-action and not fulfilling formal requirements by the department after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
5. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the department is legally bound to obey the judgment dated 25.10.2017 of this Honourable Tribunal in letter and spirit.
6. That the petitioner has having no other remedy except to file this execution petition.

It is, therefore, most humbly prayed that the department may be directed to implement the judgment dated 25.10.2017 of this august Tribunal in letter and spirit. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner.

PETITIONER

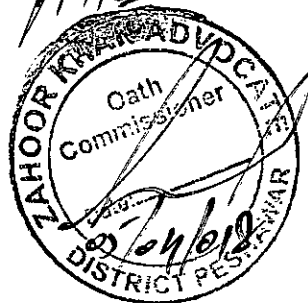
THROUGH:


(TAIMUR ALI KHAN)
ADVOCATE HIGH COURT

AFFIDAVIT:

It is affirmed and declared that the contents of the execution petition are true and correct to the best of my knowledge and belief.

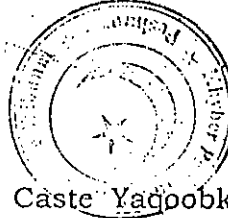

DEPONENT



①

BEFORE THE KHYBER PAKHTUNKUWA SERVICE TRIBUNAL
PESHAWAR.

Appeal No 317 of 2014



A.W.P. No. 317
Date 06/3/14

Inam Ullah S/o Atta Ullah Caste Yaqoobkhel R/o Garah
Sheikh Sultan District Tank.

(Accused/ Petitioner)

VERSUS

1. Deputy Inspector General of Police D.I.Khan
2. District Police officer Tank.

SERVICE APPEAL UNDER SECTION 04 OF THE
KPK SERVICE TRIBUNAL ACT 1974 AGAINST
THE ORDER DATED 11/02/2014 PASSED BY
RESPONDENT NO.1 VIDE WHICH THE APPEAL OF
THE APPELLANT WAS DISMISSED.

Respectfully sheweth:

1. That the appellatant was serving as probation A.S.I and joined the Police Department after recommendation of the provincial Public Service Commission Khyber Pakhtunkhuwa Peshawar.
2. That the appellatant due to

ATTESTED
AK

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
CAMP COURT, D.I.KHAN
 Appeal No. 317/2014

Date of Institution ... 06.03.2014
 Date of Decision ... 25.10.2017

Inam Ullah S/O Atta Ullah caste Yaqoobkhel R/O Garah
 Sheikh Sultan District Tank.

Versus

1. Deputy Inspector General of Police D.I.Khan.
2. District Police Officer Tank.

25.10.2017

25.10.2017

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: -

Appellant, learned counsel for the appellant and Mr. Farhaj Sikandar, District Attorney on behalf of the respondents present.

ATTESTED

(Signature)
 Member,
 Tribunal,
 Peshawar

2. The appellant has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974 against the respondents and made impugned the order dated 11.02.2014 regarding the dismissal of departmental

ATTESTED
(Signature)

appeal filed by the appellant. The appellant has also prayed for setting aside the original order dated 02.12.2013 issued by respondent No. 2 whereby the appellant was discharged from service.


3. Learned counsel for the appellant argued that both the impugned orders are unlawful and no specific instance of corruption/ill-reputation against the appellant is on the record. Further argued that the punishment awarded to the appellant is harsh hence not tenable in the eyes of law.

4. As against that learned District Attorney while opposing the present appeal argued that the appellant remained willfully absent hence the impugned orders were rightly issued.

5. Argument heard. File perused.

6. It is not disputed that the appellant remained absent without permission, however the stance of the appellant is that the cause for his absence was the serious illness of his father. No specific instance/allegation of corruption/ill-reputation of the appellant found on the record. In these circumstances the impugned orders appear to be harsh one and do not commensurate with the lapse/guilt on the part of the appellant and as such the punishment imposed upon

ATTESTED


K. S. Kulkarni
Secretary, Maharashtra
Service Tribunal,
Pune

ATTESTED


the appellant requires modification. Hence the punishment of discharge from service is modified/converted to the withholding of one increment for two (02) years. Absence period and intervening period shall be treated as leave of the kind due.

Parties are left to bear their own costs. File be consigned to the record room.

Announced *Self M. Hameed Mughal,*
25.10.2017 *Member*
Comptroller D. I. Khan

Certified to be true copy
Khyber Pakhtunkhwa
Service Commission
Peshawar

Self Ahmad Hassan,
Member

Date of Presentation 20-11-17
Number of Pages 1650
Copying Charges 10.00
Urgent _____
Total 10.00
Name of Officer [Signature]
Date of Receipt 20-12-17
Date of Delivery 20-12-17

ATTESTED
[Signature]

VAKALAT NAMA

NO. _____/2018

IN THE COURT OF Service Tribunal Peshawar

Inam Ullah

(Appellant)
(Petitioner)
(Plaintiff)

VERSUS

Police Deptt.

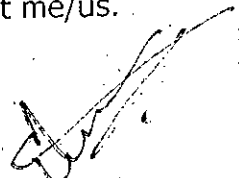
(Respondent)
(Defendant)

I/We, Inam Ullah

Do hereby appoint and constitute **Taimur Ali Khan, Advocate High Court Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/2018



(CLIENT)

ACCEPTED



TAIMUR ALI KHAN
Advocate High Court

OFFICE:

Room # FR-8, 4th Floor,
Bilour Plaza, Peshawar,
Cantt: Peshawar
Cell: (0333-9390916)

From:- The District Police Officer,
Tank.

To :- The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

No. 3455 /LB, dated Tank the 25-09-2018.

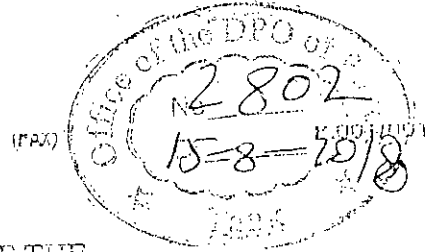
Subject:- **SERVICE APPEAL NO. 109/2018 TITLED INAM ULLAH VERSUS
REGIONAL POLICE OFFICER DERA ISMAIL KHAN AND OTHERS.**

Memo :-

Kindly with reference to the Judgment dated 25.10.2017, it is submitted that Judgment of Hon' able Khyber PakhtunKhwa Service Tribunal was properly implemented conditionally and provisionally. Copy of order / implementation is enclosed herewith for kind perusal and ready reference please.


District Police Officer,
Tank.

2018/05/13 13.07



Office of the
Inspector General of Police
Khyber Pakhtunkhwa

2116
13-08-2018

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

No. 2552 /Legal dated Peshawar, the 13/ 8 /2018.

To: - The Regional Police Officer,
D.I.Khan.

Subject:- SERVICE APPEAL NO. 317/2014 TITLED INAM ULLAH VS
REGIONAL POLICE OFFICER D.I.KHAN AND OTHERS.

Memo:-

In continuation of this office memo No. 616/Legal dated 22.02.2018, on the subject noted above.

Competent Authority has directed that the Judgment 25.10.2017 of Service Tribunal Khyber Pakhtunkhwa Peshawar may be implemented conditionally and provisionally subject to the outcome of CPLA.

EC
13/8/2018

AIG/Legal

For Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar

NO: 2915/ES
dt: 15-08-18

DPO/Tank

For information as directed
by competent authority
w.r to this office Encls: 1
NO. 2025/ES dt: 28/5/18.

SAC/SIL

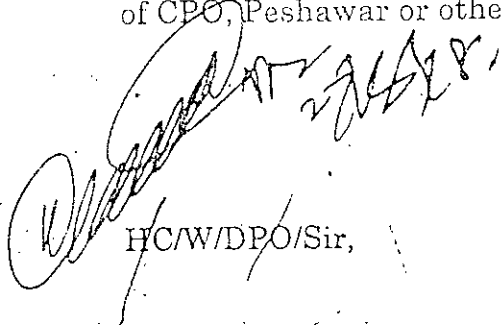
PROVINCIAL POLICE OFFICER
KHYBER PAKHTUNKHWA
13/8

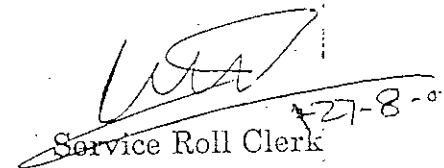
REFERENCE ATTACHED

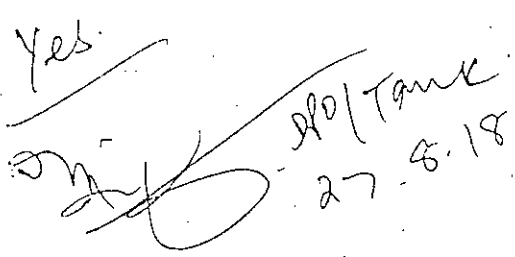
It is submitted that Ex-PASI Inam Ullah No. 90/D of this district police was discharged from service vide O.B No. 1638, dated 02.12.2013 on the allegations of corruption, ill-reputation and inefficiency vide at F/A. Subsequently, he lodged service appeal in Service Tribunal, KPK, Peshawar for reinstatement in service, and as a result, impugned order was set aside and punishment of discharge from service is converted into with holding of one increment for two years absent period, and intervening period shall be treated as leave of kind due vide Judgment Order dated 25.10.2017 of Service Tribunal, KPK, Peshawar vide F/B.

Furthermore, to obtain direction and appropriate order in this regard, this office corresponded with CPO, Peshawar and RPO, D-I-Khan Region vide Memo No. 4429-30/Legal, dated 07.12.2017. Resultantly, CPO Peshawar has issued Letter No. 2552/Legal, dated 13.08.2018 received through RPO Office, D-I-Khan vide Endst No. 2915/ES, dated 15.08.2018, wherein it is stated that competent authority shall implement Judgment Order of Service Tribunal, KPK, Peshawar conditionally and provisionally subject to the outcome of CPLA vide F/C

If approved, the above Ex-PASI Inam Ullah No. 90/D may be re-instated in service conditionally and provisionally according to the directions of CPO, Peshawar or otherwise, please.


HC/W/DPO/Sir,


Service Roll Clerk

Yes

SPO/Tank
27-8-18

NO: 2025/ES

Registrar

OFFICE ORDER.

In pursuance with the direction received from CPO, Peshawar Ex-PASI Inam Ullah No. 90/D of this district police is hereby re-instated in service, conditionally and provisionally, subject to the outcome of CPLA with immediate effect.


District Police Officer,
Tank. 27-8

No. 3011-13, dated Tank the 28-8-2018

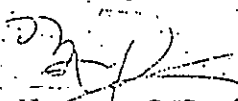
Copy of the above is submitted to:

1. The Provincial Police Officer, KPK, Peshawar vide his office Memo No. 2552/Legal, dated 13.08.2018 for information please.
2. The Regional Police Officer, Dera Ismail Khan Range vide Endst. No. 2915/ES, dated 15.08.2018 for favor of information please.
3. All concerned for necessary action.


District Police Officer,
Tank. 27-8

OFFICE ORDER

In pursuance with the direction received from CPO, Peshawar Ex-PASL Inam Ullah No. 90/D of this district police is hereby re-instated in service, conditionally and provisionally, subject to the outcome of CPLA with immediate effect.


District Police Officer,
Tank 27-8

No. 3011-13, dated Tank the 28-8-2018

Copy of the above is submitted to:

1. The Provincial Police Officer, - KPK, Peshawar vide his office Memo No. 2552/Legal, dated 13.08.2018 for information please.
2. The Regional Police Officer, Dera Ismail Khan Range vide Endst. No. 2915/ES, dated 15.08.2018 for favor of information please.
3. All concerned for necessary action.


District Police Officer,
Tank 27-8

OB No. 848

DA. 28-8-2018

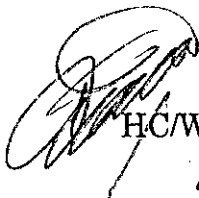
REFERENCE ATTACHED

It is submitted that PASI Inam Ullah No. 90/D of this district police was discharged from service vide O.B No. 1638, dated 02.12.2013 , he lodged service appeal in Service Tribunal, KPK, Peshawar for reinstatement in service, and as a result, impugned order was set aside and punishment of discharge from service is converted into with holding of one increment for two years absent period, and intervening period shall be treated as leave of kind due vide Judgment Order dated 25.10.2017 of Service Tribunal, KPK, Peshawar vide F/A".

A separate letter for kind dues was addressed to DAO/Tank as well as counting of previous service as PST teacher vide this office Memo: No.3735 dated 24.9.2019 on which the report to this effect received from the end of DAO/Tank overleaf vide F/B".


If approved, 266 days back benefit on full pay and allowances or 532 days of half pay will be granted to him or otherwise, please.

Submitted for your kind perusal and further order please.

 2/10/19
HC/W/DPO/Sir,


Service Roll Clerk

Yes

 DAO/Tank
3/10/19



OFFICE OF THE
DISTRICT POLICE OFFICER,
TANK (KPK)

Ph: No. 0963-510257.
Fax No. 0963-511257.

No. 3738 dated Tank the 24-09/2019.

To :- The District Accounts Officer,
Tank.

Subject:- COUNTING OF PREVIOUS SERVICE.

It is intimated that Mr. Inam Ullah of this district Police was enlisted on 06/8/2009 as Probation Assistant Sub Inspector through Public Service Commission. During the course of training held at Police Training College Hangu he was returned to this office as unqualified. The officer remained absent from lawful duties. Later on completion of proper departmental proceeding, he was dismissed from service. After dismissal, he approached to Service Tribunal KP. The Honorable Court passed the order of his reinstatement in service with the condition of back benefit of entitled kind dues. Previously he was appointed as Primary School Teacher on 18.9.2004 in Education Department, Tank.

Your good office is requested to provide instruction/guideline for counting of former education service as well as leave account dues of previous service at an early date.

His service record is enclosed herewith to do the needful.

Total leave credit as Pst - 59 days.
Total leave credit as ASI - 207 days.

District Police Officer,
Tank (KPK).

① Total leave admissible with full pay = 266 days. *MLA*

SI
SRC/PO
For n/cd

② He is entitled half pay leave

Total leave admissible with half pay = 532 days. *MLA*
District Police Officer

Note:

Total service as Pst : 20 4-10-15
" " " ASI 4-3-26.

27/9.

If back benefit allowed, according to rules, then Pst start the pay & allowances from the date of dismissal.

District Accounts Officer,
Tank