

BEFORE THE HON'BLE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

IMPLEMENTATION No. _____/2023

IN. S.A No. 183/2019

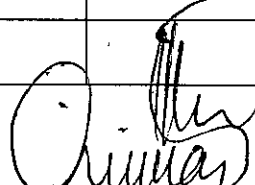
Sabir Khan

Versus

Government of Khyber Pakhtunkhwa and Others

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Petitioner

Through


Javed Iqbal Gulbela
ASC

Saghir Iqbal Gulbela
Advocate, High Court
Peshawar.

Dated: 08/03/2023

Add: B-1 Al-Nimrah Centre, Govt College Chowk Peshawar

①

BEFORE THE HON'BLE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

IMPLEMENTATION No. _____/2023

IN. S.A No. 183/2019

Khyber Pakhtunkhwa
Service Tribunal

Case No. 4170

Dated 8/3/2023

Sabir Khan Ex DSP Peshawar

Appellant

Versus

1. Government of Khyber Pakhtunkhwa through Chief Secretary at Civil Secretariat Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa at Central Police Office at Civil Secretariat Peshawar.
3. Additional Inspector General of Police (Establishment) Khyber Pakhtunkhwa at Central Police Office at Civil Secretariat Peshawar.
4. Additional Inspector General Police (Investigation) Khyber Pakhtunkhwa at Central Police Officer Civil Secretariat Peshawar.
5. Chief Capital City Police Officer Peshawar.

(Respondents)

APPLICATION FOR IMPLEMENTATION
OF THE ORDER AND JUDGMENT
DATED 17/10/2022 PASSED BY THIS
HON'BLE TRIBUNAL IN SERVICE
APPEAL NO. 183/2019 AS WELL AS
FOR INITIATING CONTEMPT OF
COURT PROCEEDINGS AGAINST THE
RESPONDENTS.

Respectfully Sheweth,

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1. That the Petitioner/ Appellant had earlier filed a Service Appeal No. 183/2019 in this Hon'ble Tribunal, which was disposed of by this Hon'ble Tribunal vide order and judgment dated 17/10/2022. (Copy of Service Appeal and Order are Annexed as Annexure "A & B" respectively)
2. That this Hon'ble Tribunal while Disposing the Service Appeal No. 183/2019 *held that "the learned council for the appellant referred to judgment of august Supreme Court of Pakistan passed in civil appeals No. 537 to 539 of 2013 on 31/07/2013. In paragraph-5 of which it was observed that the persons (Police Officers) though confirmed subsequently but their seniority had to be reckoned from the date of their appointment. It was further observed that could not treated differently when seniority of many other employees similarly placed had been reckoned from the date of their appointment. When confronted with the situation the learned AAG as well as learned council for the appellant agreed that the matter might be remitted to the department for reconsideration of the case of the appellant in the light of the judgment of the august Supreme Court of Pakistan after providing him opportunity of hearing and then pass a speaking*

(3)

order in the accordance with law rules and judgment of the august Supreme Court of Pakistan within sixty days from the receipt of this order under intimation to this Tribunal through its Registrar. The appeal is disposed in the above terms".

3. That the Petitioner /Appellant have provided the attested copy to the respondents for the implementation of the order Dated 17/10/2022 in its letter and spirit, but till date the adamant respondents have taken no step in the said direction.
4. That despite the clear cut directions of this Hon'ble Tribunal the respondents intentionally violated the order of this Hon'ble Tribunal and now the respondent department is reluctant to endorse the same order of this reverend Tribunal.
5. That this lethargic and candid approach on part of the respondents towards the highly reverent order and judgment of this august Tribunal amounts to contempt of Court.
6. That act of non-implementing the order and judgment of this Hon'ble Tribunal, constrained the Petitioner/Appellant to move the instant application.

(L)

It is therefore, most humbly prayed that on acceptance of the instant Application the Respondents be directed to implement the order and Judgment dated 17/10/2022 in S.A No.183/2019 in its true spirit passed by this Hon'ble Tribunal. It is further prayed that the responsible Respondents be punished accordingly for this loathsome attitude and contemptuous approach towards the reverent judgment and order of this Hon'ble Tribunal.

Dated: 08/03/2023


Petitioner /Appellant

Through


Javed Iqbal Gulbela
ASC


Saghir Iqbal Gulbela


Syed Zain Ul Abideen

& 
Ilyas Pirzada

Advocates, High Court
Peshawar.



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BEFORE THE HON'BLE KHYBER PAKHTUNKHWA,
SERVICE TRIBUNAL, PESHAWAR

IMPLEMENTATION No: _____/2023

In

Re S.A No: 183/2019

Sabir Khan Ex DSP, Peshawar

VERSUS

Government of Khyber Pakhtunkhwa & Others

AFFIDAVIT

I, Sabir Khan S/o Awwal Khan R/o Pajjagi Road, Garhi Fazal Haq, P/o Garhi Fazal Haq, Tehsil & District Peshawar, do hereby solemnly affirm & declare on oath that all contents of instant application are true and correct to the best of my knowledge and belief and nothing has been concealed from this August Court.

DEPONENT

CNIC: 17301-3352678-1

Cell No:

Identified by

Javed Iqbal Gulbela
Advocate, Supreme Court of
Pakistan

(6)

Afn — A

**BEFORE THE HONBLE KHYBER PAKHTUNKHWA
SERVICES TRIBUNAL PESHAWAR**

In Re S.A. 183 /2019



Sabir Khan Ex DSP, Peshawar.

------(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary Khyber Pakhtunkhwa at, Civil Secretariat Peshawar.
2. Inspector General of Police Khyber Pakhtunkhwa at Central Police Office Civil Secretariat Peshawar.
3. Additional inspector General (Establishment) Khyber Pakhtunkhwa at Central Police Office Civil Secretariat Peshawar.
4. Additional its Inspector General Police (Investigation) Khyber Pakhtunkhwa at Central Police Officer Civil Secretariat Peshawar
5. Chief Capital Police Officer Peshawar.

------(Respondents).

**SERVICE APPEAL U/S 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT
1974 R/W RELEVANT PROVISIONS OF THE
POLICE RULES AGAINST THE IMPUGNED
OFFICE ORDER NO.16/CPB, DATED
09/01/2019 OF THE OFFICE OF THE
RESPONDENT NO.4, WHEREBY THE
DEPARTMENTAL REPRESENTATION FOR
ANTE DATED PROMOTION AND DUE
PLACEMENT IN THE SENIORITY LIST WAS
DISMISSED IN A CLASSICALLY CURSORY
AND WHIMSICAL MANNER**

Respectfully Sheweth

1. That the Appellant is naturally born
bonafide citizen of the Islamic Republic of

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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AM-B



Service Appeal No. 183/2019

17th Oct, 2022

1. Learned counsel for the appellant present. Mr. Muhammad Adeel Butt, Addl: AG for respondents present.

2. The learned counsel for the appellant referred to the judgments of the august Supreme Court of Pakistan passed in civil appeals No. 537 to 539 of 2013 on 31.07.2013. In paragraph-5 of which it was observed that the persons (Police officers) though confirmed subsequently but their seniority had to be reckoned from the date of their appointment. It was further observed that they could not be treated differently when seniority of many other employees similarly placed had been reckoned from the date of their appointment. When confronted with the situation the learned AAG as well as learned counsel for the appellant agreed that the matter might be remitted to the department for reconsideration of the case of the appellant in the light of the judgment of the august Supreme Court of Pakistan after providing him opportunity of hearing and then pass a speaking order in accordance with law rules and judgments of the august Supreme Court of Pakistan within sixty days from the receipt of this order under intimation to this Tribunal through its Registrar. The appeal is disposed in the above terms. Consign.

3. Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 17th day of October, 2022.

(Fareeha Paul)

Member(Executive)

(Kalim Arshad Khan)

Chairman

Date of Presentation of Application 07/3/22
Number of ~~Pages~~ Page 2
Copying Fee 20/-
Urgent 5/-
Total 25/-
Name of _____
Date of Completion 07/3/22
Date of Delivery of Copy 07/3/22

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

BC-10-7924

(2)

وکالت نامہ

بعدالت: Service Tribunal KPK.

صاحب DSP نام حلیت

منجانب ایڈوائزر دعویٰ Complimentary

تاریخ 8/3/2023

باعتبار تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی

بمقام لیدر کے لیے جاوید اقبال گل بیلہ ایڈوائزر سپریم کورٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگیہ مختار خاص رو برو عدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام کچہری کی کسی اور جگہ یا کچہری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام کچہری کے کسی اور جگہ سماعت ہونے یا بروز تعطیل یا کچہری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل پرداختہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپرد وراثتی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یا یکطرفہ درخواست حکم امتناعی یا قرتی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزوی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر وہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔

مورخہ 8/3/2023 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

BC-10-7924

Cell no 8345-9405501

Dir. 17301-1496065-7

Handwritten signatures and stamps at the bottom of the document.