

04.06.2020 Due to Covid-19, the case is adjourned. To come up for the same on 08.07.2020, at camp court Swat.


Reader

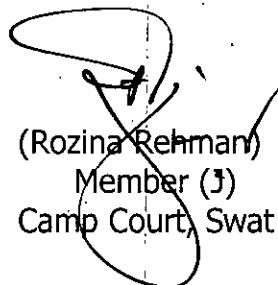
06.07.2020 Bench is incomplete. Therefore, the case is adjourned. To come up for the same on 07.09.2020, at camp court Swat.


Reader

07.09.2020 Counsel for petitioner present.

Mr. Riaz Khan Paindakheil learned Assistant AG alongwith Khawas Khan Inspector for respondents present.

At the very outset this Tribunal was informed that almost all of the grievances of the petitioner have been redressed except G.P Fund. In this regard, statement of Mr. Imdad Ullah Advocate learned counsel for the petitioner was recorded and his signature was obtained thereon. Payment to the extent of G.P Fund is still pending. As such, the present execution proceedings stand filed being satisfied. However, the petitioner may seek remedy in respect of G.P Fund, if any, if not paid to the petitioner according to law. File be consigned to the record room.


(Rozina Rehman)
Member (3)
Camp Court, Swat

Announced
07.09.2020

Statement of Mr. Imdad Ullah Advocate, learned counsel for appellant on oath:

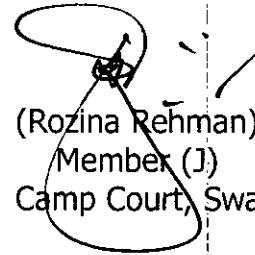
Stated that i am counsel for appellant. My wakatat nama is EX. PA. Almost all of the grievances of the petitioner have been redressed except G.P Fund which is yet to be released/paid. In the light of above instant execution petition may kindly be disposed of.

R.O & A.C

Dated: 07.09.2020



Imdad Ullah Advocate



(Rozina Rehman)
Member (J)
Camp Court, Swat

09.01.2020

Petitioner in person present. Representative of the department is absent, therefore, notices be issued to the respondents with the direction to direct the representative to attend the court and submit implementation report on the next date positively. Adjourned to 05.03.2020 for implementation report before S.B at Camp Court Swat.



(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

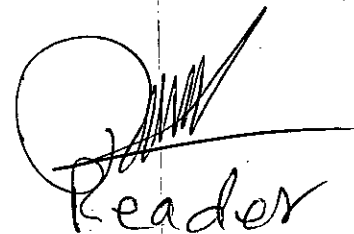
05.03.2020

Learned counsel for the petitioner present. Mr. Riaz Paindakheil learned Assistant Advocate General alongwith Khawas Khan S.I (Legal) and Muhammad Jameel AAO present. Representative Khawas Khan S.I seeks adjournment to furnish implementation report. Adjourn. To come up for implementation report on 09.04.2020 before S.B at Camp Court, Swat.



Member
Camp Court, Swat.


Due to corona virus tour to Camp Court Swat has been cancelled. To come up for the same on 04/06/2020



Reader


07.10.2019

Petitioner alongwith his counsel and Mr. Anwar-ul-Haq, Deputy District Attorney alongwith Mr. Khawas Khan, S.I (Legal) for the respondents present. Implementation report not submitted. Representative of the department requested for further adjournment. Last chance is granted. Adjourned to 04.11.2019 for implementation report before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat


04.11.2019

Petitioner alongwith his counsel and Mr. Riaz Ahmad Paindakheil, Assistant AG alongwith Mr. Mir Faraz, DSP (Legal) for the respondents present. Implementation report not submitted despite last chance. Representative of the department requested for further adjournment. Another last chance is granted. Case to come up for implementation report on 04.12.2019 before S.B at Camp Court Swat.


(Muhammad Amin Khan Kundi)
Member
Camp Court Swat

04.12.2019

Clerk to counsel for the petitioner present. Mr. M. Riaz Khan, Paindakheil, Assistant Advocate General alongwith Mr. Khawas Khan, SI for respondents present. Clerk to counsel for the petitioner seeks adjournment due to strike of District Bar Association, Malakand Division. Adjourned. To come up for further proceedings on 09.01.2020 before S.B at camp court Swat.


Member
Camp Court Swat

From: The District Police Officer
Swat

To: The District Accounts Officer
Swat

No. 11481 /PC. Dated Saidu Sharif the 23/07/1 /2019.

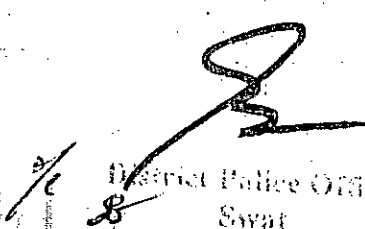
Subject: RETIRING PENSION, CLAIM PAPER IN RESPECT OF
CONSTABLE BACHA HUSSAIN NO.465 DISTRICT POLICE
SWAT.

Memorandum:

The following pension papers in respect of Constable Bachu Hussain No.465 who will retire on Superannuation Pension with effect from 02/10/2011 are sent herewith for necessary action:

1)	Pension Application	1
2)	Option for commutation	2
3)	Thumb and Finger impression slip	2
4)	Under taking/declaration	2
5)	Specimen Signature	2
6)	No Demand Certificate	2
7)	Post with holding Certificate	2
8)	Indemnity Bond	1
9)	List of Family Members	2
10)	Photo Copies of NIC	2
11)	Photographs	2
12)	Service Roll/ Service Book	1
13)	L P C	1

02) It is requested that necessary PPO/GPO may please be issued in respect of the above named Officer under intimation to this office.


District Police Officer
Swat
Phone: 0946-9240393
Fax: 0946-9240402
E-mail: dpswat@gmail.com

From: The District Police Officer
Swat

To: The District Accounts Officer
Swat

No. 11481 /PC, Dated Saïdu Sharif the 23/07 /2019.


Subject: RETIRING PENSION CLAIM PAPER IN RESPECT OF
CONSTABLE BACHA HUSSAIN NO.465 DISTRICT POLICE
SWAT.

Memorandum:

The following pension papers in respect of Constable Bacha Hussain No.465 who will retire on Superannuation Pension with effect from 02/10/2011 are sent herewith for necessary action;

- | | |
|-------------------------------------|---|
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| 6) No Demand Certificate | 2 |
| 7) Post with holding Certificate | 2 |
| 8) Indemnity Bond | 1 |
| 9) List of Family Members | 2 |
| 10) Photo Copies of NIC | 2 |
| 11) Photographs | 2 |
| 12) Service Roll/ Service Book | 1 |
| 13) L P C | 1 |

02) It is requested that necessary PPO/GPO may please be issued in respect of the above named Officer under intimation to this office.


District Police Officer
Swat
Phone: 0946-9240393
Fax: 0946-9240402
E-mail: sposwaf@gmail.com

E.P. No. 68/2019

06.05.2019

Learned counsel for the petitioner present. Mr. Mian Amir

06.05.2019

Qadir learned District Attorney alongwith Khawas Khan SI
~~Learned counsel for the petitioner Mr. Mian Amir Qadir~~
present. Representative submitted reply on behalf of respondent
~~Learned District Attorney alongwith Khawas Khan SI present~~
No.3. Learned District Attorney seeks adjournment. Adjourn. To
~~Representative submitted reply on behalf of respondent No.3~~
come up for further proceedings on 11.06.2019 before S.B. at
~~Adjournment requested. Adjourn. To come up for further~~
Camp Court, Swat.

Camp Court, Swat


Member

Camp Court, Swat.

Member

Camp Court, Swat

11.06.2019

Clerk to counsel for the petitioner present. Mr. Mian Amir Qadir
learned District Attorney present. Clerk to counsel for the petitioner
seeks adjournment as learned counsel for the petitioner is not in
attendance. Adjourn. To come up for further proceedings on 03.09.2019
before S.B at Camp Court, Swat.



Member
Camp Court, Swat.

03.09.2019

Learned counsel for the petitioner present. Mr. Mian Amir
Qadir learned Deputy District Attorney alongwith Khawas Khan
Inspector present. Representative of the respondent department
stated that monthly pension of the petitioner shall be released
shortly and seeks adjournment. Adjourn. To come up for further
proceedings on 07.10.2019 before S.B at Camp Court, Swat.



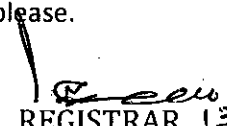
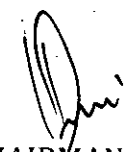

Member
Camp Court, Swat.

Form- A

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 68/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	13.2.2019	<p>The execution petition of Mr. Bacha Hussain submitted by Mr. Aziz-ur-Rehman 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 13/2/19</p>
2-	14-2-19	<p>This execution petition be put up before touring S. Bench at Swat on <u>05-03-19</u></p> <p style="text-align: right;"> CHAIRMAN</p>
05.03.2019		<p>Counsel for the petitioner present. Mian Amir Qadir, District Attorney for respondents present. Implementation report not submitted. Notices be issued to the respondents for submission of implementation report. Case to come up for implementation report on 06.05.2019 before SB at camp court Swat.</p> <p style="text-align: right;"> (Ahmad Hassan) Member Camp Court Swat</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR

Execution Petition No. 68 of 2019

Bacha Hussain Ex-Constable No. 465, District Police, District Swat.

...Appellant

VERSUS

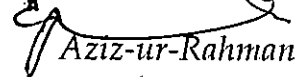
The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar and Others.

...Respondents

INDEX

S #	Description of documents	Annexure	Pages
1.	Memo of Petition	1-2
2.	Affidavit	3
3.	Addresses of the parties	4
4.	Copy of the Judgment dated 04-12-2017	A	5-10
5.	Vakalat Nama	11

Appellant Through


Aziz-ur-Rahman

Advocate Swat

Office: Khan Plaza, Gulshone Chowk,
Mingora Swat, Cell 0333 929 7746

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. 68 of 2019

Bacha Hussain Ex-Constable No. 465, District Police,
District Swat.

①
Khyber Pakhtunkhwa
Service Tribunal

Diary No. 249

Dated 13-2-2019

...Appellant

VERSUS

1. The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar.
2. The Regional Police Officer, Malakand, at Saidu
Sharif, District Swat.
3. The District Police Officer, District Swat, at
Gulkada.

...Respondents

APPLICATION FOR THE
IMPLEMENTATION OF THE
JUDGMENT DATED 04-12-2018 PASSED
BY THIS HONOURABLE TRIBUNAL.

Respectfully Sheweth:

- i. That the appellant filed a service appeal No. 125 of 2018 for the redressal of his grievance, which appeal was allowed vide judgment dated 04-12-2018. Copy of the judgment dated 04-12-2018 is enclosed as Annexure "A".
- ii. That the appellant waited for the respondent department to implement the judgment passed

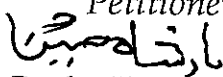
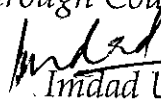
by this honourable tribunal, but to no avail till date.

2

- iii. That the respondents are shying away from the implementation of the judgment in letter and spirit either on one pretext or another to the utter detriment of the petitioner.
- iv. That in order to safeguard the valuable rights of the petitioner and in the best interest of justice the judgment passed by this honourable tribunal needs to be implemented in letter and spirit.

It is, therefore, very respectfully prayed that on acceptance of this petition the judgment dated 04-12-2018 may very kindly be implemented in letter and spirit.

Any other relief deemed appropriate in the circumstances and not specifically prayed for may also very kindly be granted.

Petitioner

Bacha Hussain
Through Counsel,

Imdad Ullah
Advocate Swat

(3)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. _____ of 2019

Bacha Hussain Ex-Constable No. 465, District Police,
District Swat.

...Appellant

VERSUS

The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar and Others.

...Respondents

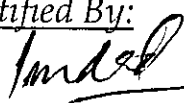
AFFIDAVIT

It is solemnly stated on Oath that all the contents of
this execution petition are true and correct to the best of
my knowledge and belief and nothing has either been
misstated or kept concealed before this honourable
tribunal.


Deponent


Bacha Hussain

Identified By:


Imdad Ullah
Advocate Swat

ATTESTED


UMAR SADIQ Advocate,
OATH COMMISSIONER
Distt: Courts Swat.
No. 318 Date: 12/2/19

④

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Execution Petition No. _____ of 2019

Bacha Hussain Ex-Constable No. 465, District Police,
District Swat.

...Appellant

VERSUS

The Provincial Police Officer- Khyber Pakhtunkhwa,
Peshawar and Others.

...Respondents

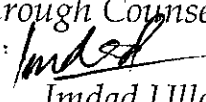
ADDRESSES OF THE PARTIES

Petitioner:

Bacha Hussain Ex-Constable No. 465, District Police,
District Swat.

Respondents:

1. The Provincial Police Officer Khyber Pakhtunkhwa,
Peshawar.
2. The Regional Police Officer, Malakand, at Saidu
Sharif, District Swat.
3. The District Police Officer, District Swat, at
Gulkada.

Petitioner
Through Counsel,

Imdad Ullah
Advocate Swat

Annexure A

5

1

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR



Service Appeal No. 125 of 2018

Bacha Hussain Ex-Constable No. 465, District Police,
District Swat.

137
24-1-2018
...Appellant

VERSUS

1. The Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer, Malakand, at Saidu Sharif, District Swat.
3. The District Police Officer, District Swat, at Gulkada.

...Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER O.B. NO. 181 DATED 07-11-2017 WHEREBY THE ORDER O.B. NO. 179 DATED 19-10-2016 IS UPHELD, VIDE WHICH THE APPELLANT IS NOT ONLY PREMATURELY RETIRED FROM SERVICE WITH RETROSPECTIVE EFFECT FROM 02-10-2011, BUT ORDER OF RECOVERY OF SALARIES TILL HAS ALSO BEEN MADE AGAINST THE LAW AND RULES AND IS NOT SUSTAINABLE UNDER THE LAW. FEELING AGGRIEVED THE APPELLANT PREFERRED A DEPARTMENTAL APPEAL WHICH WAS DISPOSED OFF VIDE NO. 659/E DATED 17-01-2018 IN A VERY

24/1/18

ATTESTED

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

[Signature]
Advocate

6

Sr. No	Date of order/proceedings
1	2

Order or other proceedings with signature of Judge or Magistrate



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
At Camp Court Swat

Service Appeal No: 125/2018

Date of Institution 24.01.2018
 Date of Decision 04.12.2018

Mr. Bacha Hussain Ex-Constable No.465, District Police Swat.

Appellant

Versus

1. The Provincial Police Officer Khyber Pakhtunkhwa Peshawar.
2. The Regional Police Officer, Malakand, at Saidu Sharif, District Swat.
3. The District Police Officer, District Swat at Gulkada.

Respondents

Mr. Muhammad Hamid Mughal-----Member (J)
 Mr. Hussain Shah-----Member (E)

04.12.2018

JUDGMENT

MUHAMMAD HAMID MUGHAL, MEMBER: - Learned counsel for appellant and Mr. Usman Ghani learned District Attorney alongwith Mr. Khawas Khan SI legal for the respondents present.

2. The appellant has filed the present appeal u/s 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 07.11.2017 of the respondent No.3 whereby he upheld his previous

ATTESTED

[Signature]
EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar


Attested


[Signature]
Advocate

order dated 19.10.2016 resultantly the appellant was retired on superannuation pension w.e.f 02.10.2011 (Afternoon) with recovery of over payment of pay from his lum-sum payment/graduaty w.e.f 03.10.2013

3. Learned counsel for the appellant argued that the appellant joined the Police Force as Constable in the year 1979; that at the time of joining the Police Force, the date of birth of the appellant was recorded as 03.10.1957 and the appellant was planning to get retired on the due date in the year 2017 by attaining the age of superannuation; that to the utter surprise of the appellant the respondent No.3 issued order dated 19.10.2016 regarding his retirement w.e.f 02.10.2011 and for the recovery of over payment from his lum-sum payment/graduaty; that feeling aggrieved the appellant filed departmental appeal to the appellate authority but in vain; that the appellant then filed service appeal bearing No.1235/2016 and this Tribunal vide judgment dated 05.09.2017 directed the department to conduct Probe/Inquiry; that after a sham inquiry the respondent No.3 issued the impugned order dated 07.11.2017; that the departmental appeal of the appellant against the impugned order was also filed vide order dated 17.01.2018. Learned counsel for the appellant contended that the date of birth of the appellant as recorded in his Service Book as 03.10.1957 is correct and that his Service Book was lying in the custody of respondent department and was not within the reach of the appellant to make any tempering therein. Further argued that the inquiry officer has

ATTESTED


 EXAMINER
 Khyber Pakhtunkhwa
 Service Tribunal,
 Peshawar

Attested

 Advocate

held the appellant responsible for tempering in the date of birth in his Service Book, from 1951 to 1957, arbitrarily and in the mechanical manner. Further argued that the appellant performed his duties till the issuance of the order of his retirement dated 19.10.2016 as such the question of over payment does not arise.

4. As against that learned District Attorney argued that in the service record of the appellant his date of birth was recorded as 03.10.1951 in figures as well as in words but the appellant manipulated the service record by tempering and changed the figure 51 to 57 but he forgot to change the words Fifty One. Further argued that according to the findings of the inquiry officer, the date of retirement of the appellant on superannuation falls on 02.10.2011 as per entry in the service record therefore the appellant has rightly been retired w.e.f 02.10.2011 vide order dated 19.10.2016. Further argued that as per expert opinion of the Regional Forensic Science Laboratory Swat the original date of birth of appellant is 03.10.1951 in the Service Book which has been tempered to make it 03.10.1957. Further argued that as per directions of this Tribunal in the judgment passed in service appeal No.1235/2016 the matter was thoroughly probed and the inquiry officer also held the appellant responsible for tempering in his date of birth recorded in the Service Book and recommended that the order of retirement in respect of the appellant issued by the DPO Swat may be maintained.

5. Arguments heard. File perused.

6. Plain perusal of the relevant page of copy of Service Book.

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

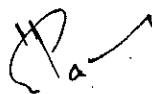
Attested
Tundal
Advocate

the year 1979. There seems to be apathy on the part of respondent department that the delinquent official from the office staff of Establishment Branch, responsible for tempering in the Service Book, could not be traced out.

9. The department has issued the retirement order of the appellant with the delay of five (05) years and during these five (05) years the appellant was required to perform duties and was also paid monthly salaries. As such the monthly salaries paid to the appellant during these five years cannot be recovered otherwise the duty performed by the appellant would amount to forced labor. Hence the order of recovery of monthly salaries paid to the appellant w.e.f 03.10.2011 till 19.10.2016 is not tenable.

10. As a sequel to above, the order of retirement, of the appellant on superannuation w.e.f 02.10.2011 is upheld whereas the order regarding the recovery of salaries received by the appellant w.e.f 03.10.2011 till 19.10.2016 is set aside. The present service appeal is partially accepted in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

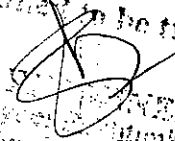

(Hussain Shah)
Member

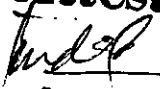

(Muhammad Hamid Mughal)
Member

Camp Court Swat.

ANNOUNCED
04.12.2018

Certified to be true copy


Khwaja Ghulam Ghani
Services Tribunal,
Peshawar

Attested

Advocate

Date of Presentation of Application 05-12-2018
Number of Words 2460
Copying Fee 14-00
Urgent 14-00
Total 14-00
Name of Copyist [Signature]
Date of Completion of Copy 18-12-2018
Date of Receipt 17

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

In the matter of:-

Bader Hussain

Appellant/Petitioner

VERSUS

The Court. K.P. Through
Secretary & S.E & Others

Respondent

KNOWN ALL to whom these present shall come that I/we, the undersigned appoint

AZIZ-UR-RAHMAN and IMDAD ULLAH

Advocates High Court

To be the advocate for the Petitioner in the above mentioned case to do all the following acts, deeds and things or any one of them, that is to say:-

- ❖ To acts, appear and plead in the above mentioned case in this court or any other Court in which the same may be tried or heard in the first instance or in appeal or review or revision or execution or at any other stage of its progress until its final decision.
- ❖ To present pleadings, appeals, cross objections or petitions for execution review, revision, withdrawal, compromise or other petition or affidavits or other documents as shall be deemed necessary or advisable for the prosecution of the said case in all its stages.
- ❖ To withdraw or compromise the said or submit to arbitration any difference or dispute that shall arise touching or in any manner relating to the said case.
- ❖ To receive money and grant receipts therefore, and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case.
- ❖ To employ any other Legal Practitioner authorizing him to exercise the power and authorities hereby conferred on the Advocate, wherever he may think fit to do so.
- ❖ I understand that the services of aforesaid lawyer are hired irrespective of the outcome of the case.

And I/We hereby agreed to ratify whatever the advocate or his substitute shall to do in the said premises.

And I/We hereby agree not to hold the Advocate or his substitute responsible for the result of the said case in consequences of his absence from the Court when the said case is called up for hearing.

And I/We hereby agree that in the event of the whole or any part of the fee agreed by me/us to be paid to the Advocate remaining unpaid, the Advocate shall be entitled to withdraw from the prosecution of the case until the same is paid.

IN THE WITNESS WHEREOF I/WE hereunto set my/our hand(s) to these present the contents of which have been explained to and understood by me/us, this 04 day of 02 2019

(Signature or thumb impression)

(Signature or thumb impression)

(Signature or thumb impression)

Accepted subject to terms regarding fees

(AZIZ-UR-RAHMAN)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk

G.T. Road Mingora, District Swat.

Cell No. 0300 907 0671

(IMDAD ULLAH)

Advocate High Court

Office: Khan Plaza, Gulshone Chowk,

G.T. Road, Mingora, District Swat

Cell No. 0333 929 7746

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No.68/19

Bacha Hussain Ex-Constable No.465, District Swat Police, District Swat.

----- (Appellant)

Versus

1. The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand at Saidu Sharif, Swat.
3. The District Police Officer, District Swat at Gulkada.

----- (Respondents)

REPLY BY RESPONDENT NO.03

Respectfully Shewith:

- i. Pertain to record, hence needs no comments.
- ii. That the judgment dated 04/12/2018 passed in service appeal No.125/18 by the honorable KPK Service Tribunal Peshawar Camp Court, Swat. has been challenged timely before Apex Supreme Court of Pakistan vide CPLA No.79/19 which is still subjudice in the Court.
- iii. That the respondents will implement the judgment of honorable Tribunal after the directions of Apex Supreme Court in Civil Petition filed by the department through Advocate on Record.
- iv. That the respondent department has aggrieved from the decision of the Honorable Tribunal and within time limit filed appeal before Apex Supreme Court of Pakistan for suspension/cancellation of impugned Judgment. The respondent has not violated any valuable rights of the appellant.

Prayer:

Keeping in view the above facts and circumstance, it is humbly prayed that the proceeding on the implementation application may kindly be adjourned till the final outcome of CPLA or at least for three months.


District Police Officer Swat
(Respondent No.03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No.68/19

Bacha Hussain Ex-Constable No.465, District Swat Police, District Swat.

----- (Appellant)

Versus

1. The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand at Saidu Sharif, Swat.
3. The District Police Officer, District Swat at Gulkada.

----- (Respondents)

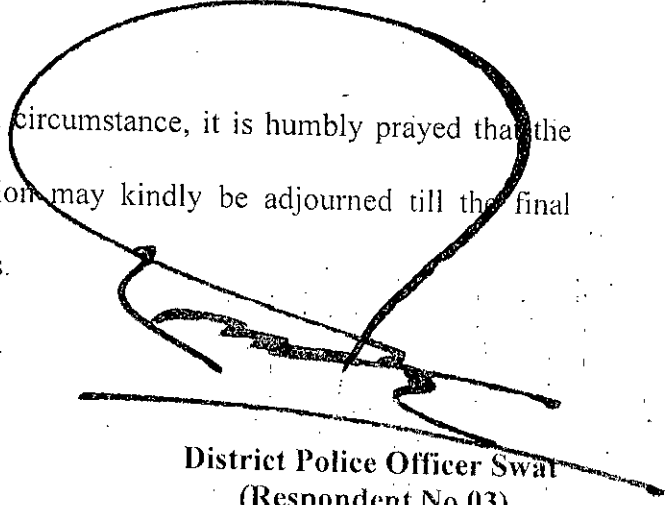
REPLY BY RESPONDENT NO.03

Respectfully Shewith:

- i. Pertain to record, hence needs no comments.
- ii. That the judgment dated 04/12/2018 passed in service appeal No.125/18 by the honorable KPK Service Tribunal Peshawar Camp Court, Swat has been challenged timely before Apex Supreme Court of Pakistan vide CPLA No.79/19 which is still subjudice in the Court.
- iii. That the respondents will implement the judgment of honorable Tribunal after the directions of Apex Supreme Court in Civil Petition filed by the department through Advocate on Record.
- iv. That the respondent department has aggrieved from the decision of the Honorable Tribunal and within time limit filed appeal before Apex Supreme Court of Pakistan for suspension/cancellation of impugned Judgment. The respondent has not violated any valuable rights of the appellant.

Prayer:

Keeping in view the above facts and circumstance, it is humbly prayed that the proceeding on the implementation application may kindly be adjourned till the final outcome of CPLA or at least for three months.


District Police Officer Swat
(Respondent No.03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

• Execution Petition No.68/19

Bacha Hussain Ex-Constable No.465, District Swat Police, District Swat.

----- (Appellant)

Versus

1. The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand at Saidu Sharif, Swat.
3. The District Police Officer, District Swat at Gulkada.

----- (Respondents)

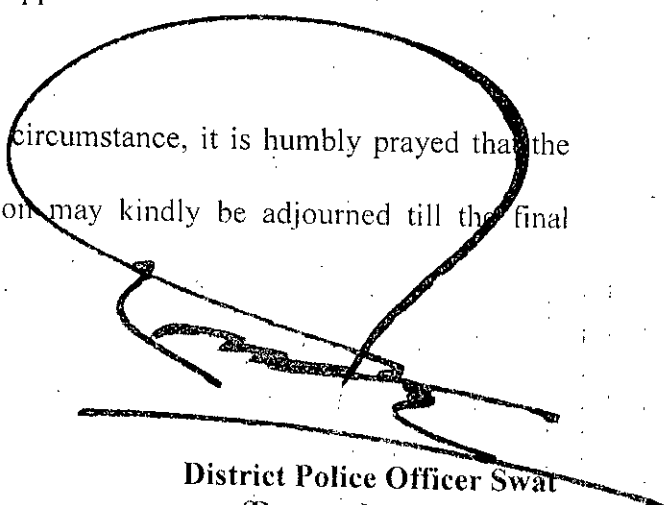
REPLY BY RESPONDENT NO.03

Respectfully Shewith:

- i. Pertain to record, hence needs no comments.
- ii. That the judgment dated 04/12/2018 passed in service appeal No.125/18 by the honorable KPK Service Tribunal Peshawar Camp Court, Swat has been challenged timely before Apex Supreme Court of Pakistan vide CPLA No.79/19 which is still subjudice in the Court.
- iii. That the respondents will implement the judgment of honorable Tribunal after the directions of Apex Supreme Court in Civil Petition filed by the department through Advocate on Record.
- iv. That the respondent department has aggrieved from the decision of the Honorable Tribunal and within time limit filed appeal before Apex Supreme Court of Pakistan for suspension/cancellation of impugned Judgment. The respondent has not violated any valuable rights of the appellant.

Prayer:

Keeping in view the above facts and circumstance, it is humbly prayed that the proceeding on the implementation application may kindly be adjourned till the final outcome of CPLA or at least for three months.


District Police Officer Swat
(Respondent No.03)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Execution Petition No.68/19

Bacha Hussain Ex-Constable No.465, District Swat Police, District Swat.

----- (Appellant)

Versus

1. The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Malakand at Saidu Sharif, Swat.
3. The District Police Officer, District Swat at Gulkada.

----- (Respondents)

REPLY BY RESPONDENT NO.03

Respectfully Shewith:

- i. Pertain to record, hence needs no comments.
- ii. That the judgment dated 04/12/2018 passed in service appeal No.125/18 by the honorable KPK Service Tribunal Peshawar Camp Court, Swat has been challenged timely before Apex Supreme Court of Pakistan vide CPLA No.79/19 which is still subjudice in the Court.
- iii. That the respondents will implement the judgment of honorable Tribunal after the directions of Apex Supreme Court in Civil Petition filed by the department through Advocate on Record.
- iv. That the respondent department has aggrieved from the decision of the Honorable Tribunal and within time limit filed appeal before Apex Supreme Court of Pakistan for suspension/cancellation of impugned Judgment. The respondent has not violated any valuable rights of the appellant.

Prayer:

Keeping in view the above facts and circumstance, it is humbly prayed that the proceeding on the implementation application may kindly be adjourned till the final outcome of CPLA or at least for three months.


District Police Officer Swat
(Respondent No.03)

10972-76

ORDER

In compliance of the Judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No.125/2018, dated 04-12-2018 followed by CPO, Peshawar directions vide Memo: No.3347/Legal, dated 08-07-2019, Constable Bacha Hussain No.465 who was allowed to proceed on superannuation w.e.f 02-10-2011 is provisionally exempted from recovery of overpayment of salaries for the period from 03-10-2011 to 19-10-2016 subject to outcome of CPLA lodged by the Department against the judgment of Khyber Pakhtunkhwa, Service Tribunal Peshawar in the Honorable Supreme Court of Pakistan vide CP No.79/2019. In case the judgment of Service Tribunal is set aside by the Apex Court, the appellant (Constable Bacha Hussain) shall be bound to deposit the recoverable amount for the period mentioned above in the government treasury in lump sum. He shall submit affidavit duly attested by Notary Public to this effect.

SYED ASHFAQ ANWAR, PSP
District Police Officer
Swat

OB No. 116
Dated. 17-7- /2019.

OFFICE OF THE DISTRICT POLICE OFFICER, SWAT.

No. 10972-76 /E, dated Saidu Sharif the, 18-7- /2019.

Copy for f/o information and necessary action is submitted to the;

- 1) Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar w/r to CPO, Peshawar Memo: No.quoted above please.
- 2) Regional Police Officer, Malakand at Saidu Sharif, Swat.
- 3) District Account Officer, Swat.
- 4) Pay Officer
- 5) Pension Clerk

District Police Officer
Swat

Ph: 0946-9240393
Fax: 0946-9240402
Email: dposwat@gmail.com