

# FORM OF ORDERSHEET

Court of \_\_\_\_\_

Misc. application No. 295 /2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	12/05/2023	<p>The Misc. application in Execution Petition no. 154/2022 submitted today by Mr. Nazir Ahmad Advocate. It is fixed for hearing before Single Bench at Peshawar on _____ . Original file be requisitioned.</p> <p>By the order of Chairman</p> <p>REGISTRAR</p>



**Before the Khyber Pakhtunkhwa Service Tribunal.**

**Peshawar.**

**Miscellaneous Application** NO. 295/2023

**In**

Implementation Application No154-/2022

**In**

**Service Appeal No 12438/2020**

Furqan Javed S/O Younas Javed Mirza R/O House No-466/C, Jhang Street Bannu City, Bannu. .... **Petitioner**

**Versus**

1. Government of Khyber Pakhtunkhwa through Secretary Home. Civil Secretariat Peshawar.
2. Inspector General of Police (IGP) KPK Central Police office Peshawar.
3. Deputy Inspector General ( Head Quarter Peshawar

**( Respondents)**

**Application for set asiding of adverse impugned Order- 635/E-iii dated- Peshawar the 9/5/2023 issued during pendency of the execution Petition by the Respondent No- 3 in retaliation of the order of this Tribunal dated 8<sup>th</sup> May 2023 whereby the salary of PPO KP Peshawar is attached in non compliance of the judgment in the Appeal of the Petitioner/Appellant.**

**Interim relief :**

**The impugned order may be suspended till the final decision of the application.**

**Prayer:**

**The impugned Order- 635/E-iii dated- Peshawar the 9/5/2023 is a retaliatory , been malafide and is during the implementation of the judgment rendered by this Tribunal for rule of law and justice , therefore may be declared as such and be set aside and the Petitioner may be allowed to continue his duty as earlier.**

(2)

**Respectfully Sheweth:**

- i. That the Petitioner filed a service **Appeal No-12438/2020** with the prayer that impugned decision/order dated 20.5.2020 of Respondent No-3 may be set aside and seniority list(E) bearing No-1636 dated 14.6 2018 may be revised and Appellant be admitted to list (E) with effect from the date of appointment i.e. 10.2.2011 and view thereof his officiating promotion Notification dated 30.6.2016 to the rank of sub-inspector be revised and be given effect from the date of his eligibility and be confirmed as sub-inspector under 13.18 Police Rules 1934 with all consequential benefits so as to avoid discriminatory treatment and to secure ends of justice.
- ii. That this Honour Tribunal was gracious enough to admit and accept the Appeal as prayed for on dated 30.11.2021.
- iii. That the Petitioner made frequent requests and appeals in writing to the Respondents specifically Regional Police Officer Bannu who is responsible for implementation of the judgment and under one pretext or the other is bent upon to defy it consequent thereof after so many chances so provided the Tribunal attached his salary through order dated 8.5.2023.  
**(Copy of Order is attached as Annexure A)**
- iv. That the salary of the Respondents is not yet stopped but the order infuriated them so much that the Petitioner who was on deputation to Anti Corruption department is immediately repatriated through Impugned Order No---**635/E-iii dated- Peshawar the 9/5/2023** to parent department as a punishment and are going to be relieved.  
**(Impugned Order is attached as Annexure B) .**

Being aggrieved of the impugned order this Application is preferred on the following grounds:

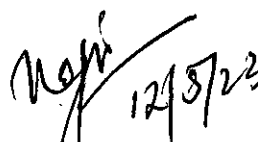
## Grounds

- A. That the Constitution of Islamic Republic of Pakistan mandates that the court order must be implemented in time and any delay is against the law and spirit of justice therefore for praying the Tribunal for implementation of order was not against law and service discipline
- B. That the execution is still pending and is not yet implemented and 16.5 2023 is next date for hearing so the repatriation of the petitioner is a clear message to him and all other intended to take care otherwise have to face the music.
- C. That the Petitioner was sent on deputation on 7.1.2022 through order No 38/E-III- dated Peshawar 07.01.2022 for the period of three years which has to expire on 6.1.2025 but is repatriated before tenure i.e. after 16 months which is not only a stigma on his career but is a mark of punishment and threatening one in the circumstances.  
**( Copy attached is attached as Annexure C).**
- D. That if the act of the Respondents is not taken notice of, it will harass all the others and seeking justice for them will become impossible which is against the Constitution of Pakistan and in nutshell filing appeal in the tribunal for redressing of right will become a crime for all.
- E. That the Respondent while repatriating the petitioner at this stage gave a clear message to all in the helm of affairs that I am stronger than any judicial authority. This state of mind is dangerous for the administration of justice.
- F. That the Petitioner perceiving the intention of the Respondent file an application before the tribunal for restraining them against adverse action was returned by the tribunal with joking observation

It is therefore humbly prayed that the Application may be accepted with a prayer as above.

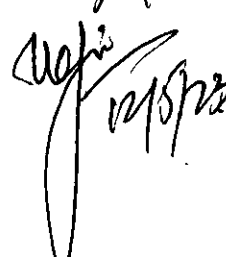
  
Petitioner

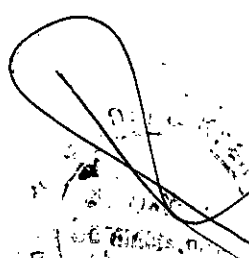
Through

  
Nazir Ahmad. Advocate  
High Court Peshawar.  
Cell 0332-8540783

AFFIDAVIT

I Furqan Javed S/O Younas Javed Mirza the Petitioner do hereby affirm and declare on oath that contents of this Application are true and correct.

Identify by  
  
Nazir Ahmad

  
12/5/23


  
Deponent

5

(A) *Amir Mirza*

**Before the Khyber Pakhtunkhwa Service Tribunal.**

**Peshawar.**



Implementation Application No- 154 /2022

In

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 402

Dated 21-3-2022

**Service Appeal No 12438/2020**

Furqan Javed S/O Younas Javed Mirza R/O House No-466/C, Jhang Street  
Bannu City Bannu. .... **Petitioner**

**Versus**

- Page* (A)
1. Government of Khyber Pakhtunkhwa through Secretary Home. Civil Secretariat Peshawar.
  2. Inspector general of Police (IGP) KPK Central Police office Peshawar.
  3. Regional Police office Bannu region Bannu.....**Respondents**

Application under the law for the implementation of the Judgment of this Honourable Tribunal dated ~~30~~ 30.11.2021 whereby the Service Appeal of the Petitioner is accepted as prayed for.

**Respectfully Sheweth:**

That the Petitioner filed a service Appeal No-12438/2020 with the prayer that impugned decision/order dated 20.5.2020 of Respondent No-3 may be set aside and seniority list(E) bearing No-1636 dated 14.6 2018 may be revised and Appellant be admitted to list (E) with effect from the date of appointment i.e. 10.2.2011 and view thereof his officiating promotion Notification dated 30.6.2016 to the rank of sub-inspector be revised and be given effect from the date of his eligibility and be confirmed as sub-inspector under 13.18 Police Rules 1934 with all consequential benefits so as to avoid discriminatory treatment and to secure ends of justice.

**( The original Appeal of the Appellant may be requisioned for perusal.)**

- ii. That this Honour Tribunal was gracious enough to admit and accept the Appeal as prayed for on dated 30.11.2021.

**( Copy of the Judgment is attached as Annexure A).**

**Certified to be true copy**

Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

17/03/23

28<sup>th</sup> March, 2023

*Annexure A*  
*Fareem Javed is bail*

*(5)*

Petitioner alongwith counsel present. Mr. Fazal Shah Mohiund. Addl. AG alongwith Muhammad Farooq Khan, DSP (Legal) for the respondents present

SC (JED)  
KPST  
Peshawar

Implementation report not submitted. Representative of the respondents sought further time. Last chance is given to the respondents to implement the judgment of this Tribunal dated 30.11.2021 ~~and~~ and submit compliance report on 08.05.2023 before the S.B. Parcho Peshi given to the parties.

8<sup>th</sup> May, 2023

1. Petitioner alongwith his counsel present. Mr. Fazal Shah Mohiund, Addl. AG alongwith Mr. Farooq Khan, DSP (Legal) for respondents present.

2. On the preceding date, last chance was given to the respondents for filing of implementation report but today he has not submitted implementation report. Mr. Farooq Khan, DSP (Legal) is present but he has no explanation as to why the judgment was not being implemented. The attitude of the respondents is deplorable, compelling the Tribunal to attach the salaries of the respondents in the manner as prescribed under section 260(1)(i) of the Code of Civil Procedure, 1908 till further orders. The Accountant General, Khyber Pakhtunkhwa and District Accounts Officer, Bannu are directed to attach salaries of respondents No.1,2 and 3. To come up on 16.05.2023

*Attached*

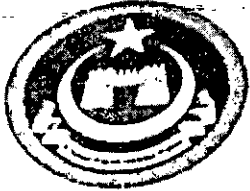
before S.B. Parcho Peshi. *re copy*

*[Signature]*  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

*[Signature]*  
(Kalim Ashad Khan)  
Chairman

6

Amir B.



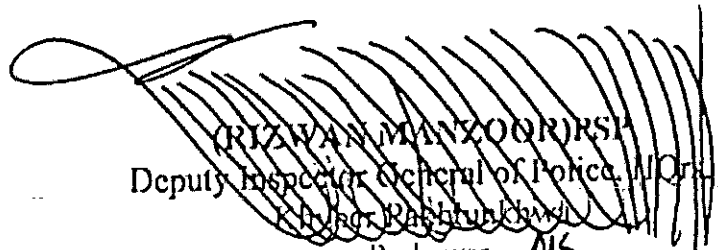
OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA  
Central Police Office, Peshawar  
Email -c3branch@gmail.com-Tel-091-9211075

No. 635 /E-III,

Dated Peshawar, the 09/05/2023.

ORDER

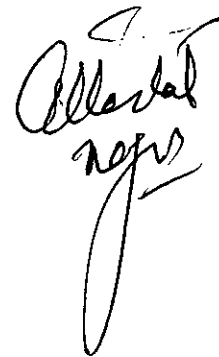
Assistant Sub Inspector Furqan Javid No. 15/B of Bannu Region is hereby repatriated from Anti Corruption Establishment Khyber Pakhtunkhwa, to his parent region with immediate effect.

  
(RIZWAN MANZOOR) PSI  
Deputy Inspector General of Police, I/O  
Khyber Pakhtunkhwa  
Peshawar  
AK  
9/5/23.

Endst: No. & dated even

Copy forwarded for information and necessary action to the:-

1. Regional Police Officer Bannu Region Bannu.
2. Director Anti Corruption Establishment Khyber Pakhtunkhwa Peshawar.

  
Allardat  
negro





OFFICE OF THE  
INSPECTOR GENERAL OF POLICE  
KHYBER PAKHTUNKHWA

Central Police Office, Peshawar

Email: c3branch@gmail.com Tel: 091-9211075

Dated Peshawar, the 27/01/2022

No. 38 /E-III

**ORDER**

As approved by the Committee, the following Upper Subordinates presently serving in various units/Region are hereby repatriated/transfer to their parent Region as noted against each name with immediate effect.

S.No	Name & Rank	From	To
1.	SI Lal Bahadar No.81/M	Malakand Region	Elite Force KPK
2.	SI Sarfaraz Khan No.224/M	Elite Force KPK	Malakand Region
3.	SI Asif Khan No.457/P	CCP, Peshawar	Mardan Region
4.	SI Imtiaz Khan No.762/M	Malakand Region	Elite Force KPK
5.	SI Zamin Khan No.712/M	Elite Force KPK	Malakand Region
6.	SI Furqan Javid No.105/B	Bannu Region	Anti-Corruption KPK
7.	SI Noor Sali No.223/K	Special Branch KPK	Kohat Region
8.	SI Jan Perviz Khan No.379/MR	FRP, Khyber Pakhtunkhwa	Mardan Region
9.	SI Falak Naz Khan No.595/MR	FRP, Khyber Pakhtunkhwa	Mardan Region
10.	SI Muhammad Ibrar No.358/MR	FRP, Khyber Pakhtunkhwa	Mardan Region
11.	ASI Sher Bahadar No.497	Elite Force KPK	Mardan Region
12.	ASI Mazahar Fawad No.479/Mr	Mardan Region	Elite Force KPK
13.	SI Fida Muhammad No.1082/P	RRF, Khyber Pakhtunkhwa	CCP, Peshawar
14.	SI Gul Jalal No.1270/P	CCP, Peshawar	RRF Khyber Pakhtunkhwa
15.	ASI Abdul Jamil No.1120	Elite Force KPK	Bannu Region
16.	SI Akhtar Khan No.279/MR	Mardan Region	CTD, Khyber Pakhtunkhwa
17.	SI Ali Zar Khan No.271/MR	CTD, Khyber Pakhtunkhwa	Mardan Region
18.	ASI Mukhtiar No.570	PTC Hangu	Mardan Region
19.	ASI Farhad No.825	Mardan Region	PTC Hangu

- Sd-

(Saqib Ismail Memon) ssp

Deputy Inspector General of Police, HQs.

Khyber Pakhtunkhwa,

Peshawar

**Enclst: No. & dated even**

Copy forwarded for information and necessary action to the:-

1. Deputy Inspector General of Police, HQs: Khyber Pakhtunkhwa, Peshawar.
2. Capital City Police Officer Peshawar w/r to his office letter No.13441/EC-I, dated 27.07.2021, No.4646/EC-I, dated 30.11.2021.
3. Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar w/r to his office letter No.7748/EB, dated 20.10.2021.
4. Deputy Inspector General of Police, CTD, Khyber Pakhtunkhwa, Peshawar w/r to his office letter No.14044/EB dated 04.11.2021.
5. Regional Police Officer, Mardan, w/r to his office letter No.3092/ES, dated 15.06.2021, No.3792/ES, dated 19.07.2021, No.6757/ES, dated 25.11.2021, No.6759/ES, dated 25.11.2021, No.7135/ES, dated 15.12.2021.
6. Regional Police Officer, Bannu w/r to his office letter No.5709/EC, dated 26.11.2021, No.5713/EC, dated 26.11.2021.
7. Regional Police Officer, Kohat, w/r to his office letter No.1885/EC, dated 26.11.2021.
8. Regional Police Officer, Malakand w/r to his office letter No. 2734-35/E, dated 28.10.2021, No. 12740-41/E, dated 28.10.2021.
9. Director Anti-Corruption Khyber Pakhtunkhwa w/r to his office letter No.10168/ACE, dated 18.10.2021.
10. Commandant Elite Force Khyber Pakhtunkhwa, w/r to his office letter No.11379/EF, dated 07.10.2021, No.12229/EF, dated 21.10.2021, No.13918/EF, dated 26.11.2021, No.13920/EF, dated 26.11.2021.
11. Commandant FRP Khyber Pakhtunkhwa, Peshawar w/r to his office letter No.7793/EC dated 29.09.2021.
12. Commandant PTC Hangu w/r to his office letter No.1007/EC dated 25.11.2021.
13. Commandant RRF Khyber Pakhtunkhwa w/r to his office letter No.1019/RRF, dated 27.10.2021.

(Lt Cdr(R) KASHIF AFTAB AHMAD ABBASI PSP)

AIG, Establishment

For Inspector General of Police  
Khyber Pakhtunkhwa,

DB

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

CM-----/2023

In COC-----/2022 in

Execution Petition154/2022

***Service Appeal No 12438/2021***

Furqan Javed S/O Younas Javed Mirza Sub inspector No 105/B presently posted at Police Line Bannu District Bannu. . . . . **Appellant**

**Versus**

1. Khushal Khan Secretary to Government of KP and Home affairs
2. Inspector General of Police KPK Peshawar.
3. Syed Ashfaq Anwar Regional Police Officer Bannu Region Bannu.
4. Muhammad Farooq Khan DSP legal Bannu region.. **Respondents**

**Application with a prayer to restrain the Respondent not to take any adverse action against the Appellant.**

**Respectfully Sheweth:**

1. That the above titled COC is pending adjudication before the Tribunal in which today is fixed for producing the order by the Respondents in accordance with spirit and letter of the judgment delivered in Service Appeal No-1248/2021 and execution petitionNo-154/2022.
2. That the Respondents are becoming annoying with the legal proceeding and are not in any mood to implement the judgment rather are intending to cause damage to the Petitioner/ appellant so to harass him and keep him mum.
3. That there is proximate possibility that the Respondents may cause damage to the Petitioner and may infringe his fundamental right

② ⑨

Therefore it is prayed that the Respondents may be restrained to take any adverse action against the Petitioner.

Through

Appellant/ Petitioner

*Nazir*  
28/2/23

Nazir Ahmad advocate  
High Court . Peshawar.

**Affidavit**

I the appellant/ Petitioner declare and affirm on oath that the contents of this application correct.

*Nazir*  
28/2/23  
Deponent

*[Signature]*  
*[Signature]*