

Ph: 9214461
Fax: 9220406

REGISTERED
No. C.P.2442/2020 - SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 16/5/2023

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

To The Registrar,
K.P.K. Service Tribunal,
Peshawar.

5342
16/5/2023

Subject: CIVIL PETITION NO. 2442 OF 2020

Hameed Ullah
Versus
District Police Officer, Swat and others

On appeal from the Judgment/Order of the K.P.K. Service Tribunal,
Peshawar dated 22/07/2020 in A.-930/2019.

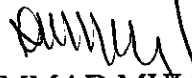
Dear Sir,

I am directed to enclose herewith a certified copy of the Order of this Court dated 13/03/2023 dismissing for non-prosecution the above cited case in the terms stated therein for information and further necessary action.

Please acknowledge receipt of this letter along with its enclosure immediately.

Encl: Order:

Yours faithfully,


(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mr. Justice Ijaz ul Ahsan
Mr. Justice Shahid Waheed

CIVIL PETITIONS NO.428-P AND 429-P AND 2442 OF 2020

[Against the judgment dated 22.07.2020 of the Khyber Pakhtunkhwa Service Tribunal, Peshawar, passed in Appeal Nos.930 and of 2019]

CP.428-P of 2020 District Police Officer, Swat and others Vs.
Hameed Ullah

CP.429-P of 2020 District Police Officer, Swat and others Vs. Arif

CP.2442 of 2020 Hameed Ullah Vs. District Police Officer, Swat
and others

For the Petitioner(s) : Sardar Ali Raza, Additional AG, KP
(in CPs.428-P and 429-P of 2020)

Nemo (in CP.2442 of 2020)

Respondent(s) : N.R.

Date of Hearing : 13.03.2023

ORDER

IJAZ UL AHSAN, J.— Leave to appeal is sought against the judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar (**the Tribunal**) dated 22.07.2020. Through the impugned judgment, the major penalty dismissal of service awarded by the competent authority which was upheld in the departmental appeal was set aside and the Respondents were directed to be re-instated. The learned counsel for the Petitioners submits that the Tribunal erred in law in coming to the wrong conclusion. He maintains that not only in the first inquiry but also in the *de novo* inquiry the Respondents have been found guilty. The competent authority had given them detailed hearing in the Orderly Room and has in come to the conclusion that the Inquiry Officer had not acted in accordance with law and that his inquiry ignored material aspects of the case

ATTESTED



Court Associate
Supreme Court of Pakistan
Islamabau

awarded major penalty of dismissal from service. As such, the competent authority after going through the entire record and giving the Respondents a hearing, disagreed with the Inquiry Officer and validly and lawfully awarded the major penalty of dismissal from service. He, therefore, maintains that the judgment of the Tribunal is unsustainable. Having heard the learned counsel for the Petitioners, we issue notice to the Respondents.

CMA NOS.782-P AND 783-P OF 2020

2. Notice.

CIVIL PETITION NO.2442 OF 2020

3. The matter has been called. No one has entered appearance to prosecute this matter, therefore, this Petition is dismissed for non-prosecution.


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Certified to be True Copy

Islamabad
13th March, 2023
'NOT APPROVED FOR REPORTING'

Asif/*

22/3/23


**Court Associate
Supreme Court of Pakistan
Islamabad**

