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REGISTERED
No. C.A. 235/2023 – SCJ
SUPREME COURT OF PAKISTAN.

Islamabad, dated 26/04, 2023.

From

The Registrar,
Supreme Court of Pakistan,
Islamabad.

To

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

Khyber Pakhtunkhwa
Service Tribunal

Registry No. 5342

Date 16/5/2023

Subject: CIVIL APPEAL NO. 235 OF 2023.
OUT OF
CIVIL PETITION NO. 1563 OF 2020.
Taimoor Khan.

Versus

Provincial Police Officer, Khyber Pakhtunkhwa at CPO,
Peshawar and others.

On appeal from the Judgment/Order of the KPK., Service
Tribunal, Peshawar dated 04.03.2020, in Appeal No.954/2019.

Dear Sir,

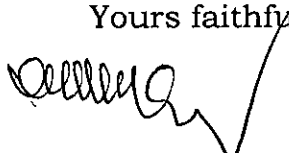
I am directed to forward herewith a certified copy of the
Order/Judgment of this Court dated 06.04.2023, converting into appeal
the above cited civil petition and allowing the same, in the terms stated
therein, for information and necessary action.

I am also to invite your attention to the directions of the Court
contained in the enclosed Order for immediate compliance.

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

Encl: Judgment:

Yours faithfully


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

43/23

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Bench-IV:

Mr. Justice Syed Mansoor Ali Shah
Mr. Justice Jamal Khan Mandokhail

Civil Petition No.1563 of 2020.

(Against the judgment of Khyber Pakhtunkhwa Service Tribunal dated 04.3.2020 passed in Appeal No.954/2019)

Taimoor Khan

..... **Petitioner**

Versus

Provincial Police Officer, KP at CPO Peshawar, etc

....**Respondent(s)**

For the petitioner: Mr. Misbullah Khan, ASC.

For the respondent(s): Mr. Sultan Mazhar Sher, Addl.A.G. KP.
Mr. Naeem Hussain, DSP.

Date of hearing: 06.04.2023

JUDGMENT


Syed Mansoor Ali Shah, J.- Petitioner was dismissed from service on 09.5.2019 on the following charges:-

"You were transferred and posted to Police Station Kalam on complaint basis after developing illicit relations with a girl in Asharay locality. After sometimes you were posted as DFC Police Post Dewlai by using external influence. In the same area you developed illicit relation, with yet another girl (married one). You are I (sic) the practice of frequently visiting her house and persuading her to get divorce from her husband. You were proceeded against departmentally and subsequently dismissed from service vide this office OB No. 27, dated 15-02-2018, to compliance of the Honorable Service Tribunal Peshawar Judgment in appeal No. 968/2018 you are provisionally re-instated for the purpose of denove departmental enquiry. You are therefore issued this Charge Sheet and statement of allegations.

2. By reason of the above, you appear to be guilty of misconduct and rendered yourself liable to all or any of penalties specified in Rule 4 of the Disciplinary Rules 1975."

Thereafter his departmental appeal was also dismissed on 16.7.2019, as well as, his appeal before the Khyber Pakhtunkhwa Service Tribunal ("Tribunal") through impugned judgment dated 04.3.2020. The sole contention of the learned counsel for the

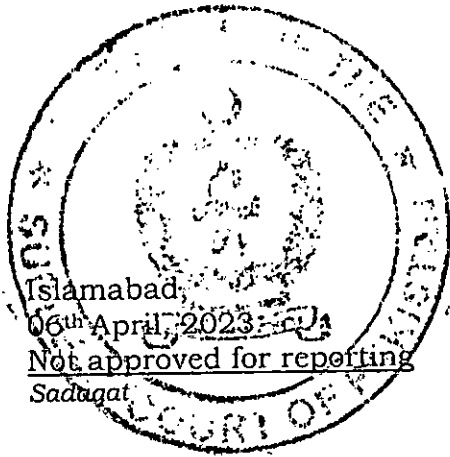
ATTESTED


Court Associate
Supreme Court of Pakistan,
Islamabad

petitioner is that there is no evidence whatsoever on the record to establish the charges against the petitioner.

2. We have gone through the record of the case including the inquiry report and have repeatedly asked the learned Additional Advocate General as well as the departmental representative to refer to any material on the record to establish the illicit relation of the petitioner with the two women as per the charge sheet but they have not been able to refer to any incriminating material to establish the charge. In this view of the matter, we set aside the impugned judgment of the Tribunal and reinstate the petitioner into service.

4. This petitioner is converted into appeal and allowed accordingly.



Certified to be True Copy

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Supreme Court of Pakistan
Islamabad