

08.07.2022

Due to Public Holiday on account of Eid-UI-Adha case
to come for the same on 24.09.2022 at camp court D.I Khan.


Reader

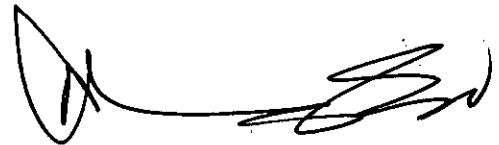
**SCANNED
KPST
Peshawari**

29th Sept, 2022

Petitioner in person present. Mr. Muhammad Adeel Butt, Addl: AG alongwith Mr. Khalil Khan, SI(Legal) for respondents present.

Representative of the respondents submitted copy of order No. 3557-63/EC dated 29.09.2022 whereby in compliance of the judgment of the Tribunal, the petitioner has been reinstated subject to the outcome of the CPLA No. 173-P/2021 in the august Supreme Court of Pakistan. Since the order of the Tribunal has been complied with, therefore, the instant execution petition is disposed off in the above terms. Consign.

*Pronounced in open court at camp court D.I.Khan
and given under my hand and seal of the Tribunal on this
29th day of September, 2022.*



(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan



OFFICE OF THE
DISTRICT POLICE OFFICER
DERA ISMAIL KHAN
☎ 0966-9282062 Fax. # 9280293

No. /EC, dated D.I. Khan the /09/2022
ORDER


In pursuance of judgment of the Khyber Pakhtunkhwa Service Tribunal Camp Court DIKhan dated 22.11.2021, in WP No.5779/2020 and as per directions of the W/Inspector General of Police, Khyber Pakhtunkhwa Peshawar vide No. 4332/Legal dated 06.09.2022 endorsed by the Regional Police Officer, DIKhan vide No. 6094/ES dated 14.09.2022, Mr. Qayyum Nawaz No.1003 is hereby conditionally reinstated in service, subject to outcome of CPLA No. 173-P/2021 before the apex Supreme Court of Pakistan.

District Police Officer
Dera Ismail Khan

No. 355763 /EC dated
Copy of above is submitted to:-

29 /09/2022

1. The Regional Police Officer, DIKhan.
2. The Addl: Superintendent of Police DIKhan.
3. DSP Legal DIKhan.
4. ADSP HQs: DIKhan.
5. OHC DPO Office DIKhan.
6. I/C Security & Computer Lab DPO Office DIKhan.


District Police Officer
Dera Ismail Khan



OFFICE OF THE
DISTRICT POLICE OFFICER
DERA ISMAIL KHAN

☎ 0966-9283062 Fax # 9280293

No. _____ /EC _____ dated D.I.Khan the _____ /09/2022
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District Police Officer
Dera Ismail Khan


No. 355763/EC

dated

29 /09/2022

Copy of above is submitted to:-

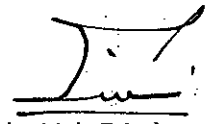
1. The Regional Police Officer, DIKhan.
2. The Addl: Superintendent of Police DIKhan.
3. DSP Legal DIKhan.
4. ADSP HQs; DIKhan.
5. OHC DPO Office DIKhan.
6. I/C Security & Computer Lab DPO Office DIKhan.


District Police Officer
Dera Ismail Khan

23.05.2022

Petitioner in person present. Mr. Muhammad Khalil, S.I (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

Representative of the respondents stated at the bar that the judgment under execution has been challenged through filing of CPLA before the august Supreme Court of Pakistan, however no date has so far has been fixed in the CPLA. Respondents are required to pass conditional order of implementation of the judgment dated 22.11.2021 passed by this Tribunal, which of course will be subject to outcome of the CPLA. To come up for implementation report on 30.06.2022 before the S.B at Camp Court D.I.Khan.



(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

30th June 2022

Petitioner in person present. Mr. Farhaj Sikandar, District Attorney alongwith Mr. Khalil, SI (Legal) for respondents present.

Representative of the respondents assured the Tribunal that compliance of the judgment of this Tribunal will be submitted on the next date positively. He requested for time. Granted. To come up for implementation report on 08.07.2022 before S.B at Principal Seal Peshawar.

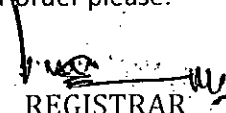




(Kalim Arshad Khan)
Chairman
Camp Court D.I.Khan

Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 133/2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2.	3
1	07.03.2022	<p>The execution petition of Mr. Qayyum Nawaz submitted today by Mr. Sadam Hussain Zakori Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p> REGISTRAR</p>
2		<p>This execution petition be put up before to touring S. Bench at D.I. Khan on <u>29-03-2022</u></p> <p> CHAIRMAN</p>
	29.03.2022	<p>Petitioner in person present.</p> <p>Notice be given to the respondents for the next date. To come up for implementation report on 23.05.2022 before S.B at camp court, D.I.Khan.</p> <p></p> <p>CHAIRMAN, Camp Court, D.I.Khan</p>

BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KHYBERPAKHTUNKHWA

Execution No. 133 of 2022

Qayyum Nawaz **VERSUS** Government of KP
and others

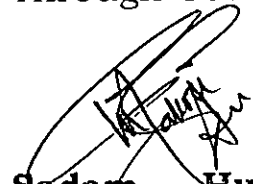
**EXECUTION U/S 7(2)(d) OF KP SERVICE TRIBUNAL
ACT, 1974**

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S#	Description of Documents	Annexure	Page Numbers
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2.	Memo of Addresses of Parties	---	3
3.	Copy of Appeal and its judgment & Order Dated 22.11.2021	S1 - S2	4 to 11
4.	Wakalatnama in favour of Sadam Hussain Zakori Advocate High Court	---	12



Yours Humble Petitioner
Through Counsel



28/02/2022

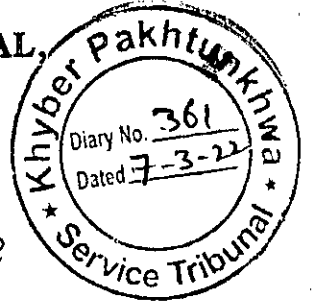
Sadam Hussain Zakori
Advocate-High-Court

1

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KHYBERPAKHTUNKHWA**

Appeal No. 5779/2020

Service Tribunal Execution No: 133 of 2022



Qayyum Nawaz S/O Liaqat Ali, Ex-Constable, No.1003, Caste Chughtai, R/o Muryali Mor, Tehsil & District Dera Ismail Khan

(Appellant)

VERSUS

1. **Government of Khyber Pakhtunkhwa through Secretary** Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar
2. **Inspector General of Police**, (IGP)Khyber Pakhtunkhwa, Peshawar
3. **Regional Police Officer**, (RPO), Dera Ismail Khan Range, District Dera Ismail Khan
4. **District Police Officer**, (DPO), Office District Dera Ismail Khan

(Respondents)

EXECUTION PETITION UNDER SECTION 7(2)(d) OF THE KP SERVICE TRIBUNAL ACT, 1974 AGAINST THE RESPONDENTS OF THE JUDGMENT, DECREE & ORDER DATED 22.11.2021 PASSED IN SERVICE TRIBUNAL APPEAL NO.5779/2020

Respectfully Sheweth,

BRIEF FACTS:

1. That the addresses of the parties written above for the purpose of services may be deemed sufficient.

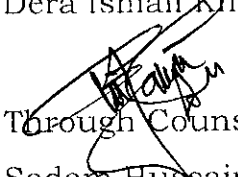
- 2. That the appeal No.5779/2020 titled "Qayum Nawaz Vs Govt of KP & Others" was instituted by the petitioner against the respondents which was later on decided on 22.11.2021 in favour of petitioner.
- 3. That till date the respondents have not instituted any CPLA in August Supreme Court while the time to institute the same is also barred by law. Copies of the appeal and its judgment & order Dated 22.11.2021 are attached as **Annexure-S1&2**, simultaneously.

HENCE, IT IS, THEREFORE, REQUESTED TO ORDER THE RESPONDENTS TO IMPLEMENT THE JUDGMENT & ORDER DATED 22.11.2021 IN LETTER AND SPIRIT.



Your humble Petitioner
 Qayyum Nawaz
 Ex-Constable, No.1003
 Dera Ismail Khan

Dated 28/02 / 2022



Through Counsel
 Sadam Hussain Zakori
 Advocate High Court

AFFIDAVIT

I Qayyum Nawaz do hereby solemnly affirm and declare that the contents of this Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Tribunal and this is the lone Execution Petition on the subject.



Deponent

CERTIFIED AT D.I.KHAN

That the parawise content of the instant Execution Petition are true and correct and it is the lone petition on the subject matter



Qayyum Nawaz....(Petitioner)

3

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL,
KHYBERPAKHTUNKHWA**

Execution No. _____ of 2022

Qayyum Nawaz

**VERSUS Government of KP and
others**

EXECUTION U/S 7(2)(d) OF KP SERVICE TRIBUNAL ACT, 1974

MEMO OF ADDRESS

**Qayyum Nawaz S/O Liaqat Ali, Ex-Constable, No.1003, Caste
Chughtai, R/o Muryali Mor, Tehsil & District Dera Ismail Khan**

(Appellant)

VERSUS

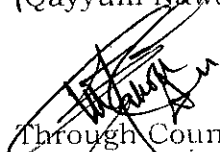
- 1. Government of Khyber Pakhtunkhwa through Secretary
Home & Tribal Affairs Department, Khyber Pakhtunkhwa,
Peshawar**
- 2. Inspector General of Police, (IGP) Khyber Pakhtunkhwa,
Peshawar**
- 3. Regional Police Officer, (RPO), Dera Ismail Khan Range,
District Dera Ismail Khan**
- 4. District Police Officer, (DPO), Office District Dera Ismail
Khan**

(Respondents)



Your humble Petitioner

(Qayyum Nawaz)


Through Counsel

Sadam Hussain Zakori

Advocate High Court

Dera Ismail Khan

Dated 28/02 / 2022

2

Annexure - S1

4

BEFORE THE PROVINCIAL SERVICE TRIBUNAL
KHYBERPAKHTUNKHWA



Service Tribunal Appeal No: 5770 of 2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 4173

Dated 01-6-2020

Qayyum Nawaz S/O Liaqat Ali, Ex-Constable, No.1003, Caste Chughtai, R/o Muryali Mor, Tehsil & District Dera Ismail Khan

(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department, Khyber Pakhtunkhwa, Peshawar
2. Inspector General of Police, (IGP) Khyber Pakhtunkhwa, Peshawar
3. Regional Police Officer, (RPO), Dera Ismail Khan Range, District Dera Ismail Khan
4. District Police Officer, (DPO), Office District Dera Ismail Khan

(Respondents)

ATTESTED

[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974
KP AGAINST THE BELOW ORDERS

Filed to-day

Registrar

01/06/2020

1. Of The Respondent No.2 Office Order No. S/379-85/20 dated 07.01.2020
Vide Which The Revision Petition Of The Appellant Was Rejected
2. Of The Respondent No.3 Office Order No.1215/Es Dated 13.03.2019
Vide Which The Departmental Appeal Of The Appellant Was Rejected
3. Of The Respondent No.4 Office Order No.1513 Dated 31.10.2018

Note: THE IMPUGNED OFFICE ORDER OF THE RESPONDENT NO.2 WAS
HANDED OVER TO THE APPELLANT ON 03.03.2020 HENCE THE
INSTANT APPEAL IS WITHIN NEXT 30 DAYS OF THE STATUTORY
PERIOD

Re-submitted to-day
and filed.

[Signature]
15/6/2020

[Signature]

Amesme-82, (5)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.
(Camp Court, D.I.Khan)

Appeal No. 5779/2020

Date of Institution ... 01.06.2020

Date of Decision ... 22.11.2021



Qayum Nawaz son of Liaqat Ali, Ex-constable No. 1003, Caste Chughtai, R/O Muryali Mor, Tehsil and District, Dera Ismail Khan.

... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Secretary Home & Tribal Affairs Department Khyber Pakhtunkhwa, Peshawar and three others.

... (Respondents)

Present.

Mr. Sadam Hussain Zakori,
Advocate

For appellant.

Mr. Muhammad Rasheed,
Deputy District Attorney,

For respondents.

MR. AHMAD SULTAN TAREEN
MR. SALAH-UD-DIN,

CHAIRMAN
MEMBER(J)

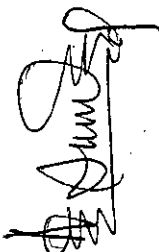
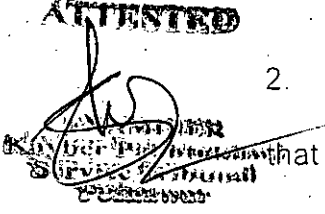
JUDGMENT

AHMAD SULTAN TAREEN, CHAIRMAN:- The appellant through the appeal prescribed above in the heading has invoked the jurisdiction of this Tribunal seeking relief based on the prayer copied herein below:-

"It is, therefore, requested to set aside the impugned orders and to reinstate the appellant in his service with all his back benefits."

ATTESTED

2. The facts of the case giving rise to the present appeal precisely include that the appellant while serving as Constable having belt No. 1003 under control of respondents with about 19 years of mature service, when posted at Police Station Kirri Khaisor, D.I.Khan, was proceeded against under the Efficiency & Discipline Rules; and consequently, major penalty of dismissal

from service was imposed upon him. According to the statement of allegations attached with the charge sheet, there was only allegation against him that he while posted at P.S/Kirri Khaisore D.I.Khan, was reported vide Mad No. 18 dated 05.02.2018 of P.S/Kirri Khaisor as absent from lawful duties w.e.from 05.02.2018 till date i.e. 14.06.2018 without any leave/ permission from the high-ups. An enquiry was conducted into the said charge and report was submitted by the enquiry officer with findings that there was no valid reason with the Constable Qayum Nawaz about his absence and he did not appear before the enquiry officer intentionally. A final show cause notice was given to the appellant in furtherance of the said enquiry report who submitted his reply to the competent authority. Ultimately, he was awarded with major punishment of dismissal from service by order dated 31.10.2018 since date of his absence i.e. 05.02.2018, issued by respondent No. 4. The departmental appeal against the said order was filed before respondent No. 3 being higher authority which was also dismissed, upholding the order of the competent authority. Revision Petition was submitted to the respondent No. 2 which was also rejected. Consequently, the appellant filed the present appeal with prayer as noted above.

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3. Notices of the appeal were given to the respondents. They joined the proceedings and submitted their written reply with several legal and factual objections, refuting the claim of the appellant and asserted for dismissal of appeal with cost being meritless.

4. We have heard arguments and perused the record.

5. Learned counsel for the appellant argued that the entire disciplinary proceedings conducted against the appellant are against the due process of law. The appellant was condemned unheard and the competent authority without determination as to legality of the enquiry report proceeded vide impugned order setting therein the ground of punishment beyond the scope of charge sheet and statement of allegations served upon the appellant. The

ATTESTED
[Signature]
 JUDGE (AM) in
 State Tribunal
 Bhopal

charge of absence against the appellant was not proved in accordance with law. Thus, the appellant was not liable to be punished on such unfounded ground. The mentioning in the impugned order about involvement of the appellant in criminal case being beyond the scope of charge sheet, was not workable for consideration to award punishment to the appellant. Moreover, the appellant was acquitted from the charge by the competent court of law after facing the trial. He prayed for acceptance of the appeal with the relief set up in the prayer.

6. It was argued on behalf of the respondents that the appellant was lawfully proceeded against on account of his wilful absence. He was found involved in criminal case involving moral turpitude and his mere involvement in such a case was sufficient to make him unfit for police service. The competent authority decided to impose the major penalty upon him after due consideration of the material collected through proper enquiry. Learned Deputy District Attorney concluded his arguments with the submission that the appeal being meritless and time barred is not maintainable and is liable to be dismissed with cost.

7. As far as the ground of disciplinary proceedings conducted against the appellant is concerned, it is rooted in the charge of his wilful absence from duty since 05.02.2018 onward till the order dated 31.10.2018 as to his dismissal from service. The copy of enquiry report submitted by Deputy Superintendent of Police Saddar Circle D.I.Khan was annexed with the appeal as well as comments of the respondents. Accordingly, he was served with notice of the disciplinary proceedings on 02.07.2018 through Naib SRC requiring him to submit his reply before the DSP Circle (Enquiry Officer). The enquiry officer based his findings about absence of the appellant on his information received from Police Station Kirri Khaisor and counted the period of absence as about four months. In pursuance to said information, the enquiry officer expressed

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ATTESTED
[Signature]
 EXAMINER
 KHANIF BAKHTUKHWA
 Service Tribunal
 Peshawar

provides a self-contained procedure for action on account of wilful absence as well as the penalty in pursuance to the action taken there-under. Accordingly, it is provided that in case of wilful absence from duty by a government servant for seven days or more days, a notice shall be issued by competent authority through registered acknowledgement on his home address directing him to resume duty within fifteen days of the issuance of the notice. If the same is received back as undelivered or no response is received from the absentee within the stipulated time, a notice shall be published in at least two newspapers directing him to resume duty within fifteen days of the publication of that notice, failing which an ex-parte decision shall be taken against that absentee. On expiry of the stipulated period given in the notice, major penalty of removal from service may be imposed upon such government servant. The disciplinary proceedings based on the charge sheet and statement of allegations followed by the enquiry report by DSP Saddar Circle do not disclose the compliance of Rule 9 ibid. Needless to say that no proper notice as required under Rule 9 ibid was given through registered post and served upon the appellant. If we presume the charge sheet and statement of allegations as notice of wilful absence with further presumption that the same were received by him as per note of the Reader of DSP Saddar Circle, the further course of action was to proceed for publication of the same notice in two newspapers as provided in Rules 9 ibid, when the appellant did not turn up. However, the respondents omitted to proceed as such. So, the action of the respondent department on purported wilful absence of the appellant is not tenable under the facts and law. The disciplinary proceedings conducted in the particular manner were unbefittingly relied upon by the competent authority for imposition of major penalty and similarly by the appellate authority and the revisional authority in case of the appellant for its upholding the impugned order in appeal and revision. So, all the orders including the impugned order

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ATTESTED
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 EXAMINER
 SERVICE TRIBUNAL
 PESHAWAR

awarding major punishment of dismissal from service and the appellate revisional order are liable to be set aside.

8. We are not oblivious of the reply of the respondents about second enquiry on allegations of recovery of narcotics and registration of criminal case conducted by Superintendent of Police (Rural) D.I.Khan. Suffice it to say that the said second enquiry report as annexed with the reply of the respondents discloses from the very outset that it was completed in pursuance to directives of the DPO, D.I.Khan (respondent No. 4). The allegations as described in the said enquiry report reveal that the appellant while posted at P.S Kirri Khaisor D.I.Khan was booked in a criminal case vide FIR No. 517 dated 27.05.2018 under Section 9-B CNSA of P.S Cantt on account of recovery of 15 grams Shisha/Ice and 315 grams Chars from his personal possession. The statement of proceedings in the said enquiry report reveals that the appellant was traced and summoned with great difficulty. The charge sheet and summary of allegations were served upon him; he was heard in detail; he submitted his written reply; he was asked the question regarding his absence which he replied. His reply is appended which is self-explanatory. The case file of FIR No. 517 datd 27.05.2018 registered against the accused constable was studied thoroughly by the enquiry officer i.e. S.P (Rural) D.I.Khan. He summoned and heard in detail the IO, the SHO and marginal witnesses of the recovery memo and recorded their fresh statements and the same were placed on file. After recording other things from here and there in his enquiry report, the enquiry officer came with a conclusion as copied below:-

[Handwritten signature]

"There are more than sufficient irrefutable substantial documentary, circumstantial and ocular evidences on the enquiry file which prove that Constable Qayyum Nawaz No. 1003 is a habitual narcotics-seller. The recovery of 15 gram of Amphetamine (Ice or Shesha in local parlance) and 315 grams Chars from his direct possession vide case FIR No. 517, dated 27.05.2018, registered u/s 9- in Police Station Cantt, D.I.Khan, has been

TESTED
[Handwritten signature]
Member
Service Tribunal
Peshawar


11

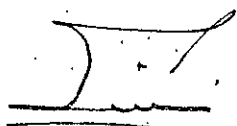
proved. Being involved in this obnoxious social evil, he is earning a bad name for police department for which we claim zero tolerance."

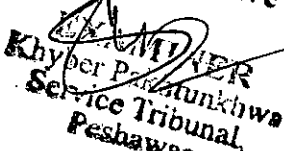
9. In pursuance to the above conclusion, the enquiry officer recommended that major punishment of dismissal from police service may be awarded to the appellant. Additionally, he recommended that a copy of the enquiry report may be sent to S.P Investigation, D.I.Khan with the directives to consider it a part of investigation and append it with judicial file of the case for the kind perusal of the concerned court of trial, if agreed.

10. The said enquiry report alongwith dismissal order, appellate order and copy of FIR have been annexed with the reply of the respondents but the charge sheet and summary of allegations purported to have been served upon the appellant by the enquiry officer, were not annexed with the reply. So, the presumption of absence of any such charge sheet and summary of allegations is viable. No need to say anything more about the second enquiry report when the accused was acquitted of the charge of recovery of narcotics at trial on account of the case registered vide FIR No. 517 dated 27.05.2018 u/s 9-B CNSA Police Station, Cantt, D.I.Khan.

11. For what has gone above, the appeal at hands is accepted by setting aside the impugned orders and the appellant is reinstated in service with all back benefits. Parties are left to bear their own costs. File be consigned to the record room.


(AHMAD SULTAN TAREEN)
Chairman
(Camp Court, D.I.Khan)


(SALAH-UD-DIN)
Member(J)
(Camp Court, D.I.Khan)

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ANNOUNCED
22.11.2021

Date of Presentation of Application 25-01-2022
Number of Words 3200
Copying Fee 34/-
Urgent 4/-
Total 38/-
Name of Copyiest _____
Date of Completion of Copy 25-01-2022
Date of Delivery of Copy 25-01-2022



SADAM HUSSAIN ZAKORI

Advocate
bc-14-4591
Date of Issue: December 2020
Valid Upto: December 2023



Secretary
KP Bar Council

VAKALAT NAMA

(Power of attorney)

Before the Honourable Principal Service Tribunal K.P., Peshawar

Jayum Nawaz VERSUS Govt of K.P. & others

Offence/Suit/Appeal/Application/Writ Execution Petition 1/57(2)(d) of Service Tribunal

FOR Jayum Nawaz - (Petitioner)

I/We hereby appoint **SADAM HUSSAIN ZAKORI ADVOCATE HIGH COURT, DIKHAN** according to the following terms & conditions:-

1. As my / our counsel in the above mentioned case with power to appear, plead and act marking and presenting applications to the Court by signing and verifying pleadings, by depositing withdrawing and receiving document and money from Court or from the opposite party in the above said case. By doing all other legal act, and legal proceedings as I / we were present personally.
2. No part of fee is refundable in any case whatsoever and my / our counsel shall be entitled to retain costs payable by other side.
3. I / we make our own arrangements for attending the Court on every hearing and to inform him. My / our counsel shall not be responsible for any loss caused to me through my / our failure to so inform him.
4. I / we shall make special arrangements for travel in case my / our hearing is held in any outstation. All expenses shall be borne by me / as and my / our counsel is not liable to incur any of the said expenses.
5. I / we undertake to appear in the above matter before the Court, my / our counsel shall not be held responsible in case the matter is dismissed / disposed off ex-party due to my / our failure to appear / attend the case.
6. I / we also undertake to pay his full professional fees before the conclusion of the case. In case his full fee is not paid the counsel can withdraw his vakalatnama from the above matter.
7. My / our counsel is also authorized to engage and appoint any other pleader or counsel whenever my / our counsel thinks to do so.

DATED: 28/02/2022

Accepted By:

SADAM HUSSAIN ZAKORI
ADVOCATE HIGH COURT, D.I.KHAN
Mob# 0341-9283883

Jayum Nawaz - (Petitioner)

Signature / thumb impression of Client
CNIC#
Mob #



OFFICE OF THE
REGIONAL POLICE OFFICER,
DERA ISMAIL KHAN REGION

☎ 0906-9280291 Fax # 9280295
✉ esit.roo.dik@gmail.com
dated D.I.Khan the

4809
19-05-2022
Dera Ismail Khan
19/05/2022
538 Legal
19-05-2022

No. /ES
To The Inspector General of Police,
Khyber-Pakhtunkhwa, Peshawar.

Subject: EXECUTION PETITION NO.133/2022 IN SERVICE APPEAL NO.5779/2020 TITLE QAYUM NAWAZ

Memo:

Kindly refer to your office Letter No.2235/Legal, dated 28.04.2022.

2. DPO DI Khan vide his office Letter No.417/Legal dated 16.05.2022 has intimated that in the instant petition a CPLA has already been lodged before the Apex Supreme Court of Pakistan Islamabad.
3. However, the subject execution petition is fixed for 25.05.2022 before the KP Service Tribunal Camp Court at DI Khan.
4. It is, therefore, requested that the quarter concerned may kindly be approached for early hearing in the instant CPLA, please.

Regional Police Officer,
Dera Ismail Khan

Regional Police Officer,
Dera Ismail Khan

18/5

3232
No. /ES,

Copy to the District Police Officer, DI Khan w.r.t letter No. quoted above.

DSP/Legal

Requed

DPO/D.I.Khan

6/5
19/5

Sif/Legal
Khaliq Khan

For M action

19/5



OFFICE OF THE
DISTRICT POLICE OFFICER,
DERA ISMAIL KHAN

Phone: 0966-9280297
Fax: 0966-9280293
legalbranchdik@gmail.com

417 /Legal
Dated 16/05/2021

To: The Regional Police Officer,
Dera Ismail Khan.

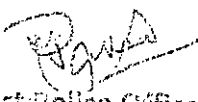
Subject: APPLICATION FOR EARLY HEARING
E.P NO. 133/2022 IN SA NO. 5779/2020-QAYUM NAWAZ

Memo:

Kindly refer to Worthy Inspector General of Police, Khyber Pakhtunkhwa, Peshawar letter No. 2235/Legal, dated 28.04.2022.

It is submitted that in the instant petition a CPLA has already been lodged before the Apex Supreme Court of Pakistan, Islamabad. However, the subject Execution Petition is fixed for 25.05.2022 before the KP Service Tribunal Camp Court at DIKhan.


It is therefore, requested that the quarter concerned may kindly be approached for early hearing in the instant CPLA, please.


District Police Officer,
Dera Ismail Khan

Endst: No. & Date even

Copy to:

1. The Assistant Inspector General of Police, Legal CPO Peshawar.


District Police Officer,
Dera Ismail Khan

**POWER OF ATTORNEY
IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)**

CPLA. No. /2022

**Govt. of Khyber Pakhtunkhwa and
others.**

PETITIONER(S)

VERSUS

Qayum Nawaz.

RESPONDENT(S)

I (we) Petitioner/Govt. of KPK in the above suit/Appel/Petition/Reference, do hereby appoint and constitute Mr. _____, Advocate-on-Record, Supreme Court, for Govt. of Khyber Pakhtunkhwa as Attorney for the aforesaid appellant [or plaintiff(s) or petitioner(s) or Respondent (s) or defendant (s) or opposite party] to commence and prosecute (or to appear and defend this action/appeal/suit/petition/reference on my/our behalf and all proceeding that may be taken in respect on any application connected with the same including proceeding in taxation and application for review, draw and deposit money, to file and take back documents, to accept the process of the Court, to appoint and instruct counsel, represent the aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] in this matter and to do all things incidental to such acting for the aforesaid appellant [or plaintiff(s) or petitioner(s) or respondent(s) or defendant (s) or opposite party]. The aforesaid appellant [or plaintiff (s) or petitioner(s) or respondent (s) or defendant (s) or opposite party] agree (s) to ratify all acts done by the aforesaid Advocate-on-Record in pursuance of this authority.

In witness whereof I/we do hereunto set my/our hand (s) this day of _____

Signed with Official seal/stamp

Accepted



Advocate-on-Record
Supreme Court of Pakistan
(for KPK) Advocate-General's
Office KPK, High Court Building, Peshawar.
Office Tel. # 091-9210312, 9210119

1- Secretary Home & Tribal Affairs
Department, Govt. of Khyber
Pakhtunkhwa, Peshawar
Sp Home Secretary,
Khyber Pakhtunkhwa

2- Provincial Police Officer, Khyber
Pakhtunkhwa, Peshawar

Provincial Police Officer
Khyber Pakhtunkhwa, Peshawar

3- Regional Police Officer, Dera Ismail
Khan Range, District Dera Ismail
Khan

REGIONAL POLICE OFFICER
DERA ISMAIL KHAN

4- District Police Officer, Dera Ismail
Khan Distt. Police Officer
Dera Ismail Khan

Power of attorney issued on 31-01-2022

Scanned with CamScanner

OFFICE OF ADVOCATE GENERAL KHYBER PAKHTUNKHWA
PESHAWAR

RECEIPT

Received a sum of Rs. 3500/- (Rupees Three thousand and Five hundred only) as expenses for filing C.P.L.A. (Photo Stat, binding, Supreme Court tickets, court fee, better copies and notices to the respondents, etc) in the Supreme Court of Pakistan in its branch registry at Peshawar in connection with case title Service Appeal No. 5779/2020 Qayum Nawaz Versus Govt. of KPK and others

Q. J. Usmani
for
23/1/2022

OFFICE OF ADVOCATE GENERAL KHYBER PAKHTUNKHWA
PESHAWAR

CERTIFICATE

Certified that Mr. Ziaullah H.C.
Office of the DPO, D-1 Khem
Attended this office on 23/1/2022 in connection with case
Title S.A. No. 5779/2020 Qayum Nawaz
Versus Govt. of KPK, etc.

Q. J. Usmani
for
23/1/2022

PESHAWAR HIGH COURT
MAIL KHAN BENCH

Police No. *[Handwritten]*

66270-44/1-RST-12,000 Forms-27,00-76/111: Jd/Ad/Gr/ASB Ser. Tohuvat/2

66 B 77

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. 18/4
JUDICIAL COMPLEX (OLD), KHYBER ROAD,
PESHAWAR. TB-DIK

No.

EP No 133/22

Appeal No. 5779 of 2020

Qayum Nawaz Appellant/Petitioner

Versus

Imayh Gargi Home & TA Pesh Respondent

Respondent No. 1

Notice to

Govt of KPK Through Secretary
Home & Tribal Affairs Deptt Peshawar

WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal "on 23-5-2022" at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.

Copy of appeal is attached. Copy of appeal has already been sent to you vide this office Notice No. dated

Given under my hand and the seal of this Court, at Peshawar this.....

Day of..... 4 2022

at camp court
sol court
D/Kamus
SO (Lit-I)
[Handwritten signatures]

[Handwritten signature]
Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Caretaker Holidays
2. Always quote Case No. While making any correspondence.



MOST IMMEDIATE COURT MATTER
GOVERNMENT OF KHYBER PAKHTUNKHWA,
HOME & TRIBAL AFFAIRS DEPARTMENT
PHONE: 091-9210032 FAX # 9210201

29087/16

No.SO (Lit-II)/HD/E.P No. 133/22/ (EP NO.01/20220) SA No. 5779(SA/343)-Qaym Nawaz/
Dated Peshawar the 20th April, 2022

To,

The Provincial Police Officer,
Khyber Pakhtunkhwa,

Subject: - E.P NO. 133/2022 IN SA NO. 5779/2020-QAYUM NAWAZ
Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith copy of notice of the PST, KP in the subject E.P with the request to kindly depute and authorized a well conversant officer to pursue the case in the court and make necessary coordination with the AAG PST, KP with regard to submission of the desire PWC well in time and also if desire a request may be touted through this department for early hearing in the filed CPLA. Furthermore, copy of the Paper Book of the filed CPLA may also be provided to this department for perusal of the competent authority at the earliest.

2- Being court matter may be treated as Most Urgent please.

Yours faithfully,

(KHUSHI MUHAMMAD KHAN)
Section Officer (Litigation-II)
homedepartmentlegalcell@gmail.com
Cell/App: No.0333-9131463

Encls: As above
Endst No. & Date Even

Copy of the above is forwarded to the:-

- 1- Additional Advocate General, Provincial Service Tribunal, Khyber Pakhtunkhwa.
- 2- PS to Secretary Home, Khyber Pakhtunkhwa.
- 3- Master File

Section Officer (Litigation-II)



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

47

No. 2235 / Legal, dated Peshawar, the 28/4/2022.

To:- The Regional Police Officer,
D.I.Khan.

The District Police Officer,
D.I.Khan.

4633
Date 13-5-2022
Durrani/Khan

S15 Legal
13-05-2022

Subject:- EXECUTION PETITION NO. 133/2022 IN SERVICE
APPEAL NO. 5779/2020 TITLED QAYUM NAWAZ.

Memo:-

Enclosed find copy of Letter No. SO(Lit-II)/HD/E.P No. 133/22/(EP NO. 01/2022) SA No. 5779(SA/343)-Qayum Nawaz, dated 20.04.2022 received from Section Officer (Litigation-II), Home & TAs Department, Government of Khyber Pakhtunkhwa, Peshawar is sent herewith for further necessary action, please.

DSP/legal
For motion.

Agreed
DPO/D.I.Khan

13/5

SP COURTS & LITIGATION
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
26.04.2022

Sr/Khaled Khan
ex A-11

For motion

13-5

عدالت عالیہ ترموک تریبونل کے پاس درج ذیل درخواست دہانہ اسٹیمپ فارم

سروس اصل نمبر 5759/020
ایگزیکوٹو ڈیپارٹمنٹ ڈیپوٹیشن نمبر 133/2022

قیوم نواز نیج PPO ریٹائرمنٹ

صبا عالی

مذکورہ سے منسلک مورخہ 23-05-2022 کو منظور ہونے والی عدالت سروس تریبونل نے ایگزیکوٹو ڈیپارٹمنٹ نمبر 133/2022 میں علی حارج کیا ہے کہ مذکورہ ایگزیکوٹو ڈیپارٹمنٹ کی طرف سے عدالت نیج میں ڈیپوٹیشن کی درخواستیں منظور کی گئی ہیں۔
اذا استدعا جائے کہ عدالت عالیہ منسلک مورخہ 23-05-2022 کو نقل دے جانے کے لیے حکم صادر فرمائیں۔

الحاج

مناجذہ لوگس ایڈیشنل جج ایڈووکیٹ جنرل دفتر عدالت عالیہ ڈیپوٹیشن ڈیپارٹمنٹ

si/lyl/mk

Muhammad Asif
25/5/22



OFFICE OF THE
DISTRICT POLICE OFFICER,
DERA ISMAIL KHAN

☎ 0966-9280297
Fax#. 0966-9280293
legalbranchdik@gmail.com

No 446 /Legal
Dated 02/10/2022

To: The Regional Police Officer,
Dera Ismail Khan.

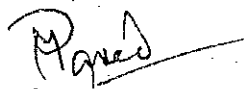
Subject: **IMPLEMENTATION OF EXECUTION PETITION NO. 133/2022 IN SERVICE APPEAL NO. 5779/2020**

Memo:

It is submitted that that Service Appeal No. 5779/2020 lodged by Ex-Constable Qayyum Nawaz 1003 and accepted by KP Service Tribunal Camp Court DIKhan vide judgment dated 22.11.2021 in which directed the respondents to reinstate the appellant. **Copy of judgment is attached.**

The department has lodged CPLA against the impugned judgment before August Supreme Court of Pakistan and now the appellant has lodged petition for implementation of the judgment. The Honourable Tribunal announced the orders vide judgment dated 23.05.2022, "the Respondents are required to pass conditional order of implementation of the judgment dated 22.11.2021 passed by this tribunal, which of course will be subject to outcome of the CPLA. To come up for implementation report on 30.06.2022 before the S.B at Camp Court DIKhan". **Copy enclosed.**

In view of above, it is requested that CPO Peshawar may kindly be approached for further guidelines in to the matter, please.


District Police Officer,
Dera Ismail Khan

Endst: No. & Date even

Copy of above submitted to:

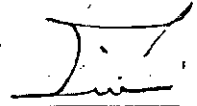
1. Assistant Inspector General of Police, Khyber Pakhtunkhwa, CPO Peshawar.


District Police Officer,
Dera Ismail Khan

23.05.2022

Petitioner in person present. Mr. Muhammad Khalil, S.I (Legal) alongwith Mr. Muhammad Adeel Butt, Additional Advocate General for the respondents present.

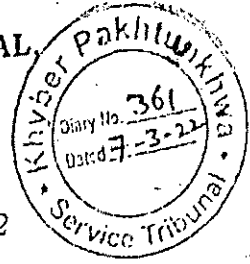
Representative of the respondents stated at the bar that the judgment under execution has been challenged through filing of CPLA before the august Supreme Court of Pakistan, however no date has so far has been fixed in the CPLA. Respondents are required to pass conditional order of implementation of the judgment dated 22.11.2021 passed by this Tribunal, which of course will be subject to outcome of the CPLA. To come up for implementation report on 30.06.2022 before the S.B at Camp Court D.I.Khan.



(Salah-Ud-Din)
Member (J)
Camp Court D.I.Khan

1

**BEFORE THE PROVINCIAL SERVICE TRIBUNAL
KHYBERPAKHTUNKHWA**



Service Tribunal Execution No: 133 of 2022

**Qayyum Nawaz S/O Liaqat Ali, Ex-Constable, No.1003, Caste
Chughtai, R/o Muryali Mor, Tehsil & District Dera Ismail Khan**

(Appellant)

VERSUS

1. **Government of Khyber Pakhtunkhwa through Secretary
Home & Tribal Affairs Department, Khyber Pakhtunkhwa,
Peshawar**
2. **Inspector General of Police, (IGP) Khyber Pakhtunkhwa,
Peshawar**
3. **Regional Police Officer, (RPO), Dera Ismail Khan Range,
District Dera Ismail Khan**
4. **District Police Officer, (DPO), Office District Dera Ismail
Khan**

(Respondents)

**EXECUTION PETITION UNDER SECTION 7(2)(d) OF THE KP
SERVICE TRIBUNAL ACT, 1974 AGAINST THE RESPONDENTS
OF THE JUDGMENT, DECREE & ORDER DATED 22.11.2021
PASSED IN SERVICE TRIBUNAL APPEAL NO.5779/2020**

Respectfully Sheweth,

BRIEF FACTS:

1. That the addresses of the parties written above for the purpose
may be deemed sufficient.