

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Service Appeal # ~~458/2010~~ 458/2010
Execution Petition No.47/2017.

Iftikhar Ahmad Qureshi EX-SI Police Line PeshawarPetitioner.

Versus

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others. Respondents.

I n d e x

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1/6/2023

(1)

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

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Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.**Respondents.**

REPLY BY RESPONDENTS NO. 1 and 2.

Respectfully Sheweth:-

In response to the execution petition vide No.47/2017 filed by appellant alleging non-implementation of the orders of Hon'ble Service Tribunal KPK Peshawar; in fact as per direction of this Hon'ble Service Tribunal, the appellant was confirmed in the rank of SI vide Notification dated 24.04.2014.

FACTS:-


1. Incorrect. Para is based on misguiding materials as it is evident from the order/judgment passed by this Hon'ble Service Tribunal dated 22.09.2010 and the operating Para of the judgment is reproduced as under:-

“In view of the above the respondents department should confirm the appellant as S.I as per Rules 13.10.”

Therefore under Rule 13-10 of Police Rules 1934, which provides that “no assistant sub inspector shall be confirmed in a substantive vacancy unless he has been tested for at least a year as an officiating S.I in independent charge of Police Station in a district other than that in which his home is situated.”

Further, in light of his earlier execution petition No.76/2012 in Service Appeal NO.458/2010 was dismissed as withdrawn after showing expression of satisfaction by the petitioner by producing order of confirmation in the rank of SI bearing No.6169/EC-I dated 24.04.2014. Apart from it is worth to clarify that petitioner was deferred from confirmation due to non fulfillment of the pre-requisite criteria under Police Rules 13.10(2) which is applicable to all SIs not only to the petitioner, but despite that he did not follow the Rules ibid. The department has complied this Hon'ble Tribunal judgment in letter and spirit by confirming him in the rank of SI. Furthermore, petitioner in the instant execution petition has admitted that he has attained the age of superannuation in the year 2012. Therefore, after getting his due rights as per direction of this Hon'ble Tribunal judgment, further plea of the petitioner regarding more benefits in the same nature is not justified. Hence, petition of the appellant being devoid of merits may be dismissed on the following grounds. (Copy of judgment & Notification are annexure as “A””B”)

REPLY ON GROUNDS:-


- A. Incorrect. The replying respondents are duty bound to comply with the judgment of this Hon'ble Service Tribunal passed in each Service Appeal and have never acted against the directions addressed to the respondent department, however, each and every case has separate facts and grounds and in the instant case no irregularity has been done by the respondents.
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- B. Incorrect. Petitioner is showing wrong picture by concealing the real facts as explained in the above Para.
- C. Incorrect. Appellant has been treated strictly in accordance with law/ rules and no legal right of petitioner has been violated by the respondents department.
- D. Incorrect. In pursuance of the order of the Hon'ble Service Tribunal the appellant was confirmed as SI vide Notification No. No.6169/EC-I dated 24.04.2014 which was later on, dismissed /withdrawn.

PRAYERS:-

It is, therefore, most humbly prayed that in light of the above facts and submissions the petition of the appellant is devoid of merits and legal footing, may kindly be dismissed with costs please.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.


Capital City Police Officer,
Peshawar.

**BEFORE THE HON'ABLE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA
PESHAWAR.**

Execution Petition No.47/2017.

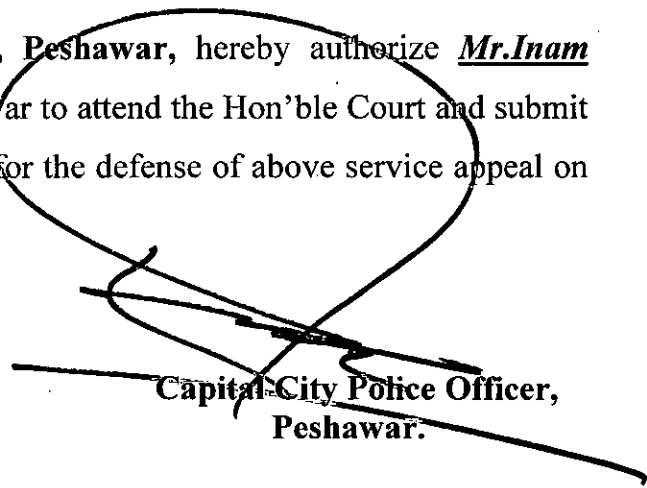
Iftikhar Ahmad Qureshi EX-SI Police Line PeshawarPetitioner.

Versus

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.**Respondents.**

AUTHORITY.

I, **Capital City Police Officer, Peshawar**, hereby authorize **Mr.Inam Ullah** DSP legal of Capital City Police, Peshawar to attend the Hon'ble Court and submit written reply, statement and affidavit required for the defense of above service appeal on behalf of undersigned.


**Capital City Police Officer,
Peshawar.**

BEFORE THE KPK, SERVICES TRIBUNAL, PESHAWAR

Execution Petition NO 76/2012

In Re: Service Appeal No.458 of 2010

Iftikhar Ahmad Qureshi,
HO No.157/9, Sub-Inspector, Peshawar



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15/3/12

Petitioner/ Appellant

VERSUS

1. Capital City Police Officer, Peshawar
2. Provincial Police Officer, KPK, Peshawar.....Respondents

Petition for implementation of the judgment dated 22.09.2010 of the Honourable Tribunal and maintained by the Supreme Court of Pakistan on 09.12.2011

EP 76/12

09.5.2014

Petitioner with counsel and AAG with Wisal H.C for the respondents present and submitted copy of order dated 24.4.2014, whereby judgment of the Tribunal has been implemented. Copy handed over to petitioner, who expressed his satisfaction and requested for withdrawal of the petition. Hence, the petition is dismissed as withdrawn. File be consigned to the record.

ANNOUNCED
09.05.2014

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Self-
Member
Member

Accepted
Counsel

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4
A

(3) 'B'

(9)

'C'

CCP, PESHAWAR.

POLICE DEPT:

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE PART-II
ORDERED BY THE CAPITAL CITY POLICE OFFICER, KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION.

Dated 24/4/2014.

No. 6169 /EC-I, CONFIRMATION IN THE RANK OF SI:- Mr. Iftikhar Ahmad Qureshi No. 157/P ex-offg: SI does not fulfill the criteria for confirmation in the rank of SI Under Police 13.10.(2), however as per Honorable Service Tribunal KPK, Peshawar judgment dated 22.09.2010/30.01.2014, he is hereby confirmed in the rank of SI.

[Signature]
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No. 6170-74 /EC-I,

Copy of above is forwarded for information and necessary

action to the:-

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Addl: Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, along with two spare copies for Publication, KPK, Gazette Notification part-II.
3. SSP/Operations, Peshawar.
4. EC-II, AS.

Accepted
[Signature]

[Signature]