

Ph: 9214461
Fax: 9220406

REGISTERED
No. C.P.754/2019 - SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 24-07-2023

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

To The Registrar,
Khyber PakhtunKhwa Service Tribunal,
Peshawar.

Khyber PakhtunKhwa
Service Tribunal

Diary No. 6304

Dated 6/7/2023

Subject: **CIVIL PETITION NO. 754 OF 2019**

Turab Khan

Versus

The Provincial Police Officer Khyber PakhtunKhwa, Peshawar & another

**On appeal from the Judgment/Order of the Khyber PakhtunKhwa
Service Tribunal, Peshawar dated 01/02/2019 in A.1134/2018.**

Dear Sir,

I am directed to enclose herewith a certified copy of the Order of this Court dated 28/07/2022 dismissing 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.

47/23

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

Present:

Mr. Justice Umar Ata Bandial, CJ
Mr. Justice Syed Mansoor Ali Shah

C.P.754/2019

(Against the judgment of Khyber Pakhtunkhwa Service Tribunal, Peshawar dated 01.02.2019, passed in Appeal No.1134 of 2018)

Turab Khan

..... **Petitioner(s)**

Versus

The Provincial Police Officer Khyber Pakhtunkhwa, Peshawar, etc.

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

For the petitioner(s): Mr. Waseem-ud-Din Khattak, ASC.

For the respondent(s): Mian Shafaqat Jan, Addl. A.G. KPK
a/w Sher Wazir, S.P..

Date of hearing: 28.07.2022

ORDER

UMAR ATA BANDIAL, CJ.- The petitioner claims the benefits of a higher rank on account of his officiating appointment as ASI in the year 2003. Learned Addl. Advocate General, KPK submits that such appointment of the petitioner was against the seniority rule and therefore improper and invalid. The services of the petitioner were placed with the motorway police on deputation basis in the year 2003 from where he retired from service in the year 2019. The present claim of the petitioner is that he should be granted the service benefits of the higher rank on account of his officiating status, which has been declined by the learned Service Tribunal vide impugned judgment dated 01.02.2019. In the light of the submission made by the learned Addl. A.G. KPK, the higher status assigned to the petitioner on officiating basis in violation of the seniority rule is not sustainable in law and the said benefits

ATTESTED

Court Associate
Supreme Court of Pakistan
Islamabad

cannot be granted to the petitioner at this stage after his retirement.

2. We have heard the learned counsel for the parties at some length and find that neither any substantial question of law of public importance has been specified in this petition nor any has been raised before us. It is also clarified that the Service Tribunal is the highest forum for the purpose of determination of facts and only a substantial question of law of public importance arising out of the case can be taken up by this Court. See *Secretary Revenue Division v. Iftikhar Ahmed Tabbasum* (PLD 2019 SC 563). No such question is involved in the instant petition, which is accordingly dismissed and leave refused.

Self - - - - -
Self - - - - -

Certified to be True Copy

W

Court Associate
Supreme Court of Pakistan
Islamabad

Islamabad,
28th July, 2022.
Not approved for reporting

Tabal
04/05/23

