


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 494/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	14.07.2023	<p>The implementation petition of Mr. Ghani Rehman submitted today by Mr. Ashraf Ali Khatib Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>19-07-2023</u> Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

Execution Petition No. 494/2023

CM No. ____/2023

In the matter of

Service Appeal No. 7240/2020

Decided on 22.11.2022

Ghani ur Rehman.....Appellant

V E R S U S

IGP & others.....Respondents

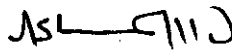
I N D E X

S.No	Description of Documents	Annex	Pages
1.	Application for implementation		1-3
2.	Affidavit		4
3.	Copy of the Judgment and Order dated 22.11.2022	A	5, 7
4.	Wakalat Nama		8


Appellant / Applicant

Through

Dated: 13.07.2023


ASHRAF ALI KHATTAK
Advocate, Supreme Court
of Pakistan

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER

PAKHTUNKHWA PESHAWAR

Execution Petition No. 494/2023

CM No. _____/2023

In the matter of

Service Appeal No. 7240/2020

Decided on 22.11.2022

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 6479

Dated 14/07/23

Ghani ur Rehman Belt No. 274 S/o Muhammad Ayub
Khan R/p Behram Khail Tehsil Takht-e-Nasrati District
Karak.

.....Appellant

V E R S U S

1. Inspector General of Police Khyber Pakhtunkhwa,
Peshawar.
2. The District Police Officer Karak.

.....Respondents

**APPLICATION FOR THE IMPLEMENTATION OF
THE JUDGMENT AND ORDER DATED
22.11.2022 IN THE CAPTIONED SERVICE
APPEAL OF THIS HON'BLE TRIBUNAL.**

Respectfully Sheweth:

1. That the above noted Service Appeal was pending
adjudication before this Hon'ble Tribunal and was
decided vide Judgment and order dated 22.11.2022.

2. That vide judgment and order dated 22.11.2022 this Hon'ble Tribunal while deciding the Appeal of the Appellant, issued directions to the respondents to decide the Departmental Representation / Appeal of the appellant through a speaking order strictly in accordance with relevant rules / law within a period of 60 days. **(Copy of the Judgment and Order dated 22.11.2022 is attached as Annexure A)**

3. That the Judgment and Order of this Hon'ble tribunal was duly communicated to the Respondents by the Petitioner and submitted an Application implementation of the Order of this Hon'ble Tribunal. Thereafter the Petitioner is continuously approaching the Respondents for the implementation of the Judgment and Order dated 22.11.2022, however they are reluctant to implement the same.

4. That the Respondents are legally bound to implement the judgment of this Hon'ble Tribunal dated 22.11.2022 in its true letter and spirit without any further delay, which has already been delayed due to the malafide intention of the Respondents.

5. That the valuable rights of the Petitioner are involved in the instant case and the Respondents are violating the legal and fundamental rights of the Petitioner by not allowing the appellant to participate in Lower Course Training at PTC Hangu.

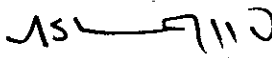
6. That other grounds will be raised at the time of arguments with prior permission of this Hon'ble Tribunal.

On acceptance of this Application, the Order and Judgment dated 22.11.2022 of this Hon'ble Tribunal may Kindly be implemented in its true letter and spirit. And the Respondents may graciously be directed to decide the Departmental representation / appeal of the appellant.


Appellant / Applicant

Through

Dated: 13.07.2023


ASHRAF ALI KHATTAK
Advocate, Supreme Court
of Pakistan

4

BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER
PAKHTUNKHWA PESHAWAR

CM No. _____/2023

In the matter of

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Decided on 22.11.2022


Ghani ur Rehman.....Appellant

V E R S U S

IGP & others.....Respondents

AFFIDAVIT

I, Ghani ur Rehman Belt No. 274 S/o Muhammad Ayub Khan R/p Behram Khail Tehsil Takht-e-Nasrati District Karak, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.


(Humaira Khan) Advocate
Bar Commissioner
Etdc No. 3370-72-013


DEPONENT

5

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.

Service Appeal No. 7240/2020

Date of Institution ... 09.07.2020

Date of Decision ... 22.11.2022



Ghani-ur-Rehman Belt No. 274 S/O Muhammad Ayub Khan P/O Behram
Khail Tehsil Takht-e-Nasrati District Karak. ... (Appellant)

VERSUS

Inspector General of Police, Khyber Pakhtunkhwa and 01 other:
... (Respondents)

MR. ASHRAF ALI KHATTAK,
Advocate --- For appellant.

MR. MUHAMMAD RIAZ KHAN PAINDAKHEL,
Assistant Advocate General --- For respondents.

SALAH-UD-DIN --- MEMBER (JUDICIAL)
MIAN MUHAMMAD --- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- According to the averments in the appeal, the appellant was appointed as Constable in Police Department on 25.10.2004. In order to be selected for lower course, a police constable is required to pass B-I examination and his age is not to be beyond the prescribed age limit of 33 years. The appellant was not provided an opportunity to participate in B-I examination in due time and was allowed to appear in such examination in the year 2012, which he passed and secured 2nd Position. The appellant was, however not allowed to participate in Lower School Training at PTC Hangu, constraining the appellant to file Writ Petition

No. 3117-P/2013 in the honourable Peshawar High Court, Peshawar.

The said writ petition alongwith other writ petitions were allowed vide judgment dated 28.01.2014 with the directions to the respondents to include name of the appellant in the list of the candidates for the forth-coming course scheduled to be commencing with effect from 01.04.2014. The appellant was then ignored till the year 2018, therefore, he filed contempt of court petition in the honourable Peshawar High Court, Peshawar. It was during hearing of the contempt of court petition on 23.10.2018 that the learned AAG produced order bearing Endorsement No. 9015-22/E-IV dated 22.10.2018, whereby the petitioner was allotted one extra seat in the lower school course. The COC petition was thus disposed of vide order dated 23.10.2018 with the observations reproduced as below:-

"In view of the above, the COC has served its purpose and is disposed of. However, with the consent of the learned AAG, the words used in respect of "His seniority will be reckoned with his colleagues who will be undergoing the Lower School Course with him. The timings of course shall not violate seniority of others." are deleted, as the same is the job of the Service Tribunal, for which the petitioner is at liberty to approach the said forum."

The appellant then filed departmental appeal seeking his seniority with his batch mates from the year 2012, however the same was not decided, hence the instant service appeal.

2. Notices were issued to the respondents, who submitted their comments, wherein they refuted the assertions as raised by the appellant in his appeal.

3. Learned counsel for the appellant has addressed his arguments supporting the grounds agitated by the appellant in his service

ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

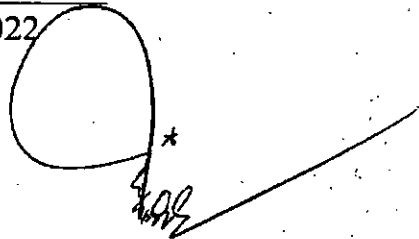
7

appeal. On the other hand, learned Assistant Advocate General has controverted the arguments of learned counsel for the appellant and has supported the comments submitted by the respondents.

4. Arguments have already been heard and record perused.

5. Keeping in view the respective arguments of both the sides, a perusal of the record would show that correspondence regarding departmental representation/appeal of the appellant was made between offices of Police hierarchy, however the same was not decided one way or the other, constraining the appellant to file the instant service appeal. The issue in question necessitates that the departmental representation of the appellant may first be decided by the concerned appellate Authority. The departmental representation/appeal is thus, remitted to the concerned appellate Authority with the directions to decide the same through a speaking order strictly in accordance with relevant rules/law within a period of 60 days of receipt of copy of this judgment. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
22.11.2022



(SALAH-UD-DIN)
MEMBER (JUDICIAL)

(MIAN MUHAMMAD) Date of Presentation of Application 12/7/23
MEMBER (EXECUTIVE) Number of Words Page 3

Copying Fee 4/5/-

Urgent 20/-

Total 8/5/-

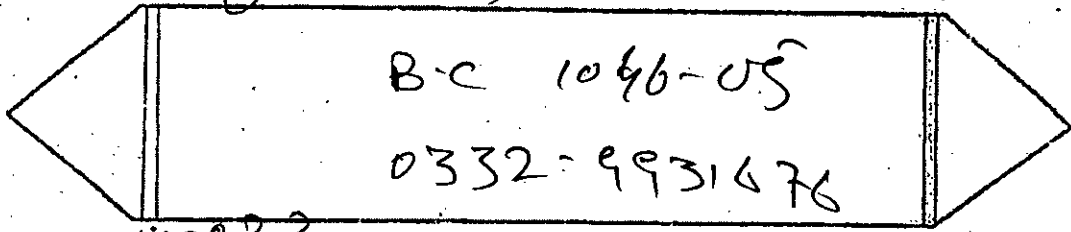
Name of Applicant Shafiq

Date of Completion of Copy 12/7/23

Date of Delivery of Copy 12/7/23

Certified to be true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar
12/7/23

بعد التجدد بن سروس شریونل کے لیے



2023ء جناب

فنی الٹکن بنام موسٹ

موزخہ	---
مقدمہ	---
دعویٰ	---
جزم	---

باعث تحریر آنگہ

مقدمہ بند رج عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی وکل کاروائی متعلقہ
 آن مقام ایسٹ لاء کیلئے الٹکن علی گل
 مقررہ کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
 وکیل صاحب کو راضی نامہ کرنے سے قبل تفریبات فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
 بسورت ڈگری کرنے اجراء اور صولی چیک و روپیہ از عرضی دعویٰ اور درخواست ہر قسم کی تصدیق
 زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری کی طرف یا اپیل کی برآمدگی اور منسوخی
 نیز دائر کرنے اپیل گمرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
 کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار
 ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساہتہ
 پر داخنتہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
 کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
 مذکورہ کریں۔ لہذا وکالت نامہ لکھدیا کہ سند ہے۔

فنی الٹکن

Accepted

15/11/2023 7 13

واہ العب العب
 کے لئے منظور ہے۔