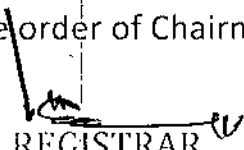


Form- A
FORM OF ORDER SHEET

Court of _____

Execution Petition No. 101/2023

S.No	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	24.02.2023	<p>The execution petition of Mr. Naveed Gul submitted today by Mr. Fawad Jan Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. The respondents be issued notices to submit compliance/implementation report on the date fixed.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Execution Petition No. 107/2023

In

Service Appeal No. 1065/2019

Mr Naveed Gul.....Appellant

VERSUS

The Provincial Police Officer etc.....Respondents

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Execution Petition		1-2
2.	Affidavit		2-A
3.	Copy of Judgment		3-7

Through Applicant / Appellant



DR FAWAD JAN
Advocate, Peshawar

①

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR.**

Execution Petition No. 101 /2023
In Service Appeal No.1065/2019

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3801

Dated 24-2-23

Mr. Naveed Gul, ASI No, 768/P,
Police Lines, District Peshawar.

PETITIONER

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The District Police Officer, Charsadda
3. The Regional Police Officer, Mardan, Region, Mardan.

RESPONDENTS

.....

**EXECUTION PETITION FOR DIRECTING THE
RESPONDENTS TO IMPLEMENT THE JUDGMENT
DATED: 21.07.2020 OF THIS HONOURABLE
TRIBUNAL IN LETTER AND SPIRIT.**

.....

RESPECTFULLY SHEWETH:

1. That the applicant/appellant filed Service Appeal No.1065/2019 in this august Tribunal against the dismissal order dated 03.12.2015.
2. That the said appeal was finally heard on 21.07.2020 and the Hon'able Tribunal is kind enough to accept the present appeal and the appellant was reinstated in to service with all back benefits. **(Copy of Judgment is attached as Annexure-A).**
3. That the appellant was reinstated but failed to promote. It is worth mentioned here that the appellant challenge some alleged secret Seniority list on which department going to make promotion before high ups but in vain.

4. That the appellant also filed application from time to time for implementation of judgment but the department failed to implement.
5. That the respondents were totally failed in taking any action regarded the Hon'able Tribunal Judgment dated 21.07.2020.
6. That in-action and not fulfilling formal requirements by the respondent after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
7. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to pass formal appropriate order.
8. That the petitioner has having no other remedy to file this Execution Petition.

It is, therefore, most humbly prayed that the respondents may be directed to obey the judgment dated 21.07.2020 of this august Tribunal in letter and spirit and promote the appellant in to service.

Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of applicant/appellant.

APPLICANT/APELLANT

Naveed Gul



THROUGH:



**(Dr. Fawad Jan)
ADVOCATE, PESHAWAR.**

AFFIDAVIT:

It is affirmed and declared that the contents of the above Execution Petition are true and correct to the best of my knowledge and belief.




DEPONENT

2/A

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Execution Petition No. _____/2023

In

Service Appeal No. 1065/2019

Mr Naveed Gul.....Appellant

VERSUS

The Provincial Police Officer etc.....Respondents

AFFIDAVIT

I, Mr Naveed Gul, ASI No 768/P, Police Lines, District Peshawar, do hereby solemnly affirm and declare on oath that the contents of the accompanying Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.




DEPONENT

3

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.1065/2019

Date of Institution ... 20.08.2019

Date of Decision ... 21.07.2020



Mr. Naveed Gul, Ex-ASI #.768/P, Police Lines, District Charsadda.

(Appellant)

VERSUS

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar & 02 others.

(Respondents)

Mr. Noor Muhammad Khattak,
Advocate

For appellant.

Mr. Riaz Khan Paindakheil
Assistant Advocate General

For official respondents.

MRS. ROZINA REHMAN
MR. ATTIQ UR REHMAN

MEMBER (J)
MEMBER (E)

JUDGMENT

ROZINA REHMAN, MEMBER :- Pithy facts of the case are that appellant Naveed Gul was inducted as an ASI. During service he was charged in case FIR #.183 dated 19.07.2014 registered at Police Station Nisatta, U/S 302/324/148/149 PPC. He was arrested and sent to judicial lockup. In the meanwhile, he was dismissed from service vide impugned order dated 03.12.2015. Later on, he was acquitted by the Trial Court vide order dated 08.04.2019, therefore, he filed

Handwritten signature and date: 21/7/20

ATTESTED
Handwritten signature and stamp of the official.

5

the precedent cases cited before us, we are of the opinion that Naveed Gui was removed from service vide impugned order dated 03.12.2015 by respondent #.3 on account of being involved in a murder case and being fugitive from law since the commission of offence. His departmental appeal met the same fate at the hands of respondent #.2 where after he preferred revision petition before respondent #.1 which was not attended to, so the present appeal was filed. During service he was charged in case FIR #.183 dated 19.07.2014 registered at Police Station Nisatta, U/S 302/324/148/149 PPC. He, alongwith co-accused, were arrested and tried. It was on 08.04.2019, when he alongwith one Abid S/O Taj Wali were acquitted of the charges leveled against them. Soon after earning acquittal, he filed departmental appeal which is undated, however, the order passed by the Regional Police Officer Mardan shows that appeal was filed on 18.04.2019 which was decided on 02.05.2019.

5. The assertion of the learned AAG regarding the departmental appeal being barred by time does not find support from any document. The appellant had been acquitted in the criminal case on 08.04.2019 and he had filed his departmental appeal on 18.04.2019 i.e. within 10 days of his acquittal in the criminal case. It would have been a futile attempt on the part of appellant to challenge his removal from service before earning acquittal in the criminal case and it would be unjust to penalize the appellant for not filing his departmental appeal before earning his acquittal in the criminal case which had formed the foundation of his removal from service. Relevant para from the order

21/7/20

ATTESTED

EXAMINED
for FURTHER
service file
KAROL

of Regional Police Officer Mardan is hereby reproduced for ready reference:

*"The appellant was dismissed from service on 03.12.2015 being **involved in a criminal case**. Therefore, I find no grounds to intervene into the order passed by the then District Police Officer, Charsadda. His appeal is also time barred for four (04) years"*

6. It has been held by the superior forum that all acquittals are certainly honorable. There can be no acquittals, which may be said to be dishonorable. Conviction of the appellant in the case of murder was the only ground on which he had been removed from service and the said ground had subsequently disappeared through his acquittal, making him re-emerge as a fit and proper person entitled to continue with his service.

7. It is established from the record that charges of murder and attempted murder etc. ultimately culminated in honorable acquittal of the appellant by the competent court of law in the above mentioned criminal case. In this respect, we have sought guidance from 1988 PLC (C.S) 179; 2003 SCMR 215 and PLD 2010 Supreme Court 695.

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8. For what has been discussed above, this appeal is accepted and the impugned order dated 03.12.2015 is set aside alongwith other orders on the appeal/review petition of the appellant and the appellant is reinstated in service with back benefits from the date of his arrest in

ATTESTED

Handwritten signature and stamp: **EXAMINER**
Service Tribunal
Charsadda

VAKALATNAMA

BEFORE THE

K.P. Sewra Tribunal Peshawar

Naveed Gul

VERSUS

The Provincial Police Office

I/We Naveed Gul

Do hereby appoint and constitute **Dr. Fawad Jan** Advocate High Court, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate Counsel on my/our cost. I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter.

Dated. 23/02/2022

CLIENT(S)

Naveed Gul

ACCEPTED

Dr. Fawad Jan

Dr. Fawad Jan

Advocate

(BC-19-1109)

17101-0278021-9

OFFICE:

Flat No.3 -A, Haroon Mension,

Khyber Bazar, Peshawar City.

Mobile.No.0314-9828818