

Ph: 9214461
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REGISTERED
No. C.P.3418/2019 - SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 16 8 2023

10
From The Registrar,
Supreme Court of Pakistan,
Islamabad.

To The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Subject: **CIVIL PETITION NO. 3418 OF 2019**

Said Hussain

Versus

Deputy Inspector General of Police, Mardan Region-1, Mardan & others

**On appeal from the Judgment/Order of the Khyber Pakhtunkhwa
Service Tribunal, Peshawar dated 11/06/2019 in A.607/2015.**

Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment of this Court dated 29/08/2022 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/Judgment:

Yours faithfully,


(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE UMAR ATA BANDIAL, CJ
MRS. JUSTICE AYESHA A. MALIK

C.P.3418/2019

(Against the judgment dated 11.06.2019 passed
by KPK Service Tribunal, Peshawar in Appeal
No.607/2015)

Said Hussain ...Petitioner(s)

Versus

Deputy Inspector General of Police, Mardan ...Respondent(s)
Region-1, Mardan & others

For the Petitioner(s) : Mr. Nasrum Minallah, ASC

For the Respondent(s) : NR

Date of Hearing : 29.08.2022

ORDER

UMAR ATA BANDIAL, CJ: - The petitioner was absent from duty w.e.f. 16.01.2014 until 10.11.2014. The learned counsel for the petitioner submits that no enquiry was held and the petitioner was not given opportunity of hearing. We have enquired whether he controverted the facts, ^{alleged.} He admits that the petitioner was absent from duty, but on 18.08.2014. his services were transferred to Police Station Sher Garh from Police Station Choor. He has referred to a document dated 09.09.2014 which reports that the petitioner had actually reported at Police Station Sher Garh and therefore was working there. It is also written in the note that the petitioner never returned to duty in Police Station Choor where he was posted nor did he relinquish his charge. We consider that the said documents to be irrelevant how can an officer sitting in Police Station Choor be reporting on the petitioner's attendance at duty in Police Station Sher Garh. The learned counsel for the

ATTESTED



Court Associate
Supreme Court of Pakistan
Islamabad

petitioner submitted that the petitioner was unwell. We have looked at his departmental appeal which only claims the absence of show cause notice and charge sheet. Again the petitioner has not been able to explain 300 days of absence. We do not consider that the orders of the departmental authorities and the impugned judgment of the learned Tribunal dated 11.06.2019 suffer from any errors.

2. For the foregoing reasons, this petition is dismissed and leave to appeal is refused.

Sd/- - - - - HCS
Sd/- - - - - J

Certified to be True Copy

[Signature]
**Court Associate
Supreme Court of Pakistan
Islamabad**



Not approved for reporting

[Handwritten signature]

Ph: 9214461
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REGISTERED
No. C.P.27/2021 - SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 11/8/ 2023

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

To The Registrar,
K.P.K. Service Tribunal,
Peshawar.

Subject: CIVIL PETITION NO. 27 OF 2021

Karam Illahi

Versus

The Provincial Police Officer (IGP), Khyber Pakhtunkhwa, Peshawar and
others

**On appeal from the Judgment/Order of the K.P.K. Service Tribunal,
Peshawar dated 02/12/2020 in A.-964/2018.**

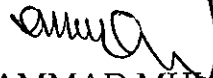
Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment
of this Court dated 29/05/2023 disposing of 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/Judgment:

Yours faithfully,



(MUHAMMAD MUJAHID MEHMOOD)
ASSISTANT REGISTRAR (IMP)
FOR REGISTRAR

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

Mrs. Justice Ayesha A. Malik
Mr. Justice Athar Minallah

CIVIL PETITION NO.27 OF 2021

[Against judgment dated 02.12.2020 passed by the KP Service Tribunal
Peshawar in Service Appeal No.964 of 2018]

Karam Illahi ...Petitioner(s)
Versus
The Provincial Police Officer (IGP), Khyber
Pakhtukhwa, Peshawar and others ...Respondent(s)
For the Petitioner(s) : Mr. Saleemullah Khan Ranazai, ASC
Respondent(s) : N.R
Date of Hearing : 29.05.2023

ORDER

AYESHA A. MALIK, J.- Learned counsel after arguing the matter states that the Petitioner does not contest the punishment of stoppage of two increments with cumulative effect, however, his only grievance is that there is no time period over which the two increments are to be stopped from the pay of the Petitioner. He states that in this regard the Tribunal as well as the department should have made the stoppage of increments time bound and has placed reliance on Section 4(a)(v) of the Khyber Pakhtunkhwa Police Rules, 1975 which specifically provide "stoppage of increment for a period not exceeding 3 years with or without cumulative effect" and the case reported as Tanvir Ahmed v. Chief Secretary, Government of Punjab, Lahore (2004 SCMR 647). Therefore, he states that he shall move a fresh application in this regard to seek the fixation of the time period of the punishment before the appropriate forum. Disposed of. *Sd/- - - - J*
Sd/- - - - J

Certified to be True Copy

[Signature]
**Court Associate
Supreme Court of Pakistan
Islamabad**

