


## Form- A

## FORM OF ORDER SHEET

Court of \_\_\_\_\_

Implementation Petition No. 605/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	31.08.2023	<p>The implementation petition of Mr. Azmat Ullah is submitted today by Mr. Javed Iqbal Gulbela Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date.</p> <p>By the order of Chairman  REGISTRAR</p>

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Execution petition No 605 2023

In

Service appeal No. 4812/2021

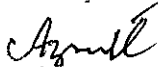
Azmat ullah Constable 602,

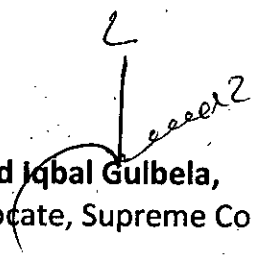
**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa and Others:

**I N D E X.**

<b>S.N O</b>	<b>DESCRIPTION OF DOCUMENTS</b>	<b>ANN:</b>	<b>PAGES</b>
1.	Execution Petition		1-2
2.	Affidavit		3
3.	Addresses of Parties		4
3.	Copy of the Order & judgment dated 25/07/2023	"A"	5-10
4.	Wakalat Nama		11

  
Petitioner

  
Javed Iqbal Gulbela,  
Advocate, Supreme Court Pakistan.

  
Saghir Iqbal Gulbela.  
Advocate High Court

1

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**

**PESHAWAR**

Khyber Pakhtunkhwa  
Service Tribunal

Execution petition No 605 2023

Diary No. 7294

In

Dated 31/8/2023

Service appeal No. 4812/2021

**Azmat ullah** 602, s/o Hazrat Yousaf r/o Ghar mali khel, masho khel,  
p.o Badhaber, Peshawar.

.....**PETITIONER.**

VERSES

- 1) **Inspector General** of Police Khyber Pakhtunkhwa at Central Police Office, Civil Secretariat, Peshawar.
- 2) **Capital City Police** Officer at Police Line, Peshawar.
- 3) Superintendant of Police HQRS, City Traffic Police, Peshawar.

.....**RESPONDENTS.**

**Execution Petition for Implementation of Judgment & Order of  
this Hon'ble Tribunal in Appeal No. 3866/2021 Decided on  
25/07/2023.**

Respectfully Sheweth!

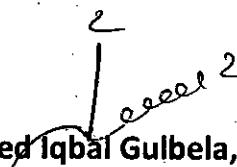
- 1) That the above mentioned appeal was decided by this Hon'able Tribunal vide judgment dated 25/07/2023. **(Copy of the judgment dated 25/07/2023 is annexed as annexure-"A")**.
- 2) That the petitioner after getting of the attested copy of the same judgment approached the respondents several time for the implementation of the above mention judgment. However they are using delaying tactics and reluctant to implement the judgment of this Hon'ble Tribunal.
- 3) That the relevant portion of the judgment at Para No.06 is reproduced "**For the stated reasons, especially, the innocence/none involvement of the appellants in the above circumstances rendered the entire departmental proceedings of no avail, therefore, on acceptance of these appeals, we set aside the impugned orders and order reinstatement of the appellants with all back benefits. The period absence shall be treated as leave of the kind due. Consign."**
- 4) That the respondents are legally and morally bound to obey the Order & Judgment of this Hon'ble Tribunal and to implement judgment of this Hon'ble Tribunal. But they are reluctant to implement the same.


- 5) That the petitioner has no other option, but to file the instant petition for implementation of judgment of this Hon'ble Tribunal.
- 6) That there is no legal bar, which may prevent this Hon'ble Tribunal from implementation of its own judgment.

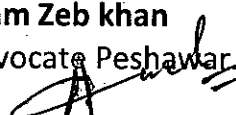
*It is, therefore, requested that on acceptance of this petition, the Respondents may directed to implement the judgment of this Hon'ble Tribunal pass in Appeal 4812/2021 dated:25-07-2023, by reinstating the Petitioner into service with all back benefits.*

Dated: 28-08-2023

  
Petitioner

  
Javed Iqbal Gulbela,  
Advocate, Supreme Court Pakistan.

  
Saghir iqbal Gulbela.  
Advocate High Court

Alam Zeb khan  
Advocate Peshawar  


M. Arif Mohmand  
Advocate Peshawar.  


3

**BEFORE THE HON'BLE KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL PESHAWAR**

S.Appeal No. 4812/2021

In

Execution Petition \_\_\_\_\_/2023

Azmat Ullah

Versus

Govt of KPK & Others

**AFFIDAVIT**

I, Azmat Ullah S/o Hazrat Yousaf R/o Garhi Ali Khel, Masho Khel, P/O Badaber, Tehsil & District Peshawar, do hereby solemnly affirm & declare on oath that all contents of the instant Service Appeal are true & correct to the best of my knowledge and belief & nothing has been concealed from this Hon'ble Tribunal.



*Azmat*  
DEPONENT

CNIC# 17301-3369166-5  
Cell# 0310-2897775

Identified By:

Javed Iqbal Gulbela  
Advocate, Supreme Court,  
of Pakistan.

4

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

Execution petition No \_\_\_\_\_ 2023

In

Service appeal No. 4812/2021

Azmat ullah Constable 602,

**VERSUS**

Inspector General of Police Khyber Pakhtunkhwa and Others.

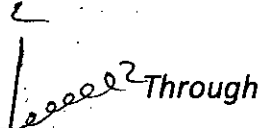
**Addresses of parties**

**Petitioner:**

**Azmat ullah** 602, s/o Hazrat Yousaf r/o Ghar mali khel, masho khel,  
p.o Badhaber, Peshawar.

**Respondents:**

- 1) Inspector General of Police Khyber Pakhtunkhwa at Central Police Office, Civil Secretariat, Peshawar.
- 2) Capital City Police Officer at Police Line, Peshawar.
- 3) Superintendent of Police HQRS, City Traffic Police, Peshawar.

  
**Javed Iqbal Gulbela,**  
Advocate, Supreme Court Pakistan.

**Alam Zeb khan**  
Advocate Peshawar.

  
**Petitioner**

  
**Saghir iqbal Gulbela.**  
Advocate High Court

  
**M. Arif Mohmand**  
Advocate Peshawar

Am

5

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**BEFORE THE HONBLE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR**

In Re S.A \_\_\_\_\_/2021

Azmat Ullah Ex-Constable No: 602, (Police Department KPK) S/o Hazrat Yousaf R/o Ghar Mali Khel, Masho Khel, P.O Badhaber, District Peshawar.  
-----**(Appellant)**

**VERSUS**


1. Inspector General of Police Khyber Pakhtunkhwa at Central Police Office, Civil Secretariat, Peshawar.
2. Capital City Police Officer at Police Line, Peshawar.
3. Superintendant of Police HQRS, City Traffic Police, Peshawar.

-----**(Respondents).**

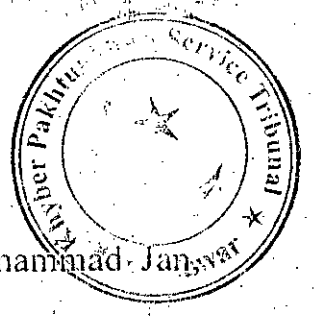
**APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL ACT - 1974 AGAINST THE IMPUGNED DISMISSAL ORDER NO: 704-07/PA, DATED: 29/12/2020 OF THE OFFICE OF SUPERINTENDANT OF POLICE HQRS CITY TRAFFIC POLICE PESHAWAR, WHEREBY THE APPELLANT WAS DISMISSED FROM SERVICE & HIS DEPARTMENTAL APPEAL WAS TURN DOWN VIDE IMPUGNED ORDER NO: 744-51/PA DATED: 11/03/2021 BY CAPITAL CITY POLICE OFFICER IN A CLASSICALLY, CURSORY AND WHIMSICAL MANNER.**

**Respectfully Sheweth;**

1. That after being envisaged with the ordeals & inquisitions of Selection process, the Appellant got inducted onto the rolls of the highly prestigious department of police, whereby the Appellant always performed his duties with full zeal and zest and have never left any stone unturned in

**ATTESTED**  
  
Khyber Pakhtunkhwa  
Services Tribunal  
Peshawar

6



S.A #4812/2021


**ORDER**

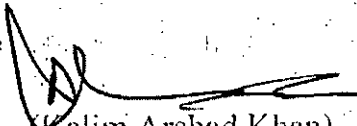
25<sup>th</sup> July, 2023

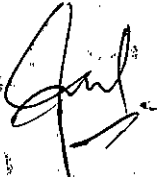
1. Learned counsel for the appellant present. Mr. Muhammad Jan  
District Attorney for the respondents present.

2. Vide our detailed judgment of today placed on file of Service Appeal No.3866/2021 titled "Asif Khan Vs. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar and others", we set aside the impugned orders and order reinstatement of the appellant with all back benefits. The period of absence shall be treated as leave of the kind due. Consign.

3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 25<sup>th</sup> day of July, 2023.*

  
(Fareeha Paul)  
Member (E)

  
(Kalim Arshad Khan)  
Chairman

Certified true copy  
  
Khy. Service Tribunal,  
Peshawar

\*Muazzem Shah\*



7



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN ... CHAIRMAN**  
**FAREEHA PAUL ... MEMBER (Executive)**

***Service Appeal No.3866/2021***

Date of presentation of Appeal.....24.03.2021  
Date of Hearing.....25.07.2023  
Date of Decision.....25.07.2023

**Mr. Asif Khan, Ex-Constable No.853, Headquarter City Traffic Police, Peshawar.....(Appellant)**

Versus

1. **The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.**
2. **The Chief Capital City Police Officer, Peshawar.**
3. **The Superintendent of Police, Headquarters City Traffic Police, Peshawar.....(Respondents)**

***Service Appeal No.4812/2021***

Date of presentation of Appeal.....07.04.2021  
Date of Hearing.....25.07.2023  
Date of Decision.....25.07.2023

**Mr. Azmat Ullah, Ex-Constable No.602, (Police Department Khyber Pakhtunkhwa) S/O Hazrat Yousaf, R/O Ghar Mali Khel, Masho Khel, P.O Badhber, District Peshawar.....(Appellant)**

Versus

1. **The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.**
1. **The Capital City Police Officer, Police Lines, Peshawar.**
2. **The Superintendent of Police, Headquarters City Traffic Police, Peshawar.....(Respondents)**

Present:

Mr. Mir Zaman Safi, Advocate.....For the appellant in S.A #.3866/2021  
Syeda Ume Habiba, Advocate.....For the appellant in S.A #.4812/2021  
Mr. Muhammad Jan, District Attorney..For the respondents

APPEALS UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 29.12.2020 WHEREBY MAJOR PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED ON THE APPELLANTS AND AGAINST THE IMPUGNED APPELLATE ORDERS DATED 02.03.2021 & 11.03.2021 WHEREBY THE DEPARTMENTAL APPEALS OF THE APPELLANTS HAVE BEEN REJECTED

**ATTESTED**  
  
Fareeha Paul  
Member, Executive  
Khyber Pakhtunkhwa Service Tribunal  
Peshawar

8

## CONSOLIDATED JUDGMENT

**KALIM ARSHAD KHAN CHAIRMAN:** Through this single judgment the above two appeals are being decided as they are similar in nature and almost with the same contentions, therefore, can be conveniently decided together.

1. Facts of the appeals as enumerated in the memoranda and grounds are summarized as under:

a. **Asif Khan SA 3866 of 2021:**

Appellant was serving as Constable in the Police Department. He was implicated in criminal case vide FIR No.810 dated 10.07.2020 U/S 365/147/149/5 Exp/15AA/182 PPC at Police Station Badhber, due to which, he was suspended vide order dated 31.08.2020; that the appellant approached the Court of the learned Additional District & Sessions Judge-IX Peshawar for want of pre-arrest bail which was granted to the appellant and BBA was confirmed vide order dated 06.10.2020. In the meanwhile, the respondents conducted fact finding inquiry. Resultantly, he was dismissed from service on 29.12.2020 i.e. before the final decision of the Court in the said FIR vide which the appellant was acquitted. Feeling aggrieved, he filed departmental appeal but the same was rejected on 02.03.2021, hence, the instant service appeal.

b. **Azmat Ullah SA 4812 of 2021**

Appellant was serving as Constable. He was implicated in two criminal cases, i.e. FIR No.810 dated 12.08.2020 U/S 365/147/149/5

Exp/15AA/182 PPC at Police Station Badhber and FIR No.525 dated

9

05.06.2020 U/S 342/427/149/PPC at Police Station, Badhber, due to which, he was suspended with immediate effect; that the appellant approached the Court of the learned Additional District & Sessions Judge-IX Peshawar for want of pre-arrest bail which was granted to the appellant and BBA was confirmed vide order dated 06.10.2020. In the meanwhile, the respondents conducted fact finding inquiry. Resultantly, he was dismissed from service on 29.12.2020 before the decision in the criminal case, by the Court before the final decision in the said FIR vide which the appellant was acquitted. Feeling aggrieved, he filed departmental appeal but the same was rejected on 11.03.2021, hence, the instant service appeal

2. On receipt of the appeals and admission to full hearing, the respondents were summoned, they put appearance and contested the appeals by filing their respective written replies raising therein numerous legal and factual objections.

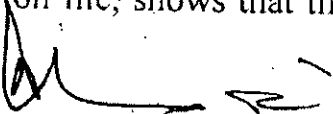
The defense setup was a total denial of the claim of the appellants.

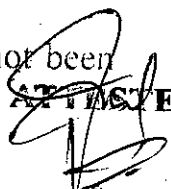
3. We have heard learned counsel for the appellants and learned District Attorney for respondents.

4. The Learned counsel for the appellants reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney assisted by the learned counsel for respondents, controverted the same by supporting the impugned order(s).

5. It appears in the FIR No.810 that none of the appellants have been charged for any overtact. Besides, the affidavit of the complainant party, placed

on file, shows that they have declared the appellants innocent having not been



**ATTACHED**  
  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

10


involved in the criminal case on the basis of which, they were proceeded against departmentally. Moreover, the Inquiry Officer did not bother to conduct inquiry properly as no opportunity of cross-examination seems to have been provided to the appellants during the course of inquiry. Last, but not the least, the charge sheet and statement of allegations were issued by Chief Traffic Officer, Peshawar, whereas, the impugned order was passed by Superintendent of Police Headquarters, City Traffic Police, Peshawar.

6. For the stated reasons, especially, the innocence/none involvement of the appellants in the above circumstances rendered the entire departmental proceedings of no avail, therefore, on acceptance of these appeals, we set aside the impugned orders and order reinstatement of the appellants with all back benefits. The period of absence shall be treated as leave of the kind due. Consign.

7. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 26<sup>th</sup> day of July, 2023.

Certified true copy  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

  
KALIM ARSHAD KHAN  
Chairman

  
FAREEHA PAUL  
Member (Executive)

\*Muzam Shah\*

Date of Presentation of Appeal 28/08/2023  
Number 6/-  
30/-  
5/-  
35/-  
Date of Delivery of Copy 28/08/2023

# وکالت نامہ

بعدالت: Service Tribunal KPR.

بنام Azmat Ullah IGP & Others

مخانب: Execution Petition دعویٰ Petitioner

تاریخ: 28/08/2023

باعث تحریر آنکہ مقدمہ مندرجہ بالا عنوان اپنی طرف سے واسطے پیروی و جوابدہی

بمقام لیڈنگ اور کیلے جاویدا اقبال گل بیلا ایڈوکیٹ سپریم کورٹ آف پاکستان

کو بدیں شرط وکیل مقرر کیا ہے۔ کہ میں ہر پیشی کا کوڈ یا بزرگیہ مختار خاص رو بروعدالت حاضر ہوتا رہوں گا۔ اور بوقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر دالت کروں گا، اگر پیشی پر من مظهر حاضر نہ ہوا اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور پر میرے برخلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہونگے۔ نیز وکیل صاحب موصوف صدر مقام پکھری کی کسی اور جگہ یا پکھری کے مقررہ اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہونگے۔ اگر مقدمہ علاوہ صدر مقام پکھری کے کسی اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے پیچھے پیش ہونے پر من مظهر کو کوئی نقصان پہنچے تو اس کے ذمہ دار یا اس کے واسطے کسی معاوضہ کے ادا کرنے یا مختار نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہونگے۔ مجھے کوکل پر داخنتہ صاحب موصوف مثل کردہ ذات خود منظور و قبول ہوگا۔ اور صاحب کو عرضی دعویٰ و جواب دعویٰ اور درخواست جرائے ڈگری و نظر ثانی اپیل و نگرانی ہر قسم کی درخواست پر دستخط و تصدیق کرنے کا بھی اختیار ہوگا اور کسی حکم یا ڈگری کے اجراء کرانے اور ہر قسم کے روپیہ وصول کرنے اور رسید دینے اور داخل کرنے اور ہر قسم کے بیان دینے اور سپروٹاشی و راضی نامہ فیصلہ پر خلاف کرنے اقبال دعویٰ دینے کا بھی اختیار ہوگا۔ اور بصورت اپیل و برآمدگی مقدمہ یا منسوخی ڈگری یکطرفہ درخواست حکم انتہائی یا ترقی یا گرفتاری قبل از اجراء ڈگری بھی موصوف کو بشرط ادائیگی علیحدہ مختار نہ پیروی کا اختیار ہوگا۔ اور بصورت ضرورت صاحب موصوف کو بھی اختیار ہوگا یا مقدمہ مذکورہ یا اس کے کسی جزوی کاروائی کے واسطے یا بصورت اپیل، اپیل کے واسطے دوسرے وکیل یا بیرسٹر کو بجائے اپنے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کے ہر امر دہی اور ویسے ہی اختیارات حاصل ہونگے جیسے کے صاحب موصوف کو حاصل ہیں۔ اور دوران مقدمہ میں جو کچھ ہر جانہ التواء پڑے گا۔ اور صاحب موصوف کا حق ہوگا۔ اگر وکیل صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہوگا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا۔ لہذا مختار نامہ لکھ دیا کہ سندر ہے۔

مورخہ: 28/08/2023 مضمون مختار نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

Accepted by:

CNIC - 47201-1496065-7  
BC - 10-7924  
MOB 03459405501

BC-23-6484

Azul

BC-11-1742

BC-23-6271

مجلس القضاة

Azul