

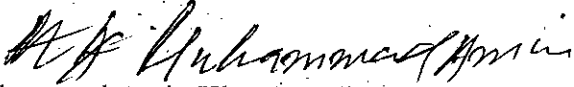
25.08.2017

Counsel for the petitioner present. Mr. Muhammad Adeel Butt, Additional AG for the respondents also present. Learned counsel for the petitioner submitted office order dated 05.07.2017 and stated at the bar that the judgment of this Tribunal has been implemented, therefore, the Execution Petition may be disposed of.

Keeping in view the contention of learned counsel for the petitioner the Execution Petition is disposed of being implemented. File be consigned to the record room.

ANNOUNCED

25.08.2017


(Muhammad Amin Khan Kundi)
Member

23.06.2017

Counsel for the petitioner and Asst: AG alongwith Mr. Muhammad Saeed, Assistant Director for respondents present. Despite assurance by the respondents implementation report was not submitted. It appears that they are using delaying tactics in producing provisional implementation order on flimsy grounds. On the special request of Asstt: AG last opportunity is granted to the respondents to produce implementation report within one week, failing which further coercive measure in the shape of attachment of salary and civil imprisonment will be taken into account. To come up for implementation report on 07.07.2017 before S.B.

(Ahmad Hassan)

07.07.2017

~~Counsel for the petitioner and Addl: AG alongwith Mr. Muhammad Saeed, Assistant Director for respondents present. Representative of the respondents submitted copy of order dated 05.07.2017 and the same was handed over to the learned counsel for the petitioner. To come up for further proceedings on 25.08.2017 before S.B.~~

07.07.2017

Counsel for the petitioner and Addl: AG alongwith Mr. Muhammad Saeed, Assistant Director for respondents present. Representative of the respondents submitted copy of order dated 05.07.2017 and the same was handed over to the learned counsel for the petitioner. To come up for further proceedings on 25.08.2017 before S.B.

(Ahmad Hassan)

Member



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

OFFICE ORDER

In compliance with judgment of Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No.601/2012 dated 01.04.2016, read with Implementation Petition No.104/2016 dated 02.06.2017 Mr. Amjad Ali Ex-Naib Qasid (BPS-01) Khyber Pakhtunkhwa Public Service Commission, is hereby re-instated in to service of Khyber Pakhtunkhwa Public Service Commission as Naib Qasid with immediate effect.

2. The penalty of removal from service of official is converted into major penalty of reduction to lower stage of the pay scale by two (02) stages for a period of two (02) years:

3. The intervening period w.e.f. his removal from service and date of re-instatement w.e.f. 24.03.2012 to 01.04.2016 shall be treated as leave of the kind due as per Khyber Pakhtunkhwa Service Tribunal decision. Breakup of leave admissible is as under:-

S#	Period of Absence	Nature of leave
1.	24.03.2012 to 22.07.2012	120 days leave on full pay
2.	23.07.2012 to 22.08.2014	760 days leave on half pay
3.	23.08.2014 to 01.04.2016	587 days leave without pay

4. Mr. Amjad Ali shall submit an affidavit to the effect that he will refund all the salary/allowances if the case is decided in favour of Khyber Pakhtunkhwa Public Service Commission by the Supreme Court of Pakistan. He will also have no right of permanent absorption in the service of Khyber Pakhtunkhwa Public Service Commission till the final judgment of the Apex Court.

--sd/--

CHAIRMAN

No.KP/PSC/Admn/216/

83146-53

Dated

51/7/17

Copy to:

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. PS to Chairman, Khyber Pakhtunkhwa PSC.
3. The Director Recruitment, Khyber Pakhtunkhwa PSC.
4. The Director Examination, Khyber Pakhtunkhwa PSC.



KHYBER PAKHTUNKHWA PUBLIC SERVICE COMMISSION

OFFICE ORDER

In compliance with judgment of Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No.601/2012 dated 01.04.2016, read with Implementation Petition No.104/2016 dated 02.06.2017 Mr. Amjad Ali Ex-Naib Qasid (BPS-01) Khyber Pakhtunkhwa Public Service Commission, is hereby re-instated in to service of Khyber Pakhtunkhwa Public Service Commission as Naib Qasid with immediate effect.

2. The penalty of removal from service of official is converted into major penalty of reduction to lower stage of the pay scale by two (02) stages for a period of two (02) years.

3. The intervening period w.e.f. his removal from service and date of re-instatement w.e.f. 24.03.2012 to 01.04.2016 shall be treated as leave of the kind due as per Khyber Pakhtunkhwa Service Tribunal decision. Breakup of leave admissible is as under:-

S#	Period of Absence	Nature of leave
1.	24.03.2012 to 22.07.2012	120 days leave on full pay
2.	23.07.2012 to 22.08.2014	760 days leave on half pay
3.	23.08.2014 to 01.04.2016	587 days leave without pay

4. Mr. Amjad Ali shall submit an affidavit to the effect that he will refund all the salary/allowances if the case is decided in favour of Khyber Pakhtunkhwa Public Service Commission by the Supreme Court of Pakistan. He will also have no right of permanent absorption in the service of Khyber Pakhtunkhwa Public Service Commission till the final judgment of the Apex Court.

--sd/--

CHAIRMAN

No.KP/PSC/Admn/216/

53148-53

Dated

5/11/17

Copy to:

1. The Accountant General, Khyber Pakhtunkhwa Peshawar.
2. PS to Chairman, Khyber Pakhtunkhwa PSC.
3. The Director Recruitment, Khyber Pakhtunkhwa PSC.
4. The Director Examination, Khyber Pakhtunkhwa PSC.

17.02.2017

Clerk to counsel for the petitioner and Mr. Masroof Gul, Supdt. alongwith Assistant AG for respondents present. Clerk to counsel for the petitioner requested for adjournment. To come up for implementation report on 31.03.2017 before S.B.


(AHMAD HASSAN)
MEMBER

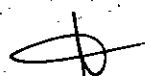
31.03.2017

Petitioner with counsel and AAG for the respondents alongwith Muhammad Saeed, D.S for the respondents present. The restraint order not produce4d nor the judgment of this Tribunal implemented. Directed to provisionally implement judgment of the Tribunal subject to decision of the august Supreme Court of Pakistan, To come up for implementation report on 19.5.2017 before S.B.


Chairman

19.05.2017

Counsel for the petitioner and Addl: AG alongwith Mr. Iftikhar Ahmad, Supdt. for respondents present. Learned AAG requested for adjournment and also assured that implementation report would be submitted on the next date of hearing. Request accepted. To come up for further proceedings on 23.06.2017 before S.B.


(Ahmad Hassan)
Member

29.07.2016

Counsel for the petitioner and Mr. Masroof Gul, Supdt. alongwith Addl. AG for the respondents present. Reply to implementation petition submitted copy whereof supplied to counsel for the petitioner. In case the respondents fail to secure any stay order from the august Supreme Court of Pakistan then the judgment of this Tribunal shall be implemented subject to final decision of the august court. To come up for further proceedings/arguments 30.09.2016 before S.B.

Chairman

30.09.2016

Clerk to counsel for the petitioner and Mr. Masroof Gul, Supdt. alongwith Mr. Usman Ghani, Sr. GP for respondents present. Implementation report not submitted. Requested for adjournment. Request accepted. To come up for implementation report on 16.12.2016 before S.B.

(MUHAMMAD AAMIR NAZIR)
(MEMBER)

16.12.2016



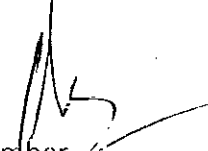
Petitioner with counsel and Masroof Gul, Supdt. alongwith Asstt AG for respondents present. Requested for adjournment. Last opportunity granted. To come up for production of restraint order or provisional implementation report of the judgment on 17.2.2017 before S.B.

Chairman

FORM OF ORDER SHEET

Court of _____

Execution Petition No. 104/2016

S.No.	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	02.06.2016	<p>The Execution Petition of Mr. Amjid ^{Ali} Khan submitted today by Mr. Noor Muhammad Khattak Advocate may be entered in the relevant Register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p>
2	6-6-16	<p>This Execution Petition be put up before Learned Member/S Bench on <u>7-6-2016</u></p> <p style="text-align: right;"> MEMBER</p>
7.6.2016		<p>Junior to counsel for the petitioner and Addl. AG for respondents present. Notices be issued to the respondents. To come up for implementation report on 29.7.2016.</p> <p style="text-align: right;"> Member</p>

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. 104 /2016

In Appeal No.601/2012

Ali
AMJAD KHAN

VS

**PUBLIC SERVICE
COMMISSION**

INDEX

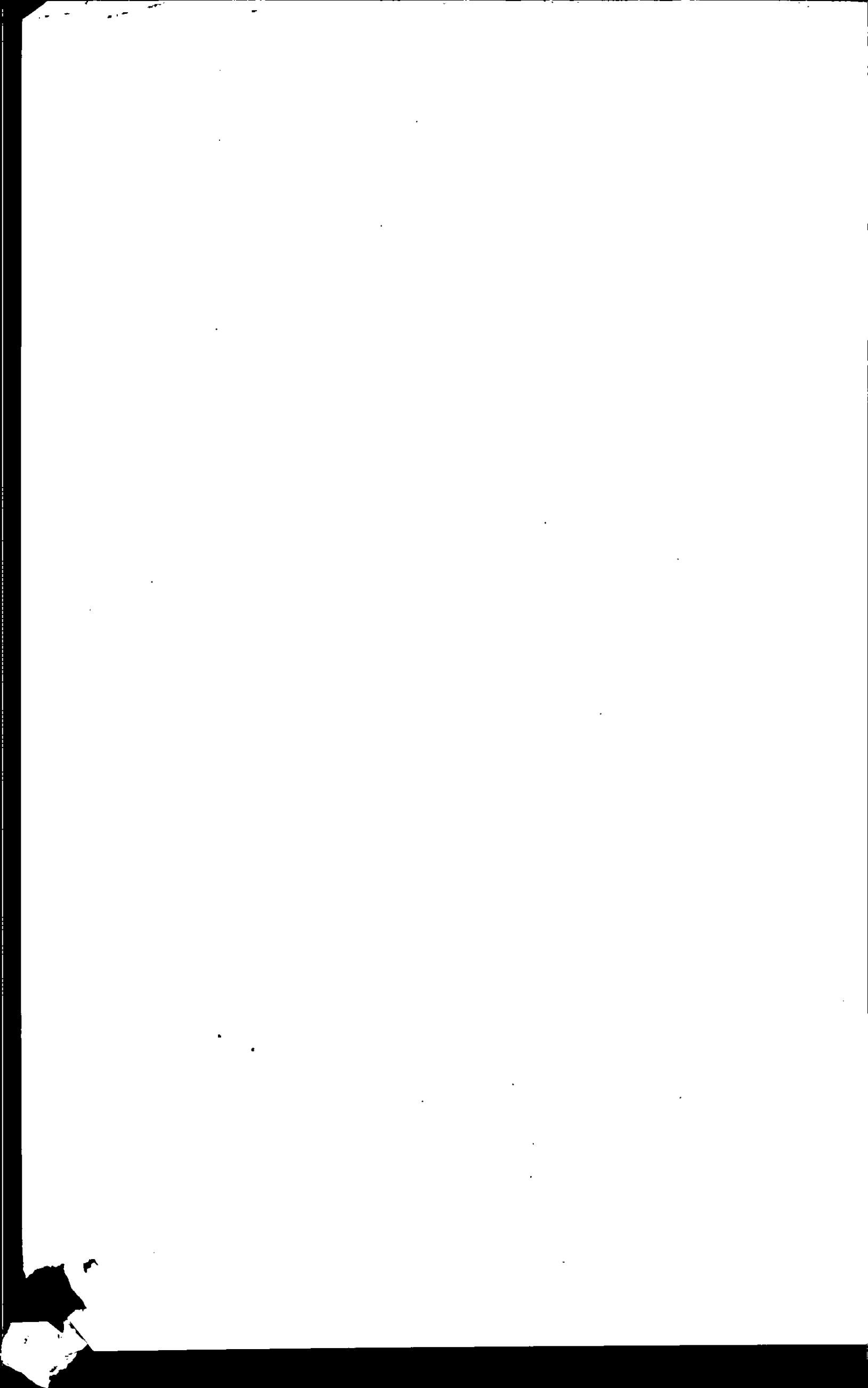
S.NO.	DOCUMENTS	ANNEXURE	PAGE NO.
1-	Memo of petition	1- 2.
2-	Affidavit	3.
3-	Judgment	A	4- 8.
4-	Vakalat nama	9.

PETITIONER/APPLICANT

THROUGH:

NOOR
NOOR MOHAMMAD KHATTAK
ADVOCATE

MOBILE NO.0345-9383141



BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. 104 /2016

In

Appeal No.601/2012

Khyber Pakhtukhwa
Service Tribunal

Diary No. 455

Dated 02-6-2016

Mr. Amjad Ali, Naib Qasid,
Khyber Pakhtunkhwa Public Service Commission, Peshawar.

.....**PETITIONER**

VERSUS

- 1- The Chairman Khyber Pakhtunkhwa Public Service Commission, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Khyber Pakhtunkhwa Public Service Commission, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

IMPLEMENTATION PETITION FOR DIRECTING THE
RESPONDENTS TO OBEY THE JUDGMENT IN
LETTER AND SPIRIT

R/SHEWETH:

- 1- That the petitioner filed appeal bearing No. 601/2012 before this august service tribunal for re-instatement on the post of Naib Qasid.
- 2- That the appeal of the petitioner was finally heard by the august tribunal on 01.04.2016 and decided the appeal in favor of the petitioner with the direction that penalty of removal from service is converted into major penalty of reduction to lower stage of the pay scale by 2 stage fro a period of 2 years. Copy of the judgment is attached as annexure.....**A.**
- 3- That after obtaining copy of the judgment the petitioner applied to the Department for his claim but the respondent Department is not willing to obey the judgment.
- 4- That the petitioner has not other remedy but to file this implementation petition.

It is therefore, most humbly prayed that the respondents may be directed to implement the judgment dated 01.04.2016 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

PETITIONER



AMJAD ALI

THROUGH:



**NOOR MOHAMMAD KHATTAK
ADVOCATE**

THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. _____/2016

In Appeal No.601/2012

AMJAD KHAN

VS

**PUBLIC SERVICE
COMMISSION**

AFFIDAVIT

I Noor Mohammad Khattak Advocate on the instructions and on behalf of the petitioner do hereby solemnly affirm that the contents of this implementation petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


**NOOR MOHAMMAD KHATTAK
ADVOCATE**

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



A-4

APPEAL NO. 601 /2012

A. W. J. Peshawar
No. 593
Dated 01-06-2012

Mr. Amjad Ali, Ex: Naib Qasid,
Khyber Pakhtunkhwa Public Service Commission, Peshawar

APPELLANT

VERSUS

- 1- The Government of Khyber Pakhtunkhwa through Chief Secretary, KPK Peshawar.
- 2- The Chairman Khyber Pakhtunkhwa Public service Commission, KPK Peshawar.
- 3- The Secretary Khyber Pakhtunkhwa Public Service Commission, KPK Peshawar.

RESPONDENTS

APPEAL UNDER SECTION -4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER DATED 24.3.2012 WHEREBY MAJOR PENALTY OF REMOVAL FROM SERVICE WAS IMPOSED ON THE APPELLANT AND AGAINST THE ORDER DATED 22.5.2012 WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN REJECTED ON NO GOOD GROUNDS.

Filed to-day
[Signature]
2/6/12

PRAYER: On acceptance of this appeal the impugned orders may be set aside and the appellant may be reinstated with all back benefits. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the appellant.

ATTESTED

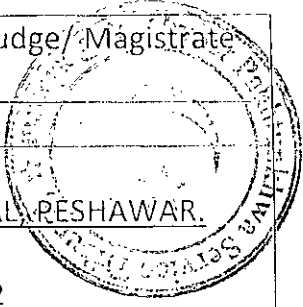
[Signature]
CLERK
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

R.SHEWETH:

- 1- That appellant was appointed as Naib Qasid (BPS-1) in the Khyber Pakhtunkhwa Pulic Service Commission and has more than six years service at his credit.

5

Sr. No.	Date of order/ proceedings	Order or other proceedings with signature of Judge/ Magistrate
1	2	3
	01.04.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.</u></p> <p style="text-align: center;">Service Appeal No. 601/2012</p> <p style="text-align: center;">Mr. Amjad Ali-vs-Government of Khyber Pakhtunkhwa through Chief Secretary, KPK Peshawar and two others.</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>ABDUL LATIF, MEMBER:</u> - Appellant with counsel (Mr. Noor Muhammad Khattak, Advocate) and Mr. Muhammad Jan, Government Pleader for respondents present.</p> <p>2. The instant appeal has been filed by the appellant under Section-4 of Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the order dated 24.3.2012 whereby major penalty of removal from service was imposed on the appellant and against the order dated 22.5.2012 whereby the departmental appeal of the appellant was rejected on 22.05.2012. He prayed that on acceptance of this appeal the impugned orders may be set-aside and that appellant may be reinstated in service with all back benefits.</p> <p>3. Facts giving rise to the instant appeal are that the appellant was appointed as Naib Qasid (BPS-1) in the Khyber Pakhtunkhwa Public Service Commission and has more than six years service in his credit. That the appellant was working as Naib Qasid (BPS-1) a show cause-notice was issued to him in whom it was alleged that appellant had stolen application form from Accounts Branch and affixed fake stamp on it. That</p>



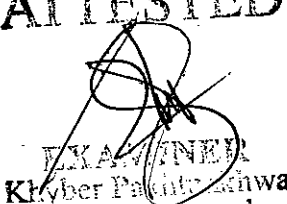
ATTESTED

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

appellant duly replied to the said show-cause notice and denied the said allegation. That without conducting regular inquiry the respondent No. 3 i.e The Secretary Khyber Pakhtunkhwa Public Service Commission, KPK Peshawar, removed the appellant from his service vide order dated 24.03.2012. That feeling aggrieved appellant filed departmental appeal before respondent No. 2 i.e The Chairman Khyber Pakhtunkhwa Public Service Commission, KPK Peshawar, but the same was rejected vide order dated 22.05.2012 and hence the instant service appeal.

4. The learned counsel for the appellant argued that the impugned orders were against law, facts, natural justice and material on record therefore not tenable and liable to be set-aside. He further argued that appellant had not been treated in accordance with law and rules on the subject and concerned authorities acted in violation of Article 4 and 25 of the Constitution of Pakistan. He further argued that no charge sheet and statement of allegations were served on the appellant, no regular inquiry was conducted which were mandatory under the law before imposition of major penalties therefore the orders of competent authority were not maintainable under the law. He further contended that no final show-cause notice was served upon the appellant and no opportunity of personal hearing was given to the appellant which was mandatory under the E & D Rules, 1973 and further added the penalty of removal was on the instance of the Chairman Public Service Commission who

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

was not relevant to the case. Similarly the major penalty was in the deviation of the recommendations of the inquiry committee, the impugned order therefore not tenable under the law and may be set-aside and the appellant may be reinstated in service with all back benefits.

5. The learned Government Pleader resisted the appeal and argued that all codal formalities had been fulfilled before imposition of the major penalty of removal from service on the appellant. He further argued that the competent authority had discretion to ignore the recommendation of the inquiry committee and impose any penalty on the official as laid down in the rules. He prayed that appeal being devoid of any merits may be dismissed.

6. Arguments of the learned counsel for the parties heard and record perused.

7. From perusal of the record, it transpired that the appellant had been proceeded against under E & D Rules, 1973 and charges as mentioned in the charge sheet were duly inquired into by an inquiry committee through formal inquiry. While inquiry committee recommended imposition of minor penalty against the appellant whereas major penalty of reduction to lower stage in time scale had been tentatively served upon the appellant in the final chow-cause notice. The proceedings however culminated in the imposition of major penalty of removal from service on the appellant which was

ATTESTED

EXAMINED
 Kh/ber Pakhtunhwa
 Service Tribunal,
 Peshawar

reportedly at the instance of the Chairman of the Public Service Commission who was not a relevant authority in the case and Secretary of Public Service Commission was the relevant competent authority. In the circumstances, the Tribunal is of the view that the penalty imposed upon the appellant was too harsh and Tribunal deems it to be appropriate to indulge in the case to meet the ends of the justice. The impugned orders dated 24.03.2012 and 22.05.2012 are set-aside and penalty of removal from service is converted into major penalty of reduction to lower stage of the pay scale by 2 stages for a period of 2 years. Needless to mention that the intervening period be treated as leave of the kind due. The appeal is disposed of in the above terms. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED
01.04.2016.

*Self- Abdul Latif,
Member*

*Self- Pir Bakhtish Shah,
Member*

Certified true copy
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation 20-04-2016
 Number of Pages 2000
 Copies 12
 Urgency 2
 Total 14
 Name of Officer
 Date of Copy 20-04-2016
 Date of Delivery 20-04-2016

VAKALATNAMA

IN THE COURT OF Khyber Pakhtunkhwa Service Tribunal Peshawar
OF 2016

Amjad Ali (APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Public Service Commission (RESPONDENT)
(DEFENDANT)

I/We Amjad Ali

Do hereby appoint and constitute **NOOR MOHAMMAD KHATTAK, Advocate, 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. ___/___/2016

Amjad Ali

CLIENT

Amjad Ali
ACCEPTED

NOOR MOHAMMAD KHATTAK
(ADVOCATE)

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building, Khyber Bazar,
Peshawar City.

Phone: 091-2211391

Mobile No 0345-0383141

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Implementation Petition No. 104/2016 in Service Appeal No. 601/2012.

Amjad Ali Appellant.

VERSUS

Government of Khyber Pakhtunkhwa through chief Secretary & others... Respondents.

INDEX

S.NO.	PARTICULARS	ANNEXURE	PAGE NO
1.	Parawise Comments of the Commission		1-2 ✓
2.	Affidavit		3 ✓
3.	Copy of the PSC letter dated 20/04/16	"A" ✓	4 ✓
4.	Copy of the PSC letter dated 25/05/2016 , Minutes of Meeting held on 29/04/2016 and PSC letter dated 03/05/2016	"B" ✓	5-7 ✓
5.	Copy PSC letter dated 07/06/2016	"C" ✓	8 ✓



Assistant Director
Khyber Pakhtunkhwa
Public Service Commission Peshawar
(Respondents No.1 & 2)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Implementation Petition No. 104/2016 in Service Appeal No. 601/2012.

Amjad Ali Appellant.

VERSUS

Government of Khyber Pakhtunkhwa through chief Secretary & others... Respondents.

PARA WISE COMMENTS OF (RESPONDENT NO. 01 & 02)

PRELIMINARY OBJECTIONS

1. That the appellant has got no locus standi or cause of action against the replying respondents.
2. That the appellant has not approached this Honorable Tribunal with clean hands.
3. That the appellant is estopped by his own conduct to file the instant petition.
4. That no discrimination / injustice have been done to the appellant.
5. That the petition is not based on facts, is unjustified and based on illegal demand against the lawful authority of the Commission.
6. That all the acts of the replying respondents are in line with the norms and principles of natural justice.
7. That the replying respondents have filed appeal against the impugned order dated 01.04.2016 in the Supreme Court of Pakistan.

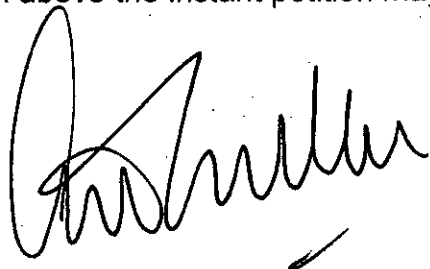
ON FACTS

1. No comments.
2. No comments.
3. Incorrect. The order dated 01.04.2016 was forwarded to Law department vide letter No. 015449-50 dated 20.04.2016. The scrutiny committee in its meeting held on 29.04.2016 decided to file appeal in the Supreme Court of Pakistan. **(Annex-A)**. Consequently an appeal was filed in the apex court well in time and the replying respondents are consanguine of its success **(Annex-B)**. The appellant was also informed accordingly vide letter No. 28521 dated 07.06.2016 **(Annex-C)**. Moreover Khyber Pakhtunkhwa Public Service Commission is a Constitutional body where rules, laws, principles of fairness, transparency and justice are observed strictly. Furthermore judgments and

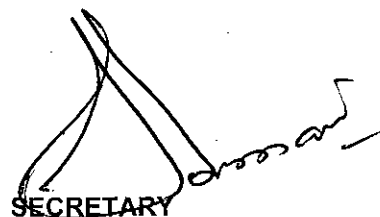
orders of the Honorable Courts are obeyed and respected. In the instant case as Civil miscellaneous application has been filed and it is hoped that it will be posted for hearing in the near future. Therefore, there arises no question of disobedience of the order of this Honorable Court. Respondents have full respect and honor for the orders and judgments of Honorable Tribunal. The respondents reserve the right of appeal guaranteed by the Constitution of Pakistan. It is hoped that the case will be posted before the apex court in the near future.

4. Incorrect. The petitioner has been treated in accordance with Law and Rules hence may not be allowed to waste the precious time of this Honorable Tribunal.

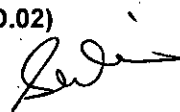
It is therefore humbly prayed that on acceptance of this reply/submission made herein above the instant petition may kindly be dismissed.



CHAIRMAN
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.01)



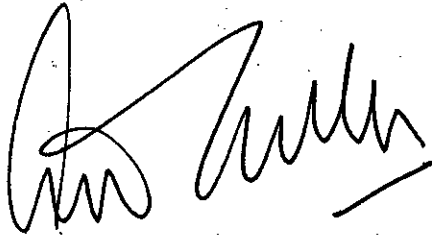
SECRETARY
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.02)



AFFIDAVIT

Stated on oath that the contents of this Para wise comments are true and correct & nothing has been concealed from this Honorable tribunal.

DEPONENTS



**CHAIRMAN
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.01)**



**SECRETARY
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
PESHAWAR
(RESPONDENT NO.02)**

4
Annex: A
59

Court Matter
Out today // through special Messenger

Telephone No. 091-9210441.



KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
2-FORT ROAD, PESHAWAR CANTT
(NEAR GOVERNOR HOUSE)

NO. KPK/PSC/Lit/F-216/2016/ 015419-50

Date: 20/4/16

To,
The Secretary,
To Government of Khyber Pakhtunkhwa,
Establishment Department,
Peshawar.

Subject: **FILING OF CPLA AGAINST THE JUDGMENT DATED 01-04-2016
PASSED IN SERVICE APPEAL NO. 601/2012, TITLED AS AMJAD ALI
VS GOVT. OF KHYBER PAKHTUNKHWA & OTHERS**

Dear Sir,

I am directed to refer to the subject noted above and to enclose herewith a copy of the judgment (along-with copies of Service appeal & Para-wise Comments) passed by the Honorable Khyber Pakhtunkhwa Service Tribunal in the subject case on **01-04-2016** and to request that the same may kindly be examined as to whether CPLA in the August Supreme Court of Pakistan against the said judgment may be filed or otherwise.

The matter being of urgent nature may kindly be accorded top priority please.

Yours faithfully,

[Signature]
18/4/16
(MUHAMMAD SAEED)
ASSISTANT DIRECTOR
(LITIGATION)

Encl. As Above

Endst: No. KPK/PSC/Lit/F-216/2016/

Dated: _____

Copy for information to:

- 1. Secretary Law, Parliamentary Affairs & Human Rights Department: Khyber Pakhtunkhwa.

[Signature]
18/4/16
ASSISTANT DIRECTOR
(LITIGATION)

Attested

[Signature]
KPK COMMISSIONERS
PUBLIC SERVICE COMMISSION
PESHAWAR

Telephone No. 091-9210441



5
KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
2-FORT ROAD, PESHAWAR CANTT
(NEAR GOVERNOR HOUSE)

Annex: B

NO. KPK/PSC/Lit/F-216/2016/

027669-72

Date: 25/5/16

To,

The Secretary to Government of Khyber Pakhtunkhwa,
Establishment Department,
Peshawar.

Subject:

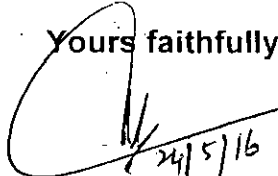
FILING OF CPLA AGAINST THE JUDGMENT DATED 01-04-2016
PASSED IN SERVICE APPEAL NO. 601/2012, TITLED AS AMJAD ALI
VS GOVT. OF KHYBER PAKHTUNKHWA & OTHERS

Dear Sir,

I am directed to refer to the subject noted above and to state that a meeting was held on **29.04.2016** in the office of the Secretary Law Department to examine the fitness of the subject case for filing CPLA against the judgment / order passed by the Honorable Khyber Pakhtunkhwa Service Tribunal Peshawar on **01.04.2016**. The case has been declared fit for filing CPLA/Appeal along with an application for suspension of execution and early hearing, if any in the principal seat of August Supreme Court of Pakistan, Islamabad.

2. In view of the above, you are requested to expedite the process being a time limitation case.

Yours faithfully,



(MUHAMMAD SAEED)
ASSISTANT DIRECTOR
LITIGATION

Endst: NO. KPK/PSC/Lit/F-216/2016/

Date: / /

Copy to:

1. The Secretary Law, Parliamentary Affairs & Human Rights Department, Khyber Pakhtunkhwa.
2. The Advocate General Khyber Pakhtunkhwa along-with the Power of Attorney in original duly signed by all the petitioners, Certified copies of judgment / order Dated **01.04.2016**, grounds of Service Appeal and Parawise comments for necessary action.
3. The Advocate-on-Record Supreme Court of Pakistan (for KPK) Advocate

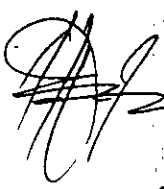
Attested

SUPERINTENDENT
Public Service Commission
Peshawar.

SERVICE APPEAL NO:601/2012 TITLED AS AMJAD ALI VS GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS.

A meeting of the Scrutiny Committee on the above titled subject was held on 29-04-2016 under the Chairmanship of Secretary Law Department in order to determine the suitability / Fitness of the subject case for filing of appeal / CPLA in the upper forum or otherwise.

2. Following attended the meeting:-

- 1. Mr. S: Sikandar Hayat
Assistant Advocate General
- 2. Mr. Ilyas Shah
Deputy Director
Public Service Commission
- 3. Mr. Shakeel Asghar
Deputy Solicitor
Law Department



3. The meeting started with the commencement of recitation of few verses from the holy Quran and thereafter when the subject case was placed before the Scrutiny Committee for discussion in continuation of the previous meeting dated 22-04-2016, the representative of **Public Service Commission** informed the Committee that the representative of Establishment Department was informed him that he was unable to attend the Scrutiny Committee meeting today on 29-04-2016 due to some ^{personal} reasons hence he will assist the Committee on the issue the S: Committee asked him to explain the background of the case who stated that honorable Services Tribunal unintentionally did not appreciate the comments of the Commission as all the codal formalities had already been fulfilled before imposition of major penalty of removal from service on the appellant and further stated that it is the sole discretion of competent authority to ignore / accept the recommendation of inquiry committee as was done in the subject case where of the competent authority by using discretion to ignore the recommendation of inquiry committee and imposed major penalty of removal from service on the appellant instead of reduction to lower stage and time scale and further requested that CPLA may be allowed in the subject case to be file in the Supreme Court of Pakistan.

4. Hence in view of above factual and legal position and after threadbare discussion on the issue the Scrutiny Committee decided with consensus that CPLA is to be filed in the subject case before the Supreme Court of Pakistan.

5. The representative of **Establishment Department / Public Service Commission** was directed to approach the office of Advocate General alongwith complete record of the case which may include certified copy of judgment, grounds of appeal / CPLA, and annexur's (if any) for doing the needful within the period of limitation under intimation to this department.

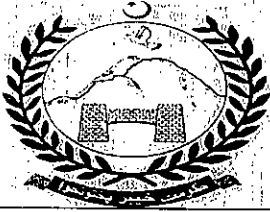


(Shakeel Asghar)
Deputy Solicitor

Attested

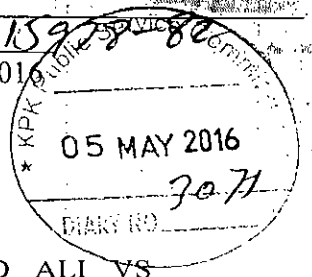


SUPERINTENDENT
Public Service Commission
Peshawar.



7
GOVERNMENT OF KHYBER PAKHTUNKHWA
LAW, PARLIAMENTARY AFFAIRS AND
HUMAN RIGHTS DEPARTMENT

No.SO(Lit)/LD/9-1(5)Estt/2016/ 15978
Dated Peshawar the 3/5/2016



To

The Advocate General,
Khyber Pakhtunkhwa, Peshawar.

Subject: SERVICE APPEAL NO.601/2012 TITLED AS AMJAD ALI VS GOVERNMENT OF KHYBER PAKHTUNKHWA AND OTHERS.

Dear Sir,

I am directed to refer to Government of Khyber Pakhtunkhwa Establishment Department letter No.SO(Lit)E&AD/3-1923/2012, dated 21/04/2016 on the subject noted above and to forward herewith minutes of the meeting held on 29-04-2016 under the Chairmanship of Secretary Law Department Khyber Pakhtunkhwa (which are self explanatory) with the request to file Appeal/CPLA before the Supreme Court of Pakistan alongwith an application for suspension of execution proceedings / impugned order, if any, against the judgment dated 01-04-2016 passed by the Khyber Pakhtunkhwa Services Tribunal Peshawar in the subject case as decided by the above mentioned Committee, please.

Yours faithfully,

(ALAMZEB)
SECTION OFFICER (Lit)

Endst: No.& Date Even.

Copy alongwith copy of minutes forwarded to the:

1. Secretary to Government of Khyber Pakhtunkhwa Establishment Department with reference quoted above, with the request to direct the Departmental Representative not below the rank of BPS-17 to attend the office of Advocate General Khyber Pakhtunkhwa, Peshawar alongwith the Original / Attested relevant record of the said case forthwith for filing an Appeal/CPLA with in limitation time under intimation to this Department.
2. Secretary Khyber Pakhtunkhwa Public Service Commission, Peshawar for similar necessary action, please.
3. PS to Secretary Law Department Khyber Pakhtunkhwa.
4. PA to Deputy Solicitor Law Department.

(ALAMZEB)
SECTION OFFICER (Lit)
Ph P/W 4/5
S/PH

DR
5/5
D/D II

Attested
KPA SUPERINTENDENT
Public Service Commission
Peshawar.

8
phone No. 091-9210441



KHYBER PAKHTUNKHWA
PUBLIC SERVICE COMMISSION
2-FORT ROAD, PESHAWAR CANTT
(NEAR GOVERNOR HOUSE)

Annex:
"C"
=

NO: KP/PSC/Lit/F-216/2016 28521

Date: 7/6/2016.

To,

Mr. Amjid Ali S/O Tehmash Khan
R/O Village Budabher, Mohallah Dawagoon Khel, Tehsil & District
Peshawar.

Subject: FILING OF CPLA AGAINST THE ORDER DATED 01-04-2016 PASSED
BY THE LEARNED SERVICE TRIBUNAL IN SERVICE APPEAL
NO.601/2012 TITLED AS AMJID ALI V/S GOVT OF KPK & OTHERS

I am directed to refer to the subject noted above and to state that Khyber Pakhtunkhwa Public Service Commission has filed CPLA with stay application in the above titled case against the judgment of the Khyber Pakhtunkhwa service Tribunal, Peshawar dated 01-04-2016 in Service Appeal No.601/2012 before the Supreme Court of Pakistan in its Branch Registry at Peshawar (Copy of notice from Advocate on record is enclosed).


06/06/16
MUHAMMAD SAEED
ASSISTANT DIRECTOR (LIT)
PUBLIC SERVICE COMMISSION

Attested

KPK SUPERINTENDENT
Public Service Commission
Peshawar.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

No. 269 /ST/

Dated 17/4/2017

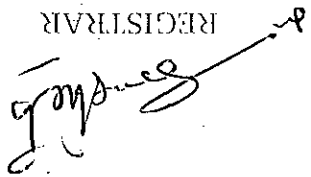
To,

The Secretary,
Khyber Pakhtunkhwa,
Public Service Commission, Peshawar.

Subject:- EXECUTION PETITION NO. 104/2016 AMJAD ALI VS CHAIRMAN
PUBLIC SERVICE COMMISSION AND OTHERS.

Sir,

I am directed to forward herewith a certified copy of order dated 31/3/2017 passed by this Tribunal in the subject execution petition for compliance and further necessary please.



REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

No. 1635 /ST

Dated 3/7 /2017


To,

The Secretary,
Khyber Pakhtunkhwa,
Public Service Commission, Peshawar.

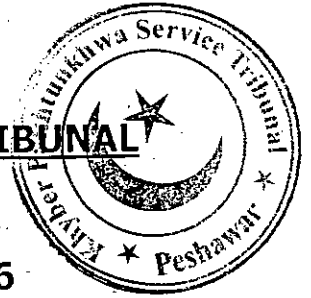
Subject:- EXECUTION PETITION NO. 104/2016 AMJAD ALI VS CHAIRMAN
PUBLIC SERVICE COMMISSION AND OTHERS.

Sir,

I am directed to forward herewith a certified copy of order dated 23/6/2017 passed by this Tribunal in the subject execution petition for strict compliance and further necessary please.


REGISTRAR
KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR



Implementation Petition No. 104 /2016

In

Appeal No.601/2012

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 455

Dated 02-6-2016

Mr. Amjad Ali, Naib Qasid,
Khyber Pakhtunkhwa Public Service Commission, Peshawar.

.....**PETITIONER**

VERSUS

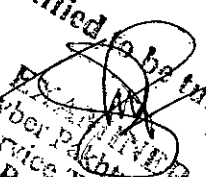
- 1- The Chairman Khyber Pakhtunkhwa Public Service Commission, Khyber Pakhtunkhwa, Peshawar.
- 2- The Secretary Khyber Pakhtunkhwa Public Service Commission, Khyber Pakhtunkhwa, Peshawar.

.....**RESPONDENTS**

IMPLEMENTATION PETITION FOR DIRECTING THE
RESPONDENTS TO OBEY THE JUDGMENT IN
LETTER AND SPIRIT

23.06.2017

Counsel for the petitioner and Asst: AG alongwith Mr. Muhammad Saeed; Assistant Director for respondents present. Despite assurance by the respondents implementation report was not submitted. It appears that they are using delaying tactics in producing provisional implementation order on flimsy grounds. On the special request of Asstt: AG last opportunity is granted to the respondents to produce implementation report within one week, failing which further coercive measure in the shape of attachment of salary and civil imprisonment will be taken into account. To come up for implementation report on 07.07.2017 before S.B.

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Ed. Ahmad Hassan
Nankar