

Ph: 9220581  
Fax:9220406

REGISTERED  
No. C.A. 628/2023 - SCJ  
**SUPREME COURT OF PAKISTAN.**

Islamabad, dated 03-10-2023, 2023.

From

The Registrar,  
Supreme Court of Pakistan,  
**Islamabad.**

Khyber Pakhtunkhwa  
Service Tribunal

To

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

Diary No. 8219

Dated 16/10/2023

**Subject: CIVIL APPEAL NO. 628 OF 2023.**  
**OUT OF**  
**CIVIL PETITION NO. 1385 OF 2021.**  
Faheem Bacha.

Versus

The Provincial Police Officer, KP., Peshawar & others.

On appeal from the Judgment/Order of the K.P.K., Service Tribunal, Peshawar dated 10.2.2021, in Appeal No.1574/2019.

Dear Sir,

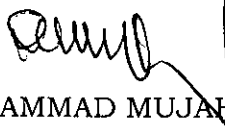
I am directed to forward herewith a certified copy of the Order/Judgment of this Court dated 21.09.2023, converting into appeal the above cited civil petition, allowing and remanding the same, in the terms stated therein, for information and necessary action.

I am also to invite your attention to the directions of the Court contained in the enclosed Order for immediate compliance.

Please acknowledge receipt of this letter along with its enclosure immediately.

**Encl: Order:**

Yours faithfully

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

98/23

**IN THE SUPREME COURT OF PAKISTAN**  
(Appellate Jurisdiction)

**PRESENT:**

Mr. Justice Jamal Khan Mandokhail  
Mr. Justice Ayesha A. Malik  
Mr. Justice Syed Hasan Azhar Rizvi

**Civil Petition No.1385 of 2021**

[Against judgment dated 10.02.2021, passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Appeal No.1574 of 2019]

***Faheem Bacha.*** ...Petitioner(s)  
***Versus***  
***The Provincial Police Officer, KP, Peshawar and others.*** ...Respondent(s)

For the Petitioner(s) : Mr. Misbahullah Khan, ASC  
For the Respondent(s) : Mr. Sultan Mazhar Sher,  
Additional Advocate General,  
KP  
Mr. Zahid Yousaf Qureshi,  
AOR  
Tariq Usman, Inspector

Date of Hearing : 21.09.2023

**ORDER**

**Jamal Khan Mandokhail, J:-** The petitioner was removed from service by the District Police Officer, Charsadda. The petitioner challenged the said order through a departmental appeal before the Regional Police Officer, District Mardan, who converted the penalty of removal of the petitioner from service into reduction in rank to that of a Sub-Inspector on 24.04.2019. The said order does not specify the period for which the petitioner is to remain as Sub-Inspector.

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2. The learned AOR and the learned Additional Advocate General, KP stated that KPK Police Rules (**Rules, 1975**), do not

**ATTESTED**



— Court Associate  
Supreme Court of Pakistan  
Islamabad

provide a period in this behalf, therefore, in the order, no period was mentioned for the petitioner to remain in the said post.


3. On the other hand, learned counsel for the petitioner relied upon F.R. 29, which is reproduced as under:-

*"If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, it shall operate to postpone future increments and if so, to what extent."*

4. We have considered the arguments of the learned counsel for the parties and have gone through the record. It is a fact that the petitioner after reversion on 24.04.2019, is still serving as Sub-Inspector because of non-mentioning of a period, therefore, it is unclear as to how long he will remain in the said post. As the Rules, 1975 do not specify the period, therefore, in the interest of justice, the departmental authority ought to have considered the case of the petitioner in accordance with F.R. 29, but the needful has not been done.

5. Under such circumstances, it would be appropriate that the competent authority fix a period of reversion in terms of F.R.29 in its order dated 24.04.2019 to determine the period for the petitioner to remain as Sub-Inspector. Learned counsel for the parties agreed for sending the matter back to the competent authority for a decision afresh only to the extent of determination of period for the petitioner to remain as Sub-inspector.

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6. In view of the above, this petition is converted into an appeal and is partly allowed. The matter is referred back to the competent authority to fix the time period in the order for the petitioner to remain as Sub-Inspector after his reversion. The authority, while fixing the period, must consider that the petitioner has already served almost four years as Sub-Inspector after his reversion. The needful be done within a period of 30 days after providing an opportunity of hearing to the petitioner. It is also important to mention here that the controversy in this petition has arisen due to the non-mentioning of the maximum period in the Rules, 1975, therefore, it would be appropriate if the Government of Khyber Pakhtunkhwa considers amending the rules to such extent, by providing the maximum period for such purpose.

*[Handwritten signatures]*



Certified to be True Copy

*[Handwritten signature]*  
Court Associate  
Supreme Court of Pakistan  
Islamabad