

Ph: 9214461
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REGISTERED
No. C.P.6107/2021 - SCJ
SUPREME COURT OF PAKISTAN

Islamabad, dated 06-11-2023

From The Registrar,
Supreme Court of Pakistan,
Islamabad.

**Khyber Pakhtunkhwa
Service Tribunal**

To The Registrar,
Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Diary No. 8945

Dated 10-11-23

Subject: CIVIL PETITION NO. 6107 OF 2021

Muhammad Umar

Versus

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar and
others

**On appeal from the Judgment/Order of the Khyber Pakhtunkhwa
Service Tribunal, Peshawar dated 15/09/2021 in A.-1103/2018.**

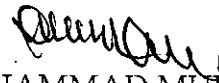
Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment
of this Court dated 16/10/2023 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 IJAZ UL AHSAN
MR. JUSTICE MUNIB AKHTAR
MR. JUSTICE SHAHID WAHEED

C.P.6107/2021

(Against judgment dated 15.09.2021 passed by the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Service Appeal No.1103/2018.)

Muhammad Umar ... **Petitioner**

vs

The Inspector General of Police Khyber ... **Respondents**
Pakhtunkhwa, Peshawar and others

For the Petitioner : Mr. Fazal Shah Mohmand, ASC


For the Respondents : N.R.

Date of Hearing : 16.10.2023

ORDER

Ijaz ul Ahsan, J. - Leave to appeal is sought against a judgment of the Khyber Pakhtunkhwa Service Tribunal, Peshawar ("**the Tribunal**") dated 15th September, 2021. Through the impugned judgment, the penalty imposed by the departmental authorities *i.e.* dismissal from service was modified to discharge from service. Learned counsel for the petitioner has tried to argue that the dismissal or even discharge was disproportionate to the offence with which he was charged. Perusal of the record shows that admittedly, the petitioner had absented himself from service despite being a member of a disciplined force without any intimation or authorization. Further, during the departmental proceedings he produced medical certificates which on verification

ATTESTED


Court Associate
Supreme Court of Pakistan
Islamabad

were found to be bogus. In this view of the matter, the argument of learned counsel for the petitioner loses significance. The Tribunal has threadbare examined all material aspects of the case and recorded conclusions which do not admit of any interference. Even otherwise no question of law of public importance within the contemplation of Article 212(3) of the Constitution of the Islamic Republic of Pakistan, 1973 has been raised through this petition. Consequently, this petition is dismissed. Leave to appeal is refused.

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Certified to be True Copy



**Court Associate
 Supreme Court of Pakistan
 Islamabad**

Islamabad, the
 16th October, 2023
 Naveed/*

Not approved for reporting

25/10/23

