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REGISTERED  
No. C.P.119/2022 - SCJ  
**SUPREME COURT OF PAKISTAN**

Islamabad, dated 28-11-2023 2023

From The Registrar,  
Supreme Court of Pakistan,  
Islamabad.

Khyber Pakhtunkhwa  
Service Tribunal

To The Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Peshawar.

Diary No. 9198

Dated 17-11-23

✓ The Additional Registrar,  
Khyber Pakhtunkhwa Service Tribunal,  
Camp Court Swat.

**Subject: CIVIL PETITION NO. 119 OF 2022**

Nasibur Rehman  
Versus  
District Police Officer, Bunir and others

On appeal from the Judgment/Order of the Khyber Pakhtunkhwa  
Service Tribunal, Camp Court Swat dated 05/11/2021 in S.A.-83/2019.

Dear Sir,

I am directed to enclose herewith a certified copy of the Order/Judgment  
of this Court dated 06/10/2023 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 Qazi Faez Isa, C.J.**  
**Mr. Justice Amin-ud-Din Khan**  
**Mr. Justice Athar Minallah**

**Civil Petition No.119 of 2022**

(Against the judgment dated 5.11.2021 of the K.P. Service Tribunal, Peshawar, Camp Court at Swat, passed in service appeal No.83 of 2019)

Nasibur Rehman

...Petitioners

**Versus**

District Police Officer, Bunir and others... Respondents

For the petitioners:

Mr. Shamsul Hadi, ASC

For the respondents:

N. R.

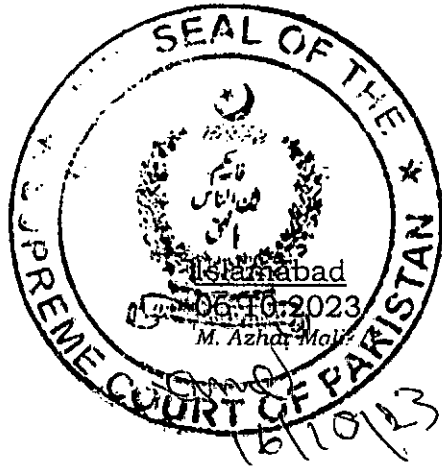
Date of hearing:

06.10.2023

**ORDER**

**Qazi Faez Isa, C.J.P.** Learned counsel states that the Khyber Pakhtunkhwa Service Tribunal had set aside the order of dismissal from service of the petitioner and converted the major penalty into a minor penalty of stoppage of three annual increments for a period of three years with cumulative effect, and to such extent the petitioner is not aggrieved. However, learned counsel submits, that the Tribunal should not have held that *'the intervening period shall be treated as leave without pay'* and he is aggrieved with the said observation. This contention cannot be considered in exercise of jurisdiction under Article 212(3) of the Constitution. Leave to appeal is accordingly declined and consequently this petition is dismissed.

Scd - - - - - HES  
Scd - - - - - J  
Scd - - - - - J



**Certified to be True Copy**

**Court Associate**  
**Supreme Court of Pakistan**  
**Islamabad**