

EP 241/17

09.04.2019

Petitioner in person and Addl. AG alongwith Habib Khan, Inspector (Legal) for the appellant present.

In pursuance to order dated 09.01.2019, the representative of respondents has produced corrigendum dated 28.01.2019 through which the reinstatement order of petitioner has been made effective from the date of dismissal i.e. 10.05.2016. The appellant has affirmed his joining of duty.

In the circumstances the execution proceedings in hand appear to have reached logical conclusion. The same are, therefore, consigned. The petitioner shall, however, be at liberty to have the proceedings restored in case any portion of his grievance remained un-satisfied.

  
Chairman

ANNOUNCED  
09.04.2019

09.01.2019

Counsel for petitioner and Addl. AG alongwith Habib Khan Inspector legal for the respondents present.

Learned counsel for the petitioner states that the order passed by respondents on 24.04.2018, though requires reinstatement of petitioner, but with immediate effect and conditional to the outcome of proceedings in CPLA at the Apex Court. For the time being the petitioner does not grudge the said condition, however, the reinstatement with immediate effect i.e. 24.04.2018 is not in line with the judgment of this Tribunal under implementation as the order impugned therein requiring dismissal of appellant from service was set at naught. In his view, the petitioner/appellant should have been reinstated from the date the order impugned in the appeal was passed i.e. 10.05.2016.

Prima facie, the order of reinstatement dated 24.04.2018 is erroneous to the extent of its applicability with immediate effect. The representative of respondents shall produce corrigendum/correct order on the next date wherein the error is removed in accordance with judgment under implementation. To come up on 04.03.2019 before S.B

  
Chairman

04.03.2019 Learned counsel for the petitioner present and seeks adjournment. Adjourn. To come up for further proceedings on 09.04.2019 before S.B

  
Member

E.P No. 241/2017

04.10.2018

Petitioner in person present. Mr. Ziaullah, Deputy District Attorney alongwith Mr. Farman Gul, S.I for the respondents present. Implementation report submitted, which is placed on record. Petitioner requested for adjournment to examine the same. Adjourned. To come up for further proceedings on 20.11.2018 before S.B.

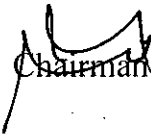
  
(Muhammad Amin Khan Kundi)  
Member

20.11.2018

Counsel for the petitioner present. Mr. Kabirullah Khattak, Additional AG alongwith Mr. Farmani Gul, S.I for the respondents present. Respondent-department has submitted implementation report on the previous date. Today learned counsel for the petitioner expressed that he has objection on the same therefore, to come up for objection petition and arguments on the same on 09.01.2019 before S.B.

  
Muhammad Amin Khan Kundi  
Member

29.03.2018 Petitioner with counsel and Addl. AG alongwith Farmani Gul, S.I for the respondents present. Requested for adjournment. Last opportunity is given for implementation report. To come up for implementation report on 02.05.2018 before S.B.

  
Chairman

02.05.2018

Petitioner in person and Mr. Kabirullah Khattak, Additional AG for the respondents present. The Tribunal is non-functional due to retirement of our Hon'ble Chairman. Therefore, the case is adjourned. To come up for same on 24.07.2018.

  
Reader


24.07.2018

Learned counsel for the petitioner and Mr. Muhammad Jan learned Deputy District Attorney present. Learned counsel for the petitioner seeks adjournment. Adjourned. To come up for implementation report on 29.08.2018 before S.B

  
Member




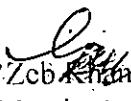
29.08.2018

Counsel for the petitioner and Mr. Kabirullah Khattak, Additional AG for the respondents present. Implementation report not submitted. Learned Additional AG seeks further adjournment. Adjourned. To come up for implementation report on 04.10.2018 before S.B.

  
(Muhammad Amin Khan Kundi)  
Member

FORM OF ORDER SHEET

Execution Petition No. 241/2017

S.No.	Date of order Proceedings	Order or other proceedings with signature of Judge
1	2	3
1	18.12.2017	<p>The Execution Petition of Mr. Adnan Gul submitted to-day by Mr. Taimur Ali Khan 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 18/12/17</p>
2-	22/12/17.	<p>This Execution Petition be put up before S. Bench on <u>29/12/17.</u></p> <p style="text-align: right;"> CHAIRMAN</p>
	29.12.2017	<p>Clerk of the counsel for the petitioner present and Adl. AG present. Notice be issued to the respondents for implementation report positively, on 20.02.2018; before S.B.</p> <p style="text-align: right;"> (Gul Zeb Khan) Member (E)</p>
	20.02.2018	<p>Counsel for the petitioner present and Mr. Muhammad Jan, DDA alongwith Bashir S.I (Legal) for official respondents present. Implementation report not submitted. Representative of the respondent department is directed to submit implementation report on the next date of hearing. To come up for implementation report on 29.03.2018 before S.B.</p> <p style="text-align: right;"> (Gul Zeb Khan) Member</p>

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

Execution Petition No. 241 /2017  
In Service Appeal No. 718/2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1092

Date 18/12/2017

Adnan Gul, Ex-Constable No.258;  
R/O Shahi Bala, Mohallah saidan,  
Ditt: & Tehsil, Peshawar.

**PETITIONER**

**VERSUS**

1. The Provincial Police officer, KPK, Peshawar.
2. The Capital City Police Officer, Peshawar.
3. The senior Superintendent of Police, Traffic, Peshawar.

**RESPONDENTS**

**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED 30.10.2017 OF THIS  
HONOURABLE TRIBUNAL IN LETTER AND  
SPIRIT.**

**RESPECTFULLY SHEWETH:**

1. That the petitioner has filed service appeal No. 718/2016 against the orders dated 13.06.2016, whereby the departmental appeal of the appellant against the order dated 10.05.2016 wherein, penalty of dismissal from service has been imposed upon appellant has been rejected for no good grounds.
2. The appeal was finally heard by this august Tribunal on 30.10.2017 and the august Tribunal was kind enough to accept the appeal and reinstate the appellant into service. (Copy of judgment dated 30.10.2017 is attached as Annexure-A)
3. That the appellant filed application for the implementation of judgment of this august Tribunal and waited for more than one months to implement the judgment dated 30.10.2017 of this

8

A

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

BEFORE THE HONOURABLE MEMBER IN CHARGE, PESHAWAR, 13.06.2016

13-F-2016

ADNAN GUL, Ex-Constable No. 258,

R/O Shahi Bala Mahallah, Peshawar.

Dist & Teh; Peshawar.

(APPELLANT)

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The Capital City Police Officer, Peshawar.
3. The Senior Superintendent of Police, Traffic, Peshawar.

(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 13.06.2016, WHEREBY THE DEPARTMENT APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 10.02.2016, WHEREIN, PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED UPON APPELLANT HAS BEEN REJECTED FOR NO GROUNDS.

PRAYER:

PRAYER:

FAVOUR OF APPELLANT.  
 APPROPRIATE IN CIRCUMSTANCES, MAY ALSO BE AWARDED IN REMEDY WHICH THE HONOURABLE TRIBUNAL DEEMS FIT AND ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER ORDER DATED 10.02.2016 AND 13.06.2016 MAY BE SET ASIDE THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED

Filed to-day  
 Registrar  
 3/7/16

*(Signature)*  
 MEMBER IN CHARGE

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR.

Execution Petition No. 241 /2017  
In Service Appeal No. 718/2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 1092

Dated 18/12/2017

Adnan Gul, Ex-Constable No.258,  
R/O Shahi Bala, Mohallah saidan,  
Ditt: & Tehsil, Peshawar.

**PETITIONER**

**VERSUS**

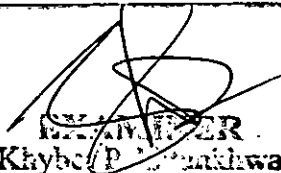
1. The Provincial Police officer, KPK, Peshawar.
2. The Capital City Police Officer, Peshawar.
3. The senior Superintendent of Police, Traffic, Peshawar.

**RESPONDENTS**

**EXECUTION PETITION FOR DIRECTING THE  
RESPONDENTS TO IMPLEMENT THE  
JUDGMENT DATED 30.10.2017 OF THIS  
HONOURABLE TRIBUNAL IN LETTER AND  
SPIRIT.**

**RESPECTFULLY SHEWETH:**

1. That the petitioner has filed service appeal No. 718/2016 against the orders dated 13.06.2016, whereby the departmental appeal of the appellant against the order dated 10.05.2016 wherein, penalty of dismissal from service has been imposed upon appellant has been rejected for no good grounds.
2. The appeal was finally heard by this august Tribunal on 30.10.2017 and the august Tribunal was kind enough to accept the appeal and reinstate the appellant into service. **(Copy of judgment dated 30.10.2017 is attached as Annexure-A)**
3. That the appellant filed application for the implementation of judgment of this august Tribunal and waited for more than one months to implement the judgment dated 30.10.2017 of this

  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar



BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

13-F-2018  
Date: 13/11/2018

APPELLANT: ADNAN GUL, Ex-Constable No. 258,  
R/O Shahi Bala Mohallah, District & Tehsil Peshawar, Peshawar, FATA.

VERSUS

(APPELLANT)

- (RESPONDENTS)
1. The Provincial Police Officer, KPK, Peshawar.
  2. The Capital City Police Officer, Peshawar.
  3. The Senior Superintendent of Police, Traffic, Peshawar.

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 13.06.2016, WHEREBY THE DEPARTMENT APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 10.05.2016, WHEREIN, PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED UPON APPELLANT HAS BEEN REJECTED FOR NO GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 10.05.2016 AND 13.06.2016 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND APPROPRIATE IN CIRCUMSTANCES, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

Registered  
3/11/18

THE APPELLANT HAS BEEN REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY WHICH THIS HONOURABLE TRIBUNAL DEEMS FIT AND APPROPRIATE IN CIRCUMSTANCES, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

(3)  
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A (B)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

APPEAL NO. 718 /2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 701

Dated 13-7-2016

ADNAN GUL, Ex- Constable No. 258,

R/O Shahi Bala Mohallah Saidan

Distt & Teh; Peshawar.



(APPELLANT)

VERSUS

1. The Provincial Police Officer, KPK, Peshawar.
2. The Capital City Police, Officer, Peshawar.
3. The Senior Superintendent of Police, Traffic, Peshawar.


(RESPONDENTS)

APPEAL UNDER SECTION 4 OF THE KPK SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 13.06.2016, WHEREBY THE DEPARTMENT APPEAL OF THE APPELLANT AGAINST THE ORDER DATED 10.05.2016, WHEREIN, PENALTY OF DISMISSAL FROM SERVICE HAS BEEN IMPOSED UPON APPELLANT HAS BEEN REJECTED FOR NO GROUNDS.

PRAYER:

THAT ON THE ACCEPTANCE OF THIS APPEAL, THE IMPUGNED ORDER DATED 10.05.2016 AND 13.06.2016 MAY BE SET ASIDE AND THE APPELLANT MAY BE REINSTATED IN TO SERVICE WITH ALL BACK AND CONSEQUENTIAL BENEFITS. ANY OTHER REMEDY, WHICH THIS AUGUST TRIBUNAL DEEMS FIT AND APPROPRIATE IN CIRCUMSTANCES, MAY ALSO BE AWARDED IN FAVOUR OF APPELLANT.

ATTESTED

  
REGISTRAR  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Filed to-day  
Registrar  
3/7/16

REPORT ON THE PROGRESS OF THE WORK DURING THE YEAR 1900

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The progress of the work during the year 1900 has been very satisfactory and the results are of great value.

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 718/2016

Date of Institution ... 13.07.2016

Date of Decision ... 30.10.2017



Adnan Gul, Ex-Constable No. 258, R/O Shahi Bala Mohallah Saidan District and Tehsil and Peshawar. ... (Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and 2 others. ... (Respondents)

MR. FARMANULLAH KHALIL,  
Advocate

.... For appellant

MR. MUHAMMAD JAN,  
Deputy District Attorney,

... For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. MUHAMMAD AMIN KUNDI,

CHAIRMAN  
MEMBER

**ATTESTED**  
  
NIAZ MUHAMMAD KHAN  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

JUDGMENT

NIAZ MUHAMMAD KHAN, CHAIRMAN.-

Arguments of the

learned counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed from service due to absence from service on 10.05.2016. The departmental appeal was rejected on 13.06.2016. Thereafter, he filed the present service appeal on 13.07.2016.

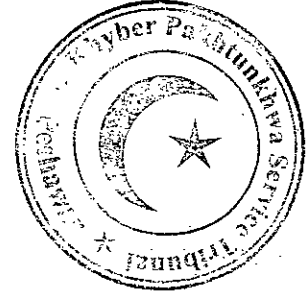


BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 718/2016

Date of Institution ... 13.07.2016

Date of Decision ... 30.10.2017



Adnan Gul, Ex-Constable No. 258, R/O Shahi Bala Mohallah Saidan District and Tehsil and Peshawar. ... (Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and 2 others. ... (Respondents)

MR. FARMANULLAH KHALIL,  
Advocate

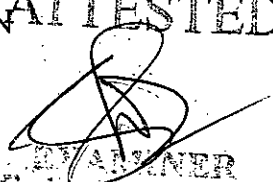
... For appellant

MR. MUHAMMAD JAN,  
Deputy District Attorney,

... For respondents.

MR. NIAZ MUHAMMAD KHAN,  
MR. MUHAMMAD AMIN KUNDI,

CHAIRMAN  
MEMBER

**ATTESTED**  
  
CHAIRMAN  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

JUDGMENTNIAZ MUIHAMMAD KHAN, CHAIRMAN.-

Arguments of the

learned counsel for the parties heard and record perused.

FACTS

2. The appellant was dismissed from service due to absence from service on 10.05.2016. The departmental appeal was rejected on 13.06.2016. Thereafter, he filed the present service appeal on 13.07.2016.

SECRET

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SECRET

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### ARGUMENTS.

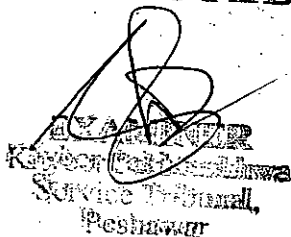
3. The learned counsel for the appellant argued that the appellant was charged only for one day absence. That the very charge sheet is illegal because the appellant was sanctioned one day leave. That the original order imposing penalty of dismissal was mainly based on habitual absence of the appellant.

4. On the other hand, the learned Deputy District Attorney argued that the appellant is a habitual absentee and the enquiry was conducted and he was rightly dismissed from service.

### CONCLUSION.

5. In the original order dated 10.05.2016 the factum of one day casual leave has been mentioned. In the said order, the plea of the appellant regarding sanction of leave is also mentioned and that his departure could not be mentioned in the daily diary. But the authority had dismissed him from service not due to his one day absence but due to his habitual absence and bad entries in his service record. It is beyond understanding that how an official who was mainly charged due to absence without leave could be punished for his bad entries in record and his habitual absence when it was proved that he proceeded after sanction of leave for one day. Secondly the authority has himself converted his absence as leave without pay and in view of the judgment reported as 2006-SCMR-434, the absence has been legalized.

**ATTESTED**

  
Secretary  
Service Tribunal,  
Peshawar



1. The first of the two main points is that the  
administration of the law is not the same as the  
law itself. The law is a set of rules which  
govern the conduct of men and women, and  
the administration of the law is the process  
of applying these rules to the facts of a  
particular case.

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6. In view of the above discussion, the appeal is accepted and the appellant is reinstated in service. The intervening period shall be treated as leave of the kind due. Parties are left to bear their own costs. File be consigned to the record room.



Announced  
30-10-2017 SD/- Niaz Muhammad Khan  
Chairman

SD/- M. Amin Khan Kundi  
Member

Certified to be true copy  
[Signature]  
[Stamp]  
Peshawar

Date of Presentation of Application 24-11-17  
 Number of Words 1600  
 Copying Fee 1.00  
 Urgent 2  
 Total 12  
 Name of Copyist [Signature]  
 Date of Copy 24-11-17  
 Date of Delivery of Copy 24-11-17



قیمت 50 روپے	 	16448
ایڈوکیٹ: <u>تمہو علی خان</u>	پشاور بار ایسوسی ایشن، خیبر پختونخواہ	
بار کونسل ایسوسی ایشن نمبر:		
رابطہ نمبر:		

بعدالت جناب:

منجانب: <u>عدنان گل</u>	دعویٰ: <u>اجیل</u>
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:
<b>باعث تحریر آئکہ</b>	

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی میں جو جواب دہی کاروائی متعلقہ آن مقام کپٹن اور کیلئے تمہو علی خان ایڈووکیٹس کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی، نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ پر داخستہ منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں، لہذا وکالت نامہ لکھ دیا تاکہ سند رہے

المرقوم:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

مقام \_\_\_\_\_ کے لیے منظور ہے۔

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

*(Handwritten Signature)*



**ORDER.**

The Constable Adnan Gul No. 258 who was awarded major punishment of dismissal from service vide this office endst: No. 431-35/PA, dated 10.05.2016. He filed a petition in Service Tribunal Peshawar who set aside the aforesaid punishment order of this unit and ordered that Constable Adnan Gul No. 258 is re-instated.

2. Consequent upon the decision of Hon'able Service Tribunal Peshawar vide judgment-order No. 718/2016, dated 30.10.2017, Constable Adnan Gul No. 258 is hereby re-instated conditionally and the intervening period be treated as leave of the kind due with immediate effect until the CPLA, filed by Police Department in apex court, is decided.

20  
20/04/18  
**SENIOR SUPERINTENDENT OF POLICE,  
TRAFFIC, PESHAWAR**

No. 1180-81/EC, dated Peshawar the 24 /04/2018.

Copy for necessary action to the:-

1. SP Hqr: Traffic Peshawar.
2. SRC-II, OSI, PO Traffic Peshawar.



1917

The first of the year was a very dry one. The ground was hard and the crops were suffering. The weather was very hot and the wind was very strong. The people were very poor and they were suffering from the drought. The government was very kind and they gave them some help. The people were very grateful and they were very happy.

1918

The second of the year was a very wet one. The ground was soft and the crops were suffering. The weather was very cold and the wind was very strong. The people were very poor and they were suffering from the drought. The government was very kind and they gave them some help. The people were very grateful and they were very happy.

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The third of the year was a very dry one. The ground was hard and the crops were suffering. The weather was very hot and the wind was very strong. The people were very poor and they were suffering from the drought. The government was very kind and they gave them some help. The people were very grateful and they were very happy.

1917/18  
1918/19

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*20*  
**SENIOR SUPERINTENDENT OF POLICE,  
TRAFFIC, PESHAWAR**  
*24/04/2018*

No. *1180-81*/EC, dated Peshawar the *24* /04/2018.

Copy for necessary action to the:-

1. SP Hqr: Traffic Peshawar.
2. SRC-II, OSI, PO Traffic Peshawar.



**CORRECTION**

The office of the Chief Traffic Officer, Bangalore, has been advised by the Bangalore City Traffic Police, Bangalore, that the following vehicles were observed to be moving in the direction of Bangalore from the Bangalore City Traffic Police, Bangalore, on the 10.03.1968.

**CHIEF TRAFFIC OFFICER,**

**BANGALORE.**

Copy of the report is forwarded to the Bangalore City Traffic Police, Bangalore, for their information and for their necessary action.

Inspector, Bangalore City Traffic Police, Bangalore.  
Inspector, Bangalore City Traffic Police, Bangalore.  
Inspector, Bangalore City Traffic Police, Bangalore.

**CORRIGENDUM.**

This office order issued vide Endst: No. 1180-81/EC, dated 24.04.2018 wherein Constable Adnan Gul No. 258 was re-instated in service with immediate effect i.e from 24.04.2018. The reinstatement order of aforesaid Constable be considered from the date of dismissal i.e 10.05.2016 as per order issued from the Service Tribunal Peshawar.

**CHIEF TRAFFIC OFFICER,  
PESHAWAR.**

No. 308-12 /EC, dated Peshawar the 28/01/2019.

Copy of above is forwarded for information and necessary action to the:-

1. SP Hqr: City Traffic Police, Peshawar.
- ② Inspector Legal City Traffic Police, Peshawar.
3. SRC-II, OSI and PO City Traffic Police, Peshawar.