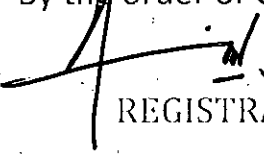


Form- A

FORM OF ORDER SHEET

Court of \_\_\_\_\_

Implementation Petition No. 13 / 2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	03.01.2024	<p>The implementation petition of Mr. Irfan submitted today by Mr. Ashraf Ali Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on _____. Original file be requisitioned. AAG has noted the next date. Parcha Peshi is given to the counsel for the petitioner.</p> <p>By the order of Chairman  REGISTRAR</p>

BEFORE THE HON'BLE KHYBERPAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.

Execution Petition No. 13 /202<sup>4</sup>

IN

Service Appeal No. 7675/2021

Irfan,

Ex-Constable No- 670

Police Force, Kohat. .... Applicant/Petitioner.

Versus

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and  
others ..... Respondents.

INDEX

S.No.	Description of Documents	Date	Annexure	Pages
1.	Petition for execution with Affidavit.			1-3
2.	Copy of order / Judgment dated 22-08-2023 of this Hon'ble Tribunal.	22-08-2023	A	4-7
3.	Application for re-instatement		B	8
4.	Wakalat Nama.			9

*Irfan*  
Applicants/Petitioners

Through

*Ashraf Ali Khattak*  
Ashraf Ali Khattak

Advocate,

Supreme Court of Pakistan

Dated: \_\_\_\_\_ / 11/ 2023

**BEFORE THE HON'BLE KHYBERPAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.**

Execution Petition No. \_\_\_\_\_/2023

IN

Service Appeal No.7675/2021

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 10326

Dated 3-1-2024

Irfan,

Ex-Constable No.670,

Police Force, Kohat. ....Applicant/Petitioner.

**Versus**

1. **The  
Regional Police Officer,  
Kohat Region, Kohat.**

2. **The  
District Police Officer,  
Kohat.....Respondents.**

**EXECUTION PETITION UNDER SECTION 7(d) OF THE  
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974.**

Respectfully Sheweth,

Facts giving rise to the present execution petition are as under:-

1. That the petitioners filed the above titled service appeal before this Hon'ble Tribunal.
2. That this Hon'ble Tribunal was pleased to pass order/ judgment dated 19-09-2023 in the following words:-

Para No.7..... "In view of the above discussion, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room."

Order / Judgment dated 22-08-2023 of this Hon'ble Tribunal is attached as **Annexure-A**.

3. That applicants in the light of order of this Honorable Tribunal dated 19-09-2023, approached the respondents (**Annexure-B**) for re-instatement and the release/ grant of his back benefits/ Salaries, but the respondents are reluctant to abide the order of this Hon'ble Tribunal.
4. That the acts and actions of the respondents squarely fall within the ambit of the Contempt of this Hon'ble Tribunal and as such are liable to be proceeded for the Contempt and for the punishment under the law.

It is therefore, humbly prayed that on acceptance of this application, this Hon'ble Tribunal may graciously be pleased to take action and initiate Contempt of Tribunal proceedings against the respondents and direct them to immediately re-instate the appellant along with outstanding pay/salaries for the intervening period and other benefits without further loss of time and also punish them accordingly.

*Irfan*  
Applicant/Petitioner

Through

*As*  
Ashraf Ali Khattak  
Advocate,  
Supreme Court of Pakistan

Dated: \_\_\_\_\_ / 11/ 2023

**BEFORE THE HON'BLE KHYBERPAKHTUNKHWA  
SERVICE TRIBUNAL, PESHAWAR.**

**Execution Petition No. \_\_\_\_\_/2023**

**IN**

**Service Appeal No.7675/2021**

Irfan,  
Ex-Constable No.670,  
Police Force, Kohat. ....**Applicant/Petitioner.**

**Versus**

**The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and  
others .....Respondents.**

**AFFIDAVIT**

I, Irfan S/o Nasar Ullah Khan Ex-Constable No.670, Police Force, Kohat do hereby solemnly affirm and declare on oath that the contents of this petition are true and correct to the best of my knowledge, and nothing has been concealed from this Hon'ble Tribunal. It is further declare on Oath that applicant has not moved any execution petition previously for the same matter.

*Irfan*  
Deponent

Cell: 0333-5210269



ANX A

(4)

BEFORE THE KHYBER PAKHTUNKHWA SERVICES TRIBUNAL PESHAWAR.



Service Appeal No. 7675/2021

Date of Institution... 29.09.2021

Date of Decision... 19.09.2023

Irfan S/O Nasar Ullah Khan, Constable Belt No. 670, District Police Kohat.

... (Appellant).

VERSUS

The Regional Police Officer, Kohat Region, Kohat and 01 other.

... (Respondents)

MR. ASHRAF ALI KHATTAK,  
Advocate

--- For appellant.

MR. MUHAMMAD JAN,  
District Attorney

--- For respondents.

SALAH-UD-DIN  
FAREEHA PAUL

--- MEMBER (JUDICIAL)  
--- MEMBER (EXECUTIVE)

JUDGMENT:

SALAH-UD-DIN, MEMBER:- Short facts giving rise to filing of the instant appeal are that disciplinary action was taken against the appellant on the allegations that he was involved in smuggling of NCP Vehicles and had provided all possible assistance to them for personal gain. On conclusion of the inquiry, he was awarded major punishment of reduction in pay scale from higher stage to lower stage vide order bearing OB No. 542 dated 29.07.2020. He preferred an appeal to the Regional Police Officer Kohat Region, which was not

ATTESTED

**ATTESTED**

responded. The appellant then approached this Tribunal by way of filing the appeal in hand for redressal of his grievance.

2. On receipt of the appeal and its admission to regular hearing, respondents were summoned, who put appearance through their representative and contested the appeal by way of filing written reply raising therein numerous legal as well as factual objections.

3. Learned counsel for the appellant has addressed his arguments supporting the grounds agitated by the appellant in his service appeal. On the other hand, learned District Attorney for the respondents has controverted the arguments of learned counsel for the appellant and has supported the comments submitted by the respondents.

4. We have heard the arguments of learned counsel for the parties and have perused the record.

5. While going through the allegations leveled against the appellant in charge sheet as well as statement of allegations, it can be observed that the same are vague in nature as no specific particulars of involvement of the appellant in smuggling of NCP vehicles or providing assistance to smugglers of NCP vehicles have been mentioned therein. Even the name of any NCP smuggler, assisted by the appellant in smuggling of NCP vehicles has not been mentioned in the charge sheet or

ATTESTED

EXAMINER  
Member Pakhtunkhwa  
Service Tribunal  
Peshawar

ATTESTED

statement of allegations. While going through the findings of the inquiry officer, it can be observed that he has mainly relied on CDR and has mentioned certain cell numbers which were allegedly in use of smugglers of NCP vehicles. The available record does not show that the appellant was confronted with the CDR. Only one official namely Qamar Abbas was examined by the inquiry officer as witness during the inquiry, however the appellant was not provided any opportunity to cross-examine him. The aforementioned official has categorically mentioned in his statement that he had contacted certain smugglers of NCP vehicles, who were having telephonic contacts with the appellant. It is, however astonishing that he did not disclose the names and other particulars of those smugglers of NCP vehicles. In absence of any proof that the numbers mentioned in the CDR were being used by smugglers of NCP vehicles, the inquiry officer was not justified in placing reliance on the evidence in the shape of CDR.

6. In wake of COVID-19, the Government of Khyber Pakhtunkhwa declared Public Health Emergency for the first time in March, 2020 for three months which was extended from time to time for further term. The case of the appellant falls

**ATTESTED**

ATTESTED  
Khyber Pakhtunkhwa  
Tribunal  
Peshawar

within the period of emergency. In view of Section-30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the limitation period provided under any law was to

**ATTESTED**



(7)

remain frozen. The appellant had filed departmental appeal on 27.08.2020, which remained un-responded, therefore, he was required to have waited for 90 days and to have filed service appeal within the next 30 days of the expiry of the said period of 90 days. The appellant, however filed the instant appeal on 27.10.2021, which was beyond the period of limitation, however in view of Section-30 of the Khyber Pakhtunkhwa Epidemic Control and Emergency Relief Act, 2020, the appeal in hand is not hit by bar of limitation.

7. In view of the above discussion, the appeal in hand is allowed as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED  
19.09.2023



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)



(FAREEHA PAUL)  
MEMBER (EXECUTIVE)

\*Naem Amin\*

*Certified to be true copy*  
*[Signature]*  
EXAMINER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 19/9/23  
 Number of Words Page 4  
 Copying Fee 20/-  
 Amount 20/-  
 Date of Completion of 09/10/23  
 Date of Delivery of 29/10/23

**ATTESTED**

# Anx B

بخدمت جناب ڈسٹرکٹ پولیس آفیسر کوہاٹ

جناب عالی!

گزارش کی جاتی کہ سائل محکمہ پولیس میں سال 2008ء میں بطور کار ریکروٹ کا شیل بھرتی ہوا تھا اور ضلع کے مختلف پولیس تنصیبات میں اپنے فرائض منصبی احسن طریقے سے سرانجام دے چکا ہے۔

سائل کو مورخہ 10.12.2020 کو انکوائری کے دوران محکمہ پولیس سے برخاست کیا گیا تھا اور اب سائل کو مورخہ 19 ستمبر 2023ء کو سروس ٹریبونل پشاور سے محکمہ پولیس میں دوبارہ بحال کرنے کے احکامات جاری کیے ہیں لیکن سائل کو ابھی تک محکمہ پولیس کی جانب سے حاضری کے متعلق کوئی اطلاع موصول نہیں ہوئی ہے۔

بذریعہ درخواست استدعا کی جاتی ہے کہ سائل کو سروس ٹریبونل پشاور سے دوبارہ سروس میں بحالی کو منظر رکھتے ہوئے پولیس لائنز میں حاضری کے احکامات جاری کرنے کی استدعا کی جاتی ہے۔

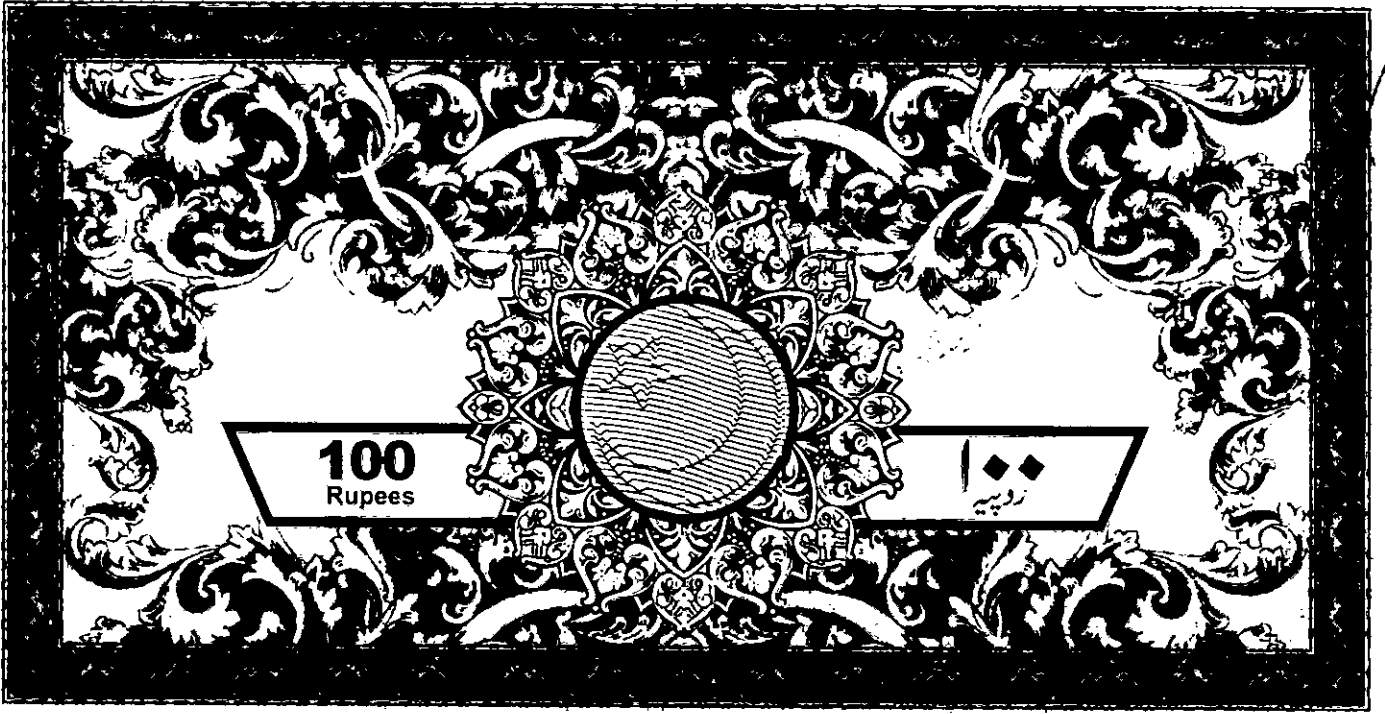
13.10.2023

العارض

*Erfaan Khan*  
سائل عرفان خان (سابقہ پولیس کانسٹیبل) ضلع کوہاٹ

رابطہ نمبر 0333-5210269

Attested



### بیان حلفی

(1) یہ کہ من مقرر نے خیبر پختونخواہ سروس ٹریبونل میں دو (2) اپیل نمبر 264/2021 اور اپیل نمبر 7675/2021 جو کہ مورخہ 19.09.2023 کو من مقرر کے حق میں فیصلہ ہوا اور من مقرر کو Reinstated alongwith Back benefit حکم صادر کیا گیا۔

(2) یہ من مقرر نے متعلقہ دفتر DPO آفس میں درخواست بمراد بحالی سروس دائر کرنے کی بہت کوشش کی۔ لیکن DPO کے دفتر کے عملے نے لینے درخواست لینے اوصول کرنے سے مکمل انکار کیا۔

(3) یہ کہ من مقرر کو نہ تو ابھی تک بحال کیا گیا ہے اور نہ ہی Back Benefit دئے گئے ہیں

مندرجہ بالا سطور لکھ دیئے گئے ہیں تاکہ سند آ رہے اور قانونی عمل کا حصہ بنے۔






العرض  
عرفان ولد نصر اللہ خان

EX Constable Belt No. 670

District Police Kohat

Attested

قیمت 50 روپے	پشاور بار ایسوسی ایشن، خیبر پختونخواہ
ایڈویکٹ: 19010	PESHAWAR BAR ASSOCIATION
بار کونسل ایسوسی ایشن نمبر: BC 104605	
رابطہ نمبر: 03324931676	
	

بعدالت جناب: محترم سرروس ٹریبونل کی مدد

مخانب:	دعویٰ: اجراء
	علت نمبر:
	مورخہ:
	جرم:
	تھانہ:

The  
Police Force Provincial  
Kohat Police  
other

**باعت تبریر آگہ**

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی کا روانی متعلقہ  
آن مقام کی جسے کیلئے محترم اسٹروف علی صاحب نے گواہی مقرر  
کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو  
راضی نامہ کرنے و تقریر نمائندگی و فیصلہ برحلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق  
زیریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈکری یا غیرتہ یا اپیل کی برائگی اور منسوخی، نیز  
دائر کرنے اپیل نگرانی و نظرتانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی  
کارروائی 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 بالا اختیارات حاصل ہوں گے اور ان کے ساتھ پر داخستہ منظور و قبول ہوگا  
دوران مقدمہ میں جو خرچہ ہر جانبہ التوالی کے 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 گذار ہے  
المرقوم: 15/11/2023

العبد کواشد العبد  
مقام کی جسے کیلئے منظور ہے۔

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0332-5210269