


Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 07/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	02.01.2024	<p>The implementation petition of Mr. Waqar Alam submitted today by Syed Roman Shah 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>

①

BEFORE THE SERVICE TRIBUNAL KHYBER
PAKHTUNKHWAPESHAWAR

Execution Petition No. 07 /2024, In Service appeal no. 6740 of 2021

Mr. Waqar Alam IHC-39 District Hangu

Petitioner

Versus

~~Khyber Pakhtunkhwa~~
Service Tribunal

Diary No. 16212

Dated 2-1-2024

1. Provincial Police Officer/ Inspector General of Police
Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Kohat Region, Kohat.

Respondent

PETITION FOR DIRECTING THE RESPONDENT TO IMPLEMENT THE
JUDGMENT AND ORDER DATED 14/09/2023 OF THIS HONORABLE
TRIBUNAL, LETTER AND SPRITE IN THE ABOVE NOTED APPEAL.

Respectfully Sheweth;

Applicant humbly submits as under


1. That the above noted appeal has been decided on 14/09/2023, by this honorable tribunal in favor of the petitioner.
2. That the appeal of the petitioner has been accepted in the following manners "*we are of the opinion that the adverse remarks in these cases have been recorded in this regard of the relevant instructions. Therefore, on acceptance of this appeal, the adverse remarks recorded in PERs for the period 01.04.2019 to 28.11.2019 are expunged*". **(Copy of the judgment is attached as annexure-A)**
3. That the petitioner has approached time and again to the respondent to implement the judgment of this hon'ble tribunal but the respondent deaf eared.
4. That the petitioner has approached this Hon'ble Tribunal for execution of the said judgment whereby, this Hon'ble Tribunal Directed the respondents through AAG to implement the judgment this Hon'ble

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Tribunal. and letter and sprite. (**execution petition and order is Attached as Annexure -B**)

5. That despite the above stated facts petitioner again approached to the respondents for implementation of the judgment dated 14.09.2023 vide application whereby the respondents again disobeyed and had not implemented the judgment in letter and sprite. (**Application is attached as annexure-C**)
6. That now the petitioner has no other remedy but to approached this Hon'ble tribunal for the implementation of this tribunal judgment order dated 14/09/2023.
7. That there is no bar in filing of this petition, and this petition is well within time.

It is therefore most humbly prayed that upon acceptance of this petition, the respondents may please be directed to implement the order and judgment of this Hon'ble tribunal Dated 14/09/2023, and to punish the respondents for defiance of this Hon'ble tribunal judgment and order.


Petitioner


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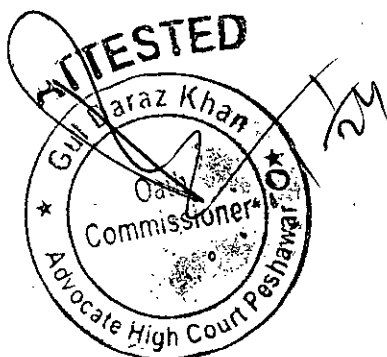

Syed Roman Shah

Advocate High Court

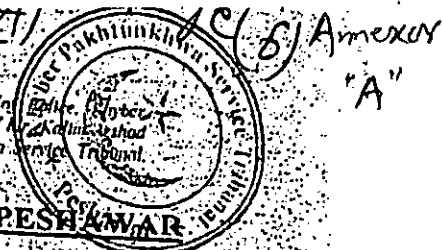
AFFIDIVIT

I, Waqar Alam IHC-39 District Hangu, do hereby solemnly affirm and declare on oath that the contents of the above petition is true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable tribunal.


Deponent



Service Appeal No. 6730/2021 filed "Waqar Alam & others" vs. The Inspector General of Police, Peshawar and others, declared on 14.09.2023 by Division Bench consisting of Mr. Kalim Arshad Khan, Chairman, and Mr. Muhammad Akbar Khan, Member Executive, Khyber Pakhtunkhwa Service Tribunal, Peshawar.



KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

BEFORE: KALIM ARSHAD KHAN ... CHAIRMAN
MUHAMMAD AKBAR KHAN ... MEMBER (Executive)

Service Appeal No. 6740/2021

Date of presentation of Appeal..... 21.06.2021
Date of Hearing..... 14.09.2023
Date of Decision..... 14.09.2023

Mr. Waqar Alam IHC/39 District Hangu..... Appellant

Versus

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Kohat Region, Kohat.....(Respondents)

Service Appeal No. 6742/2021

Date of presentation of Appeal..... 21.06.2021
Date of Hearing..... 14.09.2023
Date of Decision..... 14.09.2023

Mr. Ihsan-Ullah, IHC-No.412, District Hangu, P.S Doaba..... Appellant

Versus

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Kohat Region, Kohat.....(Respondents)

Service Appeal No. 6738/2021

Date of presentation of Appeal..... 21.06.2021
Date of Hearing..... 14.09.2023
Date of Decision..... 14.09.2023

Mr. Eid Manoor IHC/125 District Hangu..... Appellant

Versus

1. The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar
2. Deputy Inspector General of Police, Kohat Region, Kohat.....(Respondents)

Present:

Syed Mudasir Pirzada, Advocate..... For the appellants
Mr. Fazal Shah Mohmand, Additional Advocate General For respondents

ATTESTED
[Signature]
Khyber Pakhtunkhwa Service Tribunal
Peshawar
ATTESTED

APPEALS UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 18.02.2021 VIDE NO.138/CC IN WHICH THE RESPONDENT NO.2 WITHOUT ANY LAWFUL JUSTIFICATION OR COGENT REASON AND WITHOUT ISSUING ANY COUNSELING TO THE APPELLANTS BLESSED WITH ADVERSE REMARKS IN ACR/PER AND THE APPELLANTS PREFERRED DEPARTMENTAL REPRESENTATIONS FOR EXPUNCTION ON 25.02.2021 AND THE RESPONDENT GIVEN FALSE CONSOLATION THAT REPRESENTATION WILL BE ACCEPTED BUT THE SAME WAS NOT CONSIDERED/ENTERTAINED NOR REJECTED TILL TO DATE.

CONSOLIDATED JUDGMENT

KALIM ARSHAD KHAN CHAIRMAN: Through this single judgment

all the above appeals are going to be decided as all the three are similar in nature and almost with the same contentions, therefore, all can conveniently be decided together.

2. The appellants' cases in brief are that adverse remarks were communicated to them vide order dated 18.02.2021, which were recorded in his Performance Evaluation Report (PER) for the period from 01.04.2019 to 28.11.2019.

3. Feeling aggrieved, they filed departmental appeals for expunction of the impugned adverse remarks but their appeals were not responded to, hence, the present service appeal.

4. On receipt of the appeals and their admission to full hearing, the respondents were summoned, who put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

5. We have heard learned counsel for the appellant and learned Additional Advocate General for the respondents.

6. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned Additional Advocate General controverted the same by supporting the impugned order(s).

7. Perusal of record shows that appellants were serving as IHCs. While performing their duties, they were warned regarding their performance of duties as well as their presence at duty station. In the disputed remarks in the PER for the period from 01.04.2019 to 28.11.2019 vide order dated 18.02.2021, the appellants were given downgraded to "C" and the same were communicated to the appellants on 25.01.2021. The remarks in the PERs were that the appellants were a counterproductive officials and had failed to perform their duties vigilantly.

8. We have given due consideration to the adverse observations in the light of relevant instructions and we are obliged to find that they do not appear to have been strictly observed. It is provided in the Guidelines that the officer being reported upon, should be counseled about his weak points and also advised how to improve and that adverse remarks should ordinarily be recorded when the officer fails to improve despite counseling. In the present case, however, there is nothing to show that such proper counseling was ever administered to the appellant. In view of the importance of this instruction, the Reporting Officer, or the Countersigning Officer should not only impart appropriate advice but also keep a record of

Case No. 3

ATTESTED
Secretary
Service Tribunal
Punjab
ATTESTED

such an advice having been duly administered. The PERs are silent about any reason for recording adverse remarks.

8. For the reasons mentioned above, we are of the opinion that the adverse remarks in these cases have been recorded in disregard of the relevant instructions. Therefore, on acceptance of these appeals, the adverse remarks recorded in the PERs for the period from 01-04-2019 to 28-11-2019 are expunged. Consign.

9. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 14th day of September, 2023

[Signature]
KALIM ARSHAD KHAN
Chairman

[Signature]
MUHAMMAD ARBAR KHAN
Member (Executive)

[Signature]
ATTSTED

Certified to be true copy
EX-103 IN-27
KHANBER PAKHTUNKHA
Service Tribunal
Peshawar

Date of Presentation of Application 25/9/23
Number of Words page 8
Copying Fee 40/-
Urgent 5/-
Total 45/-
Name of Copyist _____
Date of Completion of Copy 25/9/23
Date of Delivery of Copy 25/9/23

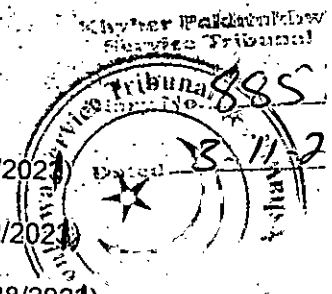
Abdurazam Shah

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Annexure-B

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Execution Petition 806 / 2023.



- 1:- Waqar Alam IHC/39 District Hangu (Appeal No.6740/2021)
 - 2:- Mr Ihsan Ullah IHC NO.412 District Hangu P.S Doaba Appeal No.6742/2021
 - 3:- Mr Eid Manoor IHC /125 District Hangu(Appeal No.6738/2021)
- (Appellant)

Deleted vide order 23/11/23

Versus

- 1: Deputy Inspector General of Police, Kohat Region Kohat.
 - 2: Provincial Police Officer/ Inspector General of Police KPK Peshawar..
- (Respondents)

EXECUTION PETITION AGAINST THE ORDER /CONSOLIDATED JUDGMENT OF HONOURABLE SERVICE TRIBUNAL PESHAWAR DATED 14-09-2023

Respectfully Sheweth,

- 1:- That the addresses of the parties have been given correctly in the title of this petition which are sufficient for service of summons or any other process that may be issued by this honorable Tribunal from time to time.
- 2:- That through the instant execution petition the appellant humbly seeks indulgences of this honorable tribunal for initiating execution proceedings against the respondents for disobeying and disregarding order dated 14/09/2023, passed by this honorable tribunal where by the impugned order was set-aside and order that adverse remarks expunged but the respondent are not complied the orders / decision (Copy annexed as annexure A)
- 3:- That succinctly stated facts given raise to filling of; this instant execution petition are that, that the appellant filed the service appeal regarding the expunged the adverse remarks and the respondents given false consolation that they will expunged the adverse remarks but respondents not expunged the adverse remarks till to date.

P-2

APPROVED

[Signature]

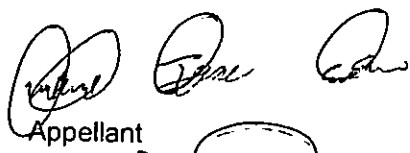
Khyber Pakhtunkhwa Service Tribunal Peshawar

② ③


5: That the respondent have committed a gross contempt of this Honorable tribunal by not complying with the decision /orders. The respondent have frustrated, and abused the process of law by ignoring disobeying the directions/orders by not deciding the matter of appellant . The respondent have in fact shown disrespect and disregard to the rule of law and the authority of this honorable tribunal.

PRAYER:-

In the light of above circumstances it is respectfully prayed that the petition may kindly be accepted and strick compliance for implantation on the judgment date no 14.09.2023 be asked as well as stern proceeding against the respondents may please be initiated for the end of justice .


Appellant

Through


Syed Mudasir Pirzada
Advocate HC
Cell 0345-9645854

Certificate:-


It is Certified that upon the instructions of the clint it is the first execution petition filed for this honorable tribunal for disobeying order dated 14/09/2023 passed by this honorable court.

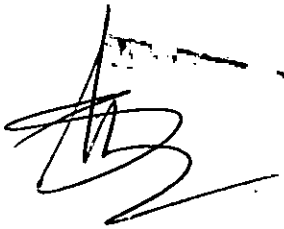
ADVOCATE.

LIST OF BOOKS

Constitution of Islamic Republic of Pakistan 1973.

Any other Book according to need.


Syed Mudasir Pirzada
Advocate



23rd Nov, 2023



1. Learned counsel for the petitioner present. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. The judgement in this matter was self-executory type of judgment and the respondents were required to have honored the same. It is complained by the learned counsel for the petitioner that nothing in black and white had been done by the respondents so that judgment could be said to have been honored. We direct the respondents through learned AAG that this self-executory type of judgment should actually be given effect in the papers of the respondents also and it be honored in its letter and spirit. Disposed of. Consign.

3. *Pronounced in open court in Peshawar and given under my hand and seal of the Tribunal on this 23rd day of November, 2023.*

(Kalim Arshad Khan)
Chairman

Adnan Sham
Adnan Sham
Peshawar
Certified to be true copy

Date of Presentation of the petition

24/11/23

Date of presentation of the reply

4/12

Date of presentation of the rejoinder

26/1

Date of presentation of the counter affidavit

26/1

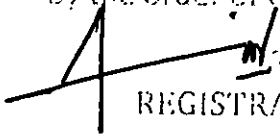

27/11/23
27/11/23

Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 806/2023

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	
1	03.11.2023	<p>The joint implementation petition of Mr. Waqar Alam & Others submitted today by Syed Mudasir Pirzada Advocate. It is fixed for implementation report before Single Bench at Peshawar on <u>10/11/2023</u>. Original file be requisitioned. AAG has noted the next date. Parcha peshi is given to counsel for the petitioner.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>
	10 th Nov. 2023	<ol style="list-style-type: none">1. Learned counsel for the petitioners present.2. He says that he would make separate applications on behalf of the petitioners M/S Ihsanullah and Eid Manoor, within a week. Let him make the said applications. To come up on 23.11.2023 before S.B. P.P given to the learned counsel. <p> (Kalim Arshad Khan) Chairman</p> <p>ATTESTED</p>

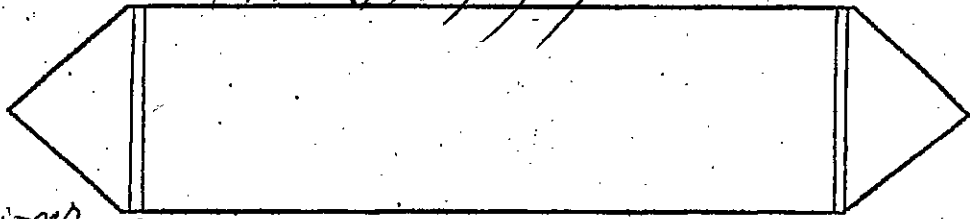
RECORDED

RECORDED
PESHAWAR

Muzam Shah

RECORDED
PESHAWAR

بعدالت سپریم کورٹ، کراچی۔ KPK



Petitioner 2، پنجاب
وفا، عالم بنام 16P و علیہ

موزخہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئیکہ

سید ارشد حسین

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی اور جواب دہی دیکل کارروائی متعلقہ
آن مقام سپریم کورٹ کے لیے جیسا کہ مندرجہ بالا ہے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی نکل کارروائی کا کامل اختیار ہوگا۔ نیز
دیکل صاحب کو راضی نامہ کرنے و تقریر ثالثہ فیصلہ برحلف دیے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور وصولی چیک روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برادگی اور منسوخ
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور
کے نکل یا جزوی کارروائی کے واسطے اور دیکل یا مختار قانونی کو اپنے ہمراہ نیا اپنے بجائے تقریر کا اختیار
ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ
پرداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو دیکل صاحب پابند ہوں گے۔ کہ پیروی
ذکر کریں۔ لہذا ادکالت نامہ لکھ دیا کہ سند ہے۔

وفا عالم 16P
سید ارشد حسین

المرقوم 01/ 01/ 2024

بمقام 3
کے لئے منظور ہے 01/ 01/ 2024

Arshad Hussain

Arshad Hussain