

Form- A
FORM OF ORDER SHEET

Implementation Petition No. 244/2024

Date of order
proceedings

2

Order or other proceedings with signature of judge

3

04.03.2024

The implementation petition of Mr. Ghulam Rabbani received today by registered post through Mr. Imtiaz Ali Marwat Advocate. It is fixed for implementation report before touring Single Bench at D.I.Khan on _____. Original file be requisitioned. AAG has noted the next date. The counsel for the petitioner has been informed telephonically.

By the order of Chairman


REGISTRAR

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR, CAMP AT D.I.KHAN.**

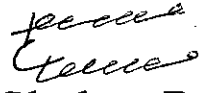
Implementation/Execution Petition No. 244... of 2024.
In Judgment dated 21/11/2023 in Service appeal No. 338/2023.

Ghulam RabaniPetitioner/Appellant
VERSUS
Inspector General of Police etcRespondents

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Your Humble Petitioner


Ghulam Rabani
Through Counsel

Dated; 4/03/2024


Imtiaz Ali Khan Marwat
Advocate District Bar, DIKhan,
Cell#0346-7847274.

1

**BEFORE THE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR, CAMP AT D.I.KHAN.**

Implementation/Execution Petition No. ²⁴⁴..... of 2024.
In Judgment dated 21/11/2023 in Service appeal No. 338/2023.

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 11755

Dated 14/3/24

Ghulam Rabani Khan S/o Rustam Khan Resident of
Mandhran Saidan, Tehsil & District Dera Ismail Khan, Sub-
Inspector Police (Retired).

.....**Petitioner**

VERSUS

1. Inspector General of Police, Khyber Pakhtunkhwa,
Peshawar.
2. Regional Police Officer, DIKhan.

.....**Respondents**

**IMPLEMENTATION /EXECUTION PETITION
OF JUDGMENT DATED 21/11/2023 IN
SERVICE APPEAL NO. 338/2023 WHEREBY
THE HONOURABLE SERVICE TRIBUNAL
DIRECTED TO COMPLETE THE FURTHER
PROCESS OF SENIORITY ON LIST "F" IN
ACCORDANCE WITH THE ENTRIES IN LIST
"E" WITHIN 60 DAYS AND THE RIGHTS OF
RETIRED APPELLANT MAY ALSO BE
TREATED IN THE SAME MANNER AND THE
IN ACTION ON THE PART OF RESPONDENTS
TO COMPLY THE JUDGMENT.**

Respectfully Sheweth:-

Brief facts of the case are:

1. That the present petitioner lodged a service
appeal No. 338/2023 against order bearing No.
259/ES dated 11/01/2023 of Regional Police
Officer, DIKhan whereby appellant / petitioner

was not granted revised seniority in promotion list "E" and order No. CPO/CPB/329 dated 30/12/2022 and No. 317/CPB dated 08/12/2022 of Inspector General of Police depriving appellant / petitioner from right of seniority and back benefits for no good grounds.

2. That the Honourable Service Tribunal accepted the service appeal vide consolidated judgment dated 21/11/2023 and directed that rights of retired appellant may also be treated in the same manner. Copy of service appeal is enclosed as **Annexure "A"** and judgment dated 21/11/2023 is enclosed as **Annexure "B"**.
3. That the petitioner / appellant submitted an application along with copy of judgment for implementation / compliance, but the respondents are reluctant to obey the directions so far. Copy of application is enclosed as **Annexure "C"**.
4. That as per Section 7 of the KP Civil Servant Act, petitioner / appellant is entitled to confirmation / seniority and promotion from back date along with his colleagues and also entitled to promotion along with all back benefits / arrears as per Section 17 of the ibid Act even after retirement.

5. That the petitioner has no other remedy, but to file the instant implementation petition.
6. That counsel for the petitioner / appellant may kindly be allowed to raise additional grounds during the course of arguments.

In view of the above, it is, therefore, most respectfully prayed that on acceptance this petition, the judgment dated 21/11/2023 in Service Appeal No. 338/2023 may kindly be got implemented to ensure the justice.

Your Humble Petitioner

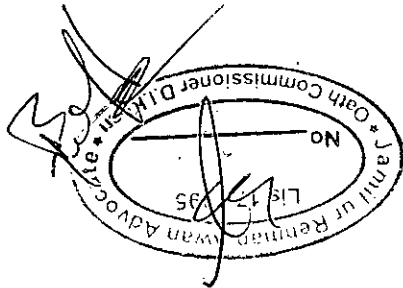
[Handwritten Signature]
Ghulam Rabani
 Through Counsel

Dated; 4/03/2024

[Handwritten Signature]
Imtiaz Ali Khan Marwat
Advocate District Bar, DIKhan,
Cell#0346-7847274.

AFFIDAVIT:-

I, **Ghulam Rabani Khan** S/o Rustam Khan Resident of Mandhran Saidan, Tehsil & District Dera Ismail Khan, Sub-Inspector Police (Retired), the petitioner, do hereby solemnly affirm and declare on OATH that the contents of the same are true and correct to the best of my knowledge and belief and that nothing has been concealed from this honorable court.



[Handwritten Signature]
Deponent

4 "A"

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR CAMP COURT AT DERA ISMAIL KHAN.**
Service Appeal No. **338** /2023.

Ghulam Rabani Khan(Appellant)

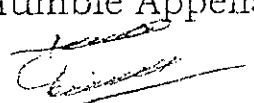
VERSUS

Govt. of KPK etc.....(Respondents).

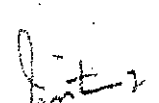
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Your Humble Appellant


Ghulam Rabani Khan
Through Counsel

Dated: 17/02/2023


IMTIAZ ALI KHAN MARWAT
Advocate, District Bar,
Dera Ismail Khan
Mobile #0346-7847274

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR CAMP COURT AT DERA ISMAIL KHAN.

Service Appeal No. 338 /2023

Ghulam Rabani Khan S/o Rustam Khan Resident
of Mandhran Saidan, Tehsil & District Dera Ismail
Khan, Sub-Inspector Police (Retired).

.....(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through
Secretary to Govt. Khyber Pakhtunkhwa, Peshawar.
2. Inspector General Police, Khyber Pakhtunkhwa,
Peshawar.
3. Regional Police Officer, Dera Ismail Khan.

.....(Respondents)

APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST ORDER BEARING NO. 259/ES DATED
11/01/2023 OF REGIONAL POLICE OFFICER DERA
ISMAIL KHAN WHEREBY APPELLANT WAS NOT
GRANTED RESERVED SENIORITY IN PROMOTION LIST
"E" AND ORDER NO. CPO/CPB/329 DATED
30/12/2022 AND NO. 317/CPB DATED 08/12/2022 OF
INSPECTOR GENERAL POLICE DEPRIVING APPELLANT
FROM RIGHT OF SENIORITY AND BACK BENEFITS FOR
NO GOOD GROUNDS.

Respectfully Sheweth:-

1. That the appellant is naturally bonafide citizen
of Islamic Republic of Pakistan and hails from
respectable family of District Dera Ismail Khan.
2. That appellant was appointed as constable in
Police Department on 28/12/1986 and
performed his duties with full zest and
devotion. The appellant gained promotion to the
rank of Head Constable in due course.
3. That appellant was promoted as officiating ASI
vide order Endst; No. 2950-56/E.S dated

12/11/2007 on two years probation. Copy of order dated 12/11/2007 is enclosed as **Annexure "A"**.

4. That appellant was confirmed in the rank of ASI vide order No. 2341-45/ES dated 26/06/2014. Copy of confirmation order dated 26/06/2014 is enclosed as **Annexure "B"**.
5. That appellant was promoted to the rank of officiating SI on 24/03/2016 and the appellant was confirmed as S.I vide notification bearing Endst; No. 6177/E.S dated 28/10/2019. Copy of order dated 28/10/2019 is enclosed as **Annexure "C"**.
6. That Regional Departmental Scrutiny committee was constituted for rectification / revised seniority strictly in accordance with Police Rules, 13-18.
7. That appellant submitted application for rectification of seniority / revised seniority strictly in accordance with Police Rules, 13-18. Copy of application is enclosed as **Annexure "D"**.
8. That scrutiny Committee recommended for rectification / reserved seniority w.e from 2009. Copy of security committee recommendation is enclosed as **Annexure "E"**.
9. That in the meanwhile appellant was retired from service vide DPO DIKhan Office bearing Endst; No. 5176-81/EC dated 05/08/2020 which was retired on 31/08/2020. Copy of retirement order dated 05/08/2020 is enclosed as **Annexure "F"**.
10. That in compliance with kind verdicts of August Supreme Court of Pakistan, Honourable Peshawar High Court, Peshawar and this Honourable Tribunal, the I.G.P Khyber Pakhtunkhwa directed for bringing the names of promoted ASIs on list "E" from date of officiating promotion as ASI on completion of

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successful completion of probation period. Copy of impugned order dated 08/12/2022 is enclosed as Annexure "G".

11. That respondent No. 2, the I.G.P Khyber Pakhtunkhwa Peshawar vide letter no. CPO/CPB/329 dated 30/12/2022 directed to submit lists of revised seniority excluding the retired, deceased and Shuhada Officers. Copy of impugned order dated 30/12/2022 is enclosed as Annexure "H".
12. That respondent No. 2 vide ibid order further directed for not allowing back benefits and promotion.
13. That now RPO DIKhan has assigned reserved seniority as ASI vide No: 259/E.S dated 11/01/2023 but depriving appellant being retired. Copy of impugned seniority list is enclosed as Annexure "I".
14. That as per reported judgments of this Honourable Tribunal, the appellant is also entitled to all back benefits of revised seniority and promotion even after retirement.
15. That feeling aggrieved by impugned orders the appellant has no others adequate remedy except to file the instant service appeal before this Honourable Tribunal, inter alia, on the following grounds;

GROUNDS:-

- A. That the impugned orders are wrong, illegal and against norms of justice and needs to be set aside.
- B. That the impugned orders are also contradictory to Police Rules and Service Laws, hence liable to be set aside.
- C. That the impugned orders are unwarranted, illegal, hence not tenable in the eyes of law.
- D. That the impugned orders are also in violation of reported judgments of the August Supreme

Court of Pakistan as well as this Honourable Tribunal.

E. That as per Police Rules 13-18 an official shall be confirmed on completion of 02 Years probation period.

F. That appellant was promoted as appointing ASI on 12/11/2007 and was required to be confirmed on 12/11/2009 on completion of 02 years probation period.

G. That in the impugned order / letter dated 30/12/2022 respondents admits that beneficiary orders and notification have retrospective effect, but in the note para have deprived the appellant from their right of seniority and promotion.

H. That the right of seniority and promotion has accrued to the appellant during service (before retirement), for which appellant may not be denied vested rights for no fault on his part.

I. That appellant has applied for rectification of his seniority during service and the in-action on the part of respondents is violation of the Law & Rules.

J. That the scrutiny committee has also recommended for correction / revised seniority of other colleagues.

K. That any right accrued during service, shall be admissible to appellant even after retirement.

L. That it is a crystal principle of law that where a law requires a thing to be done in a particular manner, the same is to be done in that manner and not otherwise.

M. That from every angle appellant is entitled to revised seniority and all back benefits thereto.

N. That the rights of appellant were infringed vide impugned order dated 30/12/2022 and order dated 11/01/2023, therefore, the instant

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appeal is within time. However, application for condonation of delay is also attached.

It is, therefore, humbly prayed that on acceptance of instant service appeal, the respondents may kindly be directed to grant revised seniority to appellant along with all back benefits as well as consequential benefits, at all stages.

Your Humble Appellant


Ghulam Rabani Khan
Through Counsel

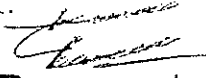
Dated: 17/02/2023


IMTIAZ ALI KHAN MARWAT

Advocate, District Bar,
Dera Ismail Khan
Mobile #0346-7847274

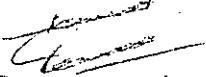
CERTIFICATE:-

It is certified that no such like amended appeal has been lodged by appellant, prior to the instant one against impugned order of revision.

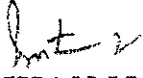

Deponent

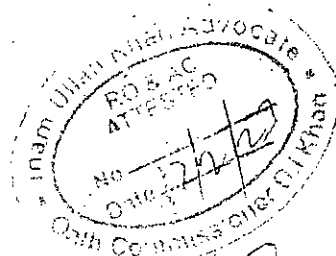
AFFIDAVIT:-

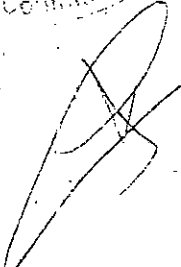
I, **Ghulam Rabani Khan** S/o Rustam Khan Resident of Mandhran Saidan, Tehsil & District Dera Ismail Khan, Sub-Inspector Police (Retired), do hereby solemnly affirm declared on oath that contents of the **Appeal** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honourable Court.


Deponent

IDENTIFIED BY:


IMTIAZ ALI KHAN MARWAT
Advocate, District Bar,
Dera Ismail Khan.





8

Amir B

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR CAMP COURT AT DERA ISMAIL KHAN.**

Service Appeal No. 338 /2023

**Ghulam Rabani Khan S/o Rustam Khan Resident
of Mandhran Saidan, Tehsil & District Dera Ismail
Khan, Sub-Inspector Police (Retired).**

.....(Appellant)

VERSUS

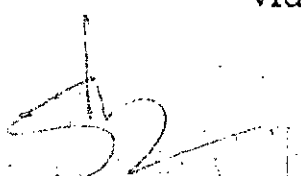
1. Government of Khyber Pakhtunkhwa, through Secretary to Govt. Khyber Pakhtunkhwa, Peshawar.
2. Inspector General Police, Khyber Pakhtunkhwa, Peshawar.
3. Regional Police Officer, Dera Ismail Khan.

.....(Respondents)

**APPEAL UNDER SECTION 4 OF THE KHYBER
PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
AGAINST ORDER BEARING NO. 259/ES DATED
11/01/2023 OF REGIONAL POLICE OFFICER DERA
ISMAIL KHAN WHEREBY APPELLANT WAS NOT
GRANTED RESERVED SENIORITY IN PROMOTION LIST
"E" AND ORDER NO. CPO/CPB/329 DATED
30/12/2022 AND NO. 317/CPB DATED 08/12/2022 OF
INSPECTOR GENERAL POLICE DEPRIVING APPELLANT
FROM RIGHT OF SENIORITY AND BACK BENEFITS FOR
NO GOOD GROUNDS.**

Respectfully Sheweth:-

1. That the appellant is naturally bonafide citizen of Islamic Republic of Pakistan and hails from respectable family of District Dera Ismail Khan.
2. That appellant was appointed as constable in Police Department on 28/12/1986 and performed his duties with full zest and devotion. The appellant gained promotion to the rank of Head Constable in due course.
3. That appellant was promoted as officiating ASI vide order Endst; No. 2950-56/E.S dated




ORDER


21st Nov. 2023

Kalim Arshad Khan, Chairman: Learned counsel for the appellant present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Khalid Nawaz, Inspector for the respondents present.

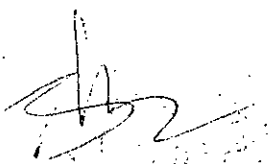
2. Vide our detailed order of today, placed on file of connected Service Appeal No.332/2021, titled "Shah Jehan Vs. Police Department" this case is also disposed of in terms of the said order. Copy of the order be placed on file of this case. Consign.

3. *Pronounced in open Court at D.I.Khan and given under our hands and seal of the Tribunal on this 21st day of November, 2023.*


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Siyah



Service Appeal No.332/2023 titled "Shah Jahan & others Vs. Government of Khyber Pakhtunkhwa"


ORDER

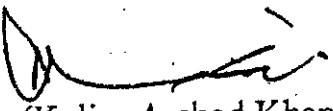
Nov. 2023 **Kalim Arshad Khan, Chairman:** Learned counsel for the appellant

present. Mr. Asif Masood Ali Shah, Deputy District Attorney along with Mr. Khalid Nawaz, Inspector for the respondents present.

2. At the very outset, learned Deputy District Attorney produced copy of revised seniority list-E. After going through the revised seniority list-E, the learned counsel for appellant stated that although, the seniority position was corrected in accordance with part of the prayer of the appellant to the extent of bringing the appellant on List-F. Rest of the relief was also being granted, which was in process in accordance with the entries in List-E, on which, learned counsel says that the appellant would be satisfied, if the remaining process is completed within a period of 60 days. Learned counsel further says that the rights of the retired appellant may also be treated in the same manner. Order accordingly. This order shall also decide the connected Service Appeals No.333/2023, 334/2023, 335/2023, 336/2023, 337/2023, 338/2023, 339/2023, 340/2023, 341/2023, 342/2023, 343/2023, 344/2023, 345/2023, 346/2023 and 541/2023. Copy of this order be placed in files of all connected appeals. Consign.

3. *Pronounced in open Court at D.I.Khan and given under our hands and seal of the Tribunal on this 21st day of November, 2023.*


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

Received a registered* addressed to _____ Date Stamp _____

For Insurance S RGL11756420
 un-insured letters of not more than the initial weight prescribed in the Post Office Guide or on which no acknowledgement is due.

Initials of Receiving Officer _____
 Insured for Rs. (in figures) _____
 Insurance fee Rs. _____ Ps. (in words) _____
 Name and address of sender _____
 Weight _____ Kilo Grams _____
 Write here "letter", "postcard", "packet" or "parcel" with the word "insured" before it when necessary. (in words) _____

10
 Ametora "C"

1/11/2023
 TRIBUNAL,
 SERVICE
 TITLED "GHULAM"

Respected Sir,

The applicant submits the following for yours kind and sympathetic consideration:-

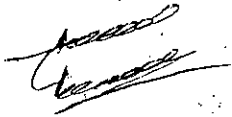
1. That the applicant while serving in Police Department was promoted as officiating ASI vide order bearing No. 2950-56 dated 12/11/2007 and was confirmed as ASI vide order No. 2341-45 dated 26/06/2014.
2. That consequent upon confirmation as ASI, the applicant was promoted as officiating SI on 24/03/2016 and confirmed as SI vide notification No. 6177/ES dated 28/10/2019.
3. That due to grievances of ranker police officials a scrutiny committee was constituted to examine the cases to revise the confirmation that scrutiny committee recommended to revise the date of confirmation as ASI w.e.from 2009 but competent authority delayed the decision.
4. That applicant was retired on superannuation vide order No. 5176-81/EC dated 05/08/2020.
5. That yours good office vide order No. 317/CPB dated 08/12/2022 directed to revise / bring the names of ASIs on list E from the date of successful completion of probation period but again vide order / letter No. CPO/CPS/329 dated 30/12/2022 directed not to include the names of retired police officers, back benefits and promotion.
6. That being aggrieved from the impugned orders the applicant lodged a service appeal for revised seniority along with all back benefits.

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7. That during hearing of appeal, a copy of revised seniority list-E was produced before Honourable Service Tribunal on behalf of respondents / competent authority with the assurance that further revision is in progress and will be completed within period of 02 months / 60 days.
8. That as per Section 7(4) of KP Civil Servant Act, the applicant is also entitled to revised confirmation and back benefits accruing there from.
9. That now the Honourable Service Tribunal vide order dated 21/11/2023 has accepted all the service appeals and ordered to complete the process of compliance within 60 days. That the right of retired appellant may also be treated in the same manner. Order accordingly. Copy of order is enclosed.

In view of above, it is humbly prayed that in compliance with order dated 21/11/2023 of the Service Tribunal, the applicant may kindly be granted proforma revised seniority in list-E and promotion as well as revised confirmation in list-F with all back benefits accruing there from as laid down in Section 7(4) of the KP Civil Servant Act. I shall be highly obliged.

Yours Faithfully,



Dated/8/12/2023

GHULAM RABBANI

S/o Rustam Khan

R/o Mandhran Saidan,

District D.I.Khan.

(Sub-Inspector Police retired,

No. D/60)



IMTIAZ ALI KHAN

Advocate

bc-11-2641

Date of Issue: October 2021

Valid upto: October 2024

Secretary
KP Bar Council



وکالت

ADVOCATE

کورٹ
فیس

فنانہ خیر بخشو لا سروس برسول لیتا

مخاطب
عبدالکبیر سید
نام
168 ریسٹر

دعوی یا جرم
Execution Petition in Service Appeal no. 338/2023

تفصیل دعوی یا جرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے پیروی و جواب دہی برائے پیشی یا تصفیہ مقررہ بنام

امتیاز علی خان و مرتضیٰ علی

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا ہذا بذریعہ و برد عدالت حاضر ہونا ہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر منظر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام پکھری کے علاوہ یا پکھری کے اوقات سے پہلے یا پیچھے یا بروز تعطیل پیروی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر منظر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عمت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔
کو کرا ساختہ پر واختہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذگری نظر ثانی اپیل گزانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر تاشی یا راضی نامہ و فیصلہ برحلف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکور بیرون از پکھری صدر پیروی مقدمہ مذکور نظر ثانی اپیل و گزانی و برآمدگی مقدمہ یا نسوئی ذگری ایک طرف یا درخواست علم اتناہی یا ترقی یا گزانی قبل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادا اسکی علیحدہ مختا پیروی کا اختیار ہو گا اور تمام ساختہ پرداختہ صاحب موصوف مثل کردہ از خود منظور و قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو کہ مقدمہ مذکورہ یا اس کے کسی جزو کی کاروائی یا بصورت درخواست نظر ثانی اپیل گزانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہیر سٹر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے شیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جج کچھ ہر جائز الزام پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پیروی فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پیروی نہ کریں اور ایسی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ مندرجہ

مورخ

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے

Signature