Form- A

FORM OF ORDER SHEET

Court of [illegible]

Implementation Petition No. 245/2024

S.No	Date of order proceedings	Order or other proceedings with signature of judge
		3
	15.03.2024	The implementation petition of Mr. Zahid Khan submitted today by Mr. Zafar Ali Khan Advocate. It is fixed for implementation report before touring Single Bench at Bannu on 21.03.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi is given to counsel for the applicant. By the order of ~~Chairman~~ REGISTRAR

KHYBER PAKHTUNKHWA SERVICES TRIBUNAL, PESHAWAR

CHECK LIST

ECP **Versus** [illegible]

.... Appellant ....Respondents

S NO	CONTENTS	YES	NO
1.	This petition has been presented by: ______ *Advocate* ______ *Court*	√	
2.	Whether Counsel/Appellant/Respondent/Deponent have signed the requisite documents?	√	
3.	Whether appeal is within time?	√	
4.	Whether the enactment under which the appeal is filed mentioned?	√	
5.	Whether the enactment under which the appeal is filed is correct?	√	
6.	Whether affidavit is appended?	√	
7.	Whether affidavit is duly attested by competent Oath Commissioner?	√	
8.	Whether appeal/annexures are properly paged?	√	
9.	Whether certificate regarding filing any earlier appeal on the subject, furnished?	√	
10.	Whether annexures are legible?	√	
11.	Whether annexures are attested?		
12.	Whether copies of annexures are readable/clear?	√	
13.	Whether copy of appeal is delivered to AG/DAG?	√	
14.	Whether Power of Attorney of the Counsel engaged is attested and signed by petitioner/appellant/respondents?	√	
15.	Whether numbers of referred cases given are correct?	√	
16.	Whether appeal contains cutting/overwriting?	x	
17.	Whether list of books has been provided at the end of the appeal?	√	
18.	Whether case relate to this court?	√	
19.	Whether requisite number of spare copies attached?	√	
20.	Whether complete spare copy is filed in separate file cover?	√	
21.	Whether addresses of parties given are complete?	√	
22.	Whether index filed?	√	
23.	Whether index is correct?	√	
24.	Whether Security and Process Fee deposited? On ______		
25.	Whether in view of Khyber Pakhtunkhwa Service Tribunal Rules 1974 Rule 11, notice along with copy of appeal and annexures has been sent to respondents? On ______	√	
26.	Whether copies of comments/reply/rejoinder submitted? On ______		
27.	Whether copies of comments/reply/rejoinder provided to opposite party? On ______		

It is certified that formalities/documentation as required in the above table have been fulfilled.

Name:- ______

Signature:- ______

Dated:- ______

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

E.P. No. 245/2024

C.M No.___________/2024

In

Service Appeal No.6333/2020

Zahid Khan...**Appellant**

VERSUS

Inspector General of Police, KP & others.........**Respondents**

INDEX

S#	Description of Documents	Annex	Pages
1.	Application for implementation		1-3
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3.	**Copy of judgment/ order dated 08.09.2022**	**A**	5-11
4.	**Copy of order dated 13.03.2023 and affidavit alongwith implementation application**	**B**	12-16
5.	**Copy of order dated 04.09.2023 and order dated 04.12.2023**	**C**	17-18
6.	**Wakalatnama**		

Petitioner

Through

Dated 15.03.2024

Zafar Ali Khan
Advocate High Court
03339339442
03139539269
Email. Zafaradv114@gmail.com

(1)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

E.P. No. 245/2024

Khyber Pakhtunkhwa
Service Tribunal
Diary No. 11773
Dated 15-03-2024

C.M No.____________/2024
In
Service Appeal No.6333/2020

Zahid Khan s/o Abdur Rahim Khan
Constable Belt No.1145, District Police Bannu
R/o Ismail Khel, District Bannu............................**Appellant**

VERSUS

1. Inspector General of Police, KP, Peshawar.
2. Regional Police Officer, District Bannu.
3. District Police Officer, Bannu.
4. Commandant Elite Force, KP, Peshawar.
5. Deputy Commandant Elite Force, KP, Peshawar
6. Deputy Superintendent of Police (Legal) DPO Office, Bannu..**Respondents**

APPLICATION FOR IMPLEMENTATION OF JUDGMENT/ ORDER OF SERVICE TRIBUNAL DATED 08.09.2022, 13.03.2023 AND 04.12.2023.

Respectfully Sheweth;

1. That this Hon'ble Tribunal vide judgment/ order dated 08.09.2022 accepted appeal of applicant/ petitioner.**(Copy of judgment/ order dated 08.09.2022 is attached as Annexure "A").**

2. That petitioner approached the concerned authorities for the implementation of judgment/ order dated 08.09.2022 but the respondents implemented the order of this Hon'ble Tribunal to the extent of reinstatement but the back benefits have not been paid completely and after reinstatement the salaries still not given to the appellant/ petitioner.

3. That the petitioner filed an application for implementation of the above mentioned order which was partially implemented to the extent of reinstatement of service while back benefit were not completely implemented despite the affidavit submitted by the appellant to the respondents as per order dated 09.12.2022. **(Copy of order dated 13.03.2023 and affidavit are attached as Annexure "B").**

4. That the petitioner was filed second implementation application which was disposed off in the absence of counsel for petitioner as well as petitioner, on the

date of hearing in that time judgment has not been implemented and the respondent misguided this Hon'ble Tribunal in this case . **(Copy of order dated 04.09.2023 is attached as annexure C).**

5. That according to superior courts judgments every organ of the State as well as subordinate court of the country is bound to implement the judgment and order in its true letter and spirit.

6. That justice demands that judgment of this Hon'ble Tribunal may please be implemented in true letter and spirit.

It is, therefore, humbly prayed that respondents may please be directed to implement the order/ judgment dated 08.09.2022, 03.03.2023 and 04.09.2023 in true letter and spirit and all the benefits be awarded after the decision of the Hon'ble Tribunal.

Petitioner

Through

Zafar Ali Khan
Advocate High Court

Dated 15.03.2024

4

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C.M No.____________/2024

In

Service Appeal No.6333/2020

Zahid Khan..**Appellant**

VERSUS

Inspector General of Police, KP & others.........**Respondents**

AFFIDAVIT

I, Zahid Khan s/o Abdur Rahim Khan Constable Belt No.1145, District Police Bannu R/o Ismail Khel, District Bannu, do hereby solemnly affirm and declare that the contents of the accompanying **Application for implementation** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.

ATTESTED
MUHAMMAD ISHFAQ ADVOCATE
NOTARY PUBLIC
HIGH COURT PESHAWAR

19/3/2024

DEPONENT

Annexure -A

5

3

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 6333/2020

BEFORE: MRS. ROZINA REHMAN ... MEMBER(J)
MISS. FAREEHA PAUL ... MEMBER(E)

Zahid Khan S/O Abdur Rahim Khan Constable Belt No. 1145, District Police Bannu, R/O Ismail Khel, District Bannu.

.... (*Appellant*)

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, District Bannu.
3. District Police Officer, Bannu.
4. Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar.
5. Deputy Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar.

... (*Respondents*)

Mr. Inayat Ullah Khan
Advocate ... For appellant

Mr. Naseer-ud Din Shah
Asstt. Advocate General ... For respondents

Date of Institution.......................18.06.2020
Date of Hearing...........................08.09.2022
Date of Decision..........................08.09.2022

JUDGEMENT

FAREEHA PAUL, MEMBER (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned order dated 27.03.2018 and Mad No.39 Roznamcha dated 15.10.2019 whereby the appellant was removed from service and later on his pay was stopped w.e.f 15.10.2019 against which he preferred departmental appeal dated 28.01.2020 to D.I.G/RPO District Bannu, for reinstatement in service, but the same was marked to respondent No.3, District Police Officer Bannu. The DPO Bannu vide letter dated 10.02.2022 addressed to Deputy Commandant Elite Force, Khyber Pakhtunkhwa,

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KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Service Appeal No. 6333/2020

Before: Mrs. Rozina Rehman ... Member(J)
Miss Fareeha Paul .. Member(E)

Zahid Khan S/o Abdur Rahim Khan Constable Belt No. 1145, District Police Bannu, R/o Ismail Khel, District Bannu...Appellant

Versus

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, District Bannu.
3. District Police Officer, Bannu.
4. Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar.
5. Deputy Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar.

...(Respondents)

Mr. Inayat Ullah Khan
Advocate ... For Appellant

Mr. Naseer ud Din Shah
Asstt: Advocate General ... For Respondents

Date of Institution....................18.06.2020
Date of Hearing.......................08.09.2022
Date of Decision......................08.09.2022

JUDGMENT

Fareeha Paul, Member (E): The service appeal in hand has been instituted under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the impugned order dated 27.03.2018 and Mad No.39 Roznachma dated 15.10.2019 whereby the appellant was removed from service and alter on his pay was stopped w.e.f 15.10.2019 against which he preferred departmental appeal dated 28.01.2020 to D.I.G/ RPO District Bannu, for reinstatement in service, but the same was marked to respondent No.3, District Police Officer Bannu. The DPO Bannu vide letter dated 10.02.2022 addressed to Deputy Commandant Elite Force, Khyber Pakhtunkhwa,

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Peshawar requested him to provide service record of the appellant with further request to Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar to review the impugned order dated 27.03.2018 but all in vain. The appellant has prayed for setting aside the impugned order with directions to the respondents to allow him full back benefits/arrears of pay w.e.f 15.10.2019.

2. Brief facts of the case, as given in the memorandum of appeal, are that the appellant was appointed as Constable on 19.01.2013 in Police Department Khyber Pakhtunkhwa and posted at District Bannu. After completing his training from Police Training College Hangu, he was formally assigned duties as Constable at District Bannu. After rendering more than three years service at District Bannu, he was transferred to Elite Force Khyber Pakhtunkhwa, Peshawar and as such was receiving training and almost spent one year and five months there. After getting clearance certificate from Elite Force Headquarter, Peshawar he was transferred back to District Bannu, vide order dated 07.12.2017. The appellant got seriously ill w.e.f 22.11.2017 to 27.12.2017 and received treatment from Medical Officer Incharge Central Jail, Bannu followed by a surgery. He preferred an application to his highups for grant of medical leave but it was not considered, and instead he was proceeded against and removed from service vide order dated 27.03.2018 by the Deputy Commandant Elite Force, Khyber Pakhtunkhwa. In pursuance of order dated 07.12.2017 the appellant had reported back to District Bannu. When District Police Officer Bannu, all of a sudden without any prior information to the appellant struck off/removed him from service while making reference to endorsement No. 4626-34/EF order dated 27.03.2018 vide Mad No. 39 Roznamcha dated 15.10.2019. Vide letter dated 02.08.2019 addressed by District Police Officer, Bannu to the Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar it was mentioned that the appellant was

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issued a clearance certificate dated 02.01.2018 by the Elite Establishment and he reported back to District Bannu and a new Belt No.1145 was issued to him while his previous Elite Force Belt No.1449 was changed. The District Police Officer Bannu requested Commandant Elite Force (Respondent No. 4) to review order dated 27.03.2018 and appraise his office accordingly. The appellant preferred departmental appeal to Regional Police Officer, Bannu on 28.01.2020 as no order was communicated to him for restoration/reinstatement of his service upon which RPO Bannu wrote letter dated 10.02.2020 to DPO Bannu to provide his service record but the same was not provided. Feeling aggrieved against the impugned ex-parte action the appellant filed service appeal.

3. Respondents were put on notice who submitted written replies/ comments on the appeal. We have heard the learned counsel for the appellant as well as the learned Assistant Advocate General and perused the case file with connected documents in detail.

4. Learned counsel for the appellant contended that Commandant Elite Force (respondent No. 4) passed the impugned order dated 27.03.2018 and Mad No. 39 dated 15.10.2019 without communicating to the appellant. He raised the question that if something wrong was done by the appellant than why clearance certificate was issued by the Commandant Elite Force Khyber Pakhtunkhwa, Peshawar. Issuance of clearance certificate meant that no disciplinary proceedings were pending against him and hence there was no justification to strike him off or remove him from service. He drew the attention to letter dated 10.02.2020 of DPO Bannu addressed to Deputy Commandant Elite Force requesting him to send service record of the appellant for further process. Through another previous letter dated

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02.08.2019, he had requested the Commandant Elite Force to review the order dated 27.03.2018 and accordingly appraise the DPO Bannu, but no action was taken by respondent No. 4 on any of the letters. The learned counsel further contended that the Duty Rota was an evidence that the appellant was performing his regular duties at the office of DPO Bannu and therefore, any one sided or ex-parte action against him had no substance in the eyes of law. The letter of District Police Officer Bannu showed that his office was not intimated of any disciplinary proceedings initiated against him. Learned counsel for the appellant argued that the appellant was seriously ill and submitted application for grant of medical leave w.e.f 22.11.2017 to 27.12.2017 but the same was not considered which was against the law and rules as medical leave supported by relevant documents could not be denied. He invited the attention towards the competent authority in case of the appellant for taking action against him and which was the District Police Officer Bannu and stressed that the office of Commandant Elite Force, Khyber Pakhtunkhwa, Peshawar was not competent to issue any order of removal from service against the appellant and requested for setting aside the impugned order with further direction to reinstate him w.e.f 15.10.2019.

5. The learned Assistant Advocate General referred to order dated 27.03.2018 and contended that charge sheet and summary of allegations was issued to the appellant, and proper inquiry was conducted before any further action was taken. Final showcause notice was also issued but reply was found unsatisfactory. The appellant was called in orderly room but he failed to appear and hence a notice was issued in local daily also. He was of the view that entire procedure had been completed in the light of rules before awarding major penalty of removal from service.

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6. From the record presented before us it is evident that the appellant was transferred back by office of Commandant Elite Force Khyber Pakhtunkhwa, Peshawar, to District Bunnu on disciplinary grounds vide order dated 07.12.2017. Disciplinary action was initiated against him by Deputy Commandant Elite Force Khyber Pakhtunkhwa vide order sheet dated 29.12.2017 as is evident from the letter of DPO Bannu addressed to Commandant Elite Force, and the same letter indicates that the Elite Establishment had issued the LPC to the appellant also, which according to him was contrary to disciplinary rules as an inquiry had been initiated against him. He was handed over a clearance certificate on 02.01.2018 by Elite Establishment. It is strange to note that the office of Commandant Elite Force did not enter into any correspondence with the DPO Bannu, being the parent office of the appellant and hence the office of DPO Bannu remained unaware of any departmental proceedings initiated against the appellant. The official on his transfer from the office of Commandant Elite Force was repatriated on 07.12.2017 to the office of DPO Bannu. The period of absence as shown in the impugned order dated 27.03.2018 is 04.01.2018 whereas the same order indicates that he remained absent from duty w.e.f 22.11.2017 to 02.01.2018 and that period of 41 days has been treated as leave without pay. The advertisement dated 02.03.2018 in daily Aaj indicates his continuous absence from 22.11.2017. Record further indicates that service record of the appellant as requested by DPO Bannu was not provided by Commandant Elite Force. The available record further indicates that the appellant reported arrival in Police Line Bannu on 20.02.2018 and was allotted new belt no. 1145 and hence he was on the strength of regular police of District Bannu at the time of issuing of impugned order dated 27.03.2018.

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6. For the record presented before us it is evident that the appellant was transferred back by office of Commandant Elite Force Khyber Pakhtunkhwa, Peshawar to District Bannu on disciplinary grounds vide order dated 07.12.2017. Disciplinary action was initiated against him by Deputy Commandant Elite Force Khyber Pakhtunkhwa vide order sheet dated 27.12.2017 as is evident form the letter of DPO Bannu addressed to Commandant Elite Force and the same letter indicates that the Elite Establishment had issue the LPC to the appellant also, which according to him was contrary to disciplinary rules as an inquiry had been initiated against him. He was handed over a clearance certificate on 02.01.2018 by Elite Establishment. It is strange to note that the office of Commandant Elite Force did not enter into any correspondence with the DPO Bannu being the present office of the applicant and hence the office of DPO Bannu remained unaware of any departmental proceedings initiated against the appellant. The official on his transfer from the office of Commandant Elite Force was repatriated on 07.12.2017 to the office of DPO Bannu. The period of absence as shown in the impugned order dated 27.03.2018 is 04.01.2018 whereas the same order indicates that he remained absent from duty w.e.f 22.11.2017 to 02.01.2018 and that period of 41 days has been treated as leave without pay. The advertisement dated 02.03.2018 in daily Aaj indicates his continuous absence from 22.11.2017. Record further indicates that service record of the appellant as requested by DPO Bannu was not provided by Commandant Elite Force. The available record further indicates that the appellant reported arrival in Police Line Bannu on 20.02.2018 and was allotted new belt no. 1145 and hence he was on the strength of regular police of District Bannu at the time of issuing of impugned order dated 27.03.2018.

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7. In view of the above discussion we arrive at the conclusion that the Office of Commandant Elite Force was not competent for taking any disciplinary action against the appellant and hence order of removal from service passed by the Commandant Elite Force is against the law and rules. In view of that the service appeal of the appellant is allowed, and impugned order dated 27.03.2018 is set aside and the respondents are directed to reinstate the appellant from the date of his removal i.e 15.10.2019 and allow him all back benefits as prayed for. Parties are left to bear their own costs. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 8th day of September, 2022.*

(ROZINA REHMAN)
Member (J)

(FAREEHA PAUL)
Member (E)

Certified to be ture copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 09-09-22
Number of Words 2400
Copying Fee 26/-
Urgent
Total 26/-
Name of Copyist
Date of Complection of Copy 07-11-22
Date of Delivery of Copy 07-11-22

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7. in view of the above discussion we arrive at the conclusion that the office of commandant Elite Force was not competent for taking any disciplinary action against the applicant and hence order of removal from service passed by the Commandant Elite Force is against the law and rules. In view of that the service appeal of the appellant is allowed, and impugned order dated 27.03.2018 is set aside and the respondents are directed to reinstate the appellant from the date of his removal i.e. 15.10.2019 and allow him all back benefits as prayed for. Parties are left to bear their own costs. Consign.

8. *Pronounced in open court in Peshawar and given under our hands and seal of the Tribunal on this 8th day of September, 2023.*

Sd/-
(ROZINA REHMAN)
MEMBER (J)

Sd/-
(FAREEHA PAUL)
MEMBER (J)

ATTESTED

Annex B (12) (9)

Zahid 15 Gate

13th Mar. 2023

Petitioner in person present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Muhammad Farooq, DSP (Legal) for the respondents present.

Representative of the respondents provided office order dated 09.12.2022 through which the petitioner has been provisionally and conditionally reinstated in service and back benefits have been granted subject to provision of Affidavit. Copy of the same has been provided to the petitioner and he is satisfied. Judgment of the Tribunal stands implemented. Consign.

Pronounced in open court at Peshawar and given under my hand and the seal of the Tribunal on this 13th day of March, 2023.

(Fareeha Paul)
Member(E)

Certified to be ture copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

ATTESTED
to be true copy
Advocate

Date of Presentation of Application 15/3/23
Number of Page 2
Copying Fee 10/-
15/-

Date of Delivery of Copy 15/3/23
15/3/23

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BETTER COPY

13

9/1

13th March 2023

Petitioner in person present. Mr. Asad Ali Khan, Assistant Advocate General alongwith Mr. Muhammad Farooq, DSP (Legal) for the respondents present.

Representative of the respondents provided office order dated 09.12.2022 through which the petitioner has been provisionally and conditionally reinstated in service and back benefits have been granted subject to provision of Affidavit. Copy of the same has been provided to the petitioner and he is satisfied. Judgment of the Tribunal stands implemented. Consign.

Pronounced in open court at Peshawar and given under my hand and the seal of the Tribunal on this 13th day of March, 2023.

Sd/-
(Fareeha Paul)
Member (E)

100
Rupees

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روپیہ

<u>بیان حلفی</u>

حلفاً بیان دیتا ہوں کہ سائل کو سروس ٹریبونل عدالت پشاور نے بحوالہ سروس
اپیل نمبر 6333/2020 جس کا مورخہ 8/22 کو تمام مراعات تنخواہ بحال کرنے کا حکم
کیا گیا ہے۔ سائل کو تمام مراعات و تنخواہ کے ساتھ بحال کرنے کا حکم صادر فرما
کر مشکور و ممنون ہوں۔ اگر سائل کے خلاف سپریم کورٹ آف پاکستان نے کوئی
فیصلہ کرنے کا حکم کیا تو تمام مراعات واپس کرنے کا پابند رہے گا۔ سائل
حلفاً تحریر لکھ دیتا ہوں تاکہ سند رہے۔

العبد ابرار خان ولد عبدالرحیم سکنہ بنوں 5/12/22
1110-0777362-5

ATTESTED
to be true copy
Advocate

ATTESTED

(15)

10/1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No.6333/2020

Zahid Khan s/o Abdur Rahim Khan
Constable Belt NO.1145, District Police Bannu
R/o Ismail Khel, District Bannu..Appellant

Versus

1) Inspector General of Police, KP, Peshawar.
2) Regional Police Officer, District Bannu.
3) District Police Officer, Bannu.
4) Commandant Elite Force, KP, Peshawar.
5) Deputy Commandant Elite Force, KP, Peshawar....... Respondents

---

Application for implementation of judgment/ order of service tribunal dated 08.09.2022.

Respectfully Sheweth;

1) That this Hon'ble Tribunal vide judgment/ order dated 08.09.2022 accepted appeal of applicant/ petitioner. (Copy of judgment/ order dated 08.09.2022 is attached as Annexure "A").

2) That petitioner approached the concerned authorities for the implementation of judgment/ order dated 08.09.2022 but the respondents implemented the order of this Hon'ble Tribunal to the extent of reinstatement but the back benefits have not been paid and after reinstatement the salaries still not given to the appellant/ petitioner.

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3) That according to superior courts judgments every organ of the State as well as subordinate court of the country is bound to implement the judgment and order in its true letter and spirit.

4) That justice demands that judgment of this Hon'ble Tribunal may please be implemented in true letter and spirit.

It is, therefore, humbly prayed that respondents may please be directed to implement the order/ judgment dated 08.09.2022 in true letter and spirit and all the benefits be awarded after the decision of the Hon'ble Tribunal.

Petitioner

Through 9-2-2023

Zafar Ali Khan
Advocate High Court

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

ATTESTED

A. No. 6333/20, Zahid Khan (17)

04.09.2023 Clerk of learned counsel for the petitioner present. Mr. Shafiullah, ASI alongwith Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

Khyber Pakhtunkhwa Service Tribunal Peshawar

On previous date, representative of the respondents had requested for time for submission of implementation report and the matter was adjourned for today. Representative of the respondents is again seeking further time for submission of implementation report. In this scenario, salaries of the respondents stand attached till further order. The Accountant General Khyber Pakhtunkhwa and District Accounts Officer, Bannu shall attach the salaries of the respondents till further order. Registrar of this Tribunal shall send copy of this order to Accountant General Office Khyber Pakhtunkhwa, Peshawar as well as District Accounts Officer, Bannu for compliance. To come up for implementation report on 12.10.2023 before the S.B. Parcha Peshi given the parties.

(Salah-Ud-Din)
Member (J)

Naeem Amin

Certified to be ture copy
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar
7/9/23

Date of Presentation of Application 07/9/23
Number of Words 10
Copying Fee 5/-
Urgent 5/-
Total 10/-
Name of Copyiest
Date of Complection of Copy 07/9/23
Date of Delivery of Copy 07/9/23

(08)

Execution Petition No.383/2023 titled "Zaid Khan Vs. Police Department"

ORDER
[14]th Dec. 2023

1. Nobody is present on behalf of the petitioner. Mr. Asad Ali Khan, Assistant Advocate General for the respondents present.

2. On the previous date, Mr. Niaz Muhammad DSP (Legal) had produced copy of letter No.4090 dated 16.10.2023, whereby the District Accounts Officer Bannu was requested by the District Police Officer Bannu to process the arrears bill amounting to Rs.19,94,254/- of the petitioner. It is alleged in the application for implementation that the back benefits had not been paid after the reinstatement of the petitioner as salaries were still not given to him. The letter of the DPO Bannu shows that his claim has been submitted. Therefore, the judgment seems to have been implemented. Disposed of accordingly. Consign.

3. *Pronounced in open Court at Peshawar and given under my hand and seal of the Tribunal on this 14th day of December, 2023.*

(Kalim Arshad Khan)
Chairman

*Mutazem Shah**

Date of Presentation of Application 04-01-24
Number of Words 5 pages
Copying Fee 5/-
Urgent
Total 5/-
Name of Copyist
Date of Completion of Copy 05-01-24
Date of Delivery of Copy 05-01-24

Certified to be ture copy
Examiner
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

18/1 ①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No.6333/2020

Zahid Khan s/o Abdur Rahim Khan
Constable Belt No.1145, District Police Bannu
R/o Ismail Khel, District Bannu.. Appellant

Versus

1) Inspector General of Police, KP, Peshawar.
2) Regional Police Officer, District Bannu.
3) District Police Officer, Bannu.
4) Commandant Elite Force, KP, Peshawar.
5) Deputy Commandant Elite Force, KP, Peshawar
6) Deputy Superintendent of Police (Legal) DPO Office, Bannu

.... Respondents

Application for implementation of judgment/ order of service tribunal dated 08.09.2022 and 13.03.2023

Respectfully Sheweth;

1) That this Hon'ble Tribunal vide judgment/ order dated 08.09.2022 accepted appeal of applicant/ petitioner. (Copy of judgment/ order dated 08.09.2022 is attached as Annexure "A").

2) That petitioner approached the concerned authorities for the implementation of judgment/ order dated 08.09.2022 but the respondents implemented the order of this Hon'ble Tribunal to the extent of reinstatement but the back benefits have not been paid and after reinstatement the salaries still not given to the appellant/ petitioner.

ATTESTED

18/2

3) That the petitioner filed an application for implementation of the above mentioned order which was partially implemented to the extent of reinstatement of service while back benefit were not implemented despite the affidavit submitted by the appellant to the respondents as per order dated 09.12.2022. (Copy of dated 03.03.2023 and affidavit are attached as Annexure "B").

4) That according to superior courts judgments every organ of the State as well as subordinate court of the country is bound to implement the judgment and order in its true letter and spirit.

5) That justice demands that judgment of this Hon'ble Tribunal may please be implemented in true letter and spirit.

It is, therefore, humbly prayed that respondents may please be directed to implement the order/ judgment dated 08.09.2022 and 03.03.2023 in true letter and spirit and all the benefits be awarded after the decision of the Hon'ble Tribunal.

Petitioner

Through

Zafar Ali Khan
Advocate High Court

AFFIDAVIT

I, do hereby affirm and declare on oath that the contents of the **Application** are true and correct to the best of my knowledge and belief to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Tribunal.

Deponent

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بعدالت جناب سروس ٹربیونل KP پشاور

بنام ایڈمنسٹریٹر ہسپتال ڈائریکٹر

202ء منجانب زاہد خان

مورخہ
مقدمہ Implementation application
دعویٰ
جرم

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ آن مقام پشاور کیلئے لطف علی خان ایڈووکیٹ ہائیکورٹ پشاور مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وکیل صاحب کو راضی نامہ کرنے وتقرر ثالت و فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور بصورت ڈگری کرنے اجراء اور وصولی چیک وروپیہ ارعرضی دعویٰ اور درخواست ہر قسم کی تصدیق زرایں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برامدگی اور منسوخی نیز دائر کرنے اپیل نگرانی ونظرثانی وپیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ مذکور 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 بھی وہی جملہ مذکورہ با اختیارات حاصل ہوں گے اور اس کا ساختہ برداختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہرجانہ التوائے مقدمہ کے سبب سے وہ ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھدیا کہ سند رہے۔

المرقوم ________ ماہ ________ 20

العبد ________ گواہ ________ العبد ________

بمقام ________ کے لئے منظور ہے۔

زاہد خان