

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

Objection Petition No. /2024

In

Execution petition No. 835/2023

In

Service Appeal No. 1184 /2016

Asfandyar Constable .....(Appellant)

Versus

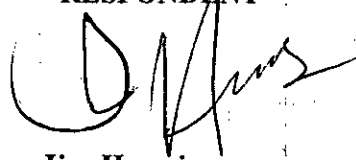
Provincial Police Officer, Khyber Pakhtunkhwa and Others

.....(Respondents)

**I N D E X**

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**RESPONDENT**



**Ijaz Hussain,**

DSP Legal, Charsadda

18-03-2024  
S.B  
Peshawar

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**PESHAWAR**

Objection Petition No. /2024

In

Execution petition No. 835/2023

In

Service Appeal No. 1184 /2016

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 11763

Dated 15-03-2024

Asfandyar Constable .....(Appellant)

Versus

Provincial Police Officer, Khyber Pakhtunkhwa and Others

.....(Respondents)

The facts leading to the instant objection petition are as under:-

1. That, the appellant had filed Service Appeal No. 1184/2016, with the following prayers:-

*"That on acceptance of this appeal, the impugned orders dated 26-05-2015 and 21-06-2016 received by the appellant on 23-09-2016 may be modified and the respondent department may be directed to convert the intervening period as leave with full pay. Any other remedy which this august Tribunal deems fit and appropriate that may also be awarded in favour of appellant".*

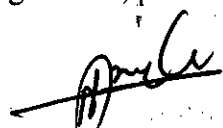
2. That, the Hon'ble Khyber Pakhtunkhwa Service Tribunal, Peshawar vide judgment dated 17.05.2023, disposed of the instant Service Appeal in the following terms:-

*"The appeal in hand is allowed as prayed for".*

3. That, the Police Department has already filed CPLA No.467-P/2023 against the impugned Judgment in the Hon'ble Apex Court of Pakistan which is subjudice.
4. That, the appellant from the date of appointment till his dismissal had a service of only 10 years and 04 months, while the period for which he claimed full pay as leave is 06 years and 08 months.
5. That, as per Khyber Pakhtunkhwa Civil Servants Revised Leave Rules, 1981, maximum period of leave on full pay that may be granted at one time is 120 days.
6. That, the wilful absence and remained absconder for long period due to criminal case and treating the period of out of service of appellant as leave with pay is unjustified and without any backing of law and in violation of principle of "no work no pay".
7. That, treating the absence period of the appellant with pay will put extra burden on the public exchequer.
8. That, the Rule 12 of the Khyber Pakhtunkhwa Services Tribunal Rules, 1974 provides for the filing of objection petitions against the judgments of the Tribunal.

**PRAYERS**

Keeping in view above narrated facts, circumstances, the execution petition of the appellant may kindly be dismissed being meritless and having no legal force, please.

  
(NAZIR KHAN) PSP  
District Police Officer,  
Charsadda.

Dy: Superintendent  
of Police, Legal  
Charsadda

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**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
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**AFFIDAVIT**

I, the respondent do hereby solemnly affirm and declare on Oath that the contents of reply to the appeal are true and correct to the best of my knowledge and nothing has been concealed from this Hon'ble Tribunal.

It is further stated on oath that in this appeal, the answering respondent has neither been placed ex-parte nor their defense has been struck off.



*Nazir Khan*

**DEPONENTS:**

(Nazir Khan) PSP  
District Police Officer,  
Charsadda

Dy: Superintendent  
of Police, Legal  
Charsadda

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**GOVERNMENT OF KHYBER PAKHTUNKHWA**  
**OFFICE OF THE DISTRICT POLICE OFFICER CHARSADDA**  
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**AUTHORITY**

Mr. Ijaz Hussain, DSP Legal Charsadda, is hereby authorized to appear before the Khyber Pakhtunkhwa Service Tribunal, Peshawar in Execution Petition No.835-P/2023 in Service Appeal No.1184-P/2016 on behalf of answering respondent. He is also authorized to submit all required documents and replies etc as representative of the answering respondent through the Additional Advocate General, Khyber Pakhtunkhwa Peshawar.

A handwritten signature in black ink, appearing to read 'Nazir Khan'.

**(Nazir Khan) PSP**  
District Police Officer,  
Charsadda  
Dy: Superintendent  
of Police, Legal  
Charsadda