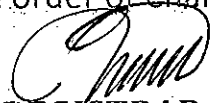


Form- A
FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 266/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	28.03.2024	<p>The implementation petition of Mr. Asal Din received today by registered post through Mr. Imtiaz Ali Khan Marwat Advocate. It is fixed for implementation report before touring Single Bench at D.I.Khan on _____</p> <p>Original file be requisitioned. AAG has noted the next date. Counsel for the petitioner has been informed telephonically.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

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

Implementation/Execution Petition No...*266*... of 2024.
In Judgment dated 21/11/2023 in Service appeal No. 333/2023.

Asal Din.....Petitioner/Appellant
VERSUS
Inspector General of Police etcRespondents

INDEX

No.	Particulars	Annexure	Pages
1	Grounds of Implementation /Execution Petition along with affidavit.		<i>1-3</i>
2	Copy of service appeal	A	<i>4-7</i>
3	Copy of judgment dated 21/11/2023	B	<i>8-9</i>

Your Humble Petitioner



Asal Din
Through Counsel

Dated; //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....266... of 2024.
In Judgment dated 21/11/2023 in Service appeal No. 333/2023.

Asal Din son of Nasir Ur Din, Presently Sub-Inspector
Police # 80-D, Presently Posted in District Tank.

.....**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. 333/2023 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 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. 333/2023 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

2

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 to complete the further process of seniority on list "F" in accordance with the entries in list "E" within 60 days. Copy of service appeal is enclosed as **Annexure "A"** and judgment dated 21/11/2023 is enclosed as **Annexure "B"**.
3. That the respondents are reluctant to obey the directions so far.
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.
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.

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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. 333/2023 may kindly be got implemented to ensure the justice.

Your Humble Petitioner



Asal Din

Through Counsel

Dated: 11/03/2024



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

AFFIDAVIT:-

I, **Asal Din** son of Nasir Ur Din, Presently Sub-Inspector Police # 80-D, Presently Posted in District Tank, 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.



Deponent

4

A

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

Service Appeal No. _____/2023

Asal Din(Appellant)

VERSUS

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

INDEX

S.No	Description of Documents	Annexure	Page
1.	Grounds of Service Appeal along with affidavit.		25
2.	Application for condonation of delay along with affidavit		6
3.	Copy of promotion order dated 10/02/2010	"A"	7
4.	Copy of confirmation order dated 19/01/2017	"B"	8-9
5.	Copy of promotion as SI vide order dated 31/08/2017	"C"	10-11
6.	Copy of order dated 31/12/2021	"D"	12-14
7.	Copy of recommendation	"E"	15-18
8.	Copy of impugned order dated 08/12/2022	"F"	19
9.	Copy of impugned order dated 30/12/2022	"G"	20
10.	Copy of impugned seniority list	"H"	21-24
11.	Vakalatnama		25

Your Humble Appellant

Asal Din

Through Counsel

Dated: 25/01/2023

mtz
EMTIAZ ALI KHAN MARWAT

Advocate, District Bar,

Dera Ismail Khan

Mobile #0346-7847274

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

Service Appeal No. _____/2023

Asai Din S/o Nasir Ur Din, Presently Sub-Inspector Police # 80-D, Presently posted in District Tank.

.....(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 AS WELL AS CONSEQUENTIAL 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 25/06/1988 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 dated 10/02/2010 on two years

probation. Copy of promotion order dated 10/02/2010 is enclosed as Annexure "A".

4. That appellant was confirmed in the rank of ASI and name brought on promotion list "E" vide notification No. 268-82/ES dated 19/01/2017. Copy of confirmation order dated 19/01/2017 is enclosed as Annexure "B".

5. That appellant was promoted to the rank of officiating SI on 02 years probation vide RPO DIKhan office Endst; No. 3466-75/ES dated 31/08/2017. Copy of promotion as SI vide order dated 31/08/2017 is enclosed as Annexure "C".

6. That appellant was confirmed as S.I vide notification bearing Endst; No. 5842-60/E.S dated 31/12/2021. Copy of order dated 31/12/2021 is enclosed as Annexure "D".

7. That Regional Departmental Scrutiny committee was constituted for rectification / revised seniority strictly in accordance with Police Rules, 13-18.

8. That appellant submitted application for rectification of seniority / revised seniority strictly in accordance with Police Rules, 13-18.

9. That scrutiny Committee recommended for rectification / reserved seniority w.e.from 2012. Copy of recommendation is enclosed as Annexure "E".

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

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 "G".

12. That respondent No. 2 vide ibid order further directed for not allowing back benefits and promotion.

13. That now RPO DIKhan has assigned revised seniority as ASI vide No. 259/E.S dated 11/01/2023 without granting back benefits as well as consequential benefits of promotion at all stages. Copy of impugned seniority list is enclosed as Annexure "H".

14. That as per reported judgments of this Honourable Tribunal, the appellant is also entitled to all back benefits of revised seniority and promotion.

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 officiating ASI on 10/02/2010 and was required to be confirmed on 10/02/2012 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 appellant has applied for rectification of his seniority and the in-action on the part of respondents is violation of the Law & Rules.
- I. That the scrutiny committee has also recommended for correction / revised seniority since 2012.
- J. That any right accrued during service, shall be admissible to appellant even after retirement.
- K. 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.
- L. That from every angle appellant is entitled to revised seniority and all back benefits thereto.

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M. That the rights of appellant were infringed vide impugned order dated 30/12/2022 and order dated 11/01/2023, therefore, the instant appeal is within time. However, application for condonation of delay is also attached.

N. That counsel for the appellant may kindly be allowed to raise additional grounds at the time of arguments.

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

Asal Din
Through Counsel

Dated: 30/01/2023

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, **Asal Din** S/o Nasir Ur Din, Presently Sub-Inspector Police # D-80, the appellant, 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:

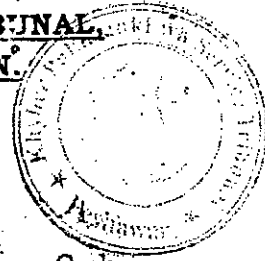
IMTIAZ ALI KHAN MARWAT
Advocate, District Bar, DIK



8

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

Service Appeal No. 333/2023



Asal Din S/o Nasir Ur Dir., Presently Sub-Inspector Police # 80-D, Presently posted in District Tank.

.....(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa, through *Honl* 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 AS WELL AS CONSEQUENTIAL BENEFITS FOR NO GOOD GROUNDS.

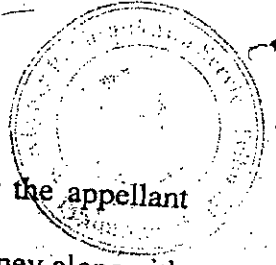
Respectfully Sheweth:-

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 25/06/1988 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 dated 10/02/2010 on two years

Certified true and correct copy


Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Service Appeal No.333/2023





RDER
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.

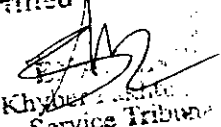
2. Vide our detailed order of today, placed on file of connected Service Appeal No.332/2021 titled "Shah Jehan Vs. Police Department" this case is also disposed of in terms of the said order. Copy of the order be placed on file of this case. Consign.

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.*

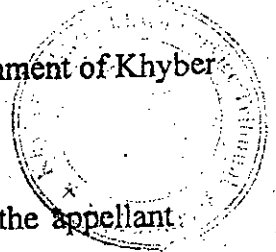

(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah

Certified *True copy*

Khyber Pakhtunkhwa
Service Tribunal
Peshawar

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




ORDER

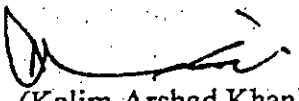
21st Nov. 2023 Kalim Arshad Khan, Chairman: Learned counsel for the appellant.

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

2. 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.

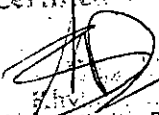
3. *Pronounced in open Court at D.I.Khan and given under our hands and seal of the Tribunal on this 21st day of November, 2023.*


(Muhammad Akbar Khan)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah

Certified to be true copy


Service Tribunal
Peshawar

IMTIAZ AL-KHAN

Advocate

bc-11-2641

Date of issue: October 2021

Valid upto: October 2024



ADVOCATE

وکالت نامہ

Secretary
KP Bar Council

ایک روپیہ

کورٹ فیس

صاحب شہید مختار خاں مسرور سید ٹریڈنگ کمپنی لہنجاور

منجانب اصل دین پشاور ایسٹ
نام

Execution Petition in Service Appeal No. 333/2023

بعدالت

دعویٰ باجرم

تفصیل دعویٰ باجرم

باعث تحریر آنکہ

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہ دہی برائے پیشی یا تصفیہ مقدمہ نام

امتیاز علی خان مسرور ایسٹنگ ڈیپوٹنٹ ایسٹبلشمنٹ

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ رو برو عدالت حاضر ہوتا ہوں گا اور ہر وقت پکارے جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور ہیرے 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 بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر مقام پکھری کے علاوہ اور جگہ ساعت ہونے یا بروز تعطیل یا پکھری کے اوقات کے آگے یا پیچھے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا محنت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے مجھ کو کل ساختہ پر وادخت صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعویٰ یا جواب دعویٰ یا درخواست اجراء اسانے ذکر کی نظر جانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے میان دینے اور پر عالتی یا راضی نامہ فیصلہ برحرف کرنے اقبال دعویٰ کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مذکور بیرون از پکھری صدر بیرونی مقدمہ مذکور نظر ثانی اپیل و نگرانی و برآمدگی مقدمہ یا مشورتی ذکر کی پک طرفہ یا درخواست حکم اختتامی یا ترقی یا اگر ترقی عمل از فیصلہ اجرائے ذکر کی بھی صاحب موصوف کو بشرط ادائیگی یا بعد مختار بیرونی کا اختیار ہو گا اور تمام ساختہ پروادخت 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 نگرانی یا دیگر معاملہ و قدمہ مذکورہ کسی دوسرے وکیل یا ہیر سز کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو بھی ہر امر میں وہی اور ویسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جانہ التواہ پڑے گا وہ صاحب موصوف کا حق ہو گا مگر صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پردی 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 مستدر ہے

مورخ 11 مارچ 2024

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

Attested and
Accepted
Imtiaz
Advocate