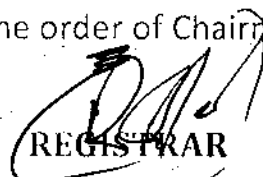


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 536/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	10.06.2024	<p>The implementation petition of Mr. Umar Hayat submitted today by Mr. Fazal Shah Mohmand Advocate. It is fixed for implementation report before Single Bench at Peshawar on 12.06.2024. Original file be requisitioned. AAG has noted the next date. Parcha peshi given to counsel for the petitioner.</p> <p>By the order of Chairman,</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. 536 /2024
In
Service Appeal No 1347/2023

Umar HayatPetitioner

V E R S U S

PPO & othersRespondents

I N D E X

S. No	Description of documents	Annexure	Pages
1.	Implementation Petition with Affidavit		1-2
2.	Copy of the Order dated 20-02-2024	A	3-5
3.	Copy of Application dated	B	6
4.	Vakalat Nama		7

Dated:-21-05-2024

Petitioner/Appellant
Through


Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan

OFFICE:- Cantonment Plaza Flat 3/B Khyber Bazar Peshawar Cell# 0301 8804841
Email:- fazalshahmohmand@gmail.com

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR

Khyber Pakhtukhwa
Service Tribunal

Implementation Petition No 536 /2024

Diary No. 13368

In

Service Appeal No 1347/2023

Dated 10-06-2024

Umar Hayat, Officiating Sub Inspector, No 563/MR, PS BDU Special
Branch Sawabi.Petitioner

V E R S U S

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan.
3. District Police Officer, Mardan.
4. District Police Officer, Swabi

.....Respondents

**IMPLEMENTATION PETITION UNDER SECTION 7 OF THE
KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974
FOR THE IMPLEMENTATION OF JUDGMENT/ORDER
DATED 20-02-2024 PASSED BY THIS HONORABLE
TRIBUNAL IN THE ABOVE TITLED SERVICE APPEAL.**

Respectfully Submitted:-

1. That the Petitioner/appellant earlier filed Service Appeal No 1347/2023, before this honorable Tribunal for his confirmation as Sub Inspector w.e.f. 10-02-2021, which was disposed of sending the appeal of the appellant with other connected appeals to respondents for considering the same in accordance with Police Rules 13-18 for confirmation as Sub Inspector if fulfill requisite criteria vide Order dated 20-02-2024. **(Copy of the Order dated 20-02-2024 is enclosed as Annexure A).**
2. That after obtaining attested copy of Order dated 20-02-2024, the petitioner approached respondents for its implementation vide application dated 01-03-2024 however for reasons best known to them the same has not been implemented. **(Copy of Application dated 01-03-2024 is enclosed as Annexure B).**
3. That the respondents are not ready to implement the Judgment of this honorable Tribunal in its true spirit for no legal and valid reasons, this act of the respondents is

unlawful, unconstitutional and goes against the Judgment and Order dated 20-02-2024 of this honorable Tribunal.

- 4. That the respondents are under legal obligation to implement the Order of this honorable Tribunal in its true letter and spirit but they are not ready to perform their obligation for no legal reason.
- 5. That noncompliance of the order of this honorable Tribunal, speaks malafide on part of the respondents and they are bent upon to lower the position of the judiciary in the eyes of the public at large.

It is therefore prayed, that on acceptance of this Application/Petition, respondents may kindly be directed to implement the Judgment /Order of this honorable Tribunal dated 20-02-2024 passed in Service Appeal No 1347/2023.

Dated:-21-05-2024

**Petitioner/Appellant
Through**

**Fazal Shah Mohmand
Advocate,
Supreme Court of Pakistan.**

**Ibad Ur Rehman Khalil
&
Baseer Ahmad Shah
Advocates Peshawar.**

AFFIDAVIT

I, Umar Hayat, Officiating Sub Inspector, No 563/MR, PS BDU Special Branch Sawabi, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Implementation Petition** are true and correct to the best of my knowledge and belief and nothing has been concealed from this honorable Tribunal.

DEPONENT



3 A

1

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL

PESHAWAR



Service Appeal No: 1347/2023

Umar Hayat, Officiating Sub Inspector, No 563/MR, PS BDU Special Branch
Sawabi,

.....Appellant

V E R S U S

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Mardan Region Mardan.
3. District Police Officer, Mardan.
4. District Police Officer, Swabi.

.....Respondents

~~APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974 AGAINST THE ORDER ISSUED VIDE LETTER NO: 783-87/ES DATED 10-02-2023 WHEREBY THE OFFICIATING PROMOTION ORDER OF THE APPELLANT HAS BEEN TERMED AS ADHOC PROMOTION AND AGAINST WHICH DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT BEEN RESPONDED SO FAR DESPITE THE LAPSE OF MORE THAN THE STATUTORY PERIOD OF NINETY DAYS.~~

PRAYER:-

On acceptance of this appeal the impugned Letter/Order issued vide No 783-87/ES dated 10-02-2023 to the extent of the appellant may kindly be set aside and the appellant may kindly be confirmed as Sub Inspector w.e.f 10-02-2021, with all back benefits.

Respectfully Submitted:-

1. That the appellant was initially enlisted as Constable in Police department on 10-12-1998, was promoted as Head Constable in the year 2008, and was then promoted as ASI in the year 2017.
2. That the appellant during service, qualified various courses including Lower School Course, Intermediate and Upper School Course and is presently serving in police department of Mardan Region. The appellant along with others was confirmed as ASI on list "E" of Mardan Region, upon the recommendations of departmental promotion committee and after being confirmed as ASI on List "E" was accordingly promoted along with others as Officiating Sub Inspectors (BPS 14), upon the recommendations of Departmental Promotion Committee, vide Letter/Order dated 11-02-2019 by the Regional Police Officer Mardan. (Copy of Letter/Order dated 11-02-2019 is enclosed as annexure A).

ATTESTED

EXAMINED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

4

Service Appeal No.1317/2023 titled "Fawad Ali Vs. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others"

ORDER

20th Feb. 2024

Kalim Arshad Khan, Chairman: Through this single order this appeal

and all the following connected appeals are being decided as all are against

the same impugned order No.783-87/ES dated 10.02.2023. Appeal Nos:

1318/2023, 1319/2023, 1320/2023, 1321/2023, 1322/2023, 1323/2023,

1324/2023, 1325/2023, 1326/2023, 1327/2023, 1328/2023, 1329/2023,

1330/2023, 1331/2023, 1332/2023, 1333/2023, 1334/2023, 1335/2023,

1336/2023, 1337/2023, 1338/2023, 1339/2023, 1340/2023, 1341/2023,

1342/2023, 1343/2023, 1344/2023, 1345/2023, 1346/2023, 1347/2023,

1348/2023, 1349/2023, 1350/2023, 1351/2023, 1352/2023, 1353/2023,

1354/2023, 1355/2023 and Service Appeal No. 1356/2023.

2. Learned counsel for the appellants present. Mr. Asif Masood Ali Shah, Deputy District Attorney alongwith Mr. Muhammad Wisal Khan, SP Headquarters, Mardan for the respondents present.

3. Brief facts of the cases are that appellants, while serving in the Police Department, were promoted from the post of Head Constable to Assistant Sub Inspector on different dates. That after qualifying the required courses, they were confirmed as ASIs on list "E" of Mardan Region. That on 11.02.2019, they were promoted as Officiating Sub Inspectors (BPS-14)

by the Departmental Promotion Committee. That vide letter/order No.783-87/ES dated 10.02.2023 their promotion was termed as adhoc promotion.

Feeling aggrieved, they filed departmental appeals which were not responded, hence, the instant service appeals. The appellants also filed Writ Petition No.837-P/2023 before the Peshawar High Court which was



ATTESTED
EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

ATTESTED

5


dismissed being barred under Article 212 of the Constitution. Copy of the said writ petition is however not available on files nor produced.

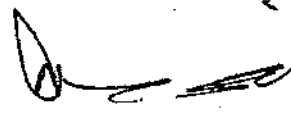
4. Arguments heard. Record perused.

5. There is no dispute that under the Khyber Pakhtunkhwa Police Rule-13.18, the probation period for confirmation in the rank of Sub Inspector is two years subject to completion of requisite criteria for the said confirmation. The learned counsel claims that the appellants have fulfilled such criteria and he said that the appellants would be satisfied if their cases are sent to the authorities for considering the same in accordance with Rule-13.18 of the Police Rules as to whether they had fulfilled the same and if they had fulfilled the same, the SP Headquarters Mardan says that they would be equally treated and confirmed subject to availability of clear vacancy.

6. With the above mutual consensus, these appeals are disposed of accordingly. (Copies of this order be placed in all connected appeals).
Consign.


7. Pronounced in open Court at Peshawar and given under our hands and seal of the Tribunal on this 20th day of February, 2024.


(Kareeha Paul)
Member (E)


(Kalim Arshad Khan)
Chairman

Mutazem Shah*

ATTESTED


EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar
17-5-24

Date of Presentation of Application 17-5-24
Number of page 2
Copying Fee 10/-
Urgent 5/-
Total 15/-
Name of Copyist Shahzad
Date of Completion of Copy 17-5-24
Date of Delivery of Copy 17-5-24

ATTESTED

To,

The Regional Police Officer, Mardan

6 B

Subject: **Application for implementation of Order**
dated 20-02-2024.

Respected Sir,

With due respect it is stated that the applicant filed service appeal No. 1347/2023 before the Honorable Service Tribunal Khyber Pakhtunkhwa Peshawar for his confirmation as Sub Inspector which was disposed off with the direction to respondents for considering the same in accordance with Police Rules 13-18 for confirmation as Sub Inspector if fulfill requisite criteria vide Order dated 20-02-2024..

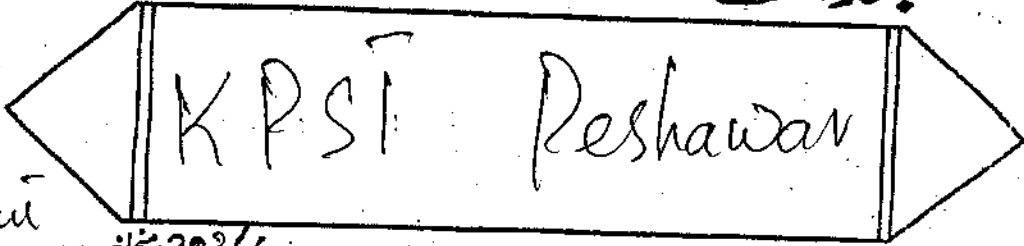
It is therefore requested that the order dated 20-02-2024 of Honourable Service Tribunal Khyber Pakhtunkhwa Peshawar may kindly be implement in its true letter and spirit.

Applicant

Umar Hayat, Officiating Sub Inspector,
No 563/MR, BDU Special Branch Swabi.

Dated:01-03-2024

بعدالت



Appellant

2024ء پنجاب

مقررہ بناام حکومت و غیرہ

مدرجہ
مقدمہ
دعویٰ
جرم

باعث تحریر آئنگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ مساد الرمان علی
آن مقام کسٹومرز کیلئے فصلیہ و شہرت کے لئے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
دیکل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ بر حلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق
ذرائع پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی اور منسوخی
نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی 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
پر واضح منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ و ہرجانہ التوائے مقدمہ کے سبب سے ہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا اذکالت نامہ لکھ دیا کہ سندر ہے۔

المرقوم 15
واہ جون 2024

کے لئے منظور ہے۔

بمقام کسٹومرز