


Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Implementation Petition No. 740/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	18.07.2024	<p>The implementation petition of Mr. Nasir Iqbal submitted today by Mr. Ashraf Ali Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on 19.07.2024. 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  REGISTRAR</p>

**BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA PESHAWAR**

E.P  
EM No. 740 /2024

In the matter of

Service Appeal No. 269/2023

Decided on 22.05.2024


**Nasir Iqbal.....Appellant**

**V E R S U S**

**The Provincial Police Officer & others...Respondents**

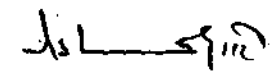
**I N D E X**

S.No	Description of Documents	Annex	Pages
1.	Application for implementation		1-3
2.	Affidavit		4
3.	<b>Copy of the Judgment and Order dated 22.05.2024</b>	A	5-9
4.	<b>Wakalat Nama</b>		10

  
**Appellant / Applicant**

**Through**

**Dated: 18.07.2024**

  
**ASHRAF ALI KHATTAK**  
**Advocate, Supreme Court**  
**of Pakistan**

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**BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER**  
**PAKHTUNKHWA PESHAWAR**

E.P.  
SM No. 740/2024

Khyber Pakhtunkhwa  
Service Tribunal

Diary No. 14313

Dated 18.07.2024

In the matter of

Service Appeal No. 269/2023

Decided on 22.05.2024

Nasir Iqbal, Ex-Constable No. 117, Police Force, Karak.

.....**Appellant**

**V E R S U S**

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Regional Police Officer, Kohat Region, Kohat.
3. The District Police Officer Karak.

.....**Respondents**

**APPLICATION FOR THE IMPLEMENTATION OF**  
**THE JUDGMENT AND ORDER DATED**  
**22.05.2024 IN THE CAPTIONED SERVICE**  
**APPEAL OF THIS HON'BLE TRIBUNAL.**

Respectfully Sheweth:

1. That the above noted Service Appeal was pending adjudication before this Hon'ble Tribunal and was decided vide Judgment and order dated 22.05.2024.

2. That vide judgment and order dated 22.05.2024 this Hon'ble Tribunal while allowing the Appeal of the Appellant, set aside the impugned order and reinstate the Appellant in Service from the date of his dismissal with all back benefits. **(Copy of the Judgment and Order dated 22.05.2024 is attached as Annexure A)**
  
3. That the Judgment and Order of this Hon'ble tribunal was duly communicated to the Respondents by the Petitioner and submitted an Application implementation of the Order of this Hon'ble Tribunal. Thereafter the Petitioner is continuously approaching the Respondents for the implementation of the Judgment and Order dated 22.05.2024, however they are reluctant to implement the same. **(Copy of the Application is attached as annexure B)**
  
4. That the Respondents are legally bound to implement the judgment of this Hon'ble Tribunal dated 22.05.2024 in its true letter and spirit without any further delay, which has already been delayed due to the malafide intention of the Respondents.
  
5. That the valuable rights of the Petitioner are involved in the instant case and the Respondents are violating the legal and fundamental rights of the Petitioner by not reinstating the appellant with all back benefits.

6. That other grounds will be raised at the time of arguments with prior permission of this Hon'ble Tribunal.

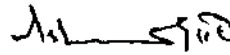
**On acceptance of this Application, the Order and Judgment dated 22.05.2024 of this Hon'ble Tribunal may Kindly be implemented in its true letter and spirit. And the Respondents may graciously be directed to reinstate the Appellant with all back benefits.**



**Appellant / Applicant**

**Through**

**Dated: 18.07.2024**



**ASHRAF ALI KHATTAK  
Advocate, Supreme Court  
of Pakistan**

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**BEFORE THE LEARNED SERVICE TRIBUNAL KHYBER  
PAKHTUNKHWA PESHAWAR**

CM No. \_\_\_\_\_/2024

In the matter of

Service Appeal No. 269/2023

Decided on 22.05.2024

**Nasir Iqbal.....Appellant**

**V E R S U S**

**The Provincial Police Officer & others...Respondents**  
**AFFIDAVIT**

I, Nasir Iqbal, Ex-Constable No. 117, Police Force, Karak, do hereby solemnly affirm and declare on oath that the contents of the accompanying **Application** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



**DEPONENT**



**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR**

BEFORE: **KALIM ARSHAD KHAN** ... CHAIRMAN  
**MUHAMMAD AKBAR KHAN** ... MEMBER (Executive)

Service Appeal No.269/2023

Date of presentation of Appeal.....02.02.2023  
Date of Hearing.....22.05.2024  
Date of Decision.....22.05.2024



Nasir Iqbal, Ex-Constable No.117, Police Force, Karak.....(Appellant)

Versus

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar
2. The Regional Police Officer, Kohat Region, Kohat
3. The District Police Officer, Karak.....(Respondents)

Present: Mr. Ashraf Ali Khattak, Advocate .....For the appellant  
Mr. Muhammad Jan, District Attorney .....For respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED FINAL ORDER DATED 06.01.2023 PASSED BY THE RESPONDENT NO.2 ON THE DEPARTMENTAL APPEAL OF THE APPELLANT; PREFERRED AGAINST THE IMPUGNED ORIGINAL ORDER OR NO.584 DATED 08.11.2022 PASSED BY RESPONDENT NO.3.

JUDGMENT

**KALIM ARSHAD KHAN, CHAIRMAN:** Brief facts of the case are that appellant was appointed as Constable on 05.08.2009; that he was charge sheeted on the basis of alleged involvement in extra departmental activities as well as lodging of FIR No.338 U/S Khyber Pakhtunkhwa Police Act, 2017 at Police Station Sarband, which was replied by him; that an inquiry was conducted against him, wherein, the inquiry officer recommended the appellant for

ATTESTED

Khyber Pakhtunkhwa Service Tribunal Peshawar

ATTSTED

major punishment, that show cause notice was issued to the appellant, resultantly, he was dismissed from service vide impugned order dated 08.11.2022.

2. Feeling aggrieved, he filed departmental appeal but the same was rejected vide order dated 06.01.2023, therefore, he filed the instant service appeal.

3. On receipt of the appeal and its admission to full hearing, the respondents were summoned. Respondents put appearance and contested the appeal by filing written reply raising therein numerous legal and factual objections. The defense setup was a total denial of the claim of the appellant.

4. We have heard learned counsel for the appellant, learned District Attorney and learned counsel for private respondents.

5. The learned counsel for the appellant reiterated the facts and grounds detailed in the memo and grounds of the appeal while the learned District Attorney, controverted the same by supporting the impugned order(s).

6. True that departmental proceedings and criminal proceedings could run simultaneously but it is equally true that in case, where the department has not proceeded in accordance with the prescribed procedure for conducting inquiry, in that situation, the inquiry cannot be made basis for penalizing a civil servant. In this case, although, an inquiry was conducted by the SDPO Banda Daud Shah, Karak, but in the inquiry proceedings the appellant was not confronted with any material with which he was charged nor any

ATTORNEY

TESTED




Independent witness was recorded in support of the allegations against the appellant. It is strange enough to note that the inquiry officer had cross-examined the appellant instead of examining some independent witness and providing opportunity of cross examination to the appellant. The inquiry proceedings are thus not sustainable, nor is the consequent punishment maintainable.

7. Therefore, on allowing this appeal, we set aside the impugned order and reinstate the appellant in service from the date of his dismissal with all back benefits. However, the absence period of the appellant shall be treated as leave of the kind due.

Costs shall follow the event. Consign.

8. Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 22<sup>nd</sup> day of May, 2024.

  
KALIM ARSHAD KHAN  
Chairman

  
MUHAMMAD AKBAR KHAN  
Member (Executive)

ATTESTED

  
Attestation Officer  
Khyber Pakhtunkhwa  
Service Tribunal  
Peshawar

Date of Presentation of Application 22-05-2024  
Number of Words 27  
Copying Fee 15/-  
Urgent \_\_\_\_\_  
Total 15/-  
Name of Copy \_\_\_\_\_  
Date of Completion 25-5-24  
03-6-24

ATTSTET

R/Sir,

It is submitted that Ex-Constable Nasir Iqbal No. 117 has preferred an application alongwith enclosures that he was dismissed from service. After that he submitted an appeal to high-ups however, his appeal was rejected. In this regard he approached to the Service Tribunal Khyber Pakhtunkhwa, Peshawar vide service appeal No. 269/2023. Later on the said Tribunal decided his appeal and announced his order in favour of applicant on 22/05/2024 (copy enclosed ) vide which the honorable Service Tribunal conveyed the following remarks, which is reproduced below:-

*"Our detailed judgment of today placed on file, on allowing his appeal, we set aside the impugned order and reinstate the appellant in service from the date of his dismissal with all back benefits. However, the absence period of the appellant shall be treated as leave of the kind due".*

In the light of Service Tribunal order sheet the Ex-constable named above has moved the enclosed application for reinstatement in service.

Submitted for favour of perusal and order, please.

W/DPO

*decided by N.P. G.P. Me  
Committee  
DPO/Karak  
07/06/2024*

*Zur  
EC/Karak  
7/6/24*

**ATTSTED**

نانا عالی

گزارش ہے کہ مناسبت کو افران بلا مہاجران 2022 سے تعلق رکھنے والے مسائل کے بارے میں جاننے کے لئے درخواست کی گئی ہے۔ جلد سے جلد مناسبت کو افران بلا مہاجران کے بارے میں جاننے کے لئے درخواست کی گئی ہے۔ جلد سے جلد مناسبت کو افران بلا مہاجران کے بارے میں جاننے کے لئے درخواست کی گئی ہے۔

نذرا در خواست استدعا ہے کہ مناسبت کو افران بلا مہاجران کے بارے میں جاننے کے لئے درخواست کی گئی ہے۔ جلد سے جلد مناسبت کو افران بلا مہاجران کے بارے میں جاننے کے لئے درخواست کی گئی ہے۔

من لواء میں رہی  
تاریخ 24/6/24

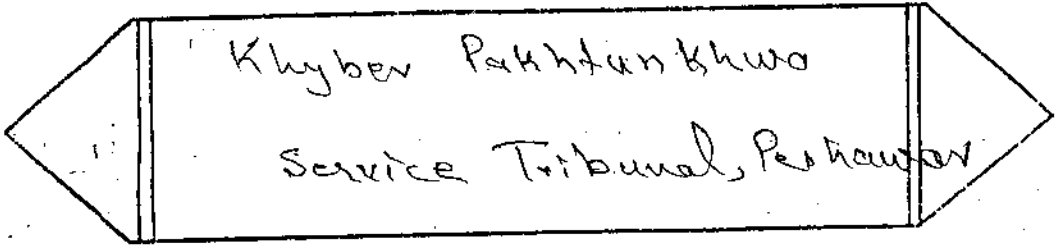
من لواء میں رہی  
تاریخ 24/6/24  
03469267032

SRE  
FOR INFORMATION OF  
PER LAW  
DISTRICT POLICE OFFICER  
7/6/6 KARAK

ATTN  
ATTSTEL

(10)

# بعدالت



2 منجانب

Applicant بنام Nasir Iqbal

موزخہ

مقدمہ

دعویٰ

جرم

Provincial Police Officer  
and others

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کارروائی متعلقہ

آن مقام پشاور کیلئے اشرف علی خٹک

مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کاکامل اختیار ہوگا۔ نیز

وکیل صاحب کو راضی نامہ کرنے و تقرر حالتہ فیصلہ برحلف دینے جواب دہی اور اقبال دعویٰ اور

بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق

زرائیں 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 کارروائی 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 باختیارات حاصل ہوں گے اور اس کا سائنسہ

پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ ہر جانہ 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 وکالت نامہ لکھ دیا کہ سندر ہے۔

Attested & Accepted \_\_\_\_\_

20  
Ashraf Ali Advocate

کے لئے منظور ہے۔

بمقام

امیر افضل