


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1084/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	23.09.2024	<p>The application for restoration of Execution Petition No. 169/2012 submitted today by Mr. Muhammad Asif Yousafzai Advocate. It is fixed for hearing before Single Bench at Peshawar on 27.09.2024. Original file be requisitioned. Parcha Peshi given to counsel for the applicant.</p> <p>By order of the Chairman  REGISTRAR</p>

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

CM NO. 1084 /2024

IN
EXECUTION PETITION No. 169/2012
SERVICE APPEAL NO.407/2011

Nasir Khan

VS

Police Deptt, KP etc.

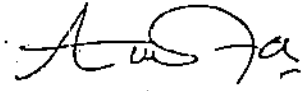
INDEX

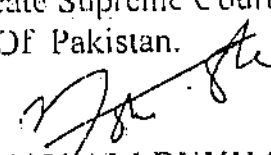
S.No.	Documents	Annexure	Page No.
1.	Memo of Petition+Affidavit	-----	01-02
2.	CM Application	---A---	03-05
3.	S.T Order sheet 2013	-B-	06-09
4.	S.T Judgment dt: 23.05.2012	-C-	10-13
5.	S.C Order dt: 06.03.2023	--D--	14-16
6.	S.C Order dt: 21.10.2014	--E--	17
7.	S.C order dt: 07.10.2020	--F--	18-20
8.	Vakalat Nama	-----	21

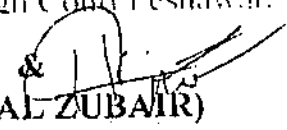
APPLICANT

Nasir Khan

THROUGH:-


(M. ASIF YOUSAFZAI)
Advocate Supreme Court
OF Pakistan.


(SYED NOMAN ALI BUKHARI)
Advocate, High Court Peshawar.


(HILAL ZUBAIR)
ADVOCATE PESHAWAR.

Room No.FR-08, 4th Floor,
Bilour Plaza Peshawar Cantt:
Cell # 0312-9103240

①

THE SERVICE TRIBUNAL, KHYBER PAKHTUNKHWA, PESHAWAR.

C.M No: _____/2024

In

Execution petition No. 169/2012
Service Appeal No.407/2011

Mr. Nasir Khan,
Acting Superintendent of Police, Elite Force Peshawar:

.....Appellant

VERSUS

1. The Govt: of KPK, through Chief Secretary KPK, Peshawar.
2. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
3. The Additional I.G.P, HQs, CPO, Peshawar.
4. The Capital City Police Officer, Peshawar.

.....RESPONDENTS


**SUBJECT: APPLICATION FOR REVIVAL OF EXECUTION
PETITIONS NO.169/2012 IN SERVICE APPEAL NO.407/2011
WHICH WAS ADJOURNED SINE-DIE VIDE ORDER
DATED 15/08/2013.**

RESPECTFULLY SHEWETH :-


1. That the Service Appeal No.407/2011 of the appellant was accepted by the Hon'able Tribunal Peshawar vide judgment dated 23-05-2012 (Page# 4 to 11).
2. That the appellant file execution petition No.169/2012 for implementation of above cited judgment dated 23-05-2012, which was adjourned sine-die vide order dated 15/08/2013 till disposal of appeal by the August Supreme Court of Pakistan (Page# 12 to 19).
3. That the appeal was decided by the Supreme Court of Pakistan on 07/10/2020 vide C.A No164/2014 (Page# 17 to 19).
4. That the August Supreme Court of Pakistan in his Judgment dated 07-10-2020 after threadbare hearing accepted that "the Petitioner promoted as Offg. Sub-Inspector on List "E" on 20-02-2001 and his confirmation as S.I on List "E" could be made on 20-02-2003 and thereafter further seniority and promotion has to be determined in according with rule applicable to Police Officials" (Page# 20 to 22).

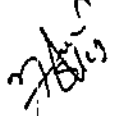
- 2
5. That the appellant now want to revive the above mentioned execution petition.
 6. That the applicant has no other remedy, therefore, filing this application for revival of execution petition.

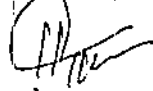
It is, therefore, most humbly requested that on acceptance of this application the execution petition No. 169-2012 may be revived. Any other remedy which Tribunal deems fit & appropriate may also be awarded to applicant.


APPLICANT
Nasir Khan

Through:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT
PESHAWAR.


(SYED NAUMAN ALI BUKHARI)
Advocate High Court
Peshawar.


Hilal Zubair
Adv. H.C.

AFFIDAVIT

It is affirmed and declared that the contents of application are true and correct to the best of my knowledge and belief.


DEPONENT

A

(3)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

Implementation Petition No. 169 /2012
In Service Appeal No.407/2011

A. W. J. Peshawar
Secretary
Date: 12/9/12

Mr. Nasir Khan, Inspector, Special Branch,
Khyber Pakhtunkhwa, Peshawar.

PETITIONER

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The CCPO, Khyber Pakhtunkhwa, Peshawar.
3. The Additional I.G (Headquarter), Peshawar.
4. The DPC through its Chairman (Additional IG HQs) Peshawar.

RESPONDENTS

.....

IMPLEMENTATION PETITION FOR
DIRECTING THE RESPONDENTS
TO IMPLEMENT THE JUDGMENT
DATED 23.5.2012 OF THIS
HONOURABLE TRIBUNAL IN
LETTER AND SPIRIT.

.....

RESPECTFULLY SHEWETH:

1. That the appellant filed an Appeal Bearing No.407/2011 against the Order dated 30.7.2010, whereby the appellant has been included in List-F with immediate effect instead of with effect from 20.02.2003 and against the order dated 17.01.2011, communicated to the appellant on 7.2.2011, whereby the Departmental Appeal of the Appellant has been filed.

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2. That the said appeal was finally heard by the learned Members on 23.05.2012 and the Honourable Tribunal was kind enough to accept the Appeal of the petitioner, the impugned Notification dated 30.07.2010 modified to the extent of petitioner by enlisting his name in List "F" with effect from 20.2.2003 with all consequential /baql. benefits.
3. That after issuing the Judgment dated 23.05.2012 of this Honourable Tribunal, the petitioner approached the respondent department to pass an appropriate order according to the Judgment of this Honourable Tribunal, but the respondent department failed to obey the Judgment of this Honourable Tribunal.
4. That since the announcement of the Judgment of the Tribunal, the respondents are not willing to act as per judgment of the Tribunal due to which the petitioner is facing hardship.
5. That being the judgment of the legal forum, the respondents are legally bound to obey the judgment of this Tribunal in letter and spirit.
6. That in-action and not fulfilling formal requirements by the respondents after passing the judgment of this august Tribunal, is totally illegal amount to disobedience and Contempt of Court.
7. That the judgment is still in the field and has not been suspended or set aside by the Supreme Court of Pakistan, therefore, the respondents are legally bound to pass formal appropriate order.
8. That having no other remedy, the petitioner is constrained to file the present implementation petitioner.

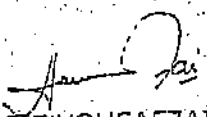
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It is, therefore, most humbly prayed that the respondents may be directed to implement the judgment of this august Tribunal in letter and spirit and to pass an appropriate order of the petitioner to enlist the name of the petitioner in list "F" with effect from 20.02.2003 with all consequential / back benefits as mentioned in the Judgment dated: 23.05.2012 of this Honourable Tribunal.. Any other remedy, which this august Tribunal deems fit and appropriate that, may also be awarded in favour of petitioner..


Petitioner

Nasir Khan

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE, PESHAWAR.

AFFIDAVIT:

I, Nasir Khan, Inspector, Special Branch, Khyber Pakhtunkhwa, Peshawar(Petitioner), do hereby solemnly affirm and declare that the contents of the above Implementation Petition are true and correct to the best of my knowledge and belief.


DEMONENT

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order sheet

B-

6

10.6.2013

Petitioner in person and Mr. Muhammad Jan, GP with Nawab Khan, HC for the respondents present. In pursuance of promulgation of Khyber Pakhtunkhwa Service Tribunal (Amendment) Ordinance 2013, the Tribunal is incomplete. To come up for the same on 15.8.2013.

[Signature]
READER

15.8.2013

Counsel for the petitioner and Mr. Muhammad Jan, GP with Nawab Khan, H.C. for the respondents present. Stay has been granted by the august Supreme Court of Pakistan against the judgment dated 23.5.2012 of this Tribunal. As such the instant execution petition is adjourned sine-die till disposal of the appeal by the august Supreme Court of Pakistan. Till then case file be kept in safe custody.

~~MEMBER~~

[Signature]
MEMBER

072

[Signature]


Date: 19-8-13
 No. of
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 To: *[Signature]*
 Name: *[Signature]*
 Date: 19-8-13
 Date: 19-8-13

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4.03.2013

Petitioner in person and AAG with Malik Habib S.I (Legal) for the respondents present. Judgment dated 23.5.2012 of this Tribunal has not been implemented so far. Respondents are once again directed to either produce stay order from the august Supreme Court of Pakistan or to implement judgment of the Tribunal and submit implementation report on 19.3.2013.


MEMBER

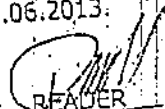
19.3.2013

Petitioner in person and AAG with Nawab Khan, H.C for the respondents present. Petitioner submitted an application for adjournment of the case sine die due to stay granted by the august Supreme Court of Pakistan against the judgment of this Tribunal. Copy handed over to the learned AAG. To come up for further proceedings on 29.4.2013.



MEMBER

29.04.2013

Clerk of counsel for the petitioner and Mr. Nawab Khan, HC for the respondents present. In pursuance of judgment of the august Supreme Court of Pakistan on constitution petition No. 53/2007 and constitution petition No. 83/2012 titled Sh. Riz-ul-Haq, Advocate Supreme Court and another vs Federal of Pakistan through Minister of law, etc, the case is adjourned on note Reader for proceedings as before on 10.06.2013.


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27.12.2012.

Counsel for the petitioner present. Mr. Shakirullah, AGP present. The learned AGP is directed to contact the respondents to come up for implementation report on 9.1.2013.

MEMBER

MEMBER

Serial No.
Page

9.1.2013.

Petitioner in person and AAG with Malak Habib, SI (Legal) for the respondents present. The learned AAG needs time. To come up for implementation report on 7.2.2013.

MEMBER

MEMBER

7.02.2013.

Petitioner with counsel, and AAG with Malak Habib, SI (Legal) for the respondents present. Respondents need further time. To come up for submission of proper implementation report positively on 13.2.2013.

MEMBER

MEMBER



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FORM "A"

9

FORM OF ORDER SHEET

Court of
Case No. Execution Petition No. 169/2012

Serial No. of Order or Proceedings	Date of Order or Proceedings	Order or other Proceedings with Signature of Judge or Magistrate and that of parties or counsel where necessary
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1-

12/09/2012

The execution petition submitted by Mr. Nasir Khan through Mr. M. Asif Jousafzai Advocate, may be entered in the relevant register and put up in the concerned Bench for further orders.

L. Q. S.
REGISTRAR

2.

30-10-12

Counsel for the appellant present. Notices be issued to the respondent, to come up for implementation report on 27-12-2012.

M. Asif Jousafzai

M. Asif Jousafzai

[Signature]

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BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

C 10



Appeal No. 407/2011

Date of Institution. ... 03.3.2011
Date of Decision ... 23.5.2012.

Mr. Nasir Khan, Inspector, Special Branch,
Khyber Pakhtunkhwa, Peshawar.

(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar;
2. The CCPO, Khyber Pakhtunkhwa, Peshawar;
3. The Additional I.G (Headquarters) Peshawar.
4. The DPC through its Chairman (Additional IG HQs) Peshawar. (Respondents)

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 30.7.2010, WHEREBY THE APPELLANT HAS BEEN INCLUDED IN LIST-F WITH IMMEDIATE EFFECT INSTEAD OF WITH EFFECT FROM 20.2.2003 AND AGAINST THE ORDER DATED 17.1.2011, COMMUNICATED TO THE APPELLANT ON 7.2.2011, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN FILED.

MIR. MUIAMMAD ASIF YOUSAF ZAI,
Advocate

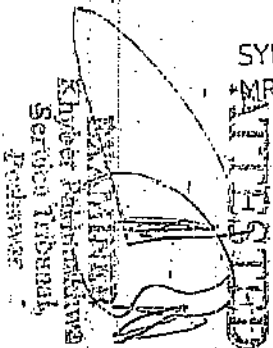
For appellant

MR. ARSHAD ALAM,
Advocate

For respondents

SYED MANZOOR ALI SHAH,
MR. NOOR ALI KHAN,

MEMBER
MEMBER



JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER.- This appeal has been filed by Nasir Khan, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 30.7.2010, whereby his name has been included in List "F" with immediate effect instead of 20.2.2003 and against the order dated 17.1.2011, communicated to the appellant on 7.2.2011, whereby the departmental appeal has been filed. It has been prayed that on acceptance of the appeal, the impugned order dated 30.7.2010 may be modified to the extent that the name of the appellant be enlisted in List "F" with effect from 20.2.2003 with consequential and service benefits.

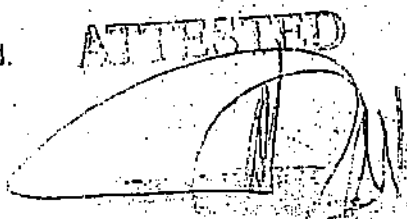
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2. Brief facts of the case are that the appellant initially joined Frontier Reserve Police as Constable on 2.5.1991. After passing lower course at PTC Hangu, he was promoted to the rank of officiating Head Constable on 14.4.1998. In the year 1998, the appellant passed Intermediate course at Hangu and his name was brought on list "D" w.e.f. 20.10.1998. On 17.2.2000, he was promoted as Selection Grade Head Constable in BPS-9 and on 4.4.2000; he was promoted as Officiating ASI in the FRP Headquarter, Peshawar. After qualifying Upper School Course at Hangu in the year, 2000, and being eligible for promotion, he was promoted to the rank of Officiating S.I under Police Rules 13.18, vide order dated 20.2.2001, on probation period for two years. His name was brought on List "E" w.e.f. 20.2.2002 and the same was also reflected in the Police Gazette. On 12.4.2002, the appellant filed an application for his transfer to his parent District Police Peshawar. The appellant already passed Lower Intermediate and Upper School Course and also on list "E". The post was available and the appellant was issued proper NOC and transferred to Capital City Police, Peshawar. He also applied for transfer of his lien to Capital City Police, and vide order dated 8.10.2002, his lien has been transferred from FRP to Capital City Police Peshawar with immediate effect and his name was placed at the bottom of seniority list "E" of Officiating S.Is in Capital City Police and allotted him Provincial Police number 167/P. In pursuance of CPO/DPC decision vide No. 18322/E-II, dated 8.9.2003 and No. 13161/E-II, dated 12.6.2007, the appellant had been reverted to the rank of IHC with effect from 8.9.2003 vide order dated 22.10.2007. After exhausting departmental remedy, he filed service appeal No. 1101/2007 in this Tribunal. The case was accepted as prayed for and the impugned orders were set aside by restoring the appellant's seniority on list "E" w.e.f. the notification dated 20.2.2002 to his original position with all back/service benefits. Vide order dated 30.7.2010, the appellant was promoted to the rank of Officiating Inspector and his name was also brought on list "F" but with immediate effect instead of 20.2.2003. Feeling aggrieved, the appellant filed departmental appeal on 21.8.2010, which was rejected on 17.1.2011, copy received by the appellant on 7.2.2011, hence the present appeal on 3.3.2011, which is well within time.

3. The appeal was admitted to regular hearing on 22.3.2011 and notices were issued to the respondents. They filed their joint written reply and contested the appeal. The appellant also filed rejoinder in rebuttal.

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Arguments heard and record perused.

ATTESTED


5. The learned counsel for the appellant argued that he was promoted as Offg. S.I on 20.2.2001. Under Rule 13.18 of Police Rules, 1934. He has to be confirmed on successful completion of two years probation period or reverted back to his substantive rank. Since the appellant has not been reverted therefore, he stood confirmed as Sub Inspector automatically w.e.f. 20.2.2003. He further argued that in the instant case basic right of the appellant has been violated, and there is no need of impleadment of junior colleagues of the appellant as respondents. In support of his arguments, the learned counsel relied on 2006-SCMR 1938. He stated that Inspector Zain Khan, has also filed service appeal for the same relief, which was accepted in limine, and while implementing the judgment dated 29.5.2007, he has been assigned revised seniority into promotion list "F" w.e.f. 15.12.1998. The appellant is also entitled to the same treatment as per judgment of the august Supreme Court of Pakistan as reported in 1996-SCMR-1185. The learned counsel for the appellant further stated that previously, the appellant filed service appeal No. 1101/2007, which was accepted on 23.9.2008 and his seniority restored on list "E" with effect from the notification dated 20.2.2002 to his original position with all back service benefits, but the department did not give all the back service benefits to the appellant despite of several presentation by the appellant. He requested that the appeal may be accepted as prayed.

6. The learned AGP argued that it is true that the appellant qualified Upper College Course in the year 2000, but the FRP was a temporary force till 2007 and all promotions in FRP were given as Officiating/temporary as per government policy. He further argued that name of the appellant was brought on list "F" and was promoted to the rank of Inspector on Officiating basis w.e.f. 30.07.2010. The appellant did not remain as SHO of a Police Station for a period of one year at relevant time and was confirmed in the rank of Sub-Inspector and his name was also included in List "F" after serving for a period of three years w.e.f. 2.12.2005 to 1.12.2008, in Special Branch which was mandatory for confirmation as per Police Rules/Standing Order. So far as his reversion to the rank of IHC is concerned, the appellant was later on restored as per the judgment dated 23.2.2008 of this Tribunal and his grievances have been redressed. He requested that the appeal may be dismissed.

7. The Tribunal observes that the appellant was promoted as Officiating Sub Inspector vide order dated 20.2.2001. He would be on probation for a period of two years as per Rule 13.18 of Police Rules 1934. After completing two years period, the appellant stood automatically confirmed in absence of any order regarding extension of his probation period by the competent authority. It is also against the spirit of Police Rules 1934 to keep an official on probation for a long period, which

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also resulted in confirmation and promotion of junior officials prior to the appellant. So far as the period of one year as independent SHO is concerned that also hold no ground because it was for the authority to give the appellant assignment of SHO being the discipline force, the appellant could not post himself as independent SHO to meet the requirement. The Tribunal also noted that the appellant remained independent Incharge of various Sections of Establishments i.e. OSI/FRP, Mes: Manager of HQRs, Police FRP, Clothing Godown, Fuji Missal Section, Sector Commander Traffic Police as well as Additional SHO in various Police Stations, which also satisfy the condition of one year independent Service. The appellant has been confirmed w.e.f. 24.11.2008 instead of 20.2.2003, vide notification date 18.11.2009 and his name was brought on list "F" vide notification dated 30.7.2010 with immediate effect and promoted as Inspector on officiating basis. So junior the appellant have become senior to him and has been discriminated. The Tribunal agrees with the arguments advanced by the learned counsel for the appellant.

In view of the above, the appeal is accepted, the Impugned notification dated 30.7.2010 is modified to the extent of appellant by enlisting his name in "F" w.e.f. 20.2.2003 with all consequential/back benefits. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
23.5.2012

(NOOR ALI KHAN)
MEMBER

(SYED MANZOOR ALI SHAH)
MEMBER

Certified to be true copy
MEMAN...
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Presentation of Appeal 14.6.2012
Number of Words 1600
Copying Fee 10
Urgent 2
Total 12
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Date of Completion of Copy 14.6.2012
Date of Delivery of Copy 14.6.2012

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(14)

IN THE SUPREME COURT OF PAKISTAN, PESHAWAR
(APPELLATE JURISDICTION)

CIVIL PETITION NO.399-P OF 2012

Provincial Police Officer, KPK Peshawar and others

Versus


Nasir Khan

Take notice that the above cited case came up for hearing before the Court on 06.03.2013 and the Court has been pleased to pass the following order:-

"Order Enclosed."

The actual date of hearing will be communicated later on.

Dated: Peshawar 07 / 03 / 2013


(KHALID MAHMOOD)
DEPUTY REGISTRAR

To,

Nasir Khan, Inspector Special Branch, KPK, Peshawar.

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Present:
MR. JUSTICE NASIR-UL-MULK
MR. JUSTICE IQBAL HAMEEDUR RAHMAN

CIVIL PETITION NO. 399-P OF 2012

PPO KPK and others ...Petitioners.

VERSUS

Nasir Khan ...Respondent.

For the Petitioners: Mr. Naveed Akhtar, Addl. AG.

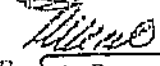
For the Respondent: N.R.

Date of Hearing: 06.03.2013.

ORDER

The respondent was initially appointed as Constable in the year 1991 in the Frontier Reserve Police, which was a temporary force until 2007. After being promoted to the post of Officiating Sub-Inspector in the said force on 20.02.2001, he applied to and was inducted in the regular police force of Khyber Pakhtunkhwa. Thereafter he was brought on the List 'F' on 30.07.2010 with immediate effect. The respondent questioned this Notification before the Khyber Pakhtunkhwa Service Tribunal praying that he was entitled to be brought on the List with effect from 20.02.2003 when he had completed his probation of two years as Officiating Sub-Inspector. The respondent's appeal was allowed in terms of its prayer.

2. The learned Additional Advocate General points out that the order of the Tribunal is not in consonance with the Police Rules, 1934 and under Rule 13.10(2) an Assistant Sub-Inspector is not entitled to be confirmed on a substantive vacancy in the rank of Sub-Inspector unless he has been tested for at least a year as an officiating

ATTESTED

Deputy Registrar,
ems Court of Pakistan,
Peshawar.

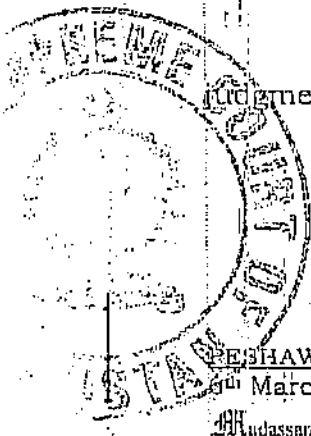
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sub-inspector in independent charge of a police station. It is pointed out that by 20.03.2003 the respondent had not fulfilled the condition laid down in the said Police Rule as he had not served as an officer incharge of the police station for the said period. That he stood qualified for such confirmation by 23.02.2008 and therefore was rightly brought on the List 'F' in the year 2010. Notice.

C.M.A. NO. 485-P OF 2012

Since we have given notice, the operation of the impugned judgment is suspended. /

sd/- Naser-ul-Mulk, J
sd/- Iqbal Hameed Rahman, J



PESHAWAR
24th March, 2013.
Mudassar

Handwritten signature/initials

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Certified to be true copy
Mudassar
07-03-2013
Deputy Registrar,
Supreme Court of Pakistan,
Peshawar

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IN THE SUPREME COURT OF PAKISTAN
(APPELLATE JURISDICTION)

17

PRESENT:
MR. JUSTICE MIAN SAQIB NISAR
MR. JUSTICE SH. AZMAT SAEED

CIVIL APPEAL NO. 164-P OF 2014

Provincial Police Officer KPK Peshawar etc. ...Appellant(s)

VERSUS

Nasir Khan ...Respondent(s)

For the appellant(s): Mr. Mujahid Ali Khan, Addl.A.G. KPK

For the respondent(s): Mr. Waheed-ud-Din Khattak, ASC

Date of hearing: 21.10.2014

ORDER

During the course of hearing, we have come across that on account of the result of present appeal being in favour of the appellants, the seniority of certain other police officials shall be affected. Let the appellants place on record list of all those who are likely to be affected within 15 days and the office shall issue notice to all of them. Re-list.

SD/- MIAN SAQIB NISAR, JUDE
SD/- SH. AZMAT SAEED, JUDE



Certified to be true copy
[Signature]
Deputy Registrar
Supreme Court of Pakistan,
Peshawar.

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F
18

IN THE SUPREME COURT OF PAKISTAN
(Appellate Jurisdiction)

PRESENT:

MR. JUSTICE GULZAR AHMED, HCJ
MR. JUSTICE FAISAL ARAB
MR. JUSTICE IJAZ UL AHSAN

Civil Appeal No. 154-P of 2014

Against judgment dated 23.05.2012 of Khyber
Pakhtunkhwa Service Tribunal, Peshawar, passed
in Appeal No. 407 of 2011.

Provincial Police Officer, Khyber
Pakhtunkhwa, Peshawar, etc

Appellant(s)

Versus

Nasir Khan

Respondent(s)

For the Appellant(s):

Mr. Shumail Ahmed Butt, AG, KP
Riaz Ahmed, SI

For the Respondent(s):

Mr. Waseem ud Din Khattak, ASC

On Notice:

Mr. Issac Ali Qazi, ASC (appeared without
power of attorney for affidavits) s/w Nasir Ahmed Khan, DPO
Orakzai; Muhammad Arif Waqar, SP; Muhammad Arif, CPO
Peshawar; Muhammad Ghilbi, SP; Muhammad Saad, SP;
Huzefa Ahmed, SP; Shahidullah Khan, DPO; Darvesh Khan, SP;
Hajeeb ur Rehman, DSP; Bahad Ali, SP; Nasir Khan, SP;
Tariq Habib, DPO; Tariq Iqbal, DPO; Binara Khan, SP;
Mazhar Jehan, DSP; M. Ahsan Jan, DPO; Aslam Bains, SP;
Abdul Salam Khalid, SP; Shaukat Ali, DPO; Raza Altaf, DSP;
Suzia Khurshid, DPO; Waqar Anwar, SP; M. Tahir Shah,
SP; Muhammad Ishaq, DSP; Rahim Hussain, DSP; Shehzad
Muhammad Gillani, DSP; Baburullah, DSP; Kabir Muhammad,
DSP; Saleem Khan, DSP; Jameedullah, ADC; Hafiza Hus,
DPO; Zafar Khan, DSP; Muhammad Khairul, District Zada;
Riaz Muhammad, SP; PTB; Bahar Zada, SP; Muhammad
Azeem, SP; M. Ajmal Akhtar, SP; Mushtaq Ahmed, SP;
Muhammad Saeed, DSP; and Ghuzanmi Shah, SP

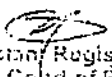
Date of Hearing:

07.10.2020 ✓

ORDER

GULZAR AHMED, C.J. After hearing the
submissions of learned counsel for all the parties before
us, it appears that the case is simple that of
determination of seniority. The Respondent was brought
on list "E" on officiating basis on 20.02.2001.
Subsequently, he was reverted which was challenged by
him by way of filing a Service Appeal before the Khyber
Pakhtunkhwa Service Tribunal, Peshawar, ("the
Tribunal"). Such service appeal was decided by the
Tribunal vide judgment dated 23.02.2008 whereby he

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Assistant Registrar
Supreme Court of Pakistan
Peshawar.

19

was restored to list "E" with effect from the date of notification dated 20.02.2002. The Respondent was confirmed in the position of Sub Inspector with effect from 24.11.2008. He challenged this notification and prayed for granting him confirmation with effect from 20.02.2003. The Tribunal by the impugned judgment dated 13.05.2012 modified the notification to the extent that name of the Respondent was enlisted in the list "F" with effect from 20.02.2003 with all consequential back benefits.

2. The learned counsel appearing for all the parties before us mutually agree that name of the Respondent could not have been brought in list "F" with effect from 20.02.2003 rather his confirmation in list "E" could be made on 20.02.2003 and thereafter further seniority and promotion has to be determined in accordance with the rules applicable to the police officials. The very determination of seniority and promotion after confirmation of the Respondent in list "E" on 22.02.2003 has not been determined as yet and all the learned counsel appearing for the parties before us suggested that for this determination the matter may be remanded to the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, who after hearing all police officials who may be affected by such determination will

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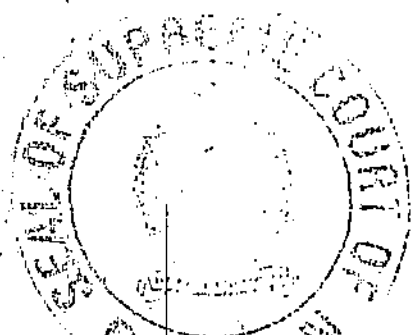
Signature
Registrar
Court of Sessions
Peshawar

pass an order in accordance with the applicable rules to the police officials. Order accordingly.

3. The aforesaid exercise shall be completed by the IGP, KP positively within a period of three months from today and a report in this respect shall be submitted to the Registrar of this Court for our perusal in Chambers.

4. The listed appeal in the above terms stands disposed of. All pending CMAs are also disposed of.

Sd- Gulzar Ahmed, HCU
Sd- Faisal Arab, J
Sd- Ijaz ul Ahsan, J



Certified to be true copy
[Signature]
Assistant Registrar
Supreme Court of Pakistan
Peshawar.
05-06-23

PESHAWAR BENCH
7th October, 2020
ZR/*
Not Approved For Reporting

[Handwritten signature]
9/10/2020

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21

VAKALAT NAMA

NO. _____/2023

IN THE COURT OF UP Service Tribunal, Peshawar

Nasir Khan

(Appellant)
(Petitioner) /
(Plaintiff)

VERSUS

Police Deptt

(Respondent)
(Defendant)

I/We, Nasir Khan (Appellant)

Do hereby appoint and constitute **M. Asif Yousafzai, Advocate Supreme Court of Pakistan & Syed Noman Ali Bukhari, Advocate High Court & Hilal Zubair Advocate** to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

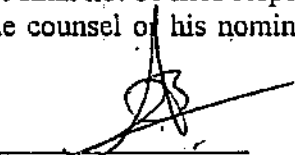
I/We authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

AND to all acts legally necessary to manage and conduct the said case in all respects, whether herein specified or not, as may be proper and expedient.

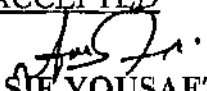
AND I/we hereby agree to ratify and confirm all lawful acts done on my/our behalf under or by virtue of this power or of the usual practice in such matter.

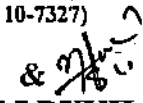
PROVIDED always, that I/we undertake at time of calling of the case by the Court/my authorized agent shall inform the Advocate and make him appear in Court, if the case may be dismissed in default, if it be proceeded ex-parte the said counsel shall not be held responsible for the same. All costs awarded in favour shall be the right of the counsel or his nominee, and if awarded against shall be payable by me/us.

Dated _____/2023


(CLIENT)

ACCEPTED


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT,
OF PAKISTAN,
(BC No. 10-7327)


(S. NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT,


HILAL ZUBAIR
Advocate

OFFICE:

Room # FR-3, 4th Floor,
Bilour Plaza, Peshawar,
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