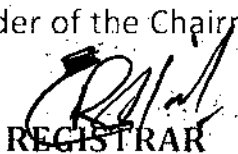


Form- A

FORM OF ORDER SHEET

Court of _____

Implementation Petition No. 1230/2024

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	17.10.2024	<p>The implementation petition of Syed Amir Abbas submitted today by Mr. Noor Muhammad Khattak Advocate. It is fixed for implementation report before Single Bench at Peshawar on 25.10.2024. Original file be requisitioned. AAG has noted the next date. Parcha Peshi given to counsel for the petitioner.</p> <p>By order of the Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. 1230 /2024
In
Appeal No. 8488/2020

Mr. Syed Amir Abbas

VS

Police Deptt:

INDEX

S. NO.	DOCUMENTS	ANNEXURE	PAGE
1.	Implementation Petition with Affidavit	1-2
2.	Copy of the order dated 12/07/2024	"A"	3-6
3.	Copy of application	"B"	7
4.	Vakalatnama		8

Applicant

THROUGH:


NOOR MUHAMMAD KHATTAK
ADVOCATE SUPREME COURT

①

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Implementation Petition No. 1230 /2024

In

Appeal No. 8488/2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 16908

Dated 17-10-24

Mr. Syed Amir Abbas,
Acting DSP Legal CTD, Peshawar

..... APPELLANT

V E R S U S

- 1- Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2- The Additional Inspector General (HQrs), Khyber Pakhtunkhwa, Peshawar.
- 3- The Regional Police Officer, Kohat Region, Kohat.
- 4- The Assistant Inspector General of Police (Estb:) Khyber Pakhtunkhwa, Peshawar.
- 5- Mr. Rashid Ahmad, DSP Legal Hazrat Region at Abbottabad.
- 6- Mr. Wisal Ahmad, DSP Legal, Peshawar Region.
- 7- Mr. Malik Habib Khan, DPS Legal, Peshawar Region.

.....RESPONDENTS

PETITION FOR IMPLEMENTATION UNDER SECTION 7(2)(d) OF THE KP SERVICE TRIBUNAL ACT 1974, RULE 27 OF THE KP SERVICE TRIBUNAL RULES 1974 READ WITH SECTIONS 36 AND 51 OF THE CIVIL PROCEDURE CODE AND ALL ENABLING LAWS ON THE SUBJECT FOR THE IMPLEMENTATION OF THE JUDGMENT DATED 12/07/2024 IN LETTER AND SPIRIT.

R/SHEWETH:

- 1- That the appellant filed service appeal bearing No. 8488/2020 before this august Service Tribunal against the impugned order dated 07/02/2020 whereby the private respondents have been placed as senior to the appellant.
- 2- That the appeal of the appellant was finally heard on dated 12/07/2024 and as such the ibid appeal is disposed off as follows:-

"7. True that during pendency of the appeals, seniority list was revised, but we deem it appropriate that for the prayer regarding setting aside the promotion of the private respondents and promoting the appellants, le this matter be decided by the competent authority in view of the changed situation in accordance with the relevant law and rules. Copy of this order be placed on file of connected file. Costs shall

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follow the event. Consign." Copy of the judgment dated 12/07/2024 is attached as annexure.....**A**

- 3- That after obtaining copy of the judgment dated 12/07/2024 the same was submitted with the respondents for implementation of his grievance coupled with an application, but the respondents/ department failed to do so, which is the violation of the judgment supra. Copy of application is attached as annexure.....**B**
- 4- That petitioner having no other remedy but to file this implementation petition.

It is therefore, most humbly prayed that on acceptance of the instant execution petition the respondents may kindly be directed to implement the Judgment dated 12/07/2024 passed in Appeal No. 8488/2020 in letter and spirit. Any other remedy which this august Tribunal deems fit that may also be awarded in favor of the petitioner.

Petitioner
Syed Amir Abbas

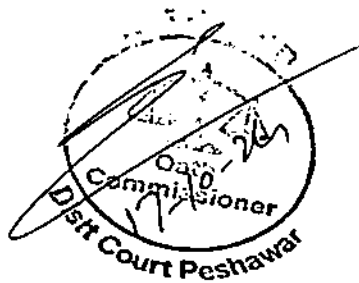
THROUGH:

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT

AFFIDAVIT

I, Syed Amir Abbas (petitioner) do hereby solemnly affirm that the contents of this Execution Petition are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.

DEPONENT



4A" (3)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR**



APPEAL NO. 8488 /2020

Syed Amir Abbas, Acting DSP Legal,
CTD HQrs, Peshawar.

APPELLANT

VERSUS

- 1- The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
- 2- The Additional Inspector General (HQrs) Khyber Pakhtunkhwa, Peshawar.
- 3- The Regional Police Officer, Kohat Region, Khyber Pakhtunkhwa, Peshawar.
- 4- The Assistant Inspector General of Police Establishment, Khyber Pakhtunkhwa.
- 5- Mr. Rashid Ahmad, DSP Legal, Hazara Region at Abbottabad
- 6- Mr. Wisal ahmad, DSP Legal, Peshawar Region.
- 7- Mr. Malak Habib Khan, DSP Legal, Peshawar Region.

RESPONDENTS

APPEAL UNDER SECTION-4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED ORDER DATED 07/02/2020 WHEREBY JUNIORS TO THE APPELLANT HAS BEEN PROMOTED TO THE RANK OF DEPUTY SUPERINTEDENT OF POLICE LEGAL WHILE THE APPELLANT HAS BEEN IGNORED AND AGAINST NOT TAKING ACTION ON DEPARTMENTAL APPEAL OF APPELLANT WITHIN STATUTORY PERIOD OF NINTY DAYS

PRAYER:

That on acceptance of this appeal the impugned order dated 07/02/2020 may kindly be set aside and the respondents may please be directed to considered the appellatant for promotion to the Rank of Deputy Superintendent of Police Legal w.e.f. 07/02/2020 with all back benefits including seniority. Any other remedy which this august Tribunal deems fit that may also be awarded in favour of the appellatant.

R/SHEWETH:

ON FACTS:

Brief facts giving rise on the present appeal are as under:

ATTESTED
[Signature]
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

17-10-21

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S.A #.8488/2020

ORDER

12th July. 2024

1. Learned counsel for the appellant present. Mr. Muhammad Jan, District Attorney for the respondents present. Private respondents present through counsel. Heard.
2. Vide our consolidated order of today placed on file of connected Service Appeal No.6271/2020 titled "Muhammad Farooq Khan Vs. Police Department", instant service appeal is also decided in terms of the order passed in the connected mentioned appeal. Costs shall follow the event. Consign.
3. *Pronounced in open Court at Peshawar and given under our hands and the seal of the Tribunal on this 12th day of July, 2024.*

(Rashida Bano)
Member (J)

(Kalim Arshad Khan)
Chairman

Mutazem Shah

Certified to be true copy

EX-101
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

17-10-24

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No. 170 Date 17-10-24

Name of Applicant H. Arshad

Number of Pages 2-P

Copying Fee 10/-

Urgent/Ordinary 5/-

Total 15/-

Name of Signatory Z. Arshad

Date of Issuance of Order 17-10-24

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Service Appeal No.6271/2020 titled "Muhammad Farooq Khan Vs. Police Department" and Service Appeal No.8488/2020 titled Syed Amir Abbas Vs. Police Department"

ORDER

12th July. 2024

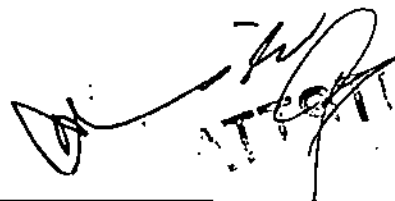
Kalim Arshad Khan, Chairman: Through this single order, the above two appeals, are jointly taken up, as both are similar in nature and almost with the same contentions, therefore, can be conveniently decided together

2. Learned counsel for the appellants present. Mr. Muhammad Jan, District Attorney for the respondents present. Private respondents present through counsel. Heard.

3. Appellants' cases in brief, as per averments of appeals, are that they were appointed as Sub Inspectors (Legal); that through promotion orders, they got promoted to the posts of Confirmed Inspectors; that on 01.01.2017 revised seniority list was issued on 02.01.2017, wherein, they were placed junior to their alleged junior colleagues; that feeling aggrieved, they filed departmental representations but the same were not responded, hence, the instant service appeals.

4. Arguments heard. Record perused.

5. At the very outset, learned counsel for the appellants produced copy of revised seniority list issued in compliance of the judgment dated 02.02.2022 of the Supreme Court of Pakistan in Civil Petition No.6367/2021, and submitted that seniority of both the appellants has been restored. He submitted that the promotion order of the private respondents was thus required to be accordingly set aside.


KALIM ARSHAD KHAN

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6. There is no denial to the fact that the appellants were left from promotion on the basis of old seniority list and on the basis of such old seniority list in which the appellants were junior to the private respondents, these appeals were filed.

7. True that during the pendency of appeals, seniority list was revised but we deem it appropriate that for the prayer regarding setting aside the promotions of the private respondents and promoting the appellants, let this matter be decided by the competent authority in view of the changed situation in accordance with the relevant law and rules. Copy of this order be placed on file of connected file. Costs shall follow the event. Consign.

8. *Pronounced in open Court at Peshawar under our hands and seal of the Tribunal on this 12th day of July, 2024.*



(Rashida Bano)
Member (J)



(Kalim Arshad Khan)
Chairman

Mutazem Shah

ITC/ED

"B" (7)

To


The Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Through Proper channel.

Respected Sir,

It is submitted that, my seniority being Inspector Legal Kohat was disturbed/changed by the CPO Peshawar in 2017. The said seniority list was challenged in the Tribunal and later on, it was decided by the Supreme Court of Pakistan in C.P No. 6367/2021 in favour of the appellant. Later on, my Junior colleagues were promoted as DSPs Legal in 2020 namely Malik Habib, Wisal Ahmad and Rashid Ahmad, the promotion order was challenged in Service Tribunal KP, Peshawar through S.A No. 8488/2020 titled Ameer Abbas Vs IGP KP, Peshawar and decided in favour of appellant. Operative part of the Judgment is reproduce: "At the very outset, learned counsel for the appellants produced copy of revised seniority list issued in compliance of the Judgment dated 02.02.2022 of the Supreme Court of Pakistan in Civil Petition No. 6367/2021 and submitted seniority of both the appellants have been restored: he submitted that the promotion order of the private respondents was thus required to be accordingly set aside. There is no denied to the fact that the appellant were left from promotion on the basis of old seniority list and on the basis of such old seniority list and which the appellant were junior to the private respondents, these appeals were filed. True that during the pendency of appeals, seniority list was revised but we deem it appropriate that for the prayer regarding settling aside the promotions of the private respondents and promoting the appellant, let this matter be decided by the competent authority in view of the change situation in accordance with the relevant law and rules".

It is therefore requested that, in light of the above Judgment I may kindly be promoted as a DSP Legal from the date where my junior colleagues were promoted.


(Syed Aamir Abbas)
DSP Legal CTD HQ:
Peshawar

12/8/24

~~TTATED~~

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VAKALATNAMA
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,
PESHAWAR.

EP No /2024

Syed Amir Abbass

(APPELLANT)
(PLAINTIFF)
(PETITIONER)

VERSUS

Police Deptt

(RESPONDENT)
(DEFENDANT)

I/We Syed Amir Abbass

Do hereby appoint and constitute **Noor Mohammad Khattak Advocate Supreme Court** 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 cost. 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.

Dated: ___/___/2024



CLIENT

ACCEPTED

NOOR MOHAMMAD KHATTAK
ADVOCATE SUPREME COURT


WALEED ADNAN

UMAR FAROOQ MOHMAND


KHANZAD GUL

&


ABID ALI SHAH
ADVOCATES

OFFICE:

Flat No. (TF) 291-292 3rd Floor,
Deans Trade Centre, Peshawar Can*tt.
(0311-9314232)