


Form-A
FORM OF ORDER SHEET

Court of _____

Restoration Application No. 1323/2024

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge
1	2	3
1	01.11.2024	<p>The application for restoration of Execution Petition No. 795/2023 submitted today by Mr. Abdur Rahim Jadoon Advocate. It is fixed for hearing before Division Bench at Peshawar on 08.11.2024. Original file be requisitioned. Paracha Peshi given to counsel for the applicant.</p> <p style="text-align: right;">By order of the Chairman  REGISTRAR</p>

Before the Khyber Pakhtunkhwa Service Tribunal, Peshawar

R.A
C.M. No. 1323 of 2024

In Application No. 795 of 2023

In Service Appeal No. 2072 of 2023

Khyber Pakhtunkhwa
Service Tribunal
Diary 17484
Dated 01-11-24

Shakil Ahmed SP Training CPO
Presently posted as DSP Security Kohat

.....Applicant/Appellant

Versus

1. **Mr Akhtar Hayat Khan Gandapur**
Inspector General of Police KPK
2. **Mr Saqib Ismail Memon**
Additional IG Training
CPO Peshawar

.....Respondents/Contemnors

APPLICATION FOR RESTORATION OF IMPLEMENTATION APPLICATION DISMISSED FOR NON PROSECUTION ON 21.10.2024

The Applicant/ Appellant very humbly submits as under:-

- 1) That the above titled Implementation Application in Service Appeal was lastly fixed on 08.10.2024 Before the Honorable Divisional Bench Comprising of Mr. Kalim Arshad Khan & Ms. Fareeha Paul which was dismissed due to non prosecution upon the same date.
(Attested Copy of Application along with order is annexed)
- 2) That upon the last date of hearing i.e 08.10.2024 when the case got adjourned the reader of the court informed the Applicant/Appellant that his cases got adjourned for 22.11.2024 along with other connected cases.
- 3) That the Applicant/Appellant came into knowledge of the Dismissal of Application in default through another Appellant of the connected cases thus he rushed to the court and there he was informed that his Application for implementation was fixed on 21.10.2024 and has been dismissed due to non-prosecution.
- 4) That it is pertinent to mention here that it is clearly reflected from the cause list of 08.10.2024 the reader has not mentioned any date in front of the Application No 795/2023 till date.


(Copy of Cause List is annexed)

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- 5) That the absence of the applicant was neither willful nor contumacious, but due to above mentioned reasons.
- 6) That the application is well within time and there is no impediment in restoration of the case in hand.


It is therefore, most humbly prayed that on acceptance of this application the Application for implementation in Service Appeal may kindly be restored to its original number and proceeded in accordance with law. Any other remedy not specifically asked for may also be granted if deemed Just, fit and appropriate in the circumstance of the case.

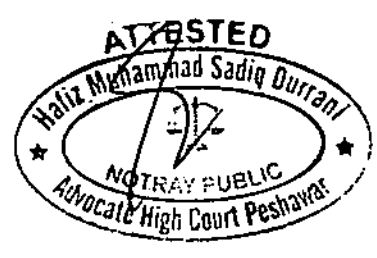
APPLICANT

Through 
Abdul Rahim Khan Jadoon,
Advocate, Peshawar

Verification

It is hereby solemnly verified on oath that the contents of this application are true and correct to the best of my knowledge and nothing has been concealed from this Honorable Court.

 **Deponent**
01 NOV 2024



(9)

(1)

In the Khyber Pakhtunkhwa Service Tribunal,

Peshawar.

Implementation ^{Petition} ~~GM~~ No. 795 of 2023

IN

Service Appeal No. 1771 of 2023

&

Service Appeal No. 2572 of 2023

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8578

Dated 24/10/23

"Tayyab Jan & Others Versus Govt. of KP etc."

Shakeel Ahmad

Versus

Mr. Akhtar Hayat Khan Gandapur & Others

Shakeel Ahmad SP Training CPO,
Presently residing at.....

..... Applicant/ Appellant

Versus

1. Mr. Akhtar Hayat Khan Gandapur
Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
2. Mr. Saqib Ismail Memon,
Additional I.G Training,
CPO, Peshawar.

..... Respondents/Contemnors

PETITION FOR IMPLEMENTATION OF THE
STAY ORDER DATED 15.06.2023 SO PASSED IN
WRIT PETITION NO. 1289-P OF 2023 AND ORDER
DATED 05.09.2023 SO PASSED BY THIS
HONORABLE TRIBUNAL IN SA. NO. 1771/2023

3. That it is pertinent to place on record that the Applicant/Petitioner was posted as Director Police Training School Shakas Khyber as well as SP Training Admin vide letter No. CPO/E-1/Transfer/Posting 18848 dated 15.09.2023.

(Copy Of transfer order as SP/Director Training is Annexure "B")

4. That thereafter the Applicant/Petitioner has started performing his duties with zeal and dedication and since then he has trained more than 23800 newly merged districts recruits and 16000 regular police besides 4000 persons in specialized courses in newly, merged districts 3000 persons in regular police specialized courses.

5. That it is also pertinent to place on record that in the meantime Applicant/Petitioner has been recommended vide letter No. 12347/Trg dated 24/10/2022 for training under 08th Junior Command Course (JCC) i.e. course for SP rank on police. Resultantly upon the completion of ibid course, Deputy Director of Pakistan Provincial Services Academy, Peshawar vide letter No. PPSA/TRG/8th JCC/413 dated 20th April, 2023 has intimated to the Deputy Inspector General of Police (Training) the names of officers who have successfully completed course (name of the Applicant was also included in the panel of successful candidates).

(Copy of letter dated 24.10.2022 is Annexure "C")

(Copy of letter dated 20.04.2023 is Annexure "D")

6. That after completion of course and issuance of the above letter, Applicant/Petitioner has continued working on his position as SP Training/Director Training but most unfortunately the Respondents have issued a letter No. CPO/E-1/Transfer/Posting/1575 dated 06.06.2023 whereby the Applicant/Petitioner has been shown to be transferred from the post of SP Training and his services are placed at the disposal of the Regional Police Officer (RPO) Kohat for further posting as DSP

which order is illegal, unlawful and without lawful authority that too in presence of the Order dated 04.04.2023 wherein the letters for demotion were suspended.

(Copy of the impugned transfer order dated 06.06.2023 is Annexure "E")

7. That it is pertinent to place before this honorable Tribunal that there has been imposed a complete ban on transfer from one district to another district by the government of Khyber Pakhtunkhwa vide letter No. SO(Policy)(E&AD)1-4/2023 dated 29.05.2023. The above cited notification of ban has also been served upon the office of worthy Inspector General of Police vide letter (E&A(HD) 1-12/2023 dated 01.06.2023, thus since ban on transfer and posting has been imposed by the government therefore on this score alone the impugned notification was illegal and unlawful.

(Copy of Notification of ban on transfer & posting is Annexure "F")

8. That the Applicant/Petitioner while felt aggrieved of the same had filed CM No. 1300/2023 in the ibid writ and sought therein the suspension of the impugned demotion/transfer order which came up for hearing before a worthy Divisional Bench of the honorable Peshawar High Court, Peshawar comprising of Mr. Justice Mohammad Ibrahim Khan and Mr. Justice Shakeel Ahmad wherein this Honorable Court vide its order dated 15.06.2023 has ordered in the following terms:

"Hearing learned counsel for applicants, he has preferred this application for the suspension of order No. CPO/E-1/Training/Posting/1575 dated 6.6.2023 which has been passed later after the order dated 4.4.2023 whereby the impugned letters and order have already suspended. As the main writ petition is already fixed for hearing on 21.6.2023 which is to be taken up after six days, thus it is appropriate that till then the order dated 6.6.2023 shall remain suspended."

(A)
(B)
154 Transfer

(4)
(7)

9. That W.P 1289-P of 2023 finally came up for hearing before the learned DB of the Honorable Peshawar High Court, Peshawar on 21.06.2023 and 22.06.2023 whereafter the judgment was reserved for announcement.
10. That later the Honorable Divisional Bench of Peshawar High Court, Peshawar while allowing number of cases on dated 29.08.2023 and while clearly holding that the case of the Applicant/Appellant is not that of any out-of-turn promotion and thus not hit by the mischief of the Judgment(s) of the Apex Court, has transmitted the Applicant/Appellant's petition before this honorable Service Tribunal, Peshawar for its decision. Relevant para of the Judgment is reproduced herein below for facility of reference as follows:

"In the instant case petitioner was initially appointed in the FRP¹ as Constable and then gained promotion in the regular police as well as in the FRP after undergoing the requisite Police training in the quota reserved for FRP. The question formulated for consideration of this Court primarily relates to the terms and conditions of service, because apparently, this case is distinguishable from other connected cases as in the instant case promotion order of the petitioner is withdrawn for the reason as it is out of turn and violative of the judgment of the Apex Court, however on going through the same we find that no such issue ever raised in the judgments of the Apex Court referred in respect of out of turn Promotions and in these cases neither the application/implementation of the judgment of the apex Court is required, besides, such matters

was also never referred in the judgment of a larger bench of this Court.”

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(Copy of the Judgment is annexed as Annexure “I”)

11. That, after transmitting the ibid Writ Petition, this honorable Service Tribunal converted Writ Petition into Appeal which was lastly fixed for hearing on 05.09.2023 wherein after preliminary hearing the Appeal was admitted for a regular hearing besides an Interim Relief was also granted in favor of the appellant whereas the appellant along with many others were directed by this honorable Tribunal to file separate appeals. It is pertinent to mention here that the said is still intact and not vacated.

(Copy of the order dated 05.09.2023 is Annexure “J”)

12. That the Respondents while bent upon their illegal act of demoting the Applicant/Appellant has once again directed the Applicant/Appellant to report to the RPO Kohat for assuming the charge of the post of DSP Kohat rather than allowing him to assume the charge of his post and to render his duties as the order of his transfer from the post of SP to DSP dated 06.06.2023 has been suspended by the honorable Peshawar High Court, Peshawar on 15.06.2023 which is still intact besides, the impugned orders are also been suspended by this honorable Service Tribunal.
13. That even thereafter the Respondents have been approached by the Applicant/Appellant numerous and have requested them to comply with the Orders of honorable Peshawar High Court, Peshawar and this Honorable Tribunal but the Respondents have been showing deaf ears to the Orders and have blatantly violated the same.
14. That the Respondents while not complying with the orders are even liable to be prosecuted and punished for the willful defiance and disobedience of the Courts Judgment and order dated 15.06.2023 of the honorable Peshawar High Court, Peshawar and Order dated

05.09.2023 of this honorable Service Tribunal as the Applicant/Appellant has been suffering very hard due to the illegal and malafide acts of the Respondents for not complying with the orders so mentioned above.

15. That this situation clearly suggests that the Respondents are perpetuating the illegality and are thus acting in clear disregard, contemptuous and willful disobedience to the Order dated 15.06.2023 of the honorable Peshawar High Court, Peshawar and 05.09.2023 of this august Tribunal, hence this Application for implementation of the Interim Orders.

It is therefore very humbly prayed that on acceptance of this Implementation/Contempt Petition, this Honorable Tribunal may very graciously hold, declare and order that:

1. Respondents/Contemnors may very graciously be directed to implement and comply with the Order of the Honorable Peshawar High Court, Peshawar dated 15.06.2023 and Order of this Honorable Tribunal dated 05.09.2023 passed in Service Appeal No. 1771 of 2023 in letter and spirit.
2. The subsequent order dated 13.10.2023 pertaining to Applicant's Transfer as DSP may kindly be suspended forthwith and to allow the Applicant/Appellant to assume the charge of his post as the Respondents in clear and unequivocal terms are directed not to take any adverse action such as demotion etc.
3. Respondents/Contemnors while willfully disobeying the order of the Honorable Peshawar High Court, Peshawar dated 15.06.2023 and order of this Honorable Tribunal dated 05.09.2023 passed in Service Appeal No. 1771 of 2023 and thus are liable to be prosecuted for Contempt proceedings and accordingly be punished in terms of the

relevant provisions of the Contempt of Court Ordinance,
2003.

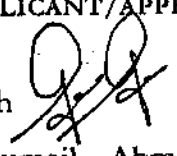
(B)
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4. Any other relief, not specifically prayed, may also graciously
be granted, if appears just, necessary and appropriate.

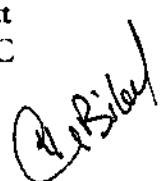
APPLICANT/APELLAN

T

Through


Shumail Ahmad
Butt
ASC

&


H. Bilal Khan
Advocates High
Court(s)

In the Khyber Pakhtunkhwa Service Tribunal,
Peshawar.

Implementation CM No. _____ of 2023

IN

Service Appeal No. 1771 of 2023

&

Service Appeal No. 2072 of 2023

“Tayyab Jan & Others Versus Govt. of KP etc.”

Shakeel Ahmad

Versus

Mr. Akhtar Hayat Khan Gandapur & Others

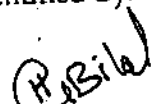
AFFIDAVIT

I, Shakeel Ahmad, S.P Training, Presently CPO Pesahwar, do hereby solemnly affirm and verify on oath that that the contents of accompanying Implementation Application/COC Petition are true and correct to the best of my knowledge, information and belief. Neither anything contained hereinbefore is false nor withheld/concealed from this Honorable Court.


DEPONENT

CNIC#

Identified By:


H. Bilal Khan
Advocate, Peshawar





ORDER
21st Oct, 2024

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Kalim Arshad Khan, Chairman: Nobody present on behalf of the petitioner. Mr. Muhammad Jan, District Attorney for the respondents present.

2. The case was called several times till last hours of the court but nobody turned up on behalf of the petitioner. Therefore, the execution petition in hand is dismissed in default. Consign.

3. *Pronounced in open court at Peshawar and given under our hands and seal of the Tribunal this 21st day of October, 2024.*

ORDER
21st Oct
Peshawar
KAN EDY
KOR
PESHAWAR

(Muhammad Akbar Khan)
Member(E)

(Kalim Arshad Khan)
Chairman

ORDER
21st Oct
Peshawar

Adnan Shah, P.A.*

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Khyber Pakhtunkhwa Service Tribunal, Peshawar

Application No 421 Date 01-11-24

Name of Applicant Adnan Shah

Number of Words/Pages 1-P

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ORDER
21st Oct
Peshawar

ORDER
21st Oct
Peshawar

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
LIST OF DB - I CASES FIXED BEFORE MR. KALIM ARSHAD KHAN, CHAIRMAN &
MS. FAREEHA PAUL, MEMBER (EXECUTIVE)
08/10/2024 (TUESDAY)

13

APPLICATION

S. NO.	APP. No.	SA. No.	Title	Remarks
1	795/2023	2072/2023	SHAKIL AHMED --VS--Police	

ARGUMENTS (GREY CASES)

S. No.	Appeal	Year	Title	Case Nature	Advocate Name	Remarks
1	61	2022	Said Khan --VS--Police	Increment		22-11-24
2	187	2022	MUSARAT SHAH --VS--Live Stock	Back benefits	Muhammad Maaz Madni	19-11-24
3	188	2022	MUNSIF KHAN --VS--E&SE		No Advocate	19-11-24
4	353	2022	Mst.Zalb un Nisa --VS--E&SE	Salary		Default
5	660	2022	Inamullah Khan (1) --VS--Police	Demotion		22-11-24
6	1155	2022	QAISAR ZAMAN (2) --VS--P.H.E	Increas Promotion	AKHTAR ILYAS	11/11/24
7	309	2023	WAQAR AHMAD (4) --VS--Police	Promotion	Bilal Ahmad Kakalzai	22-11-24
9	1565	2023	SHEHZAD HASSAN --VS--Police	Dismissal	Hamad Hussain	Default
10	1726	2023	NASIR KHAN --VS--Police	REVERSION	Muhammad Asif Yousafzai	22-11-24
11	1771	2023	TAYYAB JAN (2) --VS--Police	Withdrawal of promotion order	NAJAM ULSALEHEEN	22-11-24
12	1773	2023	SABA BIBI --VS--Judiciary	Removal	Noor Muhammad Khattak	Remit
13	1793	2023	M. IQBAL --VS--Police	Demotion	SHUMAIL AHMED BUTT	22-11-24
14	2021	2023	ZAHIR HUSSAIN --VS--Police	Demotion	WAHEEB NAWAZ	22-11-24
15	2072	2023	SHAKIL AHMED --VS--Police	Demotion	RASHID IQBAL KHAN JADOON	22-11-24
17	2209	2023	M. ADNAN --VS--Establishment	Removal	Muhammad Asif Yousafzai	Demo Inquiry
18	2259	2023	M. NAWAZ --VS--Police	Dismissal	MUHAMMAD SAEED KHATTAK	25/11
19	2327	2023	M. BIAZ KHATTAK (1) --VS--Police	Withdrawal of promotion order	KHALED REHMAN	21-11-24

ARGUMENTS (GREEN CASES)

S. No.	Appeal	Year	Title	Case Nature	Advocate Name	Remarks
218	2024	2024	SIFAT ULLAH KHAN (1) --VS--E&SE	Removal	Babar Hayat	25/11/24

Atiq ur Rehman
01-11-24

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR
LIST OF DB-I CASES FIXED BEFORE MR. KALIM AKSHAD KHAN, CHAIRMAN &
MR. MUHAMMAD AKBAR KHAN, MEMBER (EXECUTIVE)
21/10/2024 (MONDAY)

14

APPLICATION		S.A. No.	Remarks
S. No.	APP. No.		
NSM 1	795/2023 EP	2072/2023	SHAKIL AHMED -VS- Police
NS 2	354/2024 12(2)	128/2024	MUHAMMAD JAVED -VS- EB&SE
3	730/2024 12(2)	891/2022	Tahira B. ol -VS- EB&SE
M 4	741/2024 CM	203/2023	NASIR IQBAL -VS- Police
5	804/2024 12(2)	7208/2021	Muhammad Arif -VS- EB&SE
M 6	1064/2024 12(2)	2069/2019	Abid Noor -VS- EB&SE
7	1075/2024 12(2)	12/2024	Atiq ur Rehman -VS- EB&SE
M 8	1124/2024 CM	10524/2020	Miss Amina Begum -VS- EB&SE
NS 9	1185/2024 RA	1602/2022	DILAWAR HUSSAIN -VS- EB&SE
10	1215/2024 RA	276/2024	SAHIB ULLAH -VS- Police
11	1216/2024 RA	275/2024	AFTAB AHMAD -VS- Police
12	1129/2024 RA	274/2024	DAWOOD KHAN -VS- Police
13	1184/2024 RA	7389/2021	Falq ul Haq -VS- Health

ARGUMENTS (RED CASES)

S. No.	Appeal	Year	Title	Case Nature	Advocate Name	Remarks
NS 1	2514	2021	Parvez Khan -VS- Population Welfare	Back Benefit	Adj Sm-d	

ARGUMENTS (GREY CASES)

S. No.	Appeal	Year	Title	Case Nature	Advocate Name	Remarks
M 1	168	2022	Asad Iqbal -VS- EB&SE	Removal	D	Remitted
NS 2	573	2022	Rahimullah (2) -VS- EB&SE	Promotion	DBTI	Dismissed
NS 3	1076	2022	MUHAMMAD IQBAL	Promotion	Muhammad Asif Yousafzai	05-11-24
NS 4	1104	2022	TARIQ KHAN (2) -VS- EB&SE	Promotion	Muhammad Maaz Madni	Dismissed
NS 5	292	2023	QASIR ABBAS -VS- Police	Removal	Taimur Ali Khan	Dismissed
NS 6	770	2023	MUHAMMAD AYAZ -VS- Police	Compulsory Retirement	Muhammad Asif Yousafzai	Remitted
M 7	1073	2023	MUHAMMAD SANDAL -VS- Police	Dismissal	KABIR ULLAH KHATTAK	29-11
NS 8	1466	2023	BAKHTAWAR SHAH -VS- Local Govt	Counting of Previous Service	Taimur Ali Khan	29-11

55936

ایڈوکیٹ: عبد الرحیم

بار کونسل ایسوسی ایشن نمبر:

رابطہ نمبر: 03009013997

پشاور بار ایسوسی ایشن، خیبر پختونخواہ

PESHAWAR BAR ASSOCIATION

QR Code

بجاءت جناب: Before The KP Service Tribunal, Pesh

Restoration

Applicant/Appellant: منجانب: CM No 2024

Shakil Ahmed بنام Akhtar Hayat Khan Gardani & another

دعویٰ: 1771 of 2023

1772 of 2023

علت نمبر:

مورخہ:

جرم:

تھانہ:

باعت تحریر آنگہ

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

آیا مقام ایشادہ کیلئے عبد الرحیم / نجم العاصم کے ایڈوکیٹ اور کوکیل مقرر

کر کے اقرار کیا جاتا ہے کہ صاحب موصوفہ کو مقدمہ کی کل کارروائی کا کامل اختیار ہوگا، نیز وکیل صاحب کو

راضی نامہ کرنے و تقریر نمائندگی و فیصلہ بر حلف دینے جو اب دعویٰ اقبال دعویٰ اور درخواست الزمہر قسم کی تصدیق

دکریں پر دستخط کر کے اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا طرفہ یا اپیل کی برائگی اور منسوخی، نیز

دائر کرنے اپیل گزالی و نظر جانی و پیروی کے اختیار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی

کارروائی کے واسطے اور وکیل یا مختار قاضی کو اپنے ہمراہ یا اپنے بجائے تقریر کا اختیار ہوگا اور صاحب

مقرر شدہ کو وہی جملہ مذکورہ بالا اختیارات حاصل ہوں گے اور اس کا سبب پیشہ پر داخستہ منظور و قبول ہوگا

دوران مقدمہ میں جو خرچہ ہر جانب کے مقدمہ کے سبب سے ہوگا کوئی تالیق پیشی مقام دورہ یا حد سے

باہر ہو تو وکیل صاحب یا جرنیل ہوں گے کہ پیروی مذکورہ کریں، لہذا وکیل صاحب نامہ لکھ دیا تاکہ سندر ہے

Accepted

Handwritten signature

المقوم: 01/11/2024

بجاءت جناب

Handwritten signature

نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

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AND TO SUSPEND SUBSEQUENT ORDER
DATED 13.10.2023 WHEREBY THE APPLICANT
HAS ONCE AGAIN BEEN DIRECTED TO JOIN
HIS PLACE OF POSTING AS DSP RATHER THAN
SP THUS THE IBID ORDER IS ISSUED IN
VIOLATION OF THE COURT ORDER.

May it please this Honorable Court:

The Applicant/ Appellant, with utmost humility, implore the attention of this Honorable Tribunal as follows:

1. That the Applicant/Petitioner along with eight others have challenged a Letter No. 993/Legal dated 12.03.2023 and subsequent office orders dated 16.03.2023 wherein it was illegally directed that the demotion process of police officials in the Khyber Pakhtunkhwa Police Department be completed and by virtue of 2nd letter the Petitioners therein were illegally demoted to junior ranks which acts on part of the Respondents being highly illegal and unlawful was challenged through Writ Petition 1289-P/2023 in the Peshawar High Court Peshawar.
2. That the ibid Writ Petition when came up for hearing on 04.04.2023 before the Honorable Divisional Bench comprising of Mr. Justice Ishtiaq Ibrahim & Mr. Justice S.M Attique Shah wherein the Honorable Peshawar High Court, Peshawar after hearing the arguments of Applicant/petitioner at length and keeping in view the prima facie nature of case has graciously granted an interim relief as follows "Till then the impugned letter dated 11.03.2023, 12.03.2023 and 16.03.2023 are suspended" thus meaning thereby that the respondents were restrained from taking any kind of adverse action against the Applicant/petitioner along with other petitioners therein.

(Copy of the interim relief is Annexure "A")