

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR.

Execution Petition No.1118/2024 in Service Appeal No.2544/2023

Shoukat Bahadar, Ex Constable No.480, District Swat.

----- (Appellant)

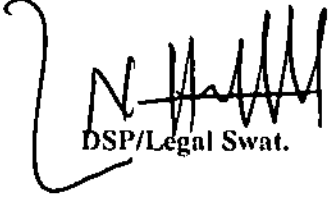
Versus

1. The Regional Police Officer/DIG, Malakand Region at Saidu Sharif, Swat.
2. District Police Officer, Saidu Sharif, Swat.
3. Provincial Police Officer, Khyber Pakhtunkhwa Peshawar

----- (Respondents)

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DSP/Legal Swat.

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PARAWISE COMMENTS ON BEHALF OF RESPONDENTS.

Respectfully shewith:

Preliminarily objection:-

1. That the service appeal is time barred.
2. That the service appeal is not maintainable in its present form.
3. The instant appeal is bad due to mis-joinder and non-joinder of necessary parties.
4. That the appellant is estopped due to his own conduct.
5. That the appellant has concealed material facts from this Honorable Tribunal.
6. That the appellant has got no cause of action and locus standi to prefer the instant appeal.
7. The appellant has not come to this Tribunal with clean hands.

FACTS:

1. Correct to the extent that appellant had filed Service Appeal No.2544/2023 before this Honorable Tribunal praying therein for his re-instatement into service which was partially allowed vide Judgment dated 27/03/2024, the Operating Para of which is re-produced below:-
"08. In view of the forgoing discussion, the instant appeal is partially accepted. The penalty of removal from service is converted into minor penalty of stoppage of 03 Annual Increments for two years and the intervening period is treated as leave without pay".
2. Incorrect. That after receiving attested copy of Ibid Judgment Respondent No.02 (DPO Swat) vide his Office Letter No.14182/Legal dated 26/07/2024 (Annexed-A) approached Respondent No.01 (RPO Malakand) with the request to examine the Ibid Judgment for recommendation of filling of CPLA or otherwise. In response a Committee at Regional level was constituted by Respondent No.01 (RPO Malakand) vide his Office Order Endst: No.8636-38/WPC dated 30/07/2024 (Annexed-B) who scrutinized and examined the Judgment in the subject Service Appeal and recommended the same for filling CPLA to the quarter concerned.

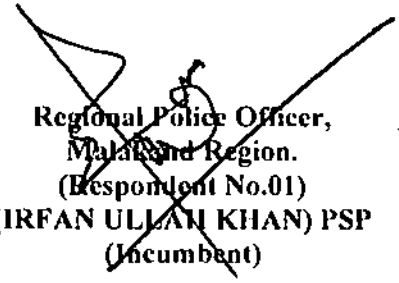
3. Incorrect and misleading one. That the Law Department after scrutinizing the Ibid Judgment, declared fit the same for filling of appeal before the Apex Court, subsequently, CPLA No.649-P/2024 titled "RPO Malakand and Others VS Shaukat Bahadar" (Annexed-C) was filed which is pending before the before the Supreme Court of Pakistan.
4. Incorrect. That the Judgment dated 27/06/2024 in Service Appeal No.2544/2024 of this Honorable Tribunal shall be implemented in letter and spirit by the answering respondents. No malafide is exists on the part of answering respondents and respondents even cannot think not to implement the Judgment of this Honorable Tribunal.

PRAYER:

In view of the above comments of answering respondents, it is prayed that instant Execution Petition may be dismissed with cost.



**District Police Officer,
Swat.
(Respondent No.02)
(BADSHAH HAZRAT)
(Incumbent)**



**Regional Police Officer,
Malakand Region.
(Respondent No.01)
(IRFAN ULLAH KHAN) PSP
(Incumbent)**



**AIG/Legal, CPO
For, Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar,
Respondent No.03
(Muhammad Asif)
Incumbent**

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AFFIDAVIT

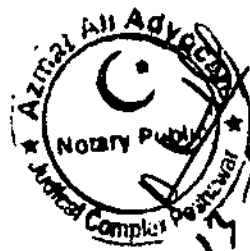
We, the undersigned do hereby solemnly affirm on oath and declare that the contents of the Execution Petition is correct/true to the best of our knowledge/ belief and nothing has been kept secret from the Honorable Tribunal. *It is further stated on oath that the answering respondents have neither been placed, Ex parte nor their defence has been struck off, also no cost is imposed.*

District Police Officer,
Swat.

(Respondent No.02)
(Badshah Hazrat)
(Incumbent)

~~Regional Police Officer,
Malakand Region.
(Respondent No.01)
(Irfan Ullah Khan) PSP
(Incumbent)~~

ATTESTED



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AUTHORITY LETTER

We, the undersigned do hereby authorized Mr. Nacem Hussain Deputy Superintendent of Police Legal, Swat to appear before the Tribunal and submit reply etc in connection with titled Execution Petition.

**District Police Officer,
Swat.
(Respondent No.02)
(Badshah Hazrat)
(Incumbent)**

**Regional Police Officer,
Malakand Region.
(Respondent No.01)
(Irfan Ullah Khan) PSP
(Incumbent)**

**AIG/Legal, CPO
For, Provincial Police Officer,
Khyber Pakhtunkhwa Peshawar,
Respondent No.03
(Muhammad Asif)
Incumbent**