240661

BEFORE THE SINDH SERVICE TRIBUNAL KARACHI

PRESENT:-
IRFAN AHMAD MEO RAJPUT, MEMBER/ACTING CHAIRMAN
SHAHID ABDUL SALAM KHAN, MEMBER

EXECUTION APPLICATION NO.61 OF 2025

IN

APPEAL NO.06 OF 2024

Aqib Khalid
S/o Khalid Pervaiz, Muslim, Adult,
Ex-Police Constable # 1594, lastly posted at
Police Headquarter, West Zone,
R/o T&T Colony, SITE Area,
Habib Chowrangi, Karachi, Sindh.....APPELLANT /APPLICANT.

VERSUS

1. The Inspector General of Police Sindh
   Having office at CPO, I.I Chundrigar Road,
   Karachi

2. The Deputy Inspector General of Police,
   West Zone, Karachi

3. The Superintendent of Police,
   PHQ, West Zone, Karachi, Sindh.....RESPONDENTS

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Ms. Sana Junjhi, advocate for the appellant/applicant.
Mr. Asif Hussain Mangi, Addl: A.G. alongwith PDSP Juma Din & PI Aziz for respondents.

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Date of Hearing: 18.02.2026

Date of Order: 06.03.2026

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O R D E R

SHAHID ABDUL SALAM KHAN, MEMBER:- The appellant has filed instant Execution Application seeking implementation of the judgment dated 17.03.2025. The relevant para of the judgment is as follows:-

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"In view of reasons discussed above, instant appeal is allowed. The impugned original and appellate orders are set-aside and the appellant is reinstated in service with back benefits. His out of service period be treated as leave of kind due."

2. The learned counsel for the appellant/applicant has contended that the appellant/applicant has been reinstated and is drawing salaries from April, 2025. However the appellant had been only paid the salary of 36 days and the remaining period was treated as Extraordinary leave. She has further contended that as per judgment of this Tribunal, the appellant/applicant is entitled for back benefits from the date when he was discharged from service upto date he was reinstated in service. She has also relied on case law reported as 2021 SCMR 962.

3. The learned Addl: A.G. has contended that in compliance of judgment of this Tribunal the appellant is reinstated and is drawing salaries regularly. He has further argued that back benefits to appellant relating the same period was treated as leave of kind due. The appellant's balanced earned leaves i.e. 36 days was treated as full pay under Rule 8(a) of Civil Servants Leave Rules 1986 and the remaining period from 10.02.2018 to 24.04.2025 was treated as leave without pay (Extra Ordinary Leave) under Rule 19 of the said rules.

4. We have heard the parties at length and perused the record thoroughly. The matter had been heard and the judgment dated 17.03.2025 was passed whereby the appellant was reinstated in service with back benefits and his out of service period was treated as leave of kind due. In compliance of the said judgment, admittedly, the appellant was reinstated and is drawing salaries since April, 2025. The issue arises is regarding the back benefits. The appellant has been only paid 36 days salary in lieu of 36 balanced earned leaves

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and his remaining period of out of service i.e. 2631 days was treated as Extraordinary leave.

5. It is necessary to mention here that the appellant was discharged from service on account of registration of an FIR and subsequently he was acquitted from that criminal case. On acquittal from that case, the appellant under Sub-Rule (1) of Rule 16.3 of the Police Rules, 1934 is to be reinstated in service when he has been acquitted from a criminal case unless his case falls within exception clauses (a) to (e) of the Rule 16.3 (1) of the Police Rules, 1934. In this regard, the case law relied by the learned counsel for the appellant reported as 2021 SCMR 962 is fully supporting the arguments of learned counsel for the appellant. The Honourable Supreme Court of Pakistan in the said case has held that *"Where the order of dismissal, removal or reduction in rank was set aside unconditionally, back benefits were to be paid necessarily. The grant of back benefits to an employee who had been illegally kept away from his employment was a rule and denial of service benefits to such reinstated employee was an exception. When a civil servant was reinstated in service and his dismissal from service was held to be illegal and for no fault of his, then his reinstatement in service would mean that he had always been in service and as a consequence be paid salary from the day he was illegally removed or dismissed from service....."*

6. So far as, the contention of learned Addl: A.G. that the period from 10.02.2018 to 24.04.2025 was treated leave without pay extraordinary leave. It is pertinent to mention here that from bare perusal of observation of operative para of judgment dated 17.03.2025 of this Tribunal, this Court has reinstated the appellant in service with back benefits as the appellant was awarded penalty of discharged from service vide order dated 05.01.2018 and the

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appellant was reinstated in compliance of judgment dated 17th March, 2025. So far as, the contention of learned Addl: A.G. that the period from 10th February, 2018 to 24th April, 2025 was treated as extraordinary leave without pay, it is pertinent to mention that the operative para of judgment in the last line it is mentioned that his out of service period be treated as leave of kind due that is relating to the period, if any prior to passing of impugned order dated 05.01.2018 and it does not mean that same period is relating from the order of discharge from service i.e. 05.01.2018 upto his reinstatement i.e. April, 2025.

7. In view of the discussion above, we are of the firm view that the appellant is entitled for the back benefits (from the date when he was discharged from service upto the date when appellant was reinstated in service) therefore the judgment dated 17.03.2025 has not been satisfied yet. Hence the respondents are directed to comply the judgment of this Tribunal in letter and spirit and further directed to pay back benefits to appellant for the period i.e. 05.01.2018 to 24.04.2025.

Pronounced this on 06th Day of March, 2026.

Sd/-
(IRFAN AHMAD MEO RAJPUT)
MEMBER

Sd/-
(SHAHID ABDUL SALAM KHAN)
MEMBER

Sajid A.P.

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