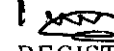



Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 3422 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	10/03/2021	<p>The appeal of Mr. Ali Muhammad presented today by Mr. Muhammad Liaqat Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR <i>ew 10/3/2021</i></p> <p>This case is entrusted to touring S. Bench at A.Abad for preliminary hearing to be put up there on <u>22.4.2021</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

28.07.2021

Counsel for the appellant present and has submitted an application for early hearing. File of the appeal has been requisitioned in pursuance to the said application which is placed on file.

This appeal was fixed for preliminary hearing at Camp Court, Abbottabad on 22.05.2021. However, the camp court for the time being is discontinued, and thus no further date of hearing was fixed. Consequently, this appeal is fixed for preliminary hearing on 30.08.2021 before S.B at Peshawar.


Chairman

Ali Muhammad 3422/2021

30.08.2021 Counsel for the appellant present. Preliminary arguments heard.

The learned counsel for the appellant challenged and impugned the reference bearing No. 18815-17/E dated 08.08.2020 of respondent No.3 which was submitted in compliance of order of the Peshawar High Court, Abbottabad Bench dated 11.03.2020 in writ petition No. 40-A/2020. Copy of the said reference, as per record attached with the service appeal, was provided to the appellant on 26.02.2021, hence, the instant service appeal filed before the Service Tribunal on 10.03.2021. Prayer of the appellant is that in terms of Section 7(2) and 112 of Police Order 2002 and Section-32(i) of the Khyber Pakhtunkhwa Police Act, 2017 read with Police Rules 1934, the appellant is entitled to be promoted on the basis of length of service, seniority-cum-fitness and requisite qualification/course against the reserved quota 25% of ASI for in service graduate constable or Head Constable.

Points raised need consideration. The appeal is admitted to regular hearing, subject to all just and legal objections including limitation. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time or extension of time is not sought, the office shall submit the file with a report of non-compliance. File to come up for arguments on 20.12.2021 before the D.B.

30/8/21
Appellant Deposited
Security & Process Fee


(Mian Muhammad)
Member(E)

20.12.2021

Appellant in person and Mr. Muhammad Muhammad Adeel Butt, Addl. AG for the respondents present.

No representative of the respondents is in attendance nor their written reply/comments received as directed on previous date. Learned AAG requests for time to contact the respondents and facilitate written reply/comments. Last opportunity is granted to the respondents for submission of written reply/comments on or before next date, failing which their right for written reply/comments shall be deemed as struck off and the case will be argued on the basis of available record. Case to come up on 14.01.2022 before the D.B.


Chairman

ORDER

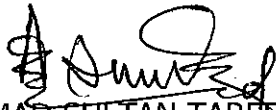
14.01.2022

Learned counsel for the appellant present. Mr. Mr. Muhammad Adeel Butt, Additional Advocate General for respondents present. Arguments heard and record perused.

Vide our detailed judgment of today, placed on file of Service Appeal bearing No. 3420/2021 titled Saddaqt Hussain Shah Versus Government of Khyber Pakhtunkhwa through Chief Secretary Peshawar and others", the instant service appeal is dismissed. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED

14.01.2022



(AHMAD SULTAN TAREEN)
CHAIRMAN



(ATIQ-UR-REHMAN WAZIR)
MEMBER (E)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 3422/2021

Ali Muhammad son of Raheemdad, resident of Matokar Tehsil & District Battagram, Presently as L.H.C (Constabulary number 324) Police line Battagram.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary Peshawar & others.

...RESPONDENTS

SERVICE APPEAL

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2.	Copy of appointment order	14	"A"
3.	Copy of service card and requisite and Educational and other qualificational documents, Police Recruitment Certificate	15 to 18	"B", "C" & "D"
4.	Copy of the impugned notification No, 158E/III Dated 20/03/2014	19 to 21	"E"
5.	Copy of course recruitments, training and experience	21a	"F"
6.	Copy of application of petitioner	22	"G"
7.	Copy of the writ petition	23 to 32	"H"
8.	Copy of order of the Honourable High Court dated 11.03.2020	33	"I"
9.	Copy of the contempt petition	34 to 37	"J"
10.	Copy of the reply of respondent No. 2	38 to 41	"K"
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...APPELLANT

Dated: 09/03/2021

Through;


MUHAMMAD LIAQAT)
Advocate High Court, Abbottabad

↓

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 3496

Dated 10/3/2021

Service Appeal No. 3422/2021

Ali Muhammad son of Raheemdad, resident of Matokar Tehsil & District Battagram, Presently as L.H.C (Constabulary number 324) Police line Battagram.

...APPELLANT

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary Peshawar.
2. Provincial Police Officer/ inspector General of Police KPK.
3. Deputy inspector General of Police, Hazara Region Abbottabad.
4. District Police Officer Battagram.

...RESPONDENTS

SERVICE APPEAL UNDER SECTION 4 OF THE
SERVICE TRIBUNAL ACT 1974 AGAINST THE
IMPUGNED OFFICE ORDER NO. 18815-17/E
DATED 08.08.2020 PASSED BY RESPONDENT No. 2
WHEREBY DEPARTMENTAL REPRESENTATION
OF THE APPELLANT WAS DISMISSED/ DISPOSE
OFF DUE TO NON UNDERSTANDING CASE OF
APPELLANT AND AGAINST THE IMPUGNED
NOTIFICATION NO 158/E-III DATED 20/03/2014 IS
AGAINST THE ARTICLE OF 25/27 OF THE

Filed to-day

Registrar

10/3/2021

CONSTITUTION OF PAKISTAN 1973 AND SECTION 7(2) AND 112 OF THE POLICE ORDER 2002 AND SECTION 32(I) OF THE KPK POLICE ACT 2017 READ WITH POLICE RULE 1934 IS ILLEGAL AGAINST THE ACT & RULES ON THE BASIS OF DISCRIMINATION, AGAINST FUNDAMENTAL RIGHT, MALAFIDELY, WITHOUT PRIOR APPROVAL OF KPK GOVT.

PRAYER: ON ACCEPTANCE OF THE INSTANT SERVICE APPEAL, THE IMPUGNED OFFICE ORDER NO. 18815-17/E DATED 08.08.2020 PASSED BY RESPONDENT NO. 2 AND NOTIFICATION NO 158/E-III DATED 20/03/2014 MAY GRACIOUSLY BE DECLARED ILLEGAL, WITHOUT PRIOR APPROVAL SEEKING FROM THE GOVT. OF KPK, AGAINST THE DISCRIMINATION, FUNDAMENTAL RIGHT, AGAINST THE CONSTITUTION, AS WELL AS SECTION 7(2) AND 112 OF THE POLICE ORDER 2002 AND SECTION 32(I) OF KPK POLICE ACT 2017 READ WITH POLICE RULE 1934 AND DIRECTION MAY KINDLY BE GIVEN TO THE RESPONDENT/COMPETENT AUTHORITY TO PROMOTE THE APPELLANT ON THE BASIS OF LENGTH OF

SERVICES, SENIORITY CUM FITNESS AND HAVING QUALIFICATION/ POLICE RECRUITMENT COURSE, WHICH HAVE ALREADY FULFILLED BY THE APPELLANT SUBJECT TO INTERVIEW ONLY AND APPELLANT IS ENTITLED FOR PROMOTION ACCORDING TO 25% QUOTA RESERVE AS ASI IN SERVICE AGAINST VACANT POST UNDER THE LAW ON THE SUBJECT. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEM FIT AND PROPER IN THE CIRCUMSTANCE OF THE CASE MAY ALSO BE GRANTED TO THE APPELLANT.

Respectfully Sheweth,

Brief facts giving rise to the instant service appeal are as under;-

1. That the appellant was appointed as constable in police Department in District Battagram dated 27/07/2007. Copy of appointment order is attached as Annexure "A".

2. That the appellant serving in the police Department District Battagram up till now, having length of services, requisite Qualification, eligibility and cum fitness and police recruitment certificate having fulfilled all requisite criteria under the law laid down on the subject for the promotion of (ASI) in BPS-9, appellant having statutory right is entitle for promotion of ASI in service. Copy of service card and requisite and Educational and other qualificational documents, Police Recruitment Certificate are annexed as Annexure "B", "C" & "D"
3. That the respondent did not promote the appellant on 25% in service quota for the post of ASI in BPS-9, in the light of impugned notification No. 158E/III dated 20/03/2014 issued by the respondent to against the statutory rights of appellant. Copy of the impugned notification No 158E/III Dated 20/03/2014 is annexed as Annexure "E".
4. That the appellant in service quota for the post of (ASI) BPS-9 having requisite ages, qualification, recruitments qualification, Eligibility cum fitness

training and experience as per law and Rule, in the whole service of appellant, services record of appellant is quite clear. Copy of course recruitments, training and experience is annexed as Annexure "F".

5. That the appellant submitted as per law the applications along with others required documents to the respondent/ competent authority for the post of (ASI) 25% in service quota in regard of promotion of appellant, respondent conducted all the formalities fulfilled but did not promoted the appellant in the light of impugned notification No 158/EIII Dated 20/03/2014. Copy of application of petitioner is annexed as Annexure "G".
6. That the appellant and two other being aggrieved against the above impugned notification Dated 23/03/2014 and not considering the petitioner being eligible for 25% promotion filed writ petition No. 400-A/2020 before the Peshawar High Court, Abbottabad Bench. Copy of the writ petition is annexed as Annexure "H".

- 6
7. That on 11.03.2020 Honourable High Court Abbottabad Bench treated the writ petition of the appellants as representation and sent to the respondent No. 2/ Provincial Police Officer/ IGP Khyber Pakhtunkhwa Peshawar to decide the same strictly in accordance with law. Copy of order of the Honourable High Court dated 11.03.2020 is annexed as Annexure "I".
 8. That after the passing of 3½ months, respondent No. 2 did not decide the case of the appellant, due to which, appellant filed contempt petition No. 55/2020 on 26.06.2020. Copy of the contempt petition is annexed as Annexure "J"
 9. That the respondents filed reply of the contempt petition. Copy of the reply of respondent No. 2 is annexed as Annexure "K".
 10. That during the course of arguments, District Attorney General stated that case of the petitioner was decided and counsel for the appellant stated at the bar that respondents not conveyed the appellant due to which Honourable High Court on 23.02.2021 passed order, in view of the above the

order of this court has already been complied with, therefore, the instant COC has been infructious, hence dismissed accordingly, however, respondents are directed to convey the copy of the decision to the appellant within three days positively. Copy of the order of Honourable High Court dated 23.02.2021 is annexed as Annexure "L".

11. That respondents decided the case and not convey the appellant, however, on the order of Honourable High Court, respondents from the order on 26.02.2021 which was received by one of appellant namely Sadaqat Hussain Shah through Diary No. 493 dated 26.02.2021. Copy of the impugned order/ notification and receiving receipt are annexed as Annexure "M" & "N" respectively.
12. That order/ notification passed by respondent No. 2 was conveyed to appellant on 26.02.2021 on the order of Honourable High Court in COC petition, hence the appeal of the appellant is well within time.

13. That being aggrieved from the order/ notification of the respondent No. 2 and upon impugned notification, appellant has now come to this Honourable Tribunal, inter-alia on the following grounds:-

GROUNDS:-

- a) That the impugned notification is against the Article of constitution of Pakistan 1973, discrimination, against the fundamental rights as well as against the individual and service rights of appellant under article 4,25,27 of the Constitution of Pakistan, being illegal, ultra vires of Constitution and laws on the subject ,Hence liable to be declare illegal , and against the law.
- b) That the rights of appellant as granted by the constitution of Pakistan as well as, Section 7(2) and 112 of the Police Order 2002 section 23(ii) of the KPK Police Act 2017 Read with Police Rule 1934 and other laws. The impugned notification and impugned order being illegal, against the laws against

the rights of appellant, hence liable to be struck down.

c) That the impugned Notification is ultra vires against the constitution and laws on the subject and not sustainable without the prior approval of KPK Govt. as per laid down under the section 7(2) and 112 of the Police Order 2002 section 23(ii) of the KPK Police Act 2017 Read with Police Rule 1934, Therefore the notification and order may kindly be declared null and void and ultra vires against the constitution and laws on the subject. Hence liable to be set aside.

d) That the appellant fulfilled the requirements for the post of ASI BPS-9, 25% in service quota, having requisite qualification, training, experience and eligibility cum fitness criteria, so the ultra virus notification cannot made hurdle in way of appellant (departmental promotion) as well as service record of appellant is clean in Respect of departmental promotion, Therefore respondent cannot be refuse the statutory

right granted by the constitution as well as laws on the subject with regard to the departmental promotion of appellant in the shadow of impugned notification.

- e) That under the control of respondent/ District Police Department Battagram having 4 vacant Post, therefore direction may kindly be given to the respondent to promote appellant on these post.

- f) That on the basis of service cum seniority/ qualification and course the petitioner is entitled for the promotion of 25% quota reserve for ASI in service subject to interview as per law, there is no written test or otherwise hurdle in the way of promotion of petitioner, in the light of constitution, and relevant laws on the subject, therefore impugned notification may kindly be declared null and void.

- g) That the appellant due of promotion BPS-9 ASI fall in the ambit of department/ competent authority concerned under the

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law, subject to interview only, therefore impugned notification are illegal against the salutary right of appellant, hence liable to declared null and void and direction may kindly be give to the respondents to promote the appellant in 25% in service quota subject to interview under the law and rules on these vacant post due to which appellant appeared before competent authority for ability test and physical test which passed by the appellant and respondents not promoted the appellant in the shadow of fake notification. Copy of ability test and physical test are annexed as Annexure "O".

- h) That, no other efficacious remedy is available to the appellant except to invoke the jurisdiction of this Honourable Tribunal.
- i) That other points will be urged at the time of arguments with the permission of Honourable Tribunal.

It is therefore, most humbly prayed that on acceptance of the instant service appeal, the impugned Office Order No. 18815-17/E dated 08.08.2020 passed by respondent No. 2 and Notification No 158/E-III dated

20/03/2014 may graciously be declared illegal, without prior approval seeking from the Govt. of KPK, against the discrimination, fundamental right, against the constitution, as well as Section 7(2) and 112 of the Police Order 2002 and Section 32(I) of KPK Police Act 2017 read with Police Rule 1934 and direction may kindly be given to the respondent/ competent authority to promote the appellant on the basis of length of services, seniority cum fitness and having qualification/ police recruitment course, which have already fulfilled by the appellant subject to interview only and appellant is entitled for promotion according to 25% quota reserve as ASI in service against vacant post under the law on the subject. Any other relief which this Honourable Tribunal deem fit and proper in the circumstance of the case may also be granted to the appellant.



...APPELLANT

Through;

Dated: 09/03/2021



(MUHAMMAD LIAQAT)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing appeal are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.



...APPELLANT

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Service Appeal No. _____/2021

Ali Muhammad son of Raheemdad, resident of Matokar Tehsil & District Battagram, Presently as L.H.C (Constabulary number 324) Police line Battagram.

...APPELLANT

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary Peshawar & others.

...RESPONDENTS

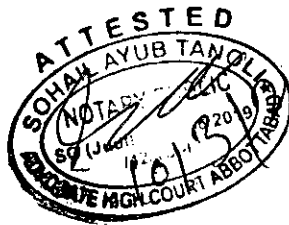
SERVICE APPEAL

AFFIDAVIT

I, *Ali Muhammad son of Raheemdad, resident of Matokar Tehsil & District Battagram, Presently as L.H.C (Constabulary number 324) Police line Battagram*, do hereby declare on oath that the contents of foregoing appeal are true and correct to the best of my knowledge and belief and that nothing has been suppressed form this Honourable Court.



DEPONENT



POLICE DEPARTMENT

(14)

BATTAGRAM DISTRICT

CERTIFICATE OF APPOINTMENT

Constabulary No. 524

This certificate of appointment is issued under article 25 of the Police Order 2002.

Mr. Ali Muhammad S/O Rahm Dad R/O Matevar Jama
Police Station Battagram has been appointed as constable and is invested with
the powers, functions and privileges of a police officer under Police Order 2002 in
District Battagram under the charge of District Police Officer Battagram on this day
of 27th July 2007.

O.B. No. 104

Dated 27.07.2007

Height 5'9"


Date of birth 5.5.1987


District Police Officer,
Battagram



ATTESTED

15

Annexure
"B"

 **KP POLICE
BATTAGRAM**

Ali Muhammad
HC NO. 205


S.No:115/2018
Police Officer


ATTESTED

Issue Date: 15.05.2018 Valid Up to: 14.05.2021
Father's Name: Rahim Dad Date of Enrolment: 27.07.2007
CNIC No: 13202-75634432-9 Date of Birth: 05.05.1987
Mark of Identification: Nil Blood Group: B+ve
Mobile No: 0301-2444005 Emergency Contact No: 0300-5153544

**FINDER OF THIS CARD MAY PLEASE DROP IT IN THE NEAREST
POST BOX.**

Note: For Information / Verification, Please Contact: 0997311590



HAZARA UNIVERSITY MANSEHRA

16

Annexure
"C"



27598

PAKISTAN

PROVISIONAL CERTIFICATE

SESSION Annual/2011

Serial No 3048

Registration No 0042BC6MPX-BA7

Roll No 41032

Result Declared on: 16-01-2012

Certified that Mr. / Miss. / Mrs. Ali Muhammad

Son / Daughter of Rahim Dad Khan

student / candidate of MA (Pashto) has passed the MA (Pashto)

Examination held in Aug, 2011 by securing 540 Marks out of 1100

and has been placed in 2nd Division / Grade / C.G.P.A

(The Examination was taken as a whole / in parts)

Prepared by: [Signature]

[Signature]
Controller of Examinations

Checked by: [Signature]

Hazara University

ATTESTED

[Signature]



HAZARA UNIVERSITY



MANSEHRA, NWFP, PAKISTAN

DETAILED MARKS CERTIFICATE

BA ANNUAL EXAMINATION 2009

Roll No: 52371

Reg No: 0042BGMPX-BA7

Name: Ali Muhammad

F/ Name: Rahim Dad Khan

Institution/ District: BATTAGRAM

Part: Second

COURSE TITLE:	Max: Marks		Marks Obt:		Total	Marks in Words	Remarks
	TH	PR	TH	PR			
Part-I Marks	285				123	ONE HUNDRED TWENTY-THREE	
ENGLISH	75		25		25	TWENTY-FIVE	Pass
PAKISTAN STUDIES	40		13		13	THIRTEEN	Pass
LAW	75		30		30	THIRTY	Pass
POLITICAL SCIENCE	75		35		35	THIRTY-FIVE	Pass
Total:	550				226	TWO HUNDRED TWENTY-SIX	

Percentage: 41.09
Division: THIRD

Print Date: 17-09-2009

Checked By:

Errors and omissions are subject to subsequent rectification.
Note: Any mistake in Name, Father Name etc must be intimated within 60 days of the issuance date of this Certificate.

Controller Examinations
Hazara University, Mansehra
August 29, 2009

CERTIFICATE OF APPOINTMENT


Annexure
"D"

Constabulary No. 324

This certificate of appointment is issued under article 25 of the Police Order, 2002.

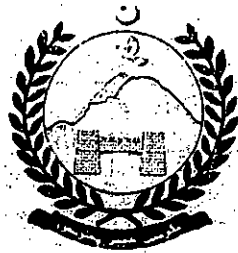
Mr. Ali Muhammad S/O Rahim Dad R/O Matovax Tamai Police Station Battagram has been appointed as constable and is invested with the powers, functions and privileges of a police officer under Police Order 2002, in District Battagram under the charge of District Police Officer Battagram on this day of 27th July 2007.

O.B. No 104
Dated 27.07.2007
Height 5'9"
Date of birth 5.5.1987


District Police Officer,
Battagram


ATTESTED

EXTRAORDINARY
GOVERNMENT



19
25
ANNEXURE
"E"
REGISTERED NO. PIII
GAZETTE

KHYBER PAKHTUNKHWA

Published by Authority

PESHAWAR, MONDAY, 24TH MARCH, 2014.

PROVINCIAL POLICE OFFICER KHYBER PAKHTUNKHWA

NOTIFICATION

Peshawar, dated the 20th March, 2014.

No. 158/E-III.— In exercise of the powers conferred by Article 112 of the Police Order 2002, (Chief Executive Order No. 22 of 2002) read with Article 7 thereof, the Provincial Police Officer in consultation with the Government, is pleased to direct that in the Police Rules, 1934, the following amendment shall be made, namely:

✓
"12-6. Qualification for direct appointment to Assistant Sub-Inspector.— (1) Appointment to the post of Assistant Sub-Inspector shall be made—

- (i) on promotion from head constables in accordance with the criteria provided in these rules; and
- (ii) on initial recruitment method from general candidates and in service graduate constables and head constables having qualification and experience provided in this rule.

(2) The qualification for both the above categories is as under:

(a) General candidates.

- (i) Educational qualification:
Higher Secondary School Certificate or equivalent qualification from a recognized Board of Pakistan or abroad.
- (ii) Age Limit:
18 to 25 years.
- (iii) Height:
For male: 5 feet and 7 inches.
For female: 5 feet and 1 inches.
- (iv) Chest:
For male: 33×34¹/₂ inches.
For female: Nil.

(b) In service graduate constables or head constables.

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ATTESTED

2478 KHYBER PAKHTUNKHWA GOVERNMENT GAZETTE, EXTRAORDINARY, 24th MARCH, 2014.

- (i) **Educational Qualification:**
Bachelor Degree from any recognized university of Pakistan or abroad.
- (ii) **Service Experience:**
Basic recruit course passed.
Minimum five years service in police department.
Satisfactory service record.
- (iii) **Age Limits:**
Up to 35 years.

(3) (All the eligible candidates applying for initial recruitment for the post of Assistant Sub-Inspector, shall qualify the following physical endurance tests to be conducted by a team of three members, two from the Public Service Commission and one from Police Department to be nominated by the Provincial Police Officer.

Categories.	Race.
Male candidate:	1600 meters in 8:00 minutes.
Female candidate:	1000 meters in 8:00 minutes.

(4) All categories of candidates shall qualify physical endurance test. Candidates who fail to qualify the physical endurance test shall not be eligible to appear in other tests.

(5) Candidates, both general and in service, who qualify the physical endurance test, shall be eligible to appear in the written examination to be conducted by the Khyber Pakhtunkhwa Public Service Commission.

(6) The written examination shall be conducted in the subjects specified in the table below:

S. No.	Subject	Maximum marks	Paper duration	Qualifying marks
1.	Urdu Essay and Comprehension.	75	1 hour	40%
2.	English Essay and Comprehension.	75	1 hour	40%
3.	General Knowledge and Current Affairs.	50	1 hour	40%
4.	Basic proficiency in computer literacy like MS Word, MS Power Point, MS Excel, Internet surfing and email.	50	1 hour	40%
5.	Viva voce.	50		40%
Total.		300		40%

(7) Candidates, both general and in service, who qualify written examination, shall be called by the Public Service Commission for psychological test to be conducted by certified psychologists of Khyber Pakhtunkhwa Public Service Commission. The result of this test shall be guide for the interview panel whether or not a candidate is suitable for the police job.

(8) Psychological test shall be followed by viva voce exam to be conducted by the Public Service Commission. The candidate shall appear before the interview panel at the time of viva voce examination. Failure in or absence from viva voce shall mean that the candidate has failed.

(10) Final merit list shall be prepared by the Khyber Pakhtunkhwa Public Service Commission. If the total marks of any of the two candidates are equal, the candidate with higher marks in viva voce test shall be placed higher on merit and, in case, where the marks obtained in viva voce are also equal, the candidate older in age shall be placed higher on merit list.

(11) Issuance of appointment order shall be subject to background clearance reports from intelligence agencies.

PROVINCIAL POLICE OFFICER,
GOVERNMENT OF THE KHYBER PAKHTUNKHWA

POLICE TRAINING COLLEGE, HANGU



Estbd 1935

Detail Marks Certificate / History Sheet

Term Starting Date : 22.07.2007 Term Ending Date : 05.01.2008(Physical)
 College Course : Recruit Name : Ali Muhammad
 Rank : Constable Belt No. : 324
 Education : BA Distt./Unit : Barogram
 Training Centre : E.F.Aid:

LAW			DRILL			REMARKS
PC	50	/100	SD	52	/70	
PC	56	/100	PT	11	/20	Re-appeared in the term ending 20.06-2010 and declared as passed.
PC	58	/100	MD	19	/30	
SI/QS	60	/100	UC	14	/20	
ST/HR	83	/100	IU	52	/80	
PPW/GPD	55	/100	EOD	22	/35	
Sec/WT/FP/GK/AG	65	/100	TFC	14	/20	
			AC	82	/150	
			Bayonet	7	/10	

Total: 427/700 273/435
 Overall Percentage is 61.67 C-Total: 700/1135
 Leave Obtained: 0 days Medical Rest: Nil Absence: 2 Days Punishment: Nil Reward: Nil

F-7
 Commandant,
 Police Training College Hangu

کثرت سے - اس کے بعد اس کے پولیس سپرنٹنڈنٹ کو خواہ پتہ

ہو - عالی

گزارش کے ساتھ مل کر اس میں سال 2007ء میں
 کھری گئی ہے ، اور سال 2007ء میں بھی ہندو
 گزشتہ سال سے پولیس اسٹیشن کو رس باس کی ہے
 اور ساتھ BA ، جوائن باس کنٹریل ہے
 ضلع بنگلہ میں - AST کی ہے پولیس خالی ہے
 مزید درخواست اس کے ساتھ مل کر پولیس
 اہل 1939 کے تحت مزید پتہ پتوں کی
 انٹرویو کے ذریعے ضلع بنگالہ میں سی آئی کے بھی
 خالی اس کے لئے ضلع بنگالہ کے صدر فرانسس
 علی خاں کو بھیج دیا ہے۔

اساتذہ کے نام پر 14/205 ضلع پولیس

سے ملنے والے ضلع بنگالہ

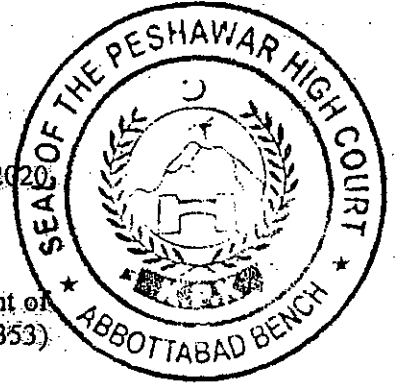
الموجودہ 12/03/07ء علی

ATTESTED

(7) 23 Annexure A

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Writ Petition No. 400 -A/2020



1. Muhammad Nawaz son of Mohammad Naseem Khan Resident of Matokar as Presently Posted as L.H.S (Constabulary number 353) Police line Battagram.
2. Ali Mohammad son of Rahimdad Resident of Matokar Tehsil & District Battagram Presently as LHC (Constabulary number 384) Police Line Battagram.
3. Saddaqt /Hussain Shah son of Syed Pir Zaman Shah Resident of Chapar Gram Tehsil & District Battagram Presently Posted as LHC (Constabulary number 195) in Police Line Battagram.

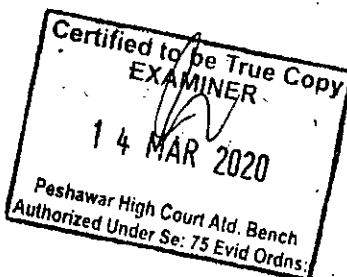
...PETITIONERS

VERSUS

1. Govt. of Khyber Pakhtunkhwa through Chief Secretary Peshawar.
2. Provincial Police Officer/ Inspector General of Police KPK.
3. Deputy Inspector General of Police, Hazara Region Abbottabad.
4. Direct Police Officer Battagram.

...RESPONDENTS

WRIT PETITION UNDER ARTICLE 199 OF THE
CONSTITUTION OF ISLAMIC REPUBLIC OF
PAKISTAN 1973, IN THE AMENDMENT UPTO
DATE TO THE EFFECT THAT THE IMPUGNED
NOTIFICATION NO 158/E-III DATED 20/03/2014 IS
AGAINST THE ARTICLE OF 25/27 OF THE
CONSTITUTION OF PAKISTAN 1973 AND



ATTESTED

SECTION 7(2) AND 112 OF THE POLICE ORDER 2002 READ WITH POLICE RULE 1934 IS ILLEGAL AGAINST THE ACT & RULES ON THE BASIS OF DISCRIMINATION, AGAINST FUNDAMENTAL RIGHT, MALAFIDELY, WITHOUT PRIOR APPROVAL OF KPK GOVT.

PRAYER: ON ACCEPTANCE OF THE INSTANT WRIT PETITION, THE IMPUGNED NOTIFICATION MAY GRACIOUSLY BE DECLARED ILLEGAL, WITHOUT PRIOR APPROVAL SEEKING FROM THE GOVT. OF KPK, AGAINST THE DISCRIMINATION, FUNDAMENTAL RIGHT, AGAINST THE CONSTITUTION, AS WELL AS SECTION 7(2) AND 112 OF THE POLICE ORDER 2002 READ WITH POLICE RULE 1934 AND DIRECTION MAY KINDLY BE GIVEN TO THE RESPONDENT/ COMPETENT AUTHORITY TO PROMOTE THE PETITIONER ON THE BASIS OF LENGTH OF SERVICES, SENIORITY CUM FITNESS AND QUALIFICATION/ POLICE RECRUITMENT COURSE WHICH HAVE ALREADY FULFILLED BY THE PETITIONERS SUBJECT TO INTERVIEW ONLY AND PETITIONERS ARE ENTITLED FOR PROMOTION ACCORDING TO 25% QUOTA

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 EXAMINER
 14 MAR 2020
 Peshawar High Court Afd. Bench
 Authorized Under Sec. 75 Evid Ordns.

RESERVE AS ASI IN SERVICE AGAINST VACANT POST UNDER THE LAW ON THE SUBJECT. ANY OTHER RELIEF WHICH THIS HONOURABLE COURT DEEM FIT AND PROPER IN THE CIRCUMSTANCE OF THE CASE MAY ALSO BE GRANTED TO THE PETITIONERS.

Respectfully Sheweth,

Brief facts giving rise to the instant writ petition are as under:-

1. That the petitioner was appointed as constable in police Department in District Battagram in the years 2003, and 2007 Respectively, Copy of appointment orders are attached as Annexure "A".
2. That the petitioner serving in the police Department District Battagram up till now, having length of services, requisite Qualification, eligibility and cum fitness and police recruitment certificate having fulfilled all requisite criteria under the law laid down on the subject for the promotion of (ASD) BPS-9, petitioner having statutory right are entitle for promotion in service.

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EXAMINER
14 MAR 2020
Peshawar High Court Atd. Bench
Authorized Under Se: 75 Evid Ordns.

Copy of service card and requisite and Educational and other qualificational documents, Police Recruitment Certificate are annexed as Annexure "B", "C" & "D"

3. That the respondent did not promote the petitioners on 25% in service quota for the post of ASI BPS-9, in the light of impugned notification No. 158E/III dated 20/03/2014 issued by the respondent to usurp the statutory rights of petitioners. Copy of the impugned notification No 158E/III Dated 20/03/2014 is annexed as Annexure "E".

4. That the petitioner in service quota for the post of (ASI) BPS-9 having requisite ages, qualification, recruitments qualification, Eligibility cum fitness training and experience as per law and Rule, in the whole service of petitioner, services record of petitioner are quite clear. Copy of course recruitments, training and experience is annexed as Annexure "F".

5. That the petitioner submitted as per law the applications along with others required documents to the respondent/ competent authority for the post

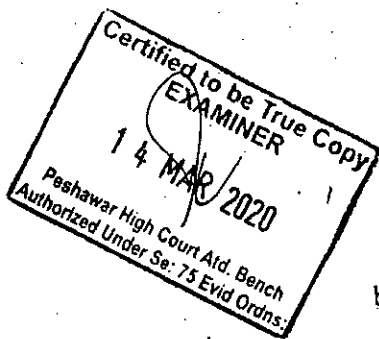
Certified to be True Copy
EXAMINER
14 MAR 2020
Peshawar High Court Ald. Bench
Authorized Under Sec: 75 Evid Ordns.

of (ASI) 25% in service quota in regard of promotion of petitioner, respondent conducted all the formalities fulfilled but did not promoted the petitioner in the light of impugned notification No 158/EIII Dated 20/03/2014. Copy of application of petitioner are annexed as Annexure "G".

- 6 That the petitioners being aggrieved against the above impugned notification Dated 23/03/2014 on the inter alia on the following grounds.

GROUNDS:

- a) That the impugned notification is against the Article of constitution of Pakistan 1973, discrimination, against the fundamental rights as well as against the individual and service rights of petitioner under article 4,25,27 of the Constitution of Pakistan, being illegal, ultra vires of Constitution and laws on the subject, Hence liable to be declare illegal, and against the law.
- b) That the rights of petitioners as granted by the constitution of Pakistan, as well as,



(12)

Section 7(2) and 112 of the Police Order 2002 Read with Police Rule 1934 and other laws. The impugned notification being illegal, against the laws against the rights of Petitioners, hence liable to be struck down.

c) That the impugned Notification is ultra virus against the constitution and laws on the subject and not sustainable without the prior approval of KPK Govt. as per laid down under the section 7(2) and 112 of the Police Order 2002 Read with Police Rule 1934, Therefore the notification may kindly be declared null and void and ultra virus against the constitution and laws on the subject. Hence liable to be set aside.

d) That the petitioner fulfilled the requirements for the post of ASI BPS-9, 25% in service quota, having requisite qualification, training, Experience and Eligibility cum fitness criteria, so the ultra virus notification cannot made hurdle in way of petitioner (departmental promotion) as well as service record of petitioner in Respect of

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EXAMINER
14 MAR 2020
Peshawar High Court Ald. Bench
Authorized Under Se. 75 Evid Ordns.



departmental promotion, Therefore respondent cannot be refuse the statutory right granted by the constitution as well as laws on the subject with regard to the departmental promotion of petitioner in the shadow of impugned notification.

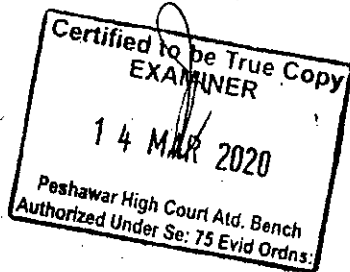
e) That under the control of respondent/ District Police Department Battagram having 4 vacant Post, therefore direction may kindly be given to the respondent to promote petitioners on these post.

f) That on the basis of service cum seniority/ qualification and course the petitioner is entitled for the promotion of 25% quota reserve for ASI in service subject to interview as per law, there is no written test or otherwise hurdle in the way of promotion of petitioner, in the light of constitution, and relevant laws on the subject, therefore impugned notification may kindly be declared null and void.

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EXAMINER
14 MAR 2020
Peshawar High Court Atd. Bench
Authorized Under Se: 75 Evid Ordns.

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- g) That the petitioner due of promotion BPS-9 ASI fall in the ambit of department/competent authority concerned under the law, subject to interview only, therefore impugned notification are illegal against the salutary right of petitioner, hence liable to declared null and void and direction may kindly be give to the respondents to promote the petitioner in 25% in service quota subject to interview under the law and rules on these vacant post.
- h) That, necessary notices have been served upon the respondents as required through registered AD. Copies of notices and receipts thereof are annexed as Annexure "H".
- i) That, no other efficacious remedy is available to the petitioners except to invoke constitutional jurisdiction of this Honourable Court.
- j) That other points will be urged at the time of arguments with the permission of Honourable Court.



k) That court fee stamp paper worth Rs. 500/- is affixed.

It is therefore, most humbly prayed that on acceptance of the instant writ petition, the impugned notification may graciously be declared illegal, without prior approval seeking from the Govt. of KPK, against the discrimination, fundamental right, against the constitution, as well as section 7(2) and 112 of the police order 2002 read with police rule 1934 and direction may kindly be given to the respondent/ competent authority to promote the petitioner on the basis of length of services, seniority cum fitness and qualification/ police recruitment course which have already fulfilled by the petitioners subject to interview only and petitioners are entitled for promotion according to 25% quota reserve as ASI in service against vacant post under the law on the subject. Any other relief which this Honourable court deem fit and proper in the circumstance of the case may also be granted to the petitioners.

[Handwritten Signature]
...PETITIONERS

Through;

Dated: _____/2020

[Handwritten Signature]
(MUHAMMAD LIAQAT)
Advocate High Court, Abbottabad

VERIFICATION:-

Verified on oath that the contents of foregoing writ petition are true and correct to the best of our knowledge and belief and nothing has been concealed therein from this Honourable Court.

[Handwritten Signature]
...PETITIONERS

Certified to be True Copy
EXAMINER
14 MAR 2020
Peshawar High Court Atd. Bench
Authorized Under Se: 75 Evid Ordns.

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(16)

BEFORE THE PESHAWAR HIGH COURT,
ABBOTTABAD BENCH

Writ Petition No. _____ -A/2020

Muhammad Nawaz son of Mohammad Naseem Khan Resident of Matokar as Presently Posted as L.H.S (Constabulary number 353) Police line Battagram & others.

...PETITIONERS

VERSUS

Govt. of Khyber Pakhtunkhwa through Chief Secretary Peshawar & another.

...RESPONDENTS

WRIT PETITION

AFFIDAVIT

I, Saddaqt Hussain Shah son of Syed Pir Zaman Shah, Resident of Chapar Gram Tehsil & District Battagram Presently Posted as LHC (Constabulary Number 195) in Police Line Battagram, do hereby declare on oath that the contents of foregoing writ petition are true and correct to the best of my knowledge and belief and that nothing has been suppressed form this Honourable Court.

13202 = 0774446-7

S.No: 683/2019 Receipt No: 163
Certified that the above stated facts are true and correct as stated on this affirmation and be or me on this 24 day of February by Saddaqt Hussain Shah son of Syed Pir Zaman Shah who is personally known to me.

(Signature)
DEPONENT

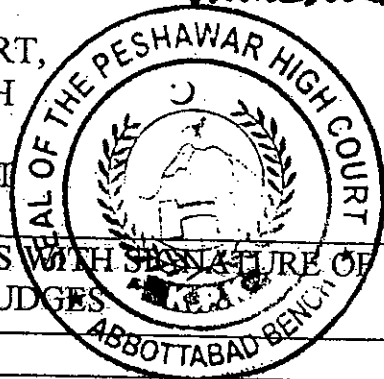
(Signature)
Peshawar

Certified to be True Copy
EXAMINER
14 MAR 2020
Peshawar High Court Atd. Bench
Authorized Under Se: 75 Evid Ordns.

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Annexure 1

PESHAWAR HIGH COURT,
ABBOTTABAD BENCH
FORM 'A'
FORM OF ORDER SHEET



Date of Order or Proceedings	ORDER OR PROCEEDINGS WITH SIGNATURE OF JUDGE/JUDGES
1	2
11.03.2020	<p><u>WP No. 400-A/2020</u></p> <p>Present:- Mr. Muhammad Liaqat, Advocate for the petitioners.</p> <p style="text-align: center;">***</p> <p><u>AHMAD ALLI, J.:-</u> After arguing the case at some length, learned counsel for the petitioner submitted at the bar that he would not press this petition, provided the same is treated as representation and sent to the Provincial Police Officer/Inspector General of Police, Khyber Pakhtunkhwa, for decisions.</p> <p>2. <u>In view of the above, this writ petition is treated as representation and sent to the Provincial Police officer/Inspector General of Police, Khyber Pakhtunkhwa, Peshawar, to decide the same, strictly in accordance with law, but not later than a month.</u></p>

Certified to be True Copy
EXAMINER
14 MAR 2020
Peshawar High Court Atd. Bench
Authorized Under Se: 75 Evid Ordns:

Self JUDGE
Self JUDGE

Tufail*

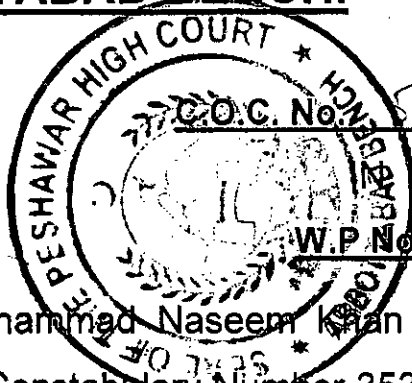
Hon'ble Justice Shakeel Ahmad
Hon'ble Justice Ahmad Ali.

ATTACHED

34

Annexure
"J"

BEFORE THE HONOURABLE PESHAWAR HIGH COURT, ABBOTTABAD BENCH.



C.O.C. No. 55-A 12020

W.P. No. 400-A/2020

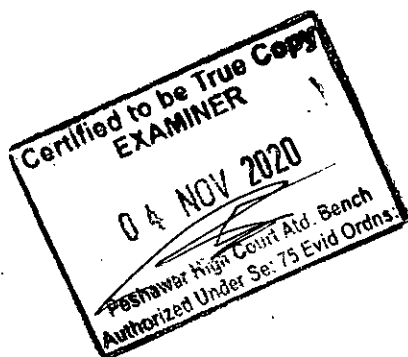
1. Muhammad Nawaz son of Muhammad Naseem Khan resident of Matokar as presently as L.H.S (Constabulary Number 353) police line Battagram and two others.
2. Ali Muhammad son of Rahim Dad resident of presently posted L.H.C Police Line Battagram.
3. Sadiqat Hussain Shah son of Pir Zaman Shah resident of presently posted L.H.C Police Line Battagram.

...PETITIONER

VERSUS

1. Dr. Sarfullah Abbasi Provincial Police Officer/Inspector General of Police Khyber Pakhtunkhwa Peshawar.

...RESPONDENT



No. 3306
27-06-2020

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
27/6

PETITION UNDER ARTICLE 204 OF CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 AS AMENDED TILL DATE AND READ WITH SECTION 5 OF CONTEMPT OF COURT ACT/ORDINANCE IV OF 2004 CONTEMPT OF COURT IMPLEMENT OF COURT ORDER DATED 11.03.2020.

ATTESTED

Respectfully Sheweth,

1. That, the Competent Authority have not Promote the petitioner's as the post of ASI and petitioners filed Writ Petition No 400-A/2020 before Honourable Court. **(Attested copy of Wirt Petition is annexed as Annexure "A")**

2. That, this Honourable Court after hearing the case at length and treated the Writ Petition of the petitioner, as representation and sent to the respondent with the direction, to decide the same, strickly in accordance with law but not later than a month. **(Attested copy of order dated 11.03.2020 is annexed as Annexure "B")**

3. That, almost three and half months have been passed and the respondent have yet not decided the case of petitioner, and many other office order has been issued during this period. **(Copy of orders issued by respondent are annexed as Annexure "C")**

4. That, afore stated conduct of respondent showing least regard to the Court order amount to Contempt of Court..

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EXAMINER
04 NOV 2020
Peshawar High Court Atd. Bench
Authorized Under Se: 75 Evid Ordns

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTABAD BENCH
27/6

It is, therefore, humbly prayed that the respondent may graciously be directed to implement the Court order and decided the case of petitioner as earliest.


...PETITIONER

Through:

Dated:- 27/06 12020

(MUHAMMAD LIAQAT)
Advocate High Court, Abbottabad

VERIFICATION: -

Verified on this day that the contents of instant **Contempt Petition** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

Dated:- 27/6 12020


...PETITIONER

Certified to be True Copy
EXAMINER
04 NOV 2020
Peshawar High Court Attd. Bench
Authorized Under Sec: 75 Evid Ordns.

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD BENCH
27/6

BEFORE THE HONOURABLE PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

C.O.C. No. /2020

Muhammad Nawaz and others

...PETITIONER

V E R S U S

Dr. Sanullah Abbasi

...RESPONDENT/CONTEMNOR

CONTEMPT OF COURT PETITION
AFFIDAVIT

I, **Muhammad Nawaz son of Muhammad Naseem Khan resident of Matokar as presently as L.H.S (Constabulary Number 353) police line Battagram petitioner**, do hereby solemnly affirm and declare on Oath that the contents of instant **Contempt Petition** are true and correct to the best of my knowledge and belief and that nothing has been concealed from this Hon'ble Court.

[Handwritten signature]

DEPONENT

13202 - 2583777-5

Dated: 27/6 /2020

...PETITIONER

IDENTIFIED BY:-

AFFIDAVIT

S.No: 4270/402 Receipt No: 402

Certified that the above was verified on Solemn affirmation Atty before me on this

27 day of June 2020, by M. Nawaz S/o M. Naseem Khan Caste Pathan

who was identified by Dr. Sanullah Abbasi who is personally know is me

[Handwritten signature]

Oath taken at

(Address)
Peshawar High Court Abbottabad Bench

[Handwritten signature]
(MUHAMMAD LIAQAT)
Advocate High Court,
Abbottabad.

Certified to be True Copy
EXAMINER
04 NOV 2020
Peshawar High Court Atd. Bench
Authorized Under Se: 75 Evid Ordns.

FILED TODAY
ADDITIONAL REGISTRAR
PESHAWAR HIGH COURT
ABBOTTABAD 27/6

38

ANNEXURE
"K"

BEFORE THE HONORABLE PESHAWAR HIGH COURT ABBOTTABAD BENCH.

C.O.C No. 55-A of 2020.

Muhammad Nawaz &
others..... Petitioners

VERSUS

Dr. Sannaullah Abbasi Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar..... Respondents.

Reply on behalf of Respondents

INDEX

S.No.	Detail of Documents	Annexure	Page No.
1	Reply	-	1 & 2
2	Affidavit	-	3
TOTAL		-	3 Pages

Muhammad Asif
(Muhammad Asif)

Insp: Legal, Battagram.

ATTESTED

BEFORE THE PESHAWAR HIGH COURT ABBOTTABAD BENCH

COC No. 55-A of 2020

39

Muhammad Nawaz &
others.....Petitioners

VERSUS

Dr. Sanaullah Abbasi Provincial Police Officer Khyber Pakhtunkhwa
Peshawar.....Respondent

Reply On Behalf Of Respondent

RESPECTIVELY SHEWETH:-

PRELIMINARY OBJECTION:-

- a) The petition is not based on facts and petitioner has got no cause of action or locus standi.
- b) That petition is not maintainable in the present form.
- c) The petition is bad for non-joinder of necessary and mis-joinder of un-necessary parties.
- d) The petitioner is estopped by his own conduct to file the petition.
- e) The petition is barred by the law and limitation.
- f) The petitioner has not come to the Honorable Court with clean hands.

FACTS:-


1. The petitioner filed the writ petition before the Honorable Court in which Honorable Court vide order dated 11.03.2020, held that petition is treated as representation and sent the respondents to decide the same strictly in accordance with law. The petitioners are not entitled for promotion for the post of ASI as they

have not applied nor appeared in the requisite exam conducted by Public Service Commission, Peshawar. Furthermore, they have not qualified the Intermediate Course requisite for the promotion to the rank of ASI through Departmental Promotion. On their turn, they will be sent to Police Training School (PTC) Hangu to undergo the Intermediate Course to become eligible for the promotion to the rank of ASI.

2. That the representation of the petitioner is pending due to emergency situation prevailed during outbreak of COVID 19 pandemic.
3. That the representation shall be taken into consideration when situation become ease and it would be decided on merit.
4. The respondent has not committed any Contempt of Court rather it was happened due to outbreak of COVID 19 and Lockdown in the province.

PRAYER:-

In view of the above mentioned facts, the COC petition may kindly be dismissed and Contempt Proceedings against respondents may kindly be withdrawn.


Provincial Police Officer,
Khyber Pakhtunkhwa
Peshawar

BEFORE THE HONORABLE PESHAWAR HIGH COURT ABBOTTABAD
BENCH.

C.O.C No. 55-A of 2020.

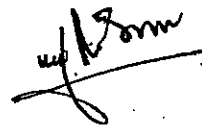
Muhammad Nawaz &
others..... Petitioners

VERSUS

Dr. Sannaullah Abbasi Provincial Police Officer, Khyber Pakhtunkhwa,
Peshawar..... Respondents.

AFFIDAVIT.

I, Muhammad Asif, Inspector Legal, Battagram do hereby affirm
on oath that the contents of written reply are true to the best of my
knowledge & belief and nothing has been concealed from the Honorable
Court.



DEPONENT.

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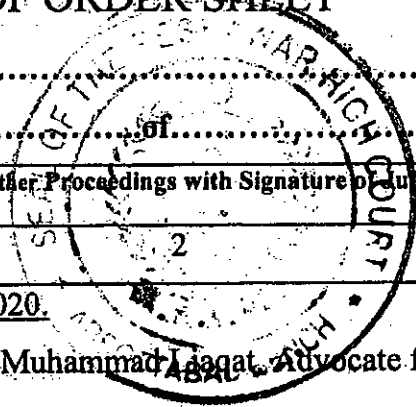
Annexure
"L"



PESHAWAR HIGH COURT, ABBOTTABAD BENCH.

FORM OF ORDER SHEET

Court of.....

Case No.....



Date of Order of Proceedings	Order or other Proceedings with Signature of Judge (s)
1	
23.02.2021.	<p><u>COC No. 55-A/2020.</u></p> <p>Present: Mr. Muhammad Ishaqat, Advocate for petitioners.</p> <p>Raja Muhammad Zubair, AAG with Rashid Ahmed DSP, legal.</p> <p>***</p> <p><u>MOHAMMAD IBRAHIM KHAN, J.</u> Learned AAG alongwith representative appearing on behalf of the respondents at the very outset stated at the bar that order of this Court dated: 11.03.2020 passed in main WP No. 400-A/2020 has been complied with, as representation of petitioner has been decided, upon this learned counsel for petitioner stated that petitioner has not yet received the fate of his representation.</p> <p>In view of the above, as the order of this Court has already been complied with, therefore, the instant COC has become infructuous, hence, dismissed accordingly, however, respondents are directed to convey the copy of decision to the petitioner within three days, positively.</p> <p style="text-align: right;">  JUDGE  JUDGE </p>

Tahir PS

Hon'ble Justice Mohammad Ibrahim Khan and Hon'ble Justice Shakeel Ahmed.

Certified to be True Copy
EXAMINER
01 MAR 2021
Peshawar High Court Ahd Bench
Authorized Under Se: 75 Evid Ordns.

ATTESTED



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ANNEXURE
"M"

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0922-9310023

r.rpohazara@gmail.com

0345-9560687

NO: 18815-17/E DATED 08/08/2020

To: The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Subject: COMPLIANCE OF THE ORDER OF THE HONORABLE PESHAWAR HIGH COURT ABBOTTABAD BENCH DATED 11-03-2020 IN W.P # 400-A/2020.

BRIEF FACTS:

The petitioners in the subject writ petition prayed for promotion as ASI as per 25% quota mentioned in section No. 32 (ii) of the Khyber Pakhtunkhwa Police Act 2017, as well as challenged the validity of notification No. 158/E-III, issued by the Worthy Provincial Police Officer, Khyber Pakhtunkhwa Peshawar, in the year 2014. The Honorable Court in preliminary hearing (motion) on 11-03-2020 turned the writ petition into representation and also directed the Worthy Provincial Police Officer, Khyber Pakhtunkhwa Peshawar, to decide the same according to law but not later than one month. On 23-07-2020 the AIG Legal CPO, vide his office letter No. 3603-05/Legal, intimated this office about the fate of the representation and to pursue the COC.

1. Later on, the petitioners in the above mentioned writ petition, filed a contempt of Court petition No. 55-A/ 2020, on 27-06-2020 against the Worthy Provincial Police Officer, Khyber Pakhtunkhwa Peshawar, before the Peshawar High Court, Abbottabad Bench, wherein, on 30-06-2020, a notice was issued to the Worthy Provincial Police Officer, Khyber Pakhtunkhwa Peshawar for para-wise reply and to that effect, the same has been prepared and submitted before the Honorable High Court Bench Abbottabad. Next date, in the COC has not yet been fixed.

2. **FACTUAL POSITION**

The perusal of record/file, writ petition, order of the Honorable Court and service record of the petitioners transpires as under:

- (i) The notification No. 158/E-III issued by the Provincial Police Officer, Khyber Pakhtunkhwa in the year 2014, is legal and in accordance with law as the same has been issued by the competent authority after due approval from the provincial Government.
- (ii) The seniority of the petitioners relating to the promotion to the post of ASI as enshrined in Section No. 32 (ii) of Khyber Pakhtunkhwa Police Act, 2017, is crystal

ATTESTED

clear to the effect that the petitioners shall be promoted on their own turn to the next rank subject to the conditions mentioned in PR. 1934 Chapter 13:1 and Standing Order No. 10/2014.

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(iii) In this regard, seniority list requisitioned from the District Police Officer Battagram reveals that petitioners namely 1. Head Constable Muhammad Nawaz, No.509 stands at serial # 28 for intermediate college course. 2. Head Constable Ali Muhammad, No.205 stands at serial # 30 for intermediate college course. 3. LHC Sadaqat Hussain Shah, No.195 stands at serial # 09 for promotion as Head Constable and they will be promoted as per seniority on their own turn.

(iv) One of the petitioner namely Head Constable Ali Muhammad No.205 disclosed that he had applied for the post of ASI through-proper-channel, through Public Service Commission advertisement No.04/2018 against the 25% graduate Constable/Head Constable quota as enshrined in Section 32 (i) of Khyber Pakhtunkhwa Police Act, 2017, in which he qualified screening test. The remaining test/examination through PSC is still in the process.

(v) All the three petitioners, previously in the year 2014, applied for the post of ASI, through Public Service examination, but they failed the examination, therefore they were not recruited as ASI.

Keeping in view the above facts and circumstances, the undersigned is of the considered view that all the petitioners must be considered for promotion to the next rank as per law, on their own turn.

3. Apart from this, DSP Legal Abbottabad, called all the petitioners heard them in person who made commitment to the effect that they will withdraw their COC on the next date of hearing.

Sd/-
Qazi Jamil ur Rehman (PSP)
Regional Police Officer
Hazara Region, Abbottabad

Copy of above is forwarded for information and necessary action to the:-

1. AIG Legal CPO Peshawar w/r to his office letter No. 3603-05/Legal dated 23-07-2020
2. District Police Officer, Battagram w/r to his office letter No. 3179/PA dated 29-07-2020

چالان ڈاکی دفتر ان کیسز ڈیول برنام 26/21/2020

Annexure "N"

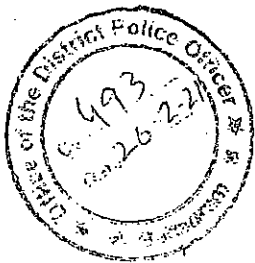
Compliance of The Honorable P.H.C-ATD-NO-400-20

محمد نواز شاہ کوالت RPK۔ انسپکشنل آفیسر، COL-NO55-AU-2020

کوالت ڈاکی نمبر 10/26/21/2020 و L.P-NO-400-2020

کوالت ڈاکی نمبر 17E-18815-17 سے تعلق رکھنے والے 404

انسپکشنل آفیسر، رولڈ سے تعلق رکھنے والے محمد نواز شاہ



تفصیلات کے مطابق انسپکشنل آفیسر، 26/21/2020

درست طور پر وصول کی گئی ہے

Handwritten signature

مقامی ضلعی سہاہ
26-02-21

ATTESTED

46

ANNEXURE

"0"



2 Fort Road Peshawar Cantt
Phone : +92-091-9214131, 9212897,
9213563, 9213750
Fax : +92-091-9211795
Website : www.kppsc.gov.pk

Khyber Pakhtunkhwa Public Service Commission
(Website: www.kppsc.gov.pk)

DISPATCH NO: 1442
DATED: 05-08-2015

To
ALI MUHAMMAD S/D/O RAHIM DAD
Address:
BAHADAR KHAN PRMS DEALAR NEW SARHAD MARKET BATTAGRAM

**Subject: ABILITY TEST FOR THE POST OF 324 MALE/FEMALE ASSISTANT
SUB-INSPECTORS (IN-SERVICE GRADUATE CONSTABLES/ HEAD CONSTABLES)
(OF CANDIDATES PASSED IN PHYSICAL TEST) IN POLICE DEPARTMENT**
(Adv# 04/2014 and Serial# 4)

In response to your application for the subject cited post you are required to appear in the Ability Test as per information given below :-

Roll Number :	1442
Hall Address :	Govt: Post Graduate College NO.1 Abbottabad
Test Date :	29-08-2015
Test Time :	10:00 AM
Paper Duration :	1 Hour and 30 Minutes
Description of test :	Ability Test
MCOs based on :	English / Urdu Grammar and Vocabulary (Intermediate Level), General Knowledge and current affairs, MS Office (word, Excel, Power Point, internet surfing and Email)

General Instructions

- You are admitted to the above examination provisionally subject to your eligibility in all respects. Your candidature will be cancelled if you are found ineligible at any stage for any reason and in that case will not be called for further interview.
- You must bring this admission certificate and Original Computerized National Identity Card. Candidates who doesn't possess original NIC they are directed to bring Armed License or Domicile Certificate or Service Card (If Govt: servant) with latest photograph to identify themselves. Otherwise they will not be allowed in the examination hall.
- You must bring one latest attested photograph for identification purpose.
- You must read, understand and comply with instructions on the flyleaf of the answer book as non compliance can result in your disqualification.
- In case you have received more than one Roll number, write all Roll Nos on your Answer Sheet.
- Don't copy anything from the question paper to any other paper.
- Bring black Ball Point or Pencil and paper board. Solve the paper silently in the examination hall.
- Bringing of Mobile phone and other electronic gadgets are strictly prohibited in the Examination Hall.
- Only Candidates will be allowed to enter the School/College Gate.

ROLL NUMBER				
0	0	8	5	1
<input checked="" type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

How to fill Computerized Answer Sheet

(a) Use Black Ball Point or Pencil to shade the circles. (b) Do not use Red Color Ball Points (c) Write the Roll Number numerically from Left to Right on Answer sheet and shade the relevant circle in each column for the digits of Roll Number written above it. For example Roll # 851 should be entered like given in diagram.

Muhammad Ali
Superintendent

for more information please visit WWW.KPPSC.GOV.PK

ATTESTED



2 Fort Road Peshawar Cantt
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Fax : +92-091-9211795
Website : www.kppsc.gov.pk

Khyber Pakhtunkhwa Public Service Commission
(Website: www.kppsc.gov.pk)

DISPATCH NO: 1442
DATED: 11-01-2016

To
ALI MUHAMMAD S/D/O RAHIM DAD
Address:
BAHADAR KHAN PRMS DEALAR NEW SARHAD MARKET BATTAGRAM

paste latest
photograph

**Subject: COMPETITIVE EXAMINATION FOR THE POST OF 324 MALE/FEMALE ASSISTANT
SUB-INSPECTORS (IN-SERVICE GRADUATE CONSTABLES/ HEAD CONSTABLES)
(OF CANDIDATES PASSED IN ABILITY TEST) IN POLICE DEPARTMENT (ADVT#
04/2014 AND SERIAL# 4)**

In response to your application for the subject cited post you are required to appear in the **COMPETITIVE
EXAMINATION** as per information given below :-

Roll Number : 1442

**Hall Address : Govt. Shaheed Abdullah Shah Higher Secondary School No.4,
Kakshal, Opposite Tanda Kohl, Peshawar City**

DAY	DATE	SUBJECT	TIME
Tuesday	09/02/2016	Urdu Essay and Comprehension	09:30AM to 10:30 AM (Morning Session)
		English Essay and Comprehension	02:00PM to 03:00PM (Evening Session)
Wednesday	10/02/2016	General Knowledge and Current affairs	09:30AM to 10:30 AM (Morning Session)
		Basic Proficiency in computer literacy like MS Word, Ms Power Point, MS Excel, Internet surfing and Email	02:00PM to 03:00PM (Evening Session)

General Instructions

- You are admitted to the above examination provisionally subject to your eligibility in all respects. Your candidature will be cancelled if you are found ineligible at any stage for any reason and in that case will not be called for further interview.
- You must bring this admission certificate and Original Computerized National Identity Card. Candidates who doesn't possess original CNIC they are directed to bring Armed License or Domicile Certificate or Service Card (if Govt. servant) with latest photograph to identify themselves. Otherwise they will not be allowed in the examination hall.
- Bring two latest attested photograph to be pasted on Attendance sheet and Call Letter.
- You must read, understand and comply with instructions on the flyleaf of the answer book as non compliance can result in your disqualification.
- In case you have received more than one Roll number, mention all your Roll No's on your Answer Sheet and reach to the nearest Examination Hall.
- Bring your own Pens and Paper Board. Solve the paper silently in the examination hall.
- Bringing of Mobile phone and other electronic gadgets and baggage are strictly prohibited in the Examination Hall. If any candidate found with such a device, his/her paper will be cancelled and he/she will not be allowed for further exam.
- Only Candidates will be allowed to enter the School/College Gate.
- No Candidate will be allowed to enter the Exam Hall if half-time of paper duration has been passed, and NO extra time shall be given to late comers.
- In case of unexpected Public Holiday the Exam shall be intact.
- All the Candidates are directed to confirm their roll numbers and location of halls one day before the date of exam to avoid any inconvenience.

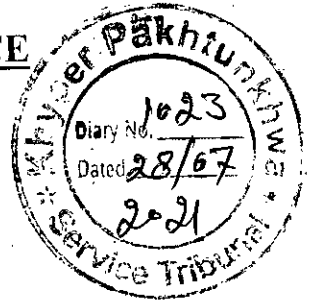
12 امتحانی ہال میں سوائل نمونہ، ایگزٹرا تک آلات اور دیگر ایک ریفریڈ لائٹ سے سج ہے۔ اس سلسلے میں کیشن کی طرف سے کوئی سہولت نہیں کی جائے گی۔ کسی بھی امتحانی مرکز میں بارکدنگ کی سہولت نہیں چاہیں گی جانے گی

M. Ahsan Ali

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

Muhammad Nawaz
VERSUS
Govt of KPK & others

AND =
3421/21




**APPLICATION FOR FIXECTION OF TITLE APPEAL IN
THE PESHAWAR CAMP FOR HEARING.**

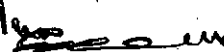
Respectfully Sheweth:-

1. That the title appeal is pending disposal before this Hon' able Tribunal.
2. That the Appellant filed instant appeal on 09/03/2021 and till now date was fixed due to non availability of the Camp at Abbottabad.
3. That it is therefore, humbly may be please be fixed at that instant appeal be fixed at Peshawar due to urgent matter.

Hence this application.


Applicant Muhammad Nawaz

put up to the Monthly Chairman
with relevant appeal.


28/7/2021

**BEFORE THE HONOURABLE KHYBER PUKHTUN KHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No. 3422/2021

Ali Muhammad s/o Ramdad Resident of Matokar Battagram as presently posted
as H.C (Constabulary number 324) Police line Battagram.

Appellant


VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Home & Tribal
Affairs, Peshawar & others.....Respondents

Reply on the behalf of respondents

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4		C	21-1
Total			22-pages


Muhammad Asif,
Insp: Legal Battagram

①

BEFORE THE HONOURABLE KHYBER PUKHTUN KHWA
SERVICE TRIBUNAL PESHAWAR.

Service Appeal No. 3422/2021

Ali Muhammad s/o Ramdad Resident of Matoqar Battagram as presently posted as Head Constable (Constabulary number 324) Police line Battagram.

Appellant

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs,
Peshawar & others.....Respondents

PARAWISE COMMENTS ON THE BEHALF RESPONDENTS 1 TO 4

Respectfully Sheweth: -

Preliminary objection: -

- i. The appeal is not based on facts and appellant has got no cause of action or locus standi.
- ii. That appeal is not maintainable in the present form.
- iii. The appeal is bad for non-joinder and mis-joinder of necessary parties.
- iv. The appellant is estopped by his own conduct to file the appeal.
- v. The appeal is barred by law & limitations.
- vi. That the appellant has not come to the honorable court with clean hands.

Para wise comments are as under:-

1. **Correct** to the extent that the appellant was employee of respondent Department.
2. The appellant is not entitled for promotion to the rank of ASI as he was not qualified the requisite exam of in-service candidates on 25% quota and also has not undergone the intermediate course in PTC Hangu, which is mandatory for the promotion to the rank of ASI. (Relevant law / rules attached as annexure- A)
Copy of seniority list is enclosed as annexure A.
3. **Incorrect** the appellant was not entitled to avail the benefit of 25% quota as he has not qualified the exam conducted under Khyber Pakhtunkhwa Public Service Commission vide Adv: No. 4/2014 conducted in February 2016 for the post of ASI.
4. **Incorrect:** he is not entitled being failed to qualify the exam and also has not undergone the requisite intermediate course to become eligible for departmental promotion.

5. The appellant failed to pass the exam conducted by Khyber Pakhtunkhwa Public Service Commission vide Adv: No. 4/2014 conducted in February 2016 for the post of ASI. Therefore not recommended as ASI.
6. All the three petitioners previously applied for the post of ASI in the year 2014 through PSC examination but they failed the examination, Therefore they were not recruited as ASI.
7. The representation of the petitioner is pending due to emergency situation prevailed during outbreak of COVID-19 pandemic. After the covid-19 emergency the said court order was represented by worthy Regional Police Officer Hazara Region Abbottabad vide his office Memo: No. 18815-17/E, dated: 08.08.2020, copy of the same was also endorsed to honorable High Court Abbottabad bench through CM. (Copy of the same is enclosed as Annexure-B)
8. The honorable court in preliminary hearing (motion) on 11.03.2020 turned the writ petition into representation. Due to COVID-19 emergency the petition was pending. On 08.08.2021 the case was represented. (Copy attached)
9. **Incorrect:** the respondents have not committed any contempt of court rather it was happened due to outbreak of COVID-19 and lockdown in the province.
10. **Incorrect** the case of the appellant was examined by the competent authority and filed on the ground that his promotion shall be considered in accordance with law / rules and on his own turn.
11. **Incorrect,** Order of the competent authority was duly conveyed and delivered to the appellant alongwith other colleagues. Copy enclosed as annexure C.
12. The instant service appeal is badly time bared.
13. The appellant has no right to file instant appeal on the following grounds:

GROUND.

- a. **Incorrect.** The appellant is not entitled for the post of ASI as he failed the requisite exam.
- b. **Incorrect.** All the Notifications and orders passed by the competent authority are legal and according to law / rules.
- c. **Incorrect.** The impugned order /Notification are lawful in the eye of law.
- d. **Incorrect** the appellant failed to fulfill the mandatory requirements for the post of ASI.
- e. **Incorrect.** Vacant posts are being fulfilled through departmental promotion committee of eligible candidates or through KPPSC in accordance with quota fixed in KP Police Act 2017 but appellant are not eligible.

- 3
- f. Incorrect petitioner is not eligible for the post of ASI under the law / rules.
- g. The appellant has not undergone the intermediate course to become eligible for the post of ASI. He also failed to pass the exam of KPPSC allocated for in service candidates on 25% quota.
- h. **Incorrect:** appellant has wrongly invoked the jurisdiction of this Honorable Tribunal through un sound grounds
- i. Respondents will be allowed to raise other grounds at the time of arguments.

PRAYER: -

It is therefore respectfully prayed that appeal of the appellant is without merit and substance may kindly be dismissed with cost.

JUL
27/12/2021

**Govt: of Khyber Pakhtunkhwa,
Through Chief Secretary Peshawar
(Respondent No.01)**

IRVAN
[Signature]

**Regional Police Officer
Hazara Region Abbottabad.
(Respondent No.03)**

[Signature]

**Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar
(Respondent No.02)**

[Signature]

**District Police Officer,
Battagram
(Respondent No.04)**

(4)

**BEFORE THE HONOURABLE KHYBER PUKHTUN KHWA SERVICE
TRIBUNAL PESHAWAR.**

Service Appeal No. 3422/2021

Ali Muhammad s/o Ramdad Resident of Matoqar Battagram as presently posted as
Head Constable (Constabulary number 324) Police line Battagram.

Appellant

VERSUS

Government of Khyber Pakhtunkhwa, through Secretary Home & Tribal Affairs,
Peshawar & others.....Respondents

AFFIDAVIT

I Tariq Mehmood Khan District Police Officer, Battagram do hereby
solemnly affirm and declare that the contents of foregoing comments are true and correct to
the best of my knowledge and belief and nothing has been concealed or suppressed from this
Honorable Court.



**District Police Officer
Battagram
(Respondent No.05)**

Detail of HC/LHC who submit the case in service tribunal Peshawar against the public service commission.

S#	Name & No	D.O.B	D.O. Enlistment	D.O Promotion as HC	Waiting for Inter Course at Serial No.	Order of Merit in the Lower College Course Passed
1	HC Muhammad Nawaz No.509	04.04.1987	27.07.2007	31.12.2018	16	170
2	HC Ali Muhammad No. 205	05.05.1987	27.07.2007	31.12.2018	18	185
3	LHC Sadaqat Hussain Shah No.195	10.04.1978	01.01.2003	—	Waiting for promotion as Head Constable placed at serial No.05 on merit list.	


District Police Officer
Battagram

ترقی

(Promotions)

1-13: ایک عہدہ سے دوسرے عہدے میں ترقی

(Promotion from one rank to another)

(1) ایک عہدہ سے دوسرے عہدے میں اور کسی عہدہ کے ایک گریڈ سے اسی عہدہ کے دوسرے گریڈ میں ترقی بذریعہ امتحان ہوگی مگر ساتھ میں موجودہ تقدم ملازمت کا بھی لحاظ رکھا جائے گا۔ امتحان کے بڑے عوامل قابلیت اور دیاستداری ہوں گے۔ ہر ایک عہدہ پر اوصاف خصوصی پر خواہ وہ تعلیمی نصابوں میں کامیابی یا عملی تجربہ کی قسم کے ہوں۔ بڑی احتیاط سے غور کیا جائے گا کہ دو افسروں کے اوصاف اور ہر طرح سے یکساں ہوں تو مقدمہ ملازمت کو ترقی دی جائے گی۔ قاعدہ ہذا کا اثر اوقالی ہونے کے اندر اضافہ جات تنخواہ پر نہیں پڑتا۔

(2) جمعیت پولیس کی موجودہ ہیئت ترکیبی کے مطابق کسی قسم کی خدگانہ تفتیش یا کسی تھانہ یا اسی قسم کے کسی اور جزو جمعیت کا کام اہتمام کسی ماتحت ادنیٰ کے سپرد نہیں کیا جائے گا۔ لہذا ضروری ہے کہ اچھے تعلیم یافتہ کنستبلوں کو جن میں ماتحت اعلیٰ کے عہدہ کی ذمہ داریاں اٹھانے کے اوصاف موجود ہوں جلد از جلد ترقی دی جائے تاکہ جب وہ کنستبل یا ہیڈ کنستبل کے عہدہ کے لیے مقرر کردہ نصابات تعلیمی پاس کر چکیں اور ان عہدوں میں آزمائے جا چکیں اور عملی تعلیم حاصل کر لیں تو ماتحت اعلیٰ کے عہدہ پر پہنچ جائیں۔

(3) بھرتی شدہ افسران کی ترقی کا باقاعدہ انتظام کرنے کے لیے چھ فہرستیں موسومہ اے، بی، سی، ڈی، ای، ایف، جی، جی کے فہرست ہائے اے۔ بی۔ سی اور ڈی قواعد 6-13، 7-13، 8-13 اور 9-13 کے مطابق ہر ایک ضلع میں رکھی جائیں گی اور کنستبل سپیشل گریڈ کے عہدہ میں اور ہیڈ کنستبلوں کے اور اسٹنٹ سب انسپکٹرز کے عہدوں میں ترقیات ان ہی کے لحاظ سے ہوں گی۔ فہرست ای ضمنی قاعدہ 10-13 (1) کے مطابق انسپکٹر جنرل کے دفتر میں رکھی جائیں گی اور اسی کے لحاظ سے سب انسپکٹرز کے عہدہ میں ترقی دی جائے گی۔ فہرست ایف تحتی قاعدہ 13-15 (1) کے مطابق انسپکٹر جنرل کے دفتر میں رکھی جائے گی اور اسی کے لحاظ سے انسپکٹرز کے عہدے میں ترقی دی جائے گی جب کسی پولیس افسر کا نام فہرست اے۔ بی۔ سی۔ ڈی یا ای میں درج

لبریز یا وقتاً پیما نہ جن کو پولیس ٹریننگ سکول میں ڈرل یا دیگر نصاب ہائے خاص کی تعلیم پانے کے لیے موزوں خیال کیا گیا ہو۔
 جوں آسامیاں خالی ہوتی جائیں گی توں توں اس فہرست سے متعلقہ نصابات کی تعلیم پانے کے لیے پولیس ٹریننگ سکول میں داخلہ
 لیے انتخاب کیا جائے گا لیکن اس شرط پر کہ کوئی کنشیل ایسے نصاب کے لیے قابل قرار نہیں دیا جائے گا جب تک کہ اس کے نام کا
 راج فہرست (ب) میں بحکم ڈپٹی انسپکٹر جنرل حلقہ منظور نہ ہو جائے۔ بالعموم اس قسم کے انتخابات میں عمر میں تقدم کو اولیت دی جائے
 ۔ بلا لحاظ اس امر کے کہ فہرست میں داخلہ کی تاریخ کیا ہے اور اس امر کی احتیاط کی جائے گی کہ کوئی کنشیل انتخاب سے پہلے سکول مذکور
 داخلہ کے لیے زائد العمر نہ ہو جائے جو پابندیاں پولیس ٹریننگ سکول میں لوئر کورس اور انسٹرکٹر کورس کی تعلیم پانے کے لیے داخلہ کے
 ق عائد کی گئی ہیں۔ وہ فہرست ب میں داخلہ کے لیے بس ہیں۔ کسی ایسے کنشیل کا نام اس فہرست میں درج نہیں کیا جائے گا جس کی
 زدہ عمر کو نہ نظر رکھتے ہوئے خیال ہو کہ معمولی رفتار سے اسے ٹریننگ سکول میں بھیجنے تک اس کی عمر 30 سال کی ہو جائے گی جو کنشیل
 تک سکول میں سند قابلیت حاصل کرنے میں ناکام رہے۔ اس کا نام دوبارہ فہرست مذکور میں درج نہیں کیا جائے گا جب تک کہ
 منڈنت اور پرنسپل سکول بالاتفاق رائے قرار نہ دیں کہ اسے اس کورس کا امتحان پاس کرنے کا ایک اور موقع دینا چاہیے۔ اگر کسی ایسے
 مذ میں ان ہر دو صاحبان کی رائے میں اختلاف ہو تو ڈپٹی انسپکٹر جنرل فیصلہ کریں گے۔

8- فہرست ج۔ ہیڈ کنشیل کے عہدہ پر ترقی

(List C. Promotion to head constables)

ہر ایک ضلع میں ایک کارڈ ایئر کن (فارم 13-18) پر ان کنشیلوں کی فہرست مرتب رکھی جائے گی جو پولیس ٹریننگ سکول کی
 لوئر کلاس کا امتحان پاس کر چکے ہوں اور عہدہ ہیڈ کنشیل میں ترقی یاب ہونے کے لائق سمجھے جاتے ہوں۔ ہر ایک کنشیل کا
 جس کا نام فہرست ترقی میں آچکا ہو کارڈ تیار کیا جائے گا اور ان میں زیر قاعدہ حتی 13-5 (2) اس کے نمبر درج ہوں گے اور اس
 کی استعداد علمی اور چال چلن کی بابت خود سپرنٹنڈنٹ یا ان افسران گزٹ شدہ کے جن کے ماتحت اس آدمی نے کام کیا ہو۔
 نوٹ بھی درج کیے جائیں گے۔ یہ فہرست ایس پی کے پاس خفیہ رکھی جائے گی اور ڈپٹی انسپکٹر جنرل سیالانہ ملاحظہ پر خوب غور
 سے اس کی پڑتال کر کے منظور کریں گے۔

ہیڈ کنشیل کے عہدہ پر ترقیاں حتی قواعد 13-18 (1) (2) میں بیان کردہ اصول کے مطابق دی جائیں گی۔ فہرست ج میں داخلہ
 کی تاریخ چنداں اہمیت نہیں رکھتی لیکن اوصاف و استعداد کا مقابلہ کرتے وقت امتحانات میں کامیابی کے مدارج قابلیت کا لحاظ
 رکھا جائے گا جہاں دیگر اوصاف مساوی ہوں۔ وہاں تقدم ملازمت کے لحاظ سے فیصلہ کیا جائے گا۔ کنشیلوں کو پیش گریڈ جنہوں
 نے امتحان لوئر سکول پولیس ٹریننگ سکول سے پاس نہ کیا ہو لیکن اور طرح سے ترقی یاب ہونے کے لائق سمجھے جائیں۔ انہیں
 بعد حصول اجازت ڈپٹی انسپکٹر جنرل پولیس ہیڈ کنشیل کے عہدہ پر اس طرح ترقی دی جاسکتی ہے کہ ان کی تعداد خالی آسامیوں
 کی تعداد کے دس فیصدی سے زیادہ نہ ہو۔

8-13 (الف): فہرست ہائے الف و ب و ج میں داخلہ یا قرار کے لیے نااہلیت

(Disqualification for admission to or retention in List A, B or C)

(1) جب کسی شخص کو کوئی بڑی سزائے جانیے تو اس کا نام فہرست ہائے الف، ب یا ج میں درج نہیں کیا جائے گا اور نہ ہی اسے فہرست میں لکھا رہے گا لیکن (الف) اگر سپرنٹنڈنٹ پولیس خاص وجوہات کی بناء پر ان کو تحریر میں لائیں تو اس نااہلیت کو اپنی انسپکٹری جنرل کی تصدیق کے تابع نظر انداز کیا جاسکتا ہے اور (ب) اگر سزا ملامت یا کوآرڈر بندی ہو تو چھ مہینے کی مسلسل ایک سزا کے بعد یا اگر سزا مقررہ معیار کے لیے تفریحی ہو تو عرصہ تفریح کے اختتام پر حسب منشاء کسی کنسٹیبل کا نام دوبارہ درج فہرست کیا جاسکتا ہے۔

(2) افسران گزٹ شدہ ایسے کنسٹیبلوں کے تلاش میں رہیں گے اور اپنے انسپکٹروں اور سب انسپکٹروں کے دلوں میں ان کی نسبت اطلاع دہی کا شوق پیدا کریں گے جو عام چال چلن اور لیاقت کی وجہ سے یا خاص کاموں کے باعث فہرست ہائے الف و ب و ج میں داخل ہونے کے لائق ہوں اور ضرورت کی دریافت و تحقیقات سے اپنی تسلی کر کے سپرنٹنڈنٹ کو مناسب سفارشات کریں گے۔

9-13: فہرست د۔ اسٹنٹ سب انسپکٹری کے عہدہ پر ترقی

(List D. Promotion to Assistant Sub-Inspectors)

(1) ہر ایک ضلع میں کارڈ انڈکس فارم 13-9 (1) پر ان سب انسپکٹروں کی فہرست مرتب رکھی جائے گی جو پولیس ٹریننگ سکول میں اور کورس اور انٹرمیڈیٹ کالج کورس کا امتحان پاس کر چکے ہوں اور ڈپٹی انسپکٹری جنرل ان کی نسبت منظوری دے چکی ہوں کہ وہ عہدہ اسٹنٹ سب انسپکٹری میں قائم مقام یا مستقل طور پر ترقی یاب ہونے کے قابل ہیں۔ اس فہرست میں صرف ایسے ہیڈ کنسٹیبلان کے نام درج کیے جائیں گے جو کنسٹیبل اور ہیڈ کنسٹیبل کے فرائض کی تمام برانچوں سے نہایت اچھی طرح واقف ہیں اور اپنی دیانتداری کا ثبوت دے چکے ہوں۔

تمام مقام اسٹنٹ سب انسپکٹری میں ترقیاں حتمی قاعدہ (1) میں مقرر کردہ فہرست سے حتی الامکان باری باری دی جائیں گی۔ آدی کو اس بالاتر عہدہ میں کام کرنے کا موقع دے کر دیکھ لیا جائے۔ مستقل ترقیاں ڈپٹی انسپکٹری جنرل قاعدہ (2) اصولوں کی بناء پر دیں گے اور قائم مقام ترقیاں حتمی قاعدہ 13-4 (2) کے مطابق دی جائیں گی۔

فہرست ہذا کی نسبت ششماہی رپورٹیں 15 مارچ اور 15 ستمبر کو فارم 13-9 (2) پر ڈپٹی انسپکٹری جنرل کو

A (10)

ایسے فیصلوں کی تعمیل کی نظر ثانی کرے جو کریمنٹل جسٹس کو آرڈی نیشن کمیٹی نے کئے ہوں۔
کریمنٹل جسٹس کو آرڈی نیشن کمیٹی کا اجلاس ایک ماہ میں کم از کم ایک مرتبہ ہوگا۔ کمیٹی کا سیکرٹری اجلاسوں کی روئیدار ریکارڈ
کرے گا۔

باب 12

پولیس کا انضباط، کنٹرول اور نظم و ضبط

(Regulation, Control and Discipline of the Police)

رٹیکل 112: صوبائی پولیس افسر یا اسلام آباد کیپیٹل سٹی پولیس افسر کا قواعد وضع کرنا

(Rule making by Provincial Police Officer or Islamabad Capital Police Officer)

صوبائی پولیس افسر یا اسلام آباد کیپیٹل سٹی پولیس افسر (جیسی کہ صورت ہو) کو اختیار ہے کہ گورنمنٹ کی [***] منظوری سے
ری گزٹ میں اشتہار شائع کر کے آرڈر ہذا کے احکام کو موثر کرنے کے لیے قواعد وضع کرے۔

رٹیکل 113: سزائیں (Punishments)

قواعد کے تحت پولیس کے کسی ممبر کو ذاتی بیانہ کے اندر معطل کیا جاسکتا ہے، موقوف کیا جاسکتا ہے، جبری ریٹائر کیا جاسکتا ہے،
یا تخراب میں گھٹایا جاسکتا ہے، جرمانہ کیا جاسکتا ہے، اس کی تلامت کی جاسکتی ہے یا اسے مقررہ طریق میں کوئی دیگر سزا دی جاسکتی ہے۔

رٹیکل 114: ضابطہ چلن (Code of Conduct)

صوبائی پولیس افسر اور کیپیٹل سٹی پولیس افسر مندرجہ ذیل کی نسبت پولیس کی پریکٹس کو منضبط کرنے کے لیے ضابطہ چلن جاری
ریں گے:

(a) روکنے اور تلاشی لینے کے آئینی (Statutory) اختیارات کا منجانب پولیس استعمال۔
(b) احاطہ جات مکانات کی تلاشی منجانب پولیس افسران اور اشخاص کی جامہ تلاشی یا احاطہ جات مکانات کی تلاشی پر املاک کی ترقی
منجانب پولیس افسران۔

(c) اشخاص کی نظر بندی، برتاؤ اور پوچھ گچھ منجانب پولیس، اور

(d) اشخاص کی شناخت منجانب پولیس۔

لفظ "پیشگی" پولیس آرڈر (تریمی) آرڈیننس (XLIV مجریہ 2009) مورخہ 26 نومبر 2009ء کے تحت حذف ہوا۔

A 11

آرٹیکل 7: پولیس کی ہیئت ترکیبی (Constitution of police)

- (1) ہر ایک جنرل پولیس ایریا کے لیے عملہ پولیس سینئر اور جو نیئر درجات میں اتنی تعداد پر مشتمل ہوگا اور ان کی تنظیم ایسی ہوگی جس کا تعین گورنمنٹ وقتاً فوقتاً کرتی رہے۔
- (2) بھرتی کے معیار، تنخواہ، الاؤنس اور دیگر تمام شرائط ملازمت ایسی ہوں گی جن کا تعین گورنمنٹ وقتاً فوقتاً کرتی رہے۔
- (3) پولیس میں بھرتی (ماسوائے دفتری عملہ اور ماہر خصوصی کیڈر کے) کا ٹیبل، اسٹنٹ سب انسپکٹر اور اسٹنٹ سپرنٹنڈنٹ پولیس کے درجہ میں ہوگی؛ مگر شرط یہ ہے کہ اسٹنٹ سب انسپکٹر کے درجہ میں براہ راست بھرتی کے لیے انتخاب مناسب پبلک سروس کمیشن کے ذریعے ہوگا اور وہ اس درجہ میں مجموعی اسامیوں کے بچیس فیصدی سے زیادہ نہیں ہوگا؛ مزید شرط یہ ہے کہ اسٹنٹ سب انسپکٹر کے درجے پر حکمانہ ترقیوں کے لیے کوئی کارپس فیصدی قواعد کے تحت پبلک سروس کمیشن کے ذریعے صاف سٹراٹیکازڈ رکھے والے کانسٹیبلان یا ہیڈ کانسٹیبلان سے پُر کیا جائے گا۔
- (4) اسٹنٹ سپرنٹنڈنٹ پولیس کے رتبے میں بھرتی کل پاکستان کی سطح پر فیڈرل پبلک سروس کمیشن کے ذریعے ہوگی۔
- (5) کانسٹیبل اور اسٹنٹ سب انسپکٹر کے رتبے میں بھرتی مستقل سکونتی ضلع کی بنیاد پر ہوگی جو ملازمت سے متعلق تمام امور کے سلسلے میں ڈپٹی سپرنٹنڈنٹ پولیس کے رتبے تک ان کا انتظامی یونٹ ہوگا اور صرف ایسے افسران کو بیرون کاری سے متعلقہ مفوضہ کاموں (Field assignments) کے لیے ان کے مستقل سکونتی ضلع میں تعینات کیا جائے گا۔ تفتیش، ٹریک، سیکورٹی، ریزرو اور خبر رسانی سے متعلقہ فرائض کے لیے دیگر اضلاع کے افسران کی تعیناتی پر ایسی کوئی پابندی نہیں ہوگی۔ قواعد کے تحت انسپکٹران اور صاحبان ڈپٹی سپرنٹنڈنٹ پولیس کو صوبائی سناریائی کی بنیاد پر ترقی درجہ دی جائے گی۔
- (6) ہر ایک پولیس افسر کو آن ڈیوٹی ہونے کی حالت میں پاکستان بھر میں پولیس افسر کے تمام اختیارات اور رعایتی حقوق (privileges) حاصل ہوں گے۔ اور وہ کسی وقت کسی برانچ، ڈویژن، بیورو اور سیکشن میں خدمت انجام دینے کا مستوجب ہوگا۔

آرٹیکل 8: پولیس کی تنظیم مقررہ عمل کی بنیاد پر کی جائے گی

- (1) آرٹیکل 7 کے تحت تشکیل شدہ جمعیت عملہ پولیس کی تنظیم جہاں تک قابل عمل ہو۔ مقررہ عمل کی بنیاد پر برانچوں، ڈویژنوں، بیورو اور سیکشنوں میں کی جائے گی۔
- (2) حتمی دفعہ (1) میں مذکورہ برانچوں، ڈویژنوں، بیورو اور سیکشنوں میں حسب شامل ہیں:
 - (a) تفتیش
 - (b) خبر رسانی
 - (c) وایچ اینڈ وارڈ
 - (d) ریزرو پولیس
 - (e) احتساب پولیس (Police Accountability)
 - (f) انتظام عملہ (Personnel Management)



(12) (A)

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**OFFICE OF THE
THE INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar**

POLICE POLICY BOARD

PPB Order No. 12/2014

Subject: Change in Syllabus for the Exam/Test of ASIs conducted by Public Service Commission (PSC).

Reference DIG HQrs: Khyber Pakhtunkhwa Peshawar office Endst: No. 357-94/PA, dated 23.01.2014.

In light of the decision taken by the Police Policy Board held on 08.01.2014, under the chairmanship of the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar the following policy has been approved.

The syllabus of ASIs recruited through Public Service Commission shall have the following components:

1. Written Test.

- a. Urdu Writing & Comprehension;
- b. English Writing & Comprehension;
- c. General Knowledge Test.
- d. Basic proficiency in Computer applications, including MS Word, MS Power Point, MS Excel, the use of Internet and Email.

2. Physical Test.

- a. Apart from fulfilling the requisite height and chest standards, the male candidates shall complete 1 Mile run within 8 minutes.
- b. The female candidates shall complete 1 Kilometer run within 8 minutes.
- c. In order to participate in the Physical Test, the candidate shall submit a Medical Fitness Certificate duly signed from a recognized Medical Officer of a Government Hospital.

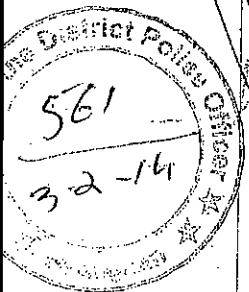
All concerned are hereby directed to implement the decision in letter &

spirit.

P.T.O

-Sd-

(NASIR KHAN DURRANI)
Inspector General of Police
Khyber Pakhtunkhwa Peshawar





(13) A

**OFFICE OF THE
THE INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar**

STANDING ORDER NO. 13 /2014

**Syllabus for ASIs Examination
conducted through Public Service Commission**

This Standing Order is issued under Article 10(3) of Police Order 2002 in pursuance of the Police Policy Board decision taken in its 2nd meeting held on 8th January 2014.

2. **Aim:-** A large number of ASIs are directly recruited through a selection process conducted by the Public Service Commission. After recruitment, directly recruited Assistant Sub Inspectors (ASIs) play a vital role in strengthening the command structure at the tactical level. It is therefore essential to recruit candidates who are equipped with qualifications needed in modern day policing. This Standing Order aims at streamlining the selection criteria and syllabus for the examination of ASIs recruited through Public Service Commission.

3. **Eligibility:-** Following shall be the eligibility criteria for the selection of general and in-service candidates as Assistant Sub Inspectors in Police Department through the Khyber Pakhtunkhwa Public Service Commission.

Eligibility for General Candidates

Category	Education	Age Limit
Candidates (Both male and female)	Higher Secondary school certificate or equivalent qualification from recognized boards of Pakistan or abroad	18 to 25 Years

Eligibility for In-service Candidates

Category	Education	Service Experience	Upper Age Limit
In-service Graduate Constable or Head Constable (Both male and female)	Bachelor's degree from any recognized university of Pakistan or abroad.	a. Basic Recruit Course passed. b. Minimum 5 years service in Police Department. c. Satisfactory service record.	35 Years

14' (A)
4. **Physical Test:-** Candidates shall qualify the following physical measurement standards and physical endurance tests.

a. Physical Measurement Standards

Category	Height	Chest
Male candidate (general)	5 feet & 7 inches	33x34½ inches
Female candidate (general)	5 feet & 1 inches	Nil

b. Physical Endurance Test

Category	Race
Male candidate (Both general and in-service)	1600 meter in 8:00 minutes
Female candidate (Both general and in-service)	1000 meter in 8:00 minutes

4.1 The physical measurement and physical endurance tests shall be conducted by a three-member team, two from the Public Service Commission and one from Police Department nominated by the Provincial Police Officer.

5. **Written Examination:-** Only those candidates, both general and in-service, who qualify the physical measurement standards and physical endurance test, will be eligible to appear in the written examination to be conducted by the Khyber Pakhtunkhwa Public Service Commission.

5.1 The written examination shall consist of the following subjects and shall carry marks as mentioned against each subject.

S. No.	Subject	Maximum marks	Paper duration	Qualifying marks
1.	Urdu Essay & Comprehension	75	1 hr	40%
2.	English Essay & Comprehension	75	1 hr	40%
3.	General Knowledge & Current Affairs	50	1 hr	40%
4.	Basic proficiency in Computer literacy like MS Word, MS Power Point, MS Excel, Internet surfing and Email	50	1 hr	40%
5.	Viva Voce	50		40%
	Total	300		40%

6. **Psychological Assessment Test:-** Candidates, both general and in service, who qualify written examination, will be called by the Public Service Commission for psychological test to be conducted by certified psychologists of Khyber Pakhtunkhwa Public Service Commission. The result of this test shall be a guide for the interview panel whether or not a candidate is suitable for the police job.

7. **Viva voce:-** Psychological test shall be followed by viva voce exam to be conducted by the Public Service Commission. The candidate shall appear before the interview panel at the

15 A

time of viva voce examination. Failure in or absence from viva voce shall mean disqualification of the candidate.

8. **Medical Examination:-** Candidates who qualify physical, written test and viva voce will undergo medical examination to be conducted by Director Health Services Government of Khyber Pakhtunkhwa.

9. **Merit List & Selection:-** Final merit list shall be prepared by the Public Service Commission. If the total marks of any of the two candidates are equal, the candidate older in age shall be placed higher on merit list.

10. Issuance of appointment order will be subject to police clearance certificate and background clearance report from Special Branch, or any other intelligence agency if deemed necessary.

11. **Power to remove difficulties:-** If any difficulty arises in giving effect to this order, the Provincial Police Officer may by notification make such provisions as deemed appropriate.

12. **Amendment:-** All previous Standing Orders on the subject, to the extent of the provisions of this order, shall stand amended.

(NASIR KHAN DURRANI)
Provincial Police Officer
Khyber Pakhtunkhwa
Peshawar

No:- 849-219/98 dated Peshawar the 12th October 2014

Copy of the above is forwarded for information and necessary action to:

1. All Heads of Police Offices in Khyber Pakhtunkhwa;
2. PRO to PPO;
3. Registrar CPO.

(MUBARAK ZEB) PSP
DIG Headquarters
Khyber Pakhtunkhwa
Peshawar

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28-10-14

~~Signature~~
DSD/BTS

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(B)

(16)

(A)

BEFORE THE HIGH COURT BENCH, ABBOTTABAD.

COC NO. 55-A/2020

In

WP No.400-A/2019.

Muhammad Nawaz etc:

Petitioners

Versus.

Dr. Sanaullah Abbasi

Respondents.

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S.No.	Description of documents	Annexure	Pages
1.	Application with Affidavit		1 - 2
2.	Letter No. 18815-17/E dated 08.08.2020 from Regional Police Officer, Hazara Range	A	3 - 4
3.	Letter No.4191-92/Legal dated 18.08.2020 from IGP KPK	B	5

(B) (17) (A)

BEFORE THE HIGH COURT BENCH, ABBOTTABAD.

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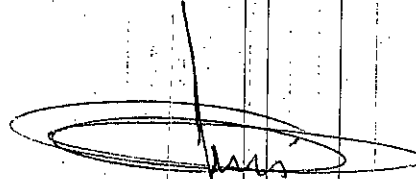
Respondents.

APPLICATION FOR PERMISSION TO PLACE OF ADDITIONAL DOCUMENTS
IN THE ABOVE TITLED CASE.

Respectfully Sheweth.

1. That vide order dated 11.03.2020 this Honourable Court treated the writ petition No. 400/19 as representation and sent to the Provincial Police Officer/Inspector General of Police, Khyber Pakhtunkhwa, to decide the same, strictly in accordance with law, but not later than a month.
2. That petitioner filed instant COC in the above titled case in which the parawise reply has already been filed.
3. That vide letter No.18815-17/E dated 08.08.2020 the Regional Police Officer Hazara Region, Abbottabad submitted the brief history of the case to the Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
4. That the Inspector General of Khyber Pakhtunkhwa, Peshawar directed the District Police Officer, Batagram and DSP Legal, Abbottabad to submit the above documents through CM to this Honourable Court vide letter No.4191-92/Legal dated 18.08.2020.
5. That the appended additional documents are necessary to place on record of the case for due appreciation of the case.

It is, therefore, humbly prayed that on acceptance of the above application the above documents may graciously be allowed to place on the record of the case.


Additional Advocate General,
Abbottabad.

(B)

(13)

(B)

BEFORE THE HIGH COURT BENCH, ABBOTTABAD.

COC NO. 55-A/2020

In

WP No.400-A/2019.

Muhammad Nawaz etc:

Petitioners

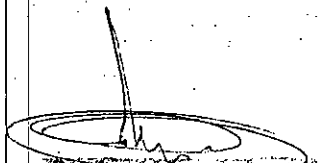
Versus.

Dr. Sanauallah Abbasi

Respondents.

Affidavit.

I, Mr. Muhammad Asif, Inspector Legal Branch Batagram do hereby solemnly affirm and declare that the contents of the accompanying application are true and correct to the best of my knowledge and belief.


Muhammad Asif, Advocate General,
Inspector Pakhtunkhwa,
Abbottabad


DEPONENT.

13503-0817095-3

66787539

539

11 Sep 20
Muhammad Asif, Inspector
Legal Branch, Batagram

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11-9-20

OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

9 8

No. 4193/1.legal dated Peshawar, the 18.08.2020

To: - The District Police Officer,
Battagram.
The Deputy Superintendent of Police,
Legal, Abbottabad.

Subject: - COMPLIANCE OF THE ORDER OF THE HONORABLE
PESHAWAR HIGH COURT, ABBOTTABAD BENCH DATED
11-03-2020 IN WRIT PETITION NO. 400-A/2020.

Memo: - Please refer to the Regional Police Officer, Hazara Letter No.
18815-17/E dated 08.08.2020, on the subject cited above.

The Competent Authority has directed to submit with CM to the
Court please.

AIG/LEGAL

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
17.08.2020

No. 4193/1.legal
Copy of above is forwarded for information to the Regional Police Officer,
Hazara with reference to his letter quoted above.

AIG/LEGAL

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.
17.08.2020

Inspector legal
Battagram

Please put up record
for the needfall be done
at the earliest.

DSPL
Abtd

24.08.2020



msp - L



(A)

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OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0922-9310023

r.rpohazara@gmail.com

0345-9560687

NO: _____ / E DATED _____ / 2020

To: The Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Subject: **COMPLIANCE OF THE ORDER OF THE HONORABLE PESHAWAR HIGH COURT ABBOTTABAD BENCH DATED 11-03-2020 IN W/P # 400-A/2020.**

BRIEF FACTS:

The petitioners in the subject writ petition prayed for promotion as ASI as per 25% quota mentioned in section No. 32 (ii) of the Khyber Pakhtunkhwa Police Act 2017, as well as challenged the validity of notification No. 158/E-III, issued by the Worthy Provincial Police Officer, Khyber Pakhtunkhwa Peshawar, in the year 2014. The Honorable Court in preliminary hearing (motion) on 11-03-2020 turned the writ petition into representation and also directed the Worthy Provincial Police Officer, Khyber Pakhtunkhwa Peshawar, to decide the same according to law but not later than one month. On 23-07-2020 the AIG Legal CPO, vide his office letter No. 3603-05/Legal, intimated this office about the fate of the representation and to pursue the COC.

1. Later on, the petitioners in the above mentioned writ petition, filed a contempt of Court petition No. 55-A/ 2020, on 27-06-2020 against the Worthy Provincial Police Officer, Khyber Pakhtunkhwa Peshawar, before the Peshawar High Court, Abbottabad Bench, wherein, on 30-06-2020, a notice was issued to the Worthy Provincial Police Officer, Khyber Pakhtunkhwa Peshawar for para-wise reply and to that effect, the same has been prepared and submitted before the Honorable High Court Bench Abbottabad. Next date, in the COC has not yet been fixed.

2. **FACTUAL POSITION**

The perusal of record/file, writ petition, order of the Honorable Court and service record of the petitioners transpires as under:

- (i) The notification No. 158/E-III issued by the Provincial Police Officer, Khyber Pakhtunkhwa in the year 2014, is legal and in accordance with law as the same has been issued by the competent authority after due approval from the provincial Government.
- (ii) The seniority of the petitioners relating to the promotion to the post of ASI as enshrined in Section No. 32 (ii) of Khyber Pakhtunkhwa Police Act, 2017, is crystal

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next rank subject to the conditions mentioned in PR 1934 Chapter 13:1 and Standing Order No. 10/2014.

- (iii) In this regard, seniority list requisitioned from the District Police Officer Battagram reveals that petitioners namely 1. Head Constable Muhammad Nawaz, No.509 stands at serial # 28 for intermediate college course. 2. Head Constable Ali Muhammad, No.205 stands at serial # 30 for intermediate college course. 3. LHC Sadaqat Hussain Shah, No.195 stands at serial # 09 for promotion as Head Constable and they will be promoted as per seniority on their own turn.
- (iv) One of the petitioner namely Head Constable Ali Muhammad No.205 disclosed that he had applied for the post of ASI through proper channel, through Public Service Commission advertisement No.04/2018 against the 25% graduate Constable/Head Constable quota as enshrined in Section 32 (i) of Khyber Pakhtunkhwa Police Act, 2017, in which he qualified screening test. The remaining test/examination through PSC is still in the process.
- (v) All the three petitioners, previously in the year 2014, applied for the post of ASI, through Public Service examination, but they failed the examination, therefore they were not recruited as ASI.

Keeping in view the above facts and circumstances, the undersigned is of the considered view that all the petitioners must be considered for promotion to the next rank as per law, on their own turn.

3. Apart from this, DSP Legal Abbottabad, called all the petitioners heard them in person who made commitment to the effect that they will withdraw their COC on the next date of hearing.

Sd/-
Qazi Jamil ur Rehman (PSP)
Regional Police Officer
Hazara Region, Abbottabad

Copy of above is forwarded for information and necessary action to the:-

1. AIG Legal CPO Peshawar w/r to his office letter No. 3603-05/Legal dated 23-07-2020
2. District Police Officer, Battagram w/r to his office letter No. 3179/PA dated 29-07-2020

Annexure
"N" © چالان ڈاکی دستر ان کیلڈر وکیل رڈ نام و 26/21/02

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Compliance of The Honorable P.H.C-ATD-NO-400-20

چند روز نام کی ایکٹ 1PKP ان کیلڈر وکیل رڈ نام و 26/21/02
COC-NO55-AU-2020

کوآل ڈاکی بڈ نم 10 و 26/21/02 کی W.P-NO-400-2020

کوآل ڈاکی نم 17E-18815-17E کی کوآل ڈاکی بڈ نم 404

ان کیلڈر وکیل رڈ نام و 26/21/02 کی کوآل ڈاکی بڈ نم 404



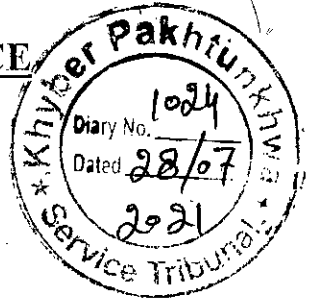
تذکرہ نم 493 کی کوآل ڈاکی بڈ نم 26/21/02
درست کوآل ڈاکی بڈ نم 26/21/02

مقامت سن 2020
26-02-21

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR.

Ali Muhammad
VERSUS
Govt of KPK & others

ANO =
3422/21



APPLICATION FOR FIXECTION OF TITLE APPEAL IN
THE PESHAWAR CAMP FOR HEARING.

Respectfully Sheweth:-

1. That the title appeal is pending disposal before this Hon' able Tribunal.
2. That the Appellant filed instant appeal on 09/03/2021 and till now date was fixed due to non availability of the Camp at Abbottabad.
3. That it is therefore, humbly may be please be fixed at that instant appeal be fixed at Peshawar due to urgent matter.

Hence this application.

Applicant Ali Muhammad

Put up to the worthy claim - on
with relevant appeal.

28/7/2021

BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.

NO 3422

Mr: Ali Muhammad

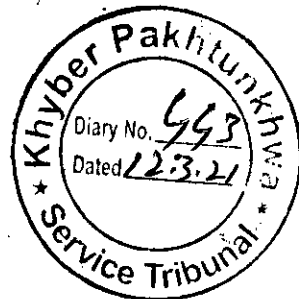
..... Appellant

Put up to the court with relevant appeal.

VERSUS

The Govt of KPK and others

..... Defendant



12/3/2021

APPLICATION FOR EARLY HEARING.

Respectfully Sheweth:

- 1) That the titled Service appeal is being filed and date is not given due to unavailability of Chairman Service Tribunal.
- 2) That Respondent are going to promote the other employees due to which appellant will suffer irreparable loss if date has not been fixed in near future.

It is, therefore, humbly prayed that on acceptance of the instant application the date may please be fixed in the service appeal in next camp Court at Abbottabad which is started from 16 March to 18 March case may graciously be accelerated to an early date.

Dated 12/03/2021

Appellants

Through

Muhammad Liaqat
Muhammad Liaqat

Advocate, High Court Abbottabad.

Date already fixed.

15/3/21