

S.No	Date of order proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
	01.06.2016	<p style="text-align: center;"><u>KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,</u> <u>PESHAWAR.</u></p> <p style="text-align: center;">APPEAL NO.78/2014</p> <p style="text-align: center;">(Shah Khalid-vs-Inspector General Police Khyber Pakhtunkhwa Civil Secretariat, Peshawar and others).</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p style="text-align: center;"><u>PIR BAKHSH SHAH , MEMBER:</u></p> <p>Appellant with counsel (Mr. Zia-ur-Rahman Tajik, Advocate) and Mr. Ziaullah, GP for respondents present.</p> <p>2. Appointed as Constable in the Police Department in the order 1980, the appellant by them was S.I that he was awarded Quaid-e-Azam Police Middle (QPM) on 17.08.2012 for the act of gallantry and distinguish service. His prayer before departmental authority was that on the criteria as laid down in paras of the standing order No. 6/2008 of the PPO Khyber Pakhtunkhwa, Peshawar he may be promoted to the next rank of Inspector which prayer of the appellant was not granted by the departmental authority, hence this appeal under section-4 of the Khyber Pakhtunkhwa Service Tribunal, 1974.</p> <p>3. Arguments heard and record perused.</p> <p>4. We have carefully perused contents of the standing order No.6 and have come to the conclusion that such promotion to the rank of the Inspector was possible on availability of the substantive vacancy in the District, area or unit-in which such officer would be serving. The appellant has not shown as to which vacancy by then was available at the relevant time. According to the respondents</p>

the life of the said standing order has also expired. This may further be added that the august apex court in its various decisions has deprecated out of turn promotion and the case of the appellant is also for one out of turn promotion. In the light of the foregoing reasons, this appeal cannot be allowed. The same is, therefore, dismissed. Parties are left to bear their own cost. File be consigned to the record room.



(ABDUL LATIF)  
MEMBER



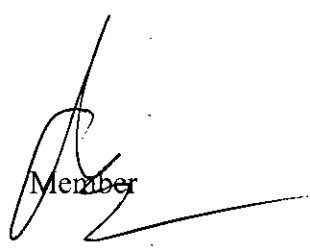
(PIR BAKHSH SHAH)  
MEMBER

ANNOUNCED

01.06.2016

04.05.2016

Counsel for the appellant and Mr. Usman Ghani, Sr.GP for  
respondents present. Order could not be announced due to  
Learned Member <sup>are</sup> (Executive) ~~on~~ on leave. To come up for order  
on 01.06.2016.

  
Member

02.01.2015

Appellant in person and Mr. Muhammad Adeel Butt,  
AAG for the respondents present. The Tribunal is  
incomplete. To come up for rejoinder on 27.04.2015.



Reader.

27.04.2015

Agent of counsel for the appellant and Mr. Muzafar Khan,  
Inspector alongwith Addl: A.G for respondents present. Rejoinder  
submitted. The appeal is assigned to D.B for final hearing for 27.10.2015



Chairman

27.10.2015

Clerk to counsel for the appellant and Addl: A.G for  
respondents present. Rejoinder submitted, copy of which placed  
on file. Arguments could not be heard due to absence of Member  
Judicial as on official tour to D.F. Khan. Therefore, the case is  
adjourned to 25/3/16 for arguments



Member

Appellant with counsel and Mr. Ziaulali OP for  
the respondents present. Arguments heard. To come up for  
order on 27.10.15


MEMBER

MEMBER

3.  
11.03.2014

Appellant Deposited  
Security & Process Fee  
Rs. 18/- Bank  
Receipt is Attached with File.

Counsel for the appellant present. Preliminary arguments heard and case file perused. Counsel for the appellant contended that the appellant has not been treated in accordance with law/rules. Against the order dated 25.09.2013, he filed departmental appeal on 14.10.2013, which has not been responded within the statutory period of 90 days, hence the present appeal on 15.01.2013. Points raised at the Bar need consideration. The appeal is admitted to regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notices be issued to the respondents for submission of written reply/comments on 28.05.2014.

  
Member

4.  
11.03.2014

This case be put before the Final Bench D for further proceedings.

  
Chairman

28.5.2014

Appellant with counsel and Mr. Muzafar Khan, Inspector on behalf of respondents with AAG present. Representative of the respondents stated that written reply has been prepared on behalf of the respondents but requires signatures of the concerned authorities. To come up for written reply/comments, positively, on 8.9.2014.

  
Chairman

8.9.2014


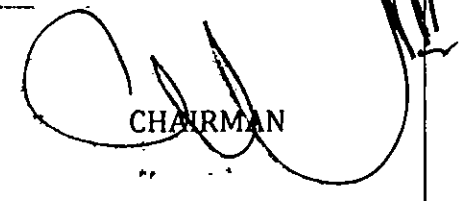
Appellant with counsel and Mr. Fazal Ghafoor, ASI on behalf of respondents with Mr. Ziaullah, GP present. Written reply/para-wise comments received on behalf of the respondents, copy whereof is handed over to the learned counsel for the appellant for rejoinder on 2.1.2015.

  
Chairman

Form- A  
FORM OF ORDER SHEET

Court of \_\_\_\_\_

Case No. 78/2014

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	15/01/2014	<p>The appeal of Mr. Shah Khalid presented today by Mr. Zia ur Rehman Tajik Advocate may be entered in the Institution register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	20-1-2014	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>11-3-2014</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

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

Service Appeal No. 78 /2013

Shah Khalid Sub Inspector (SI) Incharge Investigation No.  
18/M, Police Station Sammar Bagh, Dir Lower.....(Appellant)

**VERSUS**

Inspector General Police Khyber Pakhtunkhwa Civil  
Secretariat, Peshawar and others.....(Respondents)

**I N D E X**

<b>S.No</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Service Appeal		1-5
2.	Affidavit		6
3.	Addresses of the parties		7
4.	Copy of service certificate	"A"	8
5.	Copy of Naqal Mad No. 18, F.I.R No. 6, News paper clipping, Court order dated 28/09/2011. Injury Sheet	"B" to "G"	9-15
6.	Copy of notification dated 30/08/2012, 17/08/2012 and 17/12/2012	"H" to "J"	16-18
7.	Copy of appeal in letter dated 14/09/2012, 01/10/2012	"K" to "M"	19-21
8.	Copy of application 11/09/2013 and reply dated 19/09/2013 and 25/09/2013	"N" to "Q"	22-25
9.	Copy of departmental appeal dated 14/10/2013, letter dated 23/10/2013	"R" to "T"	26-30
10.	Copy of standing order No. 6 of 2008	U	31
11.	Wakalat Nama		32

Through

Dated: 25/04/2013

Appellant

**Zia ur Rehman Tajik**

Advocate High Court,  
Peshawar.

Cell No. 0300-9357932

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

Service Appeal No. 78 /2014

K.W.P. Peshawar  
76  
15-01-2014

Shah Khalid Sub Inspector (SI) Incharge Investigation No.  
18/M, Police Station Sammar Bagh, Dir Lower.....(Appellant)

**VERSUS**

1. Inspector General Police Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
2. Deputy Inspector General Police/ Regional Police Officer Malakand, Saidu Sharif, Swat.
3. District Police Officer/ SP Superintendent of Police Dir Lower.....(Respondents)

**APPEAL UNDER SECTION 4 OF KHYBER**  
**PAKHTUNKHWA SERVICE TRIBUNAL ACT 1974**  
**WHERE BY NO REPLY WAS GIVEN TO THE**  
**DEPARTMENTAL APPEAL OF THE APPELLANT**  
**DATED 14/10/2013 AND ORDER OF**  
**RESPONDENT NO. 3 DATED 25/09/2013 HAS**  
**BEEN MAINTAINED AND APPELLANT WAS NOT**  
**PROMOTED TO THE RINK OF INSPECTOR AS**  
**PER STANDING ORDER NO. 6 OF 2008.**

**Prayer in Appeal:**

*On acceptance of instant appeal order dated 25/09/2013 may be set aside and respondents may directed to promote appellant to the rink of Inspector with effect from 17<sup>th</sup> August 2012.*



Respectfully Sheweth:

1. That appellant is appointed as Constable in Police Department on 19/04/1980 and with the passage of time promoted from time to time as per rules regulations and now a days performing his duty on the post of Sub Inspector Investigation with effect from 17/05/2010 order book No. 647. (Copy of service certificate as attached as annexure "A").
  
2. That on 02/01/2011 S.H.O of Police Station Samar Bagh was on leave and authority/ power of SHO was delegated to the appellant as Incharge SHO Police Station Samar Bagh, while during performance of duties appellant along with other police employees were seriously injured due to terroristic attack on police mobile and the terrorist responsible for the said terroristic act were done to death in police encounter on same date and criminal proceeding on basis of F.I.R No. 6 dated 02/01/2011 and has been abated. (Copy of Naqal Mad No. 18, F.I.R No. 6, News paper clipping, Court order dated 28/09/2011. Injury Sheet are attached as annexure "B" to "G").
  
3. That because of severe injuries and best performance of the appellant in the above terroristic incident in combating terrorism appellant was awarded with presidential police middle and two lack cash for his gallantry and meritorious act of cambent terrorism through notification dated 17/08/2012. (Copy of notification dated 30/08/2012, 17/08/2012 and 17/12/2012 as annexure "H" to "J").

4. That appellant because of grant/ award of presidential police middle filed application for grant of accelerated promotion on 13/09/2012. But no reply was given. (Copy of appeal and letter dated 14/09/2012, 01/10/2012 are attached as annexure "K" to "M").
  
5. That on 19/09/2013 appellant filed another application for promotion and was replied on 25/09/2013 that standing order has already expired. (Copy of application 11/09/2013 and reply dated 19/09/2013 and 25/09/2013 as attached as annexure "N" to "Q").
  
6. That aggrieved from the order dated 25/09/2013 appellant field departmental representation to Inspector General of Police on 14/10/2013 but till the appeal is neither replied nor dismissed. (Copy of departmental appeal dated 14/10/2013, letter dated 23/10/2013 are attached as annexure "R" to "T").

Now the appellant being aggrieved from the discriminate treatment of the respondents approach this Hon'ble Tribunal for the redrisal of his grievances inter-alia on the following grounds:

**GROUNDS:**

- A. That appellant has not been treated in accordance with law and as per Article 4 of the Constitution it is inalienable right of the appellant that he should be treated according to law and appellant is entitle to promotion to the post of inspector because of his

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meritorious and gallantry performance in combating terrorism.

- B. That because of gallantry performance of appellant in combating terrorism appellant was nominated for presidential police middle and was rightly awarded to him.
- C. That as per standing order No. 6 of 2008 appellant is entitled to promotion as of right to the post of inspector and the said promotion can not be denied to the appellant on any cost as per para No. 2 the said standing order.
- D. That non promoting of the appellant to the post of inspector is not only illegal, incorrect and irrational But is also not supported by any provision of law and norm of justice.
- E. That as per Article 5 (2) of the Constitution respondent is bound to show obedience to the Constitution and law and the said standing order are issued by the respondents and they are bound to act upon it and implement it in its latter and spirit for effective administrative control, peace and tranquility in society.
- F. That it is settle law that appointment and promotion can't be claimed as a matter of right but in certain cases as in the case of appellant it can be claimed as matter of right and it is ~~the~~ the vested right of the appellant that he should be promoted to post of Inspector as per standing

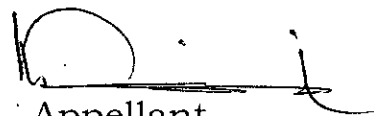
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order No. 6 of 2008. (Copy of standing order No. 6 of 2008 attached as annexure "U").

G. That the said standing order was issued on 04/06/2008 and as per police rule No. 22 (53) the life of standing order is five years and the said standing order was expired on 04/06/2013. But the appellant much before for the expiration of said period applied for promotion on the basis of selection for Presidential Police Middle on dated 13/09/2012 and even in such like case a civil servant/ police officer are entitle for promotion even without application and apply but the respondent has not promoted the appellant with malice and ulterior motive and deprived the appellant from his vested right.

It is, therefore, respectfully prayed that on acceptance of instant appeal, respondent may directed to promote the appellant <sup>with all back benefit</sup> to set of inspector BPS-16 and order of refusal may be set aside and cancelled.

Any other relief not specifically prayed for may also be granted.

  
Appellant

Through



**Zia ur Rehman Tajik**  
Advocate High Court,  
Peshawar.

Dated: 25/02/2014

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

Service Appeal No. \_\_\_\_\_/2013

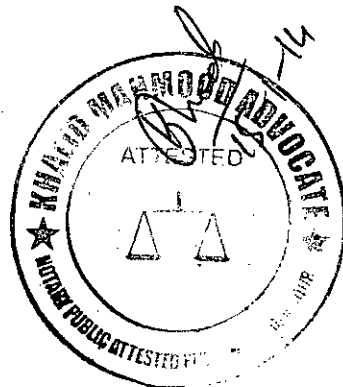
Shah Khalid Sub Inspector (SI) Incharge Investigation No.  
18/M, Police Station Sammar Bagh, Dir Lower.....(Appellant)

**VERSUS**

Inspector General Police Khyber Pakhtunkhwa Civil  
Secretariat, Peshawar and others.....(Respondents)

**AFFIDAVIT**

I, Shah Khalid Sub Inspector (SI) Incharge Investigation  
No. 18/M, Police Station Sammar Bagh, Dir Lower, do hereby  
solemnly affirm and declare that all the contents of the  
**Service Appeal** are true and correct to the best of my  
knowledge and belief and nothing has been concealed from  
this Hon'ble Tribunal.



*[Handwritten Signature]*  
**DEPONENT**  
16/02-2280389-5

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

Service Appeal No. \_\_\_\_\_/2013

Shah Khalid Sub Inspector (SI) Incharge Investigation No.  
18/M, Police Station Sammar Bagh, Dir Lower.....(Appellant)

**VERSUS**

Inspector General Police Khyber Pakhtunkhwa Civil  
Secretariat, Peshawar and others.....(Respondents)

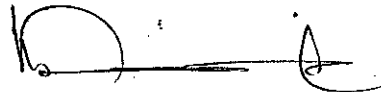
**ADDRESSES OF THE PARTIES**

**APPELLANT:**

Shah Khalid Sub Inspector (SI) Incharge Investigation No.  
18/M, Police Station Sammar Bagh, Dir Lower.

**RESPONDENTS:**

1. Inspector General Police Khyber Pakhtunkhwa Civil Secretariat, Peshawar.
2. Deputy Inspector General Police/ Regional Police Officer Malakand, Saidu Sharif, Swat.
3. District Police Officer/ SP Superintendent of Police Dir Lower.

  
Appellant

Through



Dated: /12/2013

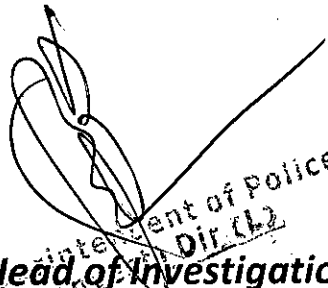
**Zia ur Rehman Tajik**  
Advocate High Court,  
Peshawar.

(8)

Amz → → A

SERVICE CERTIFICATE

It is certified that SI Shah Khalid Khan is serving in this District Police Investigation Wing Dir Lower in (BPS-14). This is issued to him in connection to open Bank account for his salary purpose.

  
Sub-Inspector of Police  
Dir. (L2)  
**Head of Investigation,  
Dir Lower at Timergara.**









بسم اللہ الرحمن الرحیم  
میں نے اپنے والدین کی خدمت میں اپنی زندگی کے سب سے قیمتی حصے یعنی اپنی اولاد کو پیش کیا ہے۔

میں نے اپنے والدین کی خدمت میں اپنی زندگی کے سب سے قیمتی حصے یعنی اپنی اولاد کو پیش کیا ہے۔  
میں نے اپنے والدین کی خدمت میں اپنی زندگی کے سب سے قیمتی حصے یعنی اپنی اولاد کو پیش کیا ہے۔  
میں نے اپنے والدین کی خدمت میں اپنی زندگی کے سب سے قیمتی حصے یعنی اپنی اولاد کو پیش کیا ہے۔  
میں نے اپنے والدین کی خدمت میں اپنی زندگی کے سب سے قیمتی حصے یعنی اپنی اولاد کو پیش کیا ہے۔  
میں نے اپنے والدین کی خدمت میں اپنی زندگی کے سب سے قیمتی حصے یعنی اپنی اولاد کو پیش کیا ہے۔  
میں نے اپنے والدین کی خدمت میں اپنی زندگی کے سب سے قیمتی حصے یعنی اپنی اولاد کو پیش کیا ہے۔  
میں نے اپنے والدین کی خدمت میں اپنی زندگی کے سب سے قیمتی حصے یعنی اپنی اولاد کو پیش کیا ہے۔  
میں نے اپنے والدین کی خدمت میں اپنی زندگی کے سب سے قیمتی حصے یعنی اپنی اولاد کو پیش کیا ہے۔  
میں نے اپنے والدین کی خدمت میں اپنی زندگی کے سب سے قیمتی حصے یعنی اپنی اولاد کو پیش کیا ہے۔  
میں نے اپنے والدین کی خدمت میں اپنی زندگی کے سب سے قیمتی حصے یعنی اپنی اولاد کو پیش کیا ہے۔

اپنی زندگی کے سب سے قیمتی حصے یعنی اپنی اولاد کو پیش کیا ہے۔

Shops | 15/2  
09/01/2011

Attested  
~~Signature~~

22  
53  
75

13  
9  
53  
75

As requested by the local police  
The case may be filed, if deemed  
fit.

Signature  
DISTRICT PUBLIC PROSECUTOR  
DINPATEL, JALANDHAR

Annex 13

13

4

IN THE COURT OF JUDGE, ANTI TERRORISM COURT III, SWAT AT BATKHELA

Case No. 163/8 of 2011

State versus Wajid s/o Sadique etc.

CASE FIR NO. 06 DATED 02/01/2011,  
u/s 3/4 Explosive Sub; Act, 1908, 324/353/427 of PPC, read with section 7 of ATA,  
Police Station Samarbagh, District Dir Lower.

Date of Decision 28/09/2011

O 3  
28/9/2011

Learned Public Prosecutor present for the state.

According to the contents of FIR, in brief, on 12/1/2011 at 12:00 hours a deadly blast occurred near Bokri Pul, village Bokri at Samarbagh-Kambat road, which caused injuries to five police personnel and heavy damage to the their official vehicle. Shah Khalid khan ASI made enquiry and found that some unknown miscreants had planted explosive material near the said bridge to kill the public officials and had blasted the same through a remote control causing the above mentioned losses. So he wrote down the murasila and FIR was accordingly registered against the unknown people.

On the same day, as is evident from the contents of the report recorded on the back of the challan, the accused responsible for the said blast were seen attempting to flee near the mountain namely Ghawara Banda. People informed the police about them and the police followed them and opened fire on them causing their deaths on the spot. One of the accused was identified as Wajid Khan s/o Sadique, while the other was not identified. Both were photographed and the instant challan against them has been submitted for abatement of proceedings against them in terms of "Ikhtitami Report Baseghaee Saaqit". In the said challan one of the accused has been shown as Wajid Khan s/o Sadique, while the other has been shown as unknown.

In the light of the above circumstances proceedings against both the said accused are abated and accordingly filed. Case properly be dealt with in accordance with law

Announced. File be immediately transmitted to the august High Court in terms of section 25 (2) of Anti Terrorism Act, 1997.

ORDER ANNOUNCED  
28/09/2011

(Muhammad Bashir)  
JUDGE, ATC III SWAT  
CAMP COURT TIMERGARA.

28.9.2011  
Muhammad Bashir  
Judge Anti Terrorism Cour  
Swat at Batkhela

Attested  


GoVo Name  
7-012

# نقشہ ضرب

نشانہ

5 3/4 Ex P 555

۱	۲		۳	۴
	جنس	عورت		
نام ولدیت، سکونت، مجروح	مرد	عورت	تفصیل زخمات	رپورٹ پولیس
نام ولدیت، سکونت، مجروح			تفصیل زخمات	رپورٹ پولیس
نام ولدیت، سکونت، مجروح			تفصیل زخمات	رپورٹ پولیس

Bomb blast injuries

2-1-2011

(12) Noon

Received

2-1-2011

12/30 910871

Got injuries to Head, left side

Low head and eye brow Eyes.

گرفتگی در سمت چپ سر

کلاه

در وقت ظهر ۱۲ بجے  
بمباران شد  
سر و چہرہ زخم برداشت  
کندہ صاف برداشت شد

در وقت ظهر ۱۲ بجے  
بمباران شد  
2-1-2011

تفصیل زخمات  
در وقت ظهر ۱۲ بجے  
بمباران شد  
سر و چہرہ زخم برداشت  
کندہ صاف برداشت شد

نام ولدیت، سکونت، مجروح

the wound is 2 inches in size in the  
bleeding profusely, <sup>(15)</sup> the forehead wound is deep bone  
exposed.

The eye brow left side wound is 1/2 an inch in size  
wounded in shape, bleeding profusely

Eyes are full of dirt, conjunctiva red in color  
eye washed the cornea was ok

X-ray shows fracture

Duration of injury 30 minutes  
weapon used R.A. (Bomb blast)

Nature of injury ~~Q~~ Grafting

Ref

1-2-2011

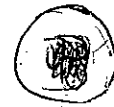
Attended

~~Signature~~

15

Annex - H

16



No. 6/1/2012-SRO/NPB  
Government of Pakistan  
Ministry of Interior  
National Police Bureau  
<><><><>

Islamabad, the 17<sup>th</sup> August, 2012

**NOTIFICATION**

No. 6/1/2012-SRO The President of Pakistan has been pleased to confer the award of Quaid-e-Azam Police Medal (QPM) and President's Police Medal (PPM) for act of gallantry and distinguished services on following officers/officials of KPK Police on the occasion of Independence Day, the 14<sup>th</sup> August 2012:

1.	Const. Hazrat Ali Shah, No.234 (Shaheed) Battagram	QPM
2.	Const. Muhammad Tayab, No.311 (Shaheed), Battagram	QPM
3.	S.I Shah, Khalid, Timergrah,	PPM
4.	Mr. Asif Gohar, DSP, Haripur	QPM

(Tahir Ehsan)  
Deputy Secretary

Provincial Police Officer  
KPK, Peshawar.

SS  
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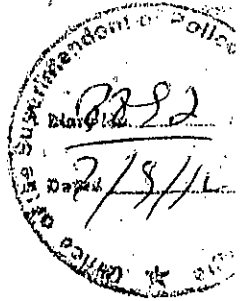
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info/malim am

District Police Officer,  
Haripur/Timergrah

(17)

Annex - 9



From : The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

To : The Deputy Inspector General of Police,  
Hazara Region, Abbottabad.

The Deputy Inspector General of Police,  
Malakand Region, Saidu Sharif, Swat.

The District Police Officer,  
Battagram.

The District Police Officer,  
Dir (lower).

The District Police Officer,  
Haripur.

No. S/ 6-323-28 /12, dated Peshawar the 30/8 /2012.

Subject : NOTIFICATION (QPM / PPM) FOR THE 14<sup>TH</sup> AUGUST, 2012

Memo :  
Enclosed please find herewith a Notification of QPM / PPM awarded to Khyber Pakhtunkhwa Police Personnels on 14<sup>th</sup> August, 2012 for information and necessary action.

*[Signature]*  
(MUMTAZ KHAN)  
Registrar,  
For Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

No. S/ \_\_\_\_\_ /12;  
Copy of the above *along with notification* is forwarded to Budget Officer, CPO for further necessary action regarding payment of Rs. 03 lacs for QPM and 02 lacs for PPM as decided by Ministry of Interior, National Police Bureau, Islamabad letter No. 6/4/2007-SRO/NBP, dated 27.10.2009 (Copy enclosed).

*2/11*  
No. 19051-53/9B dt. 11/8/12  
copy of above along with a copy of its enclosures to pay officer, Establishment Clerk and SI Shah Khalid for investigation B3 Saman Bugh for information and *MS*

(MUMTAZ KHAN)  
Registrar,  
For Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

*Attested*  
*[Signature]*

*[Signature]*  
District Police Officer,  
Dir (lower), Timergara.



(18)

Annex - J

From : The Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

To : The District Police Officer,  
Dir Lower.

No. 12865 /B-I, dated Peshawar the 17/12 /2012.

Subject: ALLOTMENT OF FUND UNDER FUNCTION 032102-  
PROVINCIAL POLICE (DISTRICT LAW & ORDER) FOR THE  
YEAR 2012-13.


Memo:

The Government of Khyber Pakhtunkhwa, Finance Department has released fund vide their letter No. BO-III/FD/I-1/2012-13, dated 26.11.2012.

The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar has been pleased to allot fund to the tune of Rs.200,000/- under function 032102 Provincial Police (DA4021-Law & Order Dir Lower)A05270-Other to meet the expenditure in connection with President Police Medal to the Sub Inspector Shah Khalid during the current financial year 2012-13, subject to observance of all codal formalities and laid down procedure.

Please modify your Budget grant accordingly.

It may please be ensured that strict economy is exercised and no expenditure is incurred over and above the sanctioned budget grant during the current financial year.

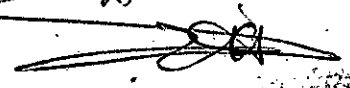
  
(MUHAMMAD QURAISH KHAN)  
AIG/Finance & Procurement,  
For provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

No. /B-I

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

1. The Dy: Inspector General of Police, Malakand Region Swat.
2. The District Account Officer, Dir Lower.
3. The Office Superintendent Secret Branch CPO Peshawar w/r to his letter No.6329/S dated 30.08.2012.
4. The Reconciliation Clerk, CPO Peshawar.

(MUHAMMAD QURAISH KHAN)  
AIG/Finance & Procurement,  
For provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

Attested  


بخدمت جناب عزت آف صوبائی پولیس آفیسر صاحب صوبہ خیبر پختونخواہ پشاور۔

درخواست برائے پروموشن قبل از وقت بحیثیت انسپکٹر حسب شیڈنگ آرڈر نمبر 06

سال 2008ء بوجہ حاصل کرنے صدارتی ایوارڈ (P.P.M)

جناب عالی!

سائیل ذیل عرض رساں ہے۔

(1) یہ کہ من سائیل کو جناب صدر صاحب اسلامی جمہوریہ پاکستان نے یوم آزادی 14 اگست 2012ء کے موقع پر صدارتی ایوارڈ (P.P.M) عطا کیا گیا ہے۔ نوٹیفیکیشن و دیگر کاغذات احکم نامے ہمراہ لف ہیں۔

(2) یہ کہ سائیل ابدین وجہ بحیثیت انسپکٹر قبل از وقت ترقی کا بمطابق شیڈنگ آرڈر نمبر 06 سال 2008ء حقدار ہے۔ نقل شیڈنگ آرڈر ہمراہ لف ہے۔

(3) یہ کہ سائیل بمطابق پولیس رولز 13-19 (2) بھی کافی مراعات کا حقدار ہے۔

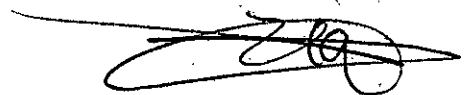
لہذا استدعا ہے کہ سال کو بوجہ عطائگی پریزیڈنٹ پولیس میڈل (P.P.M) بمطابق شیڈنگ آرڈر نمبر 06 سال 2008ء، پولیس رولز قبل از وقت بوجہ انسپکٹر ترقیاب کرنے کی احکامات صادر فرمایا جائے۔ سائیل تاحیات دعا گو رہے گا۔

تاریخ: 13.09.2012

العارض:

آپ کا تابع فرمان SI شاہ خالد نمبر 18/M انچارج نوٹیفیکیشن تھانہ شربانغ ضلع دیرپاٹین۔

Attested



Annex - L

From ~~the District Police Officer~~  
~~Dir Lower at Timergara.~~

To ~~The Deputy Inspector General of Police~~  
~~Region-III, Saidu Sharif, Swat.~~

No. 19/18/13 /EB dated Timergara the 16/18 /2012

Subject: APPLICATION

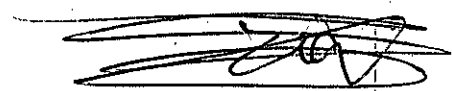
Memo

Application alongwith other related documents of SI Shah Khalid No. 48/M of this District Police requesting therein for accelerated/ad-hoc promotion on account of EPM according to Para 2 of Standing Order No. 06/2008 is submitted herewith for further necessary action, please.

Encls. (02)

OC ~~District Police Officer~~  
~~Dir Lower at Timergara~~

Attested



21

FROM: DIG OF POLICE, MALAKAND REGION FAX NO. 1094692/03200

02 Oct. 2012 10:54AM P1

Annex-M

To: The Deputy Inspector General of Police,  
Malakand Region, Saidu Sharif, Swat.

The Provincial Police Officer,  
Khyber Pakhtoonkhwa, Peshawar.

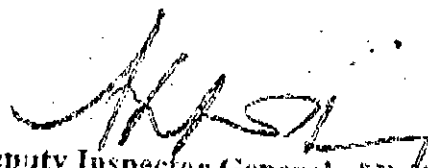
No. 6401 /E, dated Saidu Sharif, the 1/10 /2012.

Subject: APPLICATION

Memorandum:


Application alongwith other related documents of Sub-Inspector Shah Khalid No. 18/M of Dir Lower District requesting therein for Accelerate / Adhoc promotion on account of PPM, according Para No. 2 of standing order No. 6/2008 is submitted herewith for favour of consideration please.

Encl ⑤

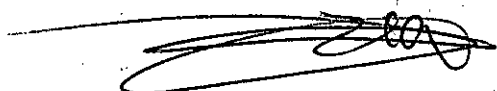
  
Deputy Inspector General of Police,  
Malakand Region, Saidu Sharif, Swat.  
\*Naqi\*

No. 6402 /E,

Copy to District Police Officer, Dir Lower for information with reference to his office Memo: No. 19193/E, dated 14/08/2012.

  
Deputy Inspector General of Police  
Malakand Region, Saidu Sharif, Swat  
\*Naqi\*

Attested



Annex-N

22

جناب عالی!

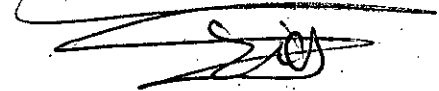
معروض خدمت ہوں کہ سائیل نے زیر شینڈنگ آرڈر نمبر 6/2008 بہ عہدہ انسپکٹر ترقیاتی کیلئے  
آفسران بالا کے حضور میں تحریری درخواست بمورخہ 13.09.2012 کو کر کے جو کہ بغرض ضروری حکم کا کام  
حسب قاعدہ C.P.O پشاور مرسل ہو کر تادم تحریر سائیل کے درخواست پر کسی قسم کا حکم صادر نہ ہوا۔ جبکہ نہ  
سائیل کو طلب کیا گیا ہے۔ دوسری جانب کافی سارے اس قسم کے درخواستوں پر ناقابل عمل درآمد ہو چکا ہے۔  
لہذا استدعا ہے کہ سائیل کے دائر شدہ درخواست مورخہ 13.09.2012 پر زیر شینڈنگ آرڈر  
نمبر 6/2008 سائیل کے ترقیاتی کا حکم حالات مندرجہ درخواست صادر فرما کر نوازش عالم ہوگی۔

مورخہ 11.09.2013

العارض

آپ کا تابعدار شاہ خالد SI نمبر 18/M انچارج شعبہ تفتیش تھانہ شمر باغ ضلع دیرپا سیں۔

Attested



23

From : The Head of Investigation,  
Dir Lower at Timergara.

Annex-0

To: The Deputy Inspector General of Police,  
Investigation, Malakand at Swat.

No. \_\_\_\_\_/Inv: dated Timergara the 11/9/2013.

Subject: **APPLICATION**

Memo:

Enclosed . kindly find herewith an application submitted by SI Shah Khalid No.18/M of this District Police Investigation is forwarded herewith for favour of consideration please.

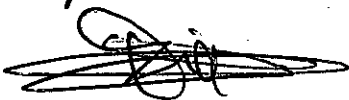
Encl (09)

(RAHATULLAH KHAN)  
Head of Investigation,  
Dir Lower at Timergara.

No. 5653/Inv:

Copy to SI Shah Khalid C.I.O Police Station Samar Bagh for information.

(RAHATULLAH KHAN)  
Head of Investigation,  
Dir Lower at Timergara.

Attested  


29

(D)

From: The Head of Investigation,  
Dir Lower at Timergara.

Annex-Q

To : The SI Shah Khalid Khan In-charge  
Investigation, PS Samar Bagh.

No. 5918 /Inv, dated Timergara the, 25/09/2013.

Subject: APPLICATION

Memo: Reference to your application regarding promotion under standing order No. 06/2008.

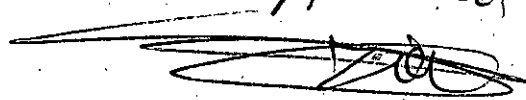
On your application vide under Regional Police Officer Swat, Mem o No. 8527/E dated 19.09.2013, the following remarks has been passed by Regional Police Officer Swat.

It is further added that case of PPM qualified Sis Ahmad Shah and Amjad Ali of Swat District was referred to CPO /Peshawar, upon which the CPO/Peshawar vide Memo: No. 08/4011, 13, dated 30/07/2013 has directed that standing ordered No. 06/2008 has already been expired.

Zamal

Head of Investigation,  
Dir Lower. A

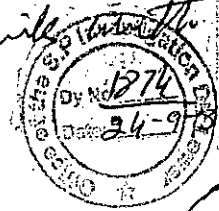
Attested



(24)

Ali R-1-13

with the case



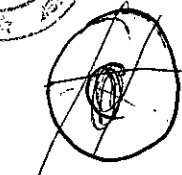
qps

From : The Regional Police Officer,  
Malakand, at Saidu Sharif, Swat.

To : The Head of Investigation, Dir Lower.

No. 8527 /E, dated Saidu Sharif, the 19/9/ 2013.

Subject: APPLICATION



Amz-P

Memorandum:

Reference your office Memo: No. 5652/Invest: dated 11/09/2013 on the subject.

In this connection your attention is invited to CPO, Peshawar directions issued vide Memo: No. 14282-325/E-II, dated 19/06/2013 whereby Special Case Promotion has been discontinued in future.

It is further added that case of PPM qualified SIs Ahmad Shah and Amjad Ali of Swat District was referred to CPO / Peshawar, upon which the CPO/ Peshawar vide Memo: No: S/4011/13, dated 30/07/2013 (Copy Enclosed) has directed that Standing Order No. 6/2008 has already been expired.

Enclosed ①

*[Signature]*  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat  
\*Naqi\*

Copy alongwith its enclosure to CIO Ps  
Samar Basha Shah Khalid Khan, for  
Information

*[Signature]*  
Superintendent of Police  
(Invest) Dir (L)

Attested

*[Signature]*



26

Annex-R

From:

Shah Khalid,  
No.18.M/Sub Inspector,  
presently posted as Incharge Investigation,  
Police Station Samar Bagh, Dir Lower.

To;

The Inspector General of Police,  
Khyber Pakhtunkhwa, Peshawar.

Subject:

DEPARTMENTAL APPEAL AGAINST ORDER DATED 30-07-2013 PASSED BY THE INSPECTOR GENERAL, KHYBER PAKHTUNKHWA, PESHAWAR WHEREBY APPLICATION FILED BY PETITIONER HAS BEEN FILED.

PRAYER IN APPEAL:

ON ACCEPTANCE OF THIS DEPARTMENTAL APPEAL, ORDER DATED 30-07-2013 MAY BE SET ASIDE AND PETITIONER MAY BE PROMOTED TO THE RANK OF INSPECTOR IN THE LIGHT OF STANDING ORDER NO.6 OF 2008.

Respected Sir,

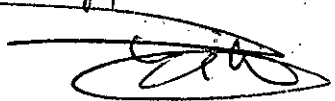
Petitioner submits as under:-

1. That petitioner was appointed as Constable in Police department on 19-04-1980. Petitioner qualified lower and intermediate courses and ultimately promoted to the rank of Sub Inspector.
2. That on 02-01-2011, petitioner was working as Sub Inspector in Police Station Samar Bagh. SHO concerned was on leave therefore, he delegated his authority to petitioner. Petitioner along with other police contingent was on mobile duty wherein terrorists attacked their official vehicle with an explosive device whereby petitioner and other Police officials were critically injured however, the

Attested  
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terrorists were hostage and ultimately killed in encounter. ( Copy of FIR is attached as Annex-A).

3. That the efforts of petitioner with regard to the said incident were officially recommended for grant of Pakistan Police Medal whereby petitioner was granted the aforesaid medal. (Copy of the Notification is enclosed as Annex-B).
4. Similarly, petitioner was also awarded a cash amount of Rs.200,000/- by the Provincial Govt.
5. That petitioner filed an application for accelerated promotion to the rank of Inspector in view the Standing Order No.06 of 2008 however, the application of petitioner was filed on 30-07-2013 on the ground that standing Order No. 06 has been expired. (Copy of the order is attached as Annex-C). It is pertinent to mention here that the aforesaid order was communicated to petitioner on 25-09-2013 vide Endst: No.5918 of Head of Investigation, Dir Lower. (Copy enclosed as Annex-D).
6. That the aforesaid order is liable to be set aside on the grounds inter alia:-
  - a) That application of petitioner was filed merely on the ground that standing Order No. 06 of 2008 has been expired. According to Chapter 22.53 of the Police Rules, 1934, Standing Order issued remains in the field for 5 (five) years. The aforesaid Standing Order was issued on 04-06-2008 and thus, it expired on 03-06-2013 but petitioner has filed his application on 13-09-2012 that is to say much before the expiry of aforesaid expiry period therefore, the case of petitioner is distinguishable from the cases of Sub Inspectors Ahmad Shah and Amjad Ali of Swat District.

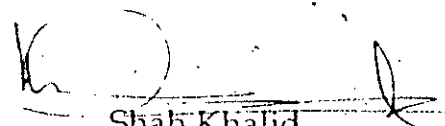
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b) That Para 2 of the aforesaid Standing Order provides that:-

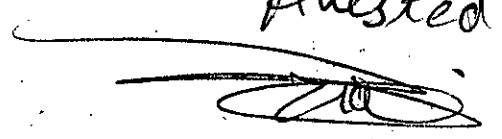
*"A Police Officer of Junior Rank (up to Inspector) receiving the award of Quaid-e-Azam Police Medal and or President Police Medal shall be promoted in the first available substantive vacancy of the next higher rank up to Inspector which occurs in the district, area or unit in which such officer is serving. This would be done automatically with receipt of above mentioned medals and without the proceedings of the committee"*

Petitioner had a legitimate expectation for awarding accelerated promotion on the basis of aforesaid Standing Order but his application was turned down/filed on an erroneous view therefore, order dated 30-07-2013 is liable to be set aside and petitioner promoted to the rank of Inspector.

It is, therefore, requested that on acceptance of this departmental appeal, order dated 30-07-2013 may be set aside and petitioner may be promoted to the rank of inspector in the light of standing order No.06 of 2008.

  
Shah Khalid, 12.10.013  
No. 18-M/Sub.Inspector,

presently posted as Incharge Investigation,  
Police Station Samar Bagh, Dir Lower.

*Attested*  


(29)

From : The Head of Investigation,  
Dir Lower at Timergara.

Annex-S

To : The Deputy Inspector General of Police,  
Investigation, Malakand at Swat.

No. \_\_\_\_\_/Inv: dated Timergara the, 14 / 10 /2013.

Subject: **DEPARTMENTAL APPEAL.**

Memo:

Enclosed kindly find here-with a Departmental Appeal submitted by Sub Inspector Shah Khalid No. 18/M of this District Police Investigation is forwarded here with for favour of consideration, please.

Enclose (14)

(RAHATULLAH KHAN)  
Head of Investigation,  
Dir Lower at Timergara.

No. 7224 /Inv,

Copy to Sub Inspector Shah Khalid C.I.O Police Station Samar Bagh for information.

(RAHATULLAH KHAN)  
Head of Investigation,  
Dir Lower at Timergara.

Attested

Zia

30

Annex - T

Ph: 0946-811082

Fax: 0946-811085

From: The Deputy Inspector General of Police,  
Investigation, Malakand at Swat.

To: The Additional Inspector General of Police,  
Investigation, Khyber Pakhtunkhwa,  
Peshawar.



No. \_\_\_\_\_ /PA/Inv, Dated Swat, the 23 / 10 /2013.

Subject: - DEPARTMENTAL APPEAL

Memo:

Enclosed kindly find herewith departmental appeal submitted by  
Sub Inspector Shah Khalid No. 18/M of District Investigation Wing, Dir (Lower) for  
further necessary action please.

Deputy Inspector General of Police,  
Investigation, Malakand at Swat.

No. 1083 /PA/Inv,

✓ Copy to the Head of Investigation, District Dir (Lower) for  
implementation w/1 to his office Memo No. 7223 /Inv dated 14.10.2013

~~Link with PPS~~  
Superintendent of Police  
(Invest) Dir (L)

~~Deputy Inspector General of Police,  
Investigation, Malakand at Swat.~~

R.K  
~~Link with PPS~~  
Superintendent of Police  
(Invest) Dir (L)

Attested

12/10/13

31

سیدنا محمد 6 لہ 2008  
04-6-2008

STANDING ORDER NO. 6 / 2008

ACCELERATED/OUT OF TURN PROMOTION AND SELECTION FOR IN SERVICE TRAINING COURSE

To encourage officers who demonstrate exceptional performance, gallantry and devotion, beyond the call of duty, the Provincial Police Officer or Capital City Police Officer or the City Police Officer as the case may be, may on the recommendation of a Committee comprising of three officers not below the rank of Deputy Inspector General of Police including the Deputy Inspector General of Police of the Region concerned who will represent the case recommended by the Region/Capital City/City Police, promote out of turn such officers of junior ranks to the next higher rank up to Inspector. The Committee shall ensure that only cases of exceptional performance, bravery and devotion are recommended and the ordinary/routine cases are avoided. Such promotions shall be treated as ad-hoc and will be regularized when the officers so promoted have successfully qualified the training course prescribed, if any. Such promotees shall be placed at the bottom of promotion list drawn up for that year. The Provincial Police Officer may select such officers out of turn for such a prescribed course.

1980  
3/6/08

2. A Police Officer of junior rank (up to Inspector) receiving the award of Quaid-e-Azam Police Medal and or President Police Medal shall be promoted in the first available substantive vacancy of the next higher rank up to Inspector which occurs in the district, area or Unit in which such officer is serving. This would be done automatically with receipt of above mentioned medals and without the proceedings of the committee.

3. The contents of this Standing Order shall be operative with effect from the date of its issuance.

M. Naveed Khan  
(MALIK NAVEED KHAN)  
Provincial Police Officer,  
N.W.F.P., Peshawar. PNO: 0945-851233

No. 4282-4327/C-I, dated Peshawar, the 04 June, 2008.

Copy forwarded to

1. All heads of Police Offices in NWFP for information and necessary action.
2. M.S. to Governor, NWFP, Peshawar, for information.
3. P.S.O. to Chief Minister, NWFP, Peshawar, for information.
4. Chief Secretary, Govt. of NWFP, Peshawar.
5. Secy: Govt. of NWFP, Home & TAs Deptt. Peshawar.
6. Director General, National Police Bureau, Ministry of Interior, Islamabad.

Attested

EC  
Four copies  
ad. v. section  
head

2/10/08  
12/6/08



زیر پولیس رولز باب 22 فقرہ 53:

حصہ اول: جو احکام قائم العمل منجانب صاحب انسپکٹر جنرل، صاحب ڈپٹی انسپکٹر جنرل یا صاحب

سپرٹنڈنٹ جاری کئے جائیں۔ وہ تمام دیسی کاغذ کی تقطیع کی فائل بک میں درج کئے جائے گے۔ احکام مزکور مسلسل پانچ سال کیلئے ہونگے۔ اور اس فائل کا انڈکس تیار کیا جائے گا حسب منشاء قاعدہ نمبر 14-55 ان احکام کی سالانہ پڑتال کی جائے گی۔

حصہ دوئم: احکام قائم العمل کے سوا نیز ایسے احکام کے سوا جن کی اصل پر جواب لکھ کر واپس

کیا جاتا ہے۔ باقی تمام گشتی و دیگر احکام جو برائے تعلیم و رہنمائی پولیس جاری کئے جائیں۔ ان کی سالانہ مثل ہر ایک تھانہ میں مرتب رکھی جائے گی۔ داخل مثل کرنے سے پہلے اس قسم کے ہر ایک کاغذ پر رجسٹر خط و کتابت کا نمبر شمار لگایا جائے گا۔ اور اس رجسٹر میں اس کاغذ کا مضمون اور یہ امر کہ وہ شامل کیا گیا ہے درج کیا جائے گا۔ یہ فائل دو سال کے بعد تلف کئے جائیں گے۔

*Attested*

# WAKALATNAMA

IN THE COURT OF Session Tribunal Peshawar K.P.K  
Shah Khalid (Petitioner) (Plaintiff), (Appellant), (Complainant)

VERSUS

provincial police officer etc (Respondent), (Defendant), (Accused)

Case FIR No. \_\_\_\_\_ Dated \_\_\_\_ / \_\_\_\_ / \_\_\_\_ Police Station \_\_\_\_\_

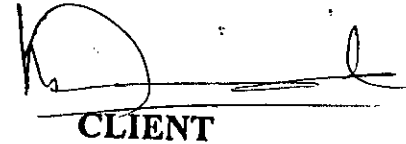
Charge u/s \_\_\_\_\_

I/We, Shah Khalid

The above noted Appellant do hereby appoint and constitute Zia-ur-Rehman Tajik Advocate, Peshawar to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our counsel in the above noted matter, I/we also authorized the said Counsel to file appeal, revision, review application for restoration, compromise, withdraw, refer the matter for arbitration. And make any miscellaneous application in the matter or arising out of matter and to withdraw and receive in my/our behalf all sums and amounts deposited on my/our account in the above noted matter.

ACCEPTED



  
CLIENT

Zia-ur-Rehman Tajik  
LLM (constitutional law)  
Advocate,  
High Court, Peshawar  
Office: 26-A, Nasir Mansion  
2-Railway Road, Peshawar.  
Phone: 091-2564272  
Cell: 0300-9357932



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

Service Appeal No. 78 /2014.

Shah Khalid Sub Inspector (SI) Incharge Investigation No. 18/M, Police Station Samar Bagh, Dir Lower.....Appellant

**Versus**

- 1) Inspector General Police Khyber Pakhtunkhwa Peshawar.
- 2) Regional Police Office Malakand at Saidu Sharif, Swat.
- 3) District Police Officer Dir(L).....Respondents.

**PARA WISE REPLY ON BEHALF OF RESPONDENTS.**

**PRELIMINARY OBJECTIONS.**

- 1) That the present service appeal is not maintainable in it's form.
- 2) That the appellant has not come to this August tribunal with clean hands.
- 3) That the present appeal is badly time barred.
- 4) That this Honorable Service Tribunal has no jurisdiction to entertain the present service Appeal.
- 5) That the appellant has got no cause of action.
- 6) That the appellant has suppressed the material facts from this Honorable Tribunal.

**ON FACTS.**



- 1) Pertains to Record.
- 2) Pertains to Record.
- 3) Pertains to Record.
- 4) In correct, no application has been forwarded by the petitioner. The petitioner was rewarded with P.P.M and Rs. 2,00,000/- two lac Cash. His gallantry has be rewarded.
- 5) Correct.
- 6) In correct, no such representation has be made by the appellant.

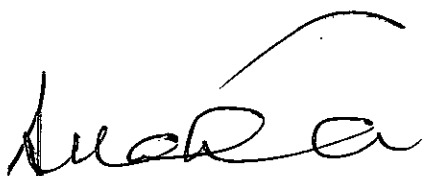
**ON GROUNDS:**

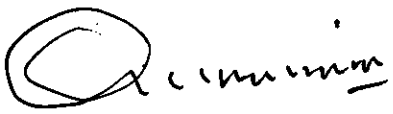
- A) In correct; the appellant has been treated in accordance with Law & rules and no infringement of constitutional right has been committed by the respondents. His gallantry has been rewarded in the shape of Presidential Police Medal and Rs. 2,00,000/-.
- B) As per Para( A).
- C) In correct, that standing order has been expired.
- D) Incorrect his gallantry has been rewarded and promotion will be given to him only on seniority as other Colleague will suffer from such promotion, and one step promotion of the petitioner will be tantamount to gross violation of the policy of the department and other police sub-Inspector will suffer a lot.
- E) Incorrect, no violation of the article of constitution has been committed by the respondent department. So far as that standing order is concerned it has already been expired. Furthermore the respondents are obedient to Law and constitution.
- F) - First two lines are correct and the rest Para is incorrect. The department has its policy and promotion to that effect has to be granted to those who pass the upper school course, and such course in sine-qua-non for promotion to the rank of inspector.
- G) Correct to the extent of life of standing order. The appellant has been awarded with P.P.M and Rs. 2,00,000/- the action of the department is bonafide and there is no ulterior motives of the department against the petitioner.

**PRAYER:-**

In light of above facts and circumstances it prayed that the appeal being baseless may kindly be dismissed with cost, please.

Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.   
  
**Provincial Police Officer**  
**Khyber Pakhtunkhwa**

Regional Police Officer,  
Malakand at Saidu Sharif Swat.   
**Regional Police Officer,**  
**Malakand, at Saidu Sharif Swat.** //

District Police Officer,  
Dir Lower at Timergara.   
**District Police Officer**  
**Dir Lower at Timergara**

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

Service Appeal No. 78 /2014.

Shah Khalid Sub Inspector (SI) Incharge Investigation No. 18/M, Police Station Samar Bagh, Dir Lower.....Appellant

**Versus**

- 1) Inspector General Police Khyber Pakhtunkhwa Peshawar.
- 2) Deputy Inspector General of Police Malkand, Saidu Sharif, Swat.
- 3) District Police Officer Dir(L).....Respondent.

**POWER OF ATTORNEY.**


We the following responds do hereby authorized Mr. Muzafar Khan SI Legal Timergara Dir Lower to appear on our behalf before the honorable service tribunal Khyber Pakhtunkhwa Peshawar in connection with above service appeal.

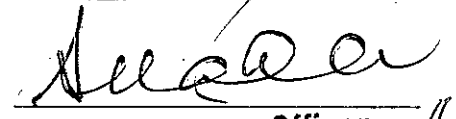
He is also authorized to submit all documents required by the tribunal in the above service appeal.

Provincial Police Officer,  
Khyber Pakhtunkhwa, Peshawar.

Regional Police Officer,  
Malakand, at Saidu, Swat.

District Police Officer,  
Dir Lower at Timergara.

  
Provincial Police Officer  
Khyber Pakhtunkhwa

  
Regional Police Officer,  
Malakand, at Saidu Sharif Swat.



District Police Officer  
Dir Lower at Timergara

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
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- 1) Inspector General Police Khyber Pakhtunkhwa Peshawar.
- 2) Deputy Inspector General Police Regional Police Malkand, Saidu Sharif, Swat.
- 3) District Police Officer Dir(L).....Respondent.

**AFFIDAVIT**

We the undersigned do hereby solemnly affirm and declare on Oath that the contents of the Para-wise comments are true and correct to the best of our knowledge and belief and nothing has been suppressed or concealed from this honorable tribunal.

Provincial Police officer,  
Khyber Pakhtunkhwa, Peshawar.  
*[Signature]*

Regional police officer,  
Malakand, at Saidu, Swat.

District Police Officer,  
Dir Lower at Timergara.

*[Signature]*  
Provincial Police Officer  
Khyber Pakhtunkhwa

*[Signature]*

Regional Police Officer,  
Malakand, at Saidu Sharif Swat. //

*[Signature]*

District Police Officer  
Dir Lower at Timergara

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

In Re:

Service Appeal No.78/2013

**Shah Khalid**

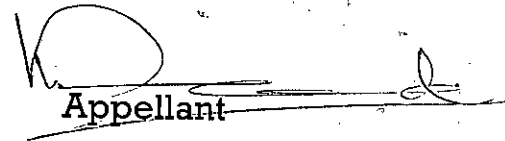
**V/S**

**Inspector General of Police**

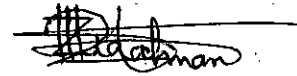
**INDEX**

S.No.	Description of documents.	Annexure	Pages.
1.	Rejoinder.		1-4
2.	Affidavit.		5

057  
27.04.13

  
Appellant

Through



**Zia-ur-Rahman Tajik**  
LL.M (Constitutional Law)  
Advocate, Peshawar.  
Cell: 0300-9357932

Dated:

1

**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

In Re:

Service Appeal No.78/2013

**Shah Khalid**

**V/S**

**Inspector General of Police**

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**REJOINDER ON BEHALF OF APPELLANT**

Respectfully Sheweth

**REJOINDER AS TO PRELIMINARY OBJECTIONS:**

- 1) That all the preliminary objections are baseless, incorrect, not sustainable and the appellant has got a cause of action and locus standi to file the instant appeal, which is within time, maintainable and has come to the Court with clean hands and had disclose all material facts to the Courts/ Tribunal.

**REJOINDER AS TO ON FACT:**

- 1-3 That Paras No.1, 2 and 3 of reply needs no comments, because no reply was given to the said paras of the appeal which amount to admission on behalf of answering respondents and facts admitted need not to be proved as per Article 113 of Qanoon-e-Shahdat.

- 2.
4. That Para-4 of reply is incorrect and baseless and respondents cannot deny the said documents attached with appeal as annexure "K to "M", because the said documents has been forwarded by respondent No.3 to respondent No.2 and 1.
  5. That Para-5 of reply needs no comments.
  6. That Para-6 of reply is incorrect and that of the appeal is correct and is clear from Annexure "R to T", that departmental appeal had been filed and forwarded to respondent No.1 by respondents No.2 & 3.

**REJOINDER AS TO OBJECTION ON FACTS**

- A-B That Para-A & B of reply are correct to the extent of award of Presidential Police Medal and cash of Rs.2,00,000/- to appellant but rest of the para is totally incorrect, baseless and the appellant is legally and lawfully entitle as per standing order No.6 of 2008 to promotion out of turn to the post of inspector.
- C. That Para-C of reply is incorrect and amount to misleading the Court because the standing order was issued on 04.06.2008 and as per chapter 22 Rule 53 of Police Rules attached with main appeal

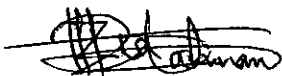


on Page 32 such like standing orders remain effective continuously for a period of Five years and the expiration time of that said standing order was 04.06.2013. But the appellant in 2012 before expiration of the said period applied for out of turn promotion to the post of inspector irrespective of the fact that as per para No.2 of standing order NO.6 of 2008 such promotion would be given automatically without proceeding and recommendation of the committee and is clear from standing order attach with appeal at page No.31.

- D. That Para NO.D of reply is incorrect and completely denied and no person will be effected from promotion of appellant because he is entitle to that promotion as of right as per standing order No.6 of 2008.
- E-F That Par No.E & F of reply are incorrect and baseless and detail reply has already been given in the above paras.
- G. That Para G of reply is correct to the extent of admission of life of standing order and award of PPM and Cash of Rs.2 lacs to appellant but rest of

4  
the para is totally baseless and incorrect and denied.

It is, therefore, respectfully prayed that on acceptance of instant rejoinder appeal of the appellant may be accepted as per prayer ~~as~~ prayed in the heading of the appeal.

Appellant  
Through   
**Zia-ur-Rehman Tajik**  
Advocate Peshawar

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**BEFORE THE KPK SERVICE TRIBUNAL, PESHAWAR**

In Re:

Service Appeal No.78/2013

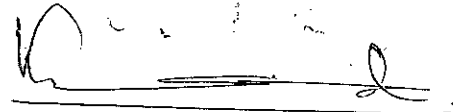
**Shah Khalid**

**V/S**

**Inspector General of Police**

**AFFIDAVIT**

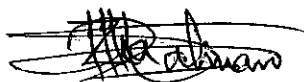
I, Shah Khalid Sub-Inspector (SI) Incharge Investigation No.18/M, Police Station Sammar Bagh, Dir Lower, do hereby affirm and declare on oath that the contents of the accompanying **Rejoinder** are true and correct to the best of my knowledge and belief and nothing has been concealed from this Hon'ble Court.



Identified by:

Deponent

CNIC No.16102-2280389-5



**Zia-ur-Rehman Tajik**  
Advocate High Court, Peshawar

