

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 6128/2020
Aqiq Hussain
DSP, Bannu

..... Appellant

VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & other

..... Respondents

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Deponent

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BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
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Service Appeal No. 6128/2020
Aqiq Hussain
DSP, Bannu

..... Appellant

VERSUS



Inspector General of Police,
Khyber Pakhtunkhwa & other

..... Respondents

PARAWISE COMMENTS BY RESPONDENTS.

Respectfully Sheweth:-
Preliminary Objections:-

- i. That the appellant has got no cause of action to file the instant appeal.
- ii. The appellant has got no locus standi.
- iii. That the appeal is bad for misjoinder and nonjoinder of necessary parties.
- iv. That the appellant has not placed private respondents, if so aggrieved from their seniority and their valuable rights are involved, thus the appeal is bad for nonjoinder / misjoinder of parties.
- v. That the appeal is not maintainable in its present form.
- vi. That the appellant has not filed any departmental appeal / revision petition and directly approached this Honorable Tribunal which against the rules and section-4 of Khyber Pakhtunkhwa Service Tribunal Act.
- vii. That the appellant has not approached with clean hand to this Honorable Tribunal and has no justification.
- viii. That final seniority list of DSsP have been issued by respondent No. 1 vide notification No. 1594/SE-1 dated 05.01.2022 and the appellant has been granted due seniority in accordance with Police Rule 13.18 of Police Rules 1934, hence the appeal is bad for law.
- ix. That the appeal is badly barred by law and limitation.

Facts:-

1. Recruitment of appellant as constable in Police department, pertains to his service record, hence needs no comments. Regarding promotion of the appellant from lower rank to higher, it is submitted that promotion in Police department is being carried out in accordance with the relevant provisions of chapter 13 of Rules ibid and various standing orders, subject to successfully

completion of mandatory training / courses, fulfilling the required criteria and availability of vacancies in the promotion rank in respective Police Region.

2. Detail reply is submitted in para No. 1 of the comments of facts. However, this para pertains to record.
3. Incorrect, the appellant has been promoted to the rank of ASI and brought on list E in accordance with the relevant rules. The notification annexed by appellant with his memorandum of appeal as annexure "C", pertains to officers of Malakand Region, which was notified as revised seniority on recommendation of Regional Police Officer, Malakand and Departmental Promotion Committee. Hence, it is not related to the appellant. It is pertinent to mention that the appellant had filed a representation to respondent No. 2, for grant of ante-date confirmation in his substantive rank of SI, which has been accepted by **respondent No. 2 vide order Endst: No. 7708-19 dated 05.09.2009, and the seniority of appellant has been revised w.e.from 30.06.2008 instead of 28.08.2009.** Hence, the grievance of the appellant has already been resolved. Copy of revised seniority order is **annexure A.**
4. According to Police Rules 13.9 & 13.10, lists D & E shall be maintained by each Deputy Inspector General of Police. In view of rules *ibid*, each Police Region in Khyber Pakhtunkhwa has maintained its own lists *ibid* in their respective Region. Thus the appellant has got no concern with the promotion on list E of official of the other Region. Further added that according to Rules 13.15(4) of the Rules *ibid*, seniority in list "F" will be in accordance with the date of entry in that list i.e list "F". Therefore, the appellant has been granted seniority accordingly. It is pertinent to mention that annexure D, referred by appellant with his appeal was notified on 20.03.2012 is old one, according to date of birth of Inspector Munawar Khan and some other officials have already been retired from service on superannuation. Hence, his seniority list is irrelevant.
5. Irrelevant. Seniority list of all officers / officials stood issue at the end of calendar year. The list enclosed by the appellant, pertains to 2011 and the plea advanced by the appellant is not justified, nor the appellant has submitted / identified his grievance from where, he is deprived.
6. Incorrect, the appellant has not been deprived from his rights / seniority. It is also added that has not annexed any valid documentary evidence in his plea. Again added that inclusion of official in list F is being maintained in accordance with the Rules-13.15 and Rules 13.15(4) of the Rules *ibid*, seniority in list "F" will be in accordance with the date of entry in that list i.e list "F". Hence, the seniority of appellant is maintained in accordance with the rules *ibid*.

7. Incorrect, the appellant has not been deprived from his seniority and if so he was aggrieved from the seniority list mentioned on his para he was at liberty to file departmental representation before the authorities concerned within 30 days of the notification, but the appellant failed. However, it is added that final seniority list of DSsP (BS-17) has been issued by respondent No. 1 vide notification No. 1594/EC dated 05.08.2022 and the name of appellant is placed at S. No. 101 of the list. Copy of final DSsP seniority list is **annexure B**.
8. Incorrect, as replied in para No. 4. According to Police Rules 13.9 & 13.10, lists D & E shall be maintained by each Deputy Inspector General of Police, therefore, the officials referred by appellant related to other districts and the appellant has got no concern with the officials, neither they are placed as respondents in the appeal. It is added that seniority of probationer ASIs and promotees has been maintained in Region concerned in accordance with the Police Rules 12.2 (3), which is reproduced as under:-

12.2. Seniority and probation:-

(3). All appointments of enrolled Police officers are on probation according to the rules in this Chapter applicable to each rank. Seniority to the case or upper subordinates, will be reckoned in the first instance from date of first appointment, officers promoted from a lower rank being considered senior to persons appointed direct on the same date, and the seniority of officers appointed direct on the same date being reckoned according to age, seniority shall, however be finally settled by dates of confirmation, the seniority inter se of several officers confirmed on the same date being that allotted to them on first appointment: Provided that any officer whose promotion or confirmation is delayed by reason of his being on deputation outside his range or district shall, on being promoted or confirmed, regular the seniority which the originally held vis-à-vis any officers promoted or confirmed before him during his deputation.

In view of the above, the plea advanced by the appellant is incorrect, unjustified / un-clarified.

9. Incorrect and not related to appellant as replied in para No. 3. Again added that it pertains to officers of Malakand Region, which was notified as revised seniority on recommendation of Regional Police Officer, Malakand and Departmental Promotion Committee. Further added that final seniority list of DSsP has been issued on 05.08.2022 by respondent No. 1 and the appellant if so aggrieved from the said seniority list may approach proper forum.
10. Incorrect, the appellant has not identified / challenged any revised seniority list nor mentioned / detailed names of officers from who his seniority is effected. Similarly, the officers have not been placed as private respondents.

Grounds:-

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- a. Incorrect, the appellant has not identified that impugned notification / order passed by the respondent No. 1.
- b. Incorrect, the appellant has not approached respondent No. 1 in any appeal / revision against any seniority list and directly approached this Honorable Tribunal after an unexplained delay and without any justification.
- c. As replied in above para, seniority list of all officers / officials is being issued at the end of each calendar year and communicated to all concerned / officers for information with the instruction as if any officer who has any objection on his seniority, he should submit his representation within a month (30 days) of issuance of seniority list, but the appellant has not filed any objection / seniority list within prescribed period. Furthermore, the appellant has neither annexed the seniority lists, nor the officers have been placed as respondents and they have valuable rights. In addition a final seniority list of DSsP has issued by respondent No. 1, which is annexure B of the comments.
- d. Incorrect, detail reply is submitted in the above paras, particularly in para No. 8 of the comments.
- e. Incorrect, the appellant has not described the notification in which he is deprived from seniority. However, it is added that the appellant has been granted revised seniority under Rule-13.18 vide DSsP final seniority list as annexure B.
- f. Each and every case has its own facts and merits, the case law referred by the appellant in para f of memorandum of appeal is related to absence of official / appellant.
- g. Incorrect, as submitted in preliminary objections, the appellant has not filed any representation against any seniority list to the respondent No. 1. Again added that the appellant had filed an application / representation to respondent No. 2 which was decided and the appellant has been granted revised seniority w.e.from 30.06.2008 instead of 28.08.2009 **vide order Endst: No. 7708-19 dated 05.09.2009.**
- h. Para h of memorandum of appeal reproduced as "**that the petitioner never ever remains absent from his duties till date**" is not related to the instant appeal, nor has any relevancy with the alleged seniority issue of the appellant.
- i. The case law i.e 2003 PLC (C.S) 1468 quoted by appellant in para - i of his appeal is irrelevant as, it pertains to deferment of promotion of a civil servant on grounds of adverse remarks about his integrity in his ACR and pendency of criminal case against him and the writ petition was dismissed by the Honorable Lahore High Court in writ petition No. 778 of 2003. Hence, the appellant has quoted irrelevant case law. Copy of case law is **annexure C.**

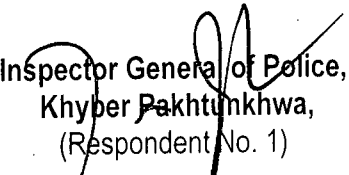
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Incorrect, the appellant has been assigned due seniority in accordance with Police Rules mentioned above after qualifying the required criteria. Further added that the appellant has been granted revised seniority in the rank of sub inspector vide order of respondent No. 2 as annexure A and in Final Seniority List of DSsP according to Rules 13.18 of Rules ibid as annexure B.

- k. The respondents may also be allowed to advance other grounds during the course of arguments.

Prayer:-

In view of the above, it is prayed that the appeal is contrary to facts, law & rules, devoid of merits and not maintainable, may graciously be dismissed with costs.


Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No. 1)


Dy: Inspector General of Police
Kohat Region, Kohat
(Respondent No. 2)

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 6128/2020
Aqiq Hussain
DSP, Bannu

..... Appellant

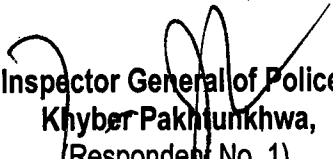
VERSUS

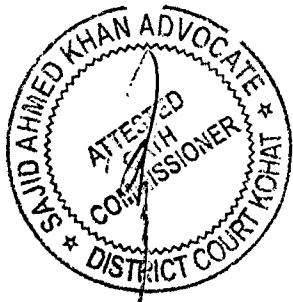
Inspector General of Police,
Khyber Pakhtunkhwa & other


..... Respondents

COUNTER AFFIDAVIT

We, the below mentioned respondents, do hereby solemnly affirm and declare on oath that contents of parawise comments are correct and true to the best of our knowledge and belief. Nothing has been concealed from this Hon: Tribunal.


Inspector General of Police,
Khyber Pakhtunkhwa,
(Respondent No. 1)




Dy: Inspector General of Police
Kohat Region, Kohat
(Respondent No. 2)

This order will dispose off the application preferred by (SI) Syed Aqij Hussain of Kohat District Police requesting therein for Anti Date of confirmation in his substantive rank of SI vide this office Order Endst: No.7803-8/EC, dated 28.08.2009.


Brief facts of the case are that the applicant alongwith other Ten (10) Offg: SIs of this Region have been confirmed in his substantive rank of SIs with effect from 28.08.2009, aggrieved from the Order passed by this office he submitted the instead application.

A committee comprising Mr. Attiqullah Wazir SSP Investigation Kohat and Mr. Falak Nawaz Khan Inspector Legal Karak was constituted for scrutinize / examine the as per law and rules and submit opinion. The committee examined the case in the light of Section 07 (5) of NWFP Civil Servant Act -1973, the order passed by this office is required for reviewing from the date in which vacancy occurred of permanent posts.

On the recommendation of committee, the undersigned accepted his application, therefore, the date of confirmation of the applicant alongwith with the following SIs of this Region are hereby reviewed with effect from 30.06.2008 (instead of 28.08.2009 and their Offg: period is counting towards probation period under Police Rules 13.18 of Punjab Police Rules:-

1. Offg: SI. Muhammad Nifal No.15/K
2. Offg: SI. Naserullah No.17/K
3. Offg: SI. Aqij Hussain
4. Offg: SI. Falak Nawaz No.
5. Offg: SI. Mazhar Jehan
6. Offg: SI. Gul Sarwar
7. Offg: SI. Muhammad Ghani
8. Offg: SI. Gul Shadi Khan
9. Offg: SI. Syed Shaukat Ali Shah
10. Offg: SI. Afsar Khan
11. Offg: SI. Khalid ~~Khan~~ Usman


Necessary gazatte notification may please be issued accordingly.


(ABDULLAH KHAN) P.S.P
Dy: Inspector General of Police,
Kohat Region, Kohat.

No. 7708-19/EC, dated Kohat the 05/9 2009.

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

1. Provincial Police Officer, NWFP Feshawar.
2. All District Police Officers, in Kohat Region. / DPO District
3. All Heads of Inv: Wings, in Kohat Region.
4. Asstt: Secret Region Office, Kohat.


(ABDULLAH KHAN) P.S.P
Dy: Inspector General of Police,
Kohat Region, Kohat.



OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Phone No. 091-9212326

Amir
B

No.CPO/E-II 1593

Dated Peshawar

15 August, 2022

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To: All Heads of Unit,
Khyber Pakhtunkhwa

The Capital City Police Officer,
Peshawar

The Regional Police Officers,
Kohat, Bannu, D.I.Khan, Mardan, Hazara & Malakand Regions.

Subject: FINAL SENIORITY LIST 2022

Memo:

I am directed to refer to the subject cited above and to state that the final seniority list of officers of (BS-17/DSP) Executive officers, has been issued for the year 2022 and uploaded on Khyber Pakhtunkhwa Police website.

(DR. ZAHID ULLAH)^{PSP}

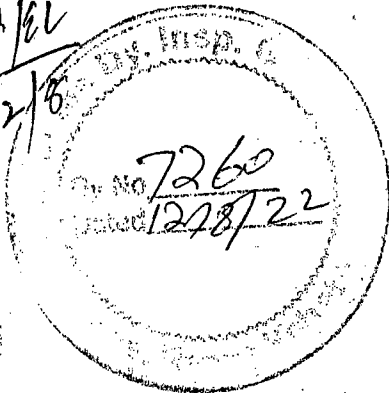
AIG Establishment,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar

Endst: No. & date even.

Copy forwarded to the:-

1. Additional Inspector General of Police HQrs: Khyber Pakhtunkhwa.
2. Deputy Inspector General of Police HQrs: Khyber Pakhtunkhwa.
3. PSO to IGP Khyber Pakhtunkhwa.
4. Director IT CPO Peshawar has requested to upload the seniority lists on Khyber Pakhtunkhwa Police website by today.
5. DSP and In-charge Operations Room CPO fax to all RPOs/Heads of Police by today please.

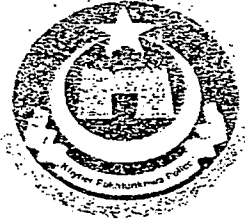
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EC
for instruction

AF
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA

07/07/22



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

FINAL SENIORITY LIST OF DSsP BS-17 OF KHYBER PAHTUNKHWA POLICE

Dated: 05, 10, 2022

No. 1594/SE-I, The Final Seniority List of DSsP BS-17 of Khyber Pakhtunkhwa Police is hereby published for information to all concerned

Sr. No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
1.	Mr. Qaid Kamal	01.01.1963	Charsadda	01.01.1994	01.01.1996	07.11.2012
2.	Muhammad Aieen Jan	11.04.1967	Peshawar	30.01.1996	30.01.1998	24.01.2014
3.	Mr. Aamir Shahzad	09.08.1968	Peshawar	30.01.1996	30.01.1998	30.06.2011
4.	Mr. Muhammad Arif	10.03.1969	Peshawar	30.01.1996	30.01.1998	19.03.2012
5.	Mr. Waqar Ahmad	03.01.1968	Nowshera	01.04.1997	01.04.1999	19.03.2012
6.	Mr. Muhammad Shafiq	13.01.1963	Bannu	01.10.1997	01.10.1999	19.03.2012
7.	Mr. Muhammad Arif	22.04.1964	Bannu	01.10.1997	01.10.1999	07.11.2012
8.	Mr. Gul Naseeb	09.11.1968	Bannu	01.10.1997	01.10.1999	19.03.2012
9.	Mr. Sanauallah	10.01.1969	Lakki	01.10.1997	01.10.1999	31.03.2012
10.	Mr. Amir Muhammad Khan	07.01.1970	Buner	14.10.1997	14.10.1999	19.03.2012
11.	Mr. Ali Hassan	06.03.1965	K.Agency	28.01.1998	28.01.2000	24.08.2020
12.	Mr. Mukhtiar Ahmad	04.02.1969	Abbottabad	20.02.1998	20.02.2000	30.06.2011
13.	Mr. Tahir ur Rahman	28.02.1969	Haripur	20.06.1998	20.06.2000	19.03.2012
14.	Mr. Muhammad Suleman	28.07.1970	Mansehra	20.06.1998	20.06.2000	30.06.2011
15.	Mr. Janas Khan	10.02.1965	Abbottabad	20.06.1998	20.06.2000	20.01.2011
16.	Mr. Zulfqar Khan Jadcon	15.06.1963	Abbottabad	26.05.1987	20.06.2000	25.03.2013
17.	Mr. Asad Mehmood	08.03.1968	Swabi	-	07.09.2000	24.10.2014
18.	Mr. Asif Gohar	07.08.1964	Mansehra	26.04.2000	26.04.2002	20.01.2011
19.	Mr. Tahir Iqbal	20.01.1969	Haripur	26.04.2000	26.04.2002	25.03.2013

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Sr. No	Name of Officers	Date of Birth	Domicile	Date of Si Promotion	Date of confirmation as Si as per Police Rules 13.18	D.O Promotion as DSP
20.	Mr. Khabir Muhammad	01.01.1972	Abbottabad	26.04.2000	26.04.2002	12.09.2014
21.	Mr. Zahid-ur-Rehman	25.03.1970	Haripur	26.04.2000	26.04.2002	08.04.2016
22.	Mr. Qamar Hayat	08.04.1971	Haripur	26.04.2000	26.04.2002	07.11.2012
23.	Mr. Ijaz Ahmad	05.04.1963	Mansehra	26.04.2000	26.04.2002	12.09.2014
24.	Mr. Arshad Mehmood	15.08.1964	Mansehra	26.04.2000	26.04.2002	12.09.2014
25.	Muhammad Javed	03.06.1963	Mansehra	26.04.2000	26.04.2002	27.10.2015
26.	Mr. Falak Niaz	01.04.1965	Swabi	02.05.2000	02.05.2002	07.11.2012
27.	Mr. Tajamul Khan	30.09.1965	Swabi	03.07.2000	03.07.2002	24.01.2014
28.	Mr. Tariq Habib	05.09.1968	Peshawar	20.09.2000	20.09.2002	31.03.2012
29.	Mr. Nisar Ahmad	02.11.1973	Charsadda	20.09.2000	20.09.2002	31.03.2012
30.	Mr. Tariq Iqbal	13.04.1974	Peshawar	20.09.2000	20.09.2002	31.03.2012
31.	Mr. Aslam Nawaz	01.03.1972	Bannu	20.09.2000	20.09.2002	31.03.2012
32.	Mr. Ishtiaq Ahmad	01.11.1971	Lakki	20.09.2000	20.09.2002	07.11.2012
33.	Mr. Saleem Aman Ullah	23.03.1970	Peshawar	29.01.2001	29.01.2003	19.07.2013
34.	Mr. Abdur Rashid Marwat	30.03.1963	Lakki	01.06.2001	01.06.2003	25.03.2013
35.	Mr. Iftikhar Shah	30.04.1966	Mardan	02.06.2001	02.06.2003	25.03.2016
36.	Mr. Noor Jamal	10.01.1966	Mardan	31.07.2001	31.07.2003	31.03.2012
37.	Syed Mukhtiar Shah	18.10.1967	Haripur	17.11.2001	17.11.2003	24.01.2014
38.	Mr. Nazir Ahmad	02.02.1970	Abbottabad	17.11.2001	17.11.2003	07.11.2012
39.	Mr. Saeed Akhtar	02.02.1971	Haripur	17.11.2001	17.11.2003	07.11.2012
40.	Mr. Niaz Gul	07.03.1971	Abbottabad	17.11.2001	17.11.2003	24.01.2014
41.	Mr. Muhammad Ishtiaq	04.05.1973	Mansehra	17.11.2001	17.11.2003	24.01.2014
42.	Mr. Muhammad Maroof	05.10.1974	Abbottabad	17.11.2001	17.11.2003	02.04.2015
43.	Mr. Muhammad Ayaz	03.03.1975	Abbottabad	17.11.2001	17.11.2003	07.11.2012
44.	Muhammad Jamil Akhtar	22.02.1977	Haripur	17.11.2001	17.11.2003	07.11.2012
45.	Mr. Abdul Hai Khan	01.08.1972	D.I.Khan	23.11.2001	23.11.2003	19.07.2013
46.	Syed Inayat Ali Shah	10.01.1972	D.I.Khan	23.11.2001	23.11.2003	24.01.2014
47.	Mr. Niaz Muhammad	11.02.1971	Swabi	29.11.2001	29.11.2003	25.03.2013
48.	Mr. Hameed Ullah	25.04.1974	Mardan	01.12.2001	01.12.2003	24.01.2014
49.	Mr. Sajjad Ahmad	01.04.1968	Swabi	01.12.2001	01.12.2003	25.03.2013
50.	Mr. Shah Hassan	01.05.1968	Mardan	01.12.2001	01.12.2003	08.04.2013
51.	Mr. Nazir Khan	18.10.1970	Mardan	01.12.2001	01.12.2003	19.07.2013
52.	Sajjad Ahmad Sahibzada	02.02.1971	Swabi	01.12.2001	01.12.2003	08.04.2013
53.	Mr. Muzamil Shah	08.03.1972	Swabi	01.12.2001	01.12.2003	25.03.2013
54.	Mr. Mushtaq Ahmad	15.03.1970	Swabi	01.12.2001	01.12.2003	25.03.2013

P.P.

Sr. No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
55.	Mr. Shaukat Ali	05.03.1971	Swabi	01.12.2001	01.12.2003	30.11.2012
56.	Mr. Abdul Samad	14.04.1969	Swabi	01.12.2001	01.12.2003	25.03.2013
57.	Mr. Muhammad Khalid	01.01.1970	Chitral	01.12.2001	01.12.2003	24.01.2014
58.	Mr. Zia Hassan	01.11.1974	DIKhan	13.12.2001	13.12.2003	02.01.2014
59.	Mr. Salah-ud-Din	15.01.1970	Tank	24.01.2002	24.01.2004	07.11.2012
60.	Mr. Shafiullah	01.04.1971	DIKhan	24.01.2002	24.01.2004	07.11.2012
61.	Mr. Tauheed Khan	20.10.1963	DIKhan	25.01.2002	25.01.2004	19.03.2012
62.	Mr. Rahim Hussain	11.05.1970	Shangla	17.10.2002	17.10.2004	12.09.2014
63.	Mr. Amjad Hussain	24.03.1971	Mansehra	17.10.2002	17.10.2004	12.09.2014
64.	Mr. Murad Ali	09.01.1973	Bannu	30.09.2000	30.09.2002	02.04.2015
65.	Mr. Ali Gohar	23.03.1968	K. Agency	13.01.2003	13.01.2005	02.04.2015
66.	Mr. Habib Ur Rehman	04.03.1966	Mansehra	20.02.2003	20.02.2005	30.09.2016
67.	Mr. Nasir Khan	20.12.1972	Peshawar	20.02.2003	20.02.2005	30.01.2018
68.	Mr. Waqar Ahmad	12.04.1974	Charsadda	01.05.2003	01.05.2005	02.04.2015
69.	Mr. Abdus Salam Khalid	24.06.1976	Lakki	01.05.2003	01.05.2005	25.03.2016
70.	Mr. Sajjad Hussain	23.03.1976	Nowshera	23.06.2003	23.06.2005	02.04.2015
71.	Muhammad Tahir Shah	01.03.1972	Bannu	24.07.2003	24.07.2005	24.01.2014
72.	Mr. Safdar Khan	30.04.1971	Kohat	29.08.2003	29.08.2005	02.04.2015
73.	Mr. Hidavat Ullah Shah	20.04.1965	Swabi	20.12.2003	20.12.2005	25.03.2016
74.	Mr. Shakeel Ahmad	14.04.1969	Charsadda	20.12.2003	20.12.2005	12.09.2014
75.	Mr. Khan Khel	10.04.1969	Mardan	20.12.2003	20.12.2005	24.01.2014
76.	Mr. Muhammad Saeed	04.05.1969	Mardan	20.12.2003	20.12.2005	12.09.2014
77.	Mr. Rasheed Iqbal	15.01.1974	Mardan	20.12.2003	20.12.2005	25.03.2016
78.	Mr. Muhammad Fayaz	07.03.1974	Mardan	20.12.2003	20.12.2005	25.03.2016
79.	Ms. Aneela Naz	09.10.1971	Peshawar	01.01.2004	01.01.2006	02.04.2015
80.	Ms. Asmat Ara	15.04.1975	Swabi	01.01.2004	01.01.2006	02.04.2015
81.	Mrs. Shazia Shahid	30.04.1976	Charsadda	01.01.2004	01.01.2006	02.04.2015
82.	Mr. Mujeeb Ur Rehman	02.04.1969	Bannu	08.04.2004	08.04.2006	02.04.2015
83.	Mr. Nisar Muhammad	20.01.1973	Lakki	17.04.2004	17.04.2006	24.01.2014
84.	Mr. Rahmat Ullah	05.03.1971	Nowshera	31.05.2004	31.05.2006	24.10.2014
85.	Mr. Mustafa Kamal Pasha	01.09.1969	Bannu	07.10.2004	07.10.2006	02.04.2015
86.	Mr. Azmat Ali Khan	06.01.1970	Bannu	07.10.2004	07.10.2006	02.04.2015
87.	Mr. Shabir Hussain Shah	15.06.1972	Lakki	07.10.2004	07.10.2006	18.08.2015
88.	Arbab Shafiullah Jan	09.10.1966	Peshawar	22.11.2004	22.11.2006	02.01.2014
89.	Mr. Rafiullah	12.03.1968	Peshawar	22.11.2004	22.11.2006	02.01.2014

Sr. No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
90.	Muhammad Atiq Shah	01.09.1978	Charsadda	22.11.2004	22.11.2006	06.02.2014
91.	Mr. Yasir Aman	11.08.1970	Peshawar	22.11.2004	22.11.2006	02.04.2015
92.	Mr. Naseer Ali	03.10.1975	Charsadda	22.11.2004	22.11.2006	30.09.2016
93.	Mr. Murad Ali	13.04.1965	Charsadda	22.11.2004	22.11.2006	15.11.2016
94.	Mr. Aurang Zeb	05.01.1970	Mansehra	04.12.2004	04.12.2006	30.09.2016
95.	Mr. Sajjad Haider	20.04.1970	Abbottabad	04.12.2004	04.12.2006	15.11.2016
96.	Mr. Muhammad Ilyas	01.04.1973	Mardan	07.12.2004	07.12.2006	18.08.2015
97.	Mr. Arshad Khan	30.05.1974	Peshawar	08.12.2004	08.12.2006	07.03.2017
98.	Ms. Nazia Naureen	01.12.1970	Abbottabad	09.12.2004	09.12.2006	12.09.2014
99.	Mrs. Shahzadi Noshad	10.04.1972	Hangu	09.12.2004	09.12.2006	12.09.2014
100.	Mr. Alamzeb	12.02.1980	Mardan	23.12.2004	23.12.2006	24.10.2014
101.	Mr. Aqiq Hussain	01.04.1965	Kohat	10.01.2005	10.01.2007	18.08.2015
102.	Mr. Falak Nawaz	03.02.1969	Kohat	10.01.2005	10.01.2007	25.03.2016
103.	Mr. Mazhar Jehan	12.12.1970	Kohat	10.01.2005	10.01.2007	24.08.2020
104.	Mr. Khalid Usman	06.01.1967	Karak	10.01.2005	10.01.2007	18.08.2015
105.	Mr. Asad Zubair	15.01.1980	Kohat	10.01.2005	10.01.2007	29.11.2018
106.	Mr. Muhammad Riaz	13.08.1973	Karak	10.01.2005	10.01.2007	24.08.2020
107.	Mr. Zafar Khan	10.01.1963	Buner	16.04.2005	16.04.2007	24.10.2014
108.	Mrs. Rozia Altaf	30.07.1969	Peshawar	13.05.2005	13.05.2007	02.04.2015
109.	Ms. Hamida Bano	04.12.1970	Peshawar	13.05.2005	13.05.2007	02.04.2015
110.	Mr. Muhammad Ismail	12.01.1966	Lakki	07.06.2005	07.06.2007	25.03.2016
111.	Mr. Mehmood Nawaz	07.03.1974	Lakki	02.07.2005	02.07.2007	30.01.2018
112.	Mr. Muhammad Sattar Khan	04.04.1964	Chitral	13.07.2005	13.07.2007	25.03.2016
113.	Mr. Muhammad Zaman	01.01.1965	Buner	13.07.2005	13.07.2007	25.03.2016
114.	Mr. Riaz Muhammad	10.12.1962	Swabi	13.07.2005	13.07.2007	15.11.2016
115.	Mr. Rizwan Habib	19.04.1974	Mansehra	28.12.2005	28.12.2007	12.09.2014
116.	Mr. Jehangir Khan	10.11.1965	Abbottabad	28.12.2005	28.12.2007	24.10.2014
117.	Mr. Shah Mumtaz	20.02.1965	Dir Lower	27.05.2006	27.05.2008	30.01.2018
118.	Mr. Zahoor Ahmed	01.01.1980	Dir Lower	27.05.2006	27.05.2008	24.08.2020
119.	Mr. Zafar Ahmad	10.01.1979	Chitral	27.05.2006	27.05.2008	30.01.2018
120.	Mr. Farmanullah	27.10.1978	Dir Lower	27.05.2006	27.05.2008	30.01.2018
121.	Mr. Wahid Ullah	01.04.1981	Dir Lower	27.05.2006	27.05.2008	24.08.2020
122.	Mr. Iftikhar Ali Shah	11.05.1976	Bannu	25.08.2006	25.08.2008	15.11.2016
123.	Mr. Amir Hussain	25.05.1965	Swabi	07.11.2006	07.11.2008	30.09.2016
124.	Mr. Sher Afsar	09.02.1963	Swabi	23.11.2006	23.11.2008	29.11.2018

Sr. No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
125.	Mr. Muhammad Rauf	04.04.1963	Mardan	23.11.2006	23.11.2008	25.03.2016
126.	Mr. Rokhan Zeb	07.04.1965	Swabi	18.04.2007	18.04.2009	25.03.2016
127.	Mr. Janzada	01.04.1963	Charsadda	16.07.2007	16.07.2009	25.03.2016
128.	Mr. Zahid Khan	08.04.1967	Mkd. Agency	20.10.2007	20.10.2009	29.11.2018
129.	Mr. Badshah Hazrat	15.02.1969	Dir Lower	20.10.2007	20.10.2009	29.11.2018
130.	Mr. Naveed Iqbal	13.03.1981	Swat	20.10.2007	20.10.2009	29.11.2018
131.	Mr. Ajmal Khan	15.05.1982	Mkd. Agency	20.10.2007	20.10.2009	16.05.2019
132.	Mr. Atiq-ur-Rehman	01.11.1981	Chitral	20.10.2007	20.10.2009	24.08.2020
133.	Mr. Shahid Adnan	27.03.1973	D.I.Khan	03.11.2007	03.11.2009	30.01.2018
134.	Mr. Muhammad Saleem Tariq	01.03.1969	DIKhan	03.11.2007	03.11.2009	29.11.2018
135.	Mr. Gul Shid Khan	01.06.1980	Charsadda	04.11.2007	04.11.2009	30.01.2018
136.	Mr. Shaheen Shah Gohar	03.03.1971	Charsadda	24.11.2007	24.11.2009	07.03.2017
137.	Mr. Gohar Ali	15.11.1974	Peshawar	19.12.2007	19.12.2009	30.09.2016
138.	Mr. Riaz Khan	03.02.1975	Peshawar	19.12.2007	19.12.2009	30.09.2016
139.	Mr. Fazal Wahid	12.01.1971	Malakand	19.12.2007	19.12.2009	30.09.2016
140.	Mr. Amjid Ali	24.04.1969	Swabi	14.03.2008	14.03.2010	30.09.2016
141.	Mr. Izhar Shah	06.03.1966	Mardan	26.03.2008	26.03.2010	30.09.2016
142.	Mr. Sher Rehman	05.04.1964	Mardan	03.04.2008	03.04.2010	15.11.2016
143.	Mr. Jamil-ur-Rehman	16.04.1974	Abbottabad	07.01.2002	-	12.03.2018
144.	Mr. Muhammad Iqar	11.02.1963	Mansehra	08.04.2008	08.04.2010	10.05.2019
145.	Mr. Shah Nawaz	06.06.1967	Mansehra	08.04.2008	08.04.2010	24.08.2020
146.	Mr. Muhammad Khurshid	12.01.1963	Mansehra	08.04.2008	08.04.2010	07.03.2017
147.	Mr. Muhammad Altaf	12.03.1969	Haripur	08.04.2008	08.04.2010	30.09.2016
148.	Mr. Fazal Wahid	01.12.1968	Mardan	19.04.2008	19.04.2010	29.11.2018
149.	Mr. Muslim Khan	16.02.1970	Mardan	21.04.2008	21.04.2010	30.01.2018
150.	Mr. Muhammad Saddique	10.11.1968	Abbottabad	21.04.2008	21.04.2010	30.01.2018
151.	Mr. Faqir Hussain	02.02.1967	Peshawar	21.04.2008	21.04.2010	29.11.2018
152.	Mr. Naseer Khan	01.04.1963	Charsadda	21.04.2008	21.04.2010	15.11.2016
153.	Mr. Hukam Khan	14.03.1969	Charsadda	21.04.2008	21.04.2010	30.01.2018
154.	Mr. Arab Nawaz	11.02.1969	Charsadda	21.04.2008	21.04.2010	15.11.2016
155.	Mr. Mehar Ali	01.01.1969	Nowshera	21.04.2008	21.04.2010	30.01.2018
156.	Mr. Yar Nawab	05.11.1963	Mardan	21.04.2008	21.04.2010	30.01.2018
157.	Mr. Iftikhar Ali	10.02.1968	Charsadda	21.04.2008	21.04.2010	30.01.2018
158.	Mr. Nasir Khan	22.11.1968	Charsadda	21.04.2008	21.04.2010	30.01.2018
159.	Mr. Hazrat Ullah	05.01.1964	Charsadda	21.04.2008	21.04.2010	30.01.2018

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Sr.No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI-as per Police Rules 13.18	D.O Promotion as DSP
160.	Mr. Fazal Dad	16.03.1966	Charsadda	21.04.2008	21.04.2010	16.05.2019
161.	Mr. Abdullah Jan	24.10.1963	Peshawar	21.04.2008	21.04.2010	18.02.2022
162.	Mr. Liaqat Ali	08.04.1964	Charsadda	21.04.2008	21.04.2010	30.01.2018
163.	Mr. Tayyab Jan	01.05.1970	Charsadda	21.04.2008	21.04.2010	30.01.2018
164.	Mr. Asif Mehmood	25.04.1975	Bannu	04.07.2008	04.07.2010	18.02.2022
165.	Mr. Ghulam Sadiq	01.02.1968	Mkd: Agency	05.08.2008	05.08.2010	16.05.2019
166.	Mr. Roshan Zeb	16.02.1964	Mardan	26.08.2008	26.08.2010	30.01.2018
167.	Mr. Fazal Subhan	02.05.1968	Nowshera	26.08.2008	26.08.2010	30.01.2018
168.	Mr. Muhammad Ijaz Khan	01.09.1977	Charsadda	26.08.2008	26.08.2010	15.11.2016
169.	Mr. Muhammad Yaseen	30.03.1975	Charsadda	10.09.2008	10.09.2010	15.11.2016
170.	Mr. Ibrar Khan	20.05.1970	Abbottabad	19.09.2008	19.09.2010	15.11.2016
171.	Mr. Muhammad Yaseen	28.12.1973	Haripur	19.09.2008	19.09.2010	07.03.2017
172.	Mr. Iftikhar Ahmad	10.05.1968	Mansehra	19.09.2008	19.09.2010	14.03.2017
173.	Mr. Farhad Ali	16.11.1962	Mardan	19.09.2008	19.09.2010	16.05.2019
174.	Mr. Zakir Hussain	09.03.1966	Abbottabad	19.09.2008	19.09.2010	30.01.2018
175.	Mr. Azam-Ali Shah	01.01.1963	Abbottabad	19.09.2008	19.09.2010	16.05.2019
176.	Mrs. Samina Zafar	25.12.1975	Haripur	19.09.2008	19.09.2010	07.03.2017
177.	Mr. Mehboob	16.12.1965	Abbottabad	19.09.2008	19.09.2010	07.03.2017
178.	Mr. Muhammad Hamayun	01.04.1963	Abbottabad	19.09.2008	19.09.2010	30.01.2018
179.	Mr. Ghulam Muhammad	01.11.1963	Mansehra	19.09.2008	19.09.2010	30.01.2018
180.	Mr. Zahoor-Ud- Din Khan	05.05.1963	D.I.Khan	03.12.2008	03.12.2010	15.11.2016
181.	Mr. Muhammad Nabi	09.10.1966	Charsadda	30.12.2008	30.12.2010	30.01.2018
182.	Mr. Ayaz Mehmood	20.02.1971	Mardan	30.12.2008	30.12.2010	30.01.2018
183.	Mr. Shakeel Ahmed	01.01.1974	Peshawar	29.01.2009	-	30.12.2019
184.	Mr. Hussain Ghulam	10.03.1970	Hangu	28.07.2009	28.07.2011	16.05.2019
185.	Mr. Muhammad Akbar	14.05.1963	Mardan	11.08.2009	11.08.2011	18.02.2022
186.	Mr. Zareef Khan	01.01.1969	Swabi	11.08.2009	11.08.2011	18.02.2022
187.	Mr. Bashir Dad	14.04.1972	Mardan	28.08.2009	28.08.2011	30.01.2018
188.	Mr. Arshad Hussain	15.05.1967	Shangla	28.08.2009	28.08.2011	16.05.2019
189.	Mr. Matloob Khan	13.04.1970	Haripur	28.08.2009	28.08.2011	24.08.2020
190.	Mr. Shah Nawaz	08.08.1965	Mansehra	28.08.2009	28.08.2011	30.09.2016
191.	Mr. Fazal Wahab	15.01.1965	Mardan	28.08.2009	28.08.2011	24.08.2020
192.	Mr. Jehanzeb Khan	30.11.1966	Abbottabad	28.08.2009	28.08.2011	24.08.2020
193.	Mr. Muhammad Amin	06.09.1962	Abbottabad	28.08.2009	28.08.2011	18.02.2022
194.	Mr. Muhammad Sohail	30.04.1977	Mansehra	28.08.2009	28.08.2011	19.04.2022

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Sr. No.	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
195.	Mr. Muhammad Yousaf	24.08.1964	Haripur	13.10.2009	13.10.2011	24.08.2020
196.	Mr. Muhammad Sajjad	24.03.1969	Mansehra	13.10.2009	13.10.2011	24.08.2020
197.	Mr. Fida Muhammad	11.12.1964	Abbottabad	13.10.2009	13.10.2011	24.08.2020
198.	Mr. Alam Zeb	10.11.1963	Mardan	18.11.2009	18.11.2011	30.01.2018
199.	Mr. Saeed Khan	15.04.1964	Peshawar	18.11.2009	18.11.2011	30.01.2018
200.	Mr. Muhammad Ishaq	21.12.1968	Nowshera	18.11.2009	18.11.2011	16.05.2019
201.	Mr. Pasham Gul	29.04.1963	Mardan	18.11.2009	18.11.2011	30.01.2018
202.	Mr. Nasrullah Khan	20.04.1968	Peshawar	18.11.2009	18.11.2011	18.02.2022
203.	Mr. Janan Habib	16.05.1964	Charsadda	18.11.2009	18.11.2011	24.08.2020
204.	Mr. Amir Nawaz	20.03.1970	Charsadda	18.11.2009	18.11.2011	29.11.2018
205.	Mr. Afsar Zaman	01.09.1969	Mardan	18.11.2009	18.11.2011	29.11.2018
206.	Mr. Rajab Ali	09.02.1975	Kohat	18.11.2009	18.11.2011	24.08.2020
207.	Mr. Noor Ullah	10.05.1964	Peshawar	18.11.2009	18.11.2011	30.01.2018
208.	Mr. Mukhtiar Ahmad	03.12.1964	Charsadda	18.11.2009	18.11.2011	30.01.2018
209.	Mr. Muhammad Irfan	01.08.1970	Karak	12.07.1997	12.07.1999	16.05.2019
210.	Mr. Arshad Ahmed	06.01.1982	Nowshera	01.01.2010	01.01.2012	24.08.2020
211.	Mr. Muhammad Kamran	12.02.1981	Malakand	01.01.2010	01.01.2012	18.02.2022
212.	Mr. Sajid Mumtaz	27.12.1979	Charsadda	01.01.2010	01.01.2012	18.02.2022
213.	Mr. Fida Hussain	21.01.1983	Peshawar	01.01.2010	01.01.2012	18.02.2022
214.	Mr. Ijaz Ali	10.04.1983	Charsadda	01.01.2010	01.01.2012	18.02.2022
215.	Mr. Zaka Ullah	01.10.1965	Nowshera	01.01.2010	01.01.2012	18.02.2022
216.	Mr. Ali Khan	20.02.1968	Mkd Agency	01.01.2010	01.01.2012	24.08.2020
217.	Mr. Abdur Rashid	03.05.1968	Charsadda	01.01.2010	01.01.2012	29.11.2018
218.	Mr. Khalid Khan	02.01.1969	Nowshera	01.01.2010	01.01.2012	29.11.2018
219.	Mr. Niaz Muhammad	14.09.1973	Charsadda	01.01.2010	01.01.2012	29.11.2018
220.	Mr. Taj Muhammad Khan	13.02.1979	Nowshera	01.01.2010	01.01.2012	18.02.2022
221.	Mr. Tauheed Ullah	08.04.1982	Charsadda	01.01.2010	01.01.2012	29.11.2018
222.	Mr. Ijaz Ali	14.05.1978	Charsadda	01.01.2010	01.01.2012	18.02.2022
223.	Mr. Adnan Azam	16.06.1984	Charsadda	01.01.2010	01.01.2012	18.02.2022
224.	Mr. Zahid Alam	15.07.1987	Peshawar	01.01.2010	01.01.2012	18.02.2022
225.	Mr. Rehmatullah	07.03.1986	Peshawar	01.01.2010	01.01.2012	18.02.2022
226.	Mr. Muhammad Inam Jan	15.03.1979	Mardan	20.03.2010	20.03.2012	18.02.2022
227.	Mr. Luqman Khan	15.01.1980	Mardan	20.03.2010	20.03.2012	18.02.2022
228.	Mr. Ikhtiraz Khan	14.01.1985	Mardan	20.03.2010	20.03.2012	18.02.2022
229.	Pir Zar Badshah	25.05.1972	Mkd Agy	20.03.2010	20.03.2012	18.02.2022

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Sr. No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
230.	Mr. Muhammad Fazil	03.12.1978	Swabi	20.03.2010	20.03.2012	18.02.2022
231.	Mr. Imtiaz Ali	03.01.1977	Mardan	20.03.2010	20.03.2012	18.02.2022
232.	Mr. Sabir Gul	04.03.1984	Mardan	20.03.2010	20.03.2012	18.02.2022
233.	Mr. Azmat Ali	01.04.1978	Kohat	11.07.2010	11.07.2012	18.02.2022
234.	Mr. Sadat Khan	06.04.1983	Kohat	24.08.2010	24.08.2012	18.02.2022
235.	Mr. Fazal Hanif	01.01.1974	Karak	24.08.2010	24.08.2012	18.02.2022
236.	Mr. Nazar Hussain	10.01.1975	Hangu	24.08.2010	24.08.2012	18.02.2022
237.	Mr. Muhammad Yousaf	10.04.1975	Karak	24.08.2010	24.08.2012	18.02.2022
238.	Mr. Nazir Khan	02.04.1977	Kohat	24.08.2010	24.08.2012	18.02.2022
239.	Mr. Abid Khan	01.03.1979	Kohat	24.08.2010	24.08.2012	18.02.2022
240.	Mr. Umar Hayat	01.02.1984	Karak	24.08.2010	24.08.2012	18.02.2022

(DR. ZAHID ULLAH) PSP

AIG/Establishment

For Inspector General of Police,

Khyber Pakhtunkhwa,

Peshawar

Endst: No. & date even.

Copy to all concerned

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[Lahore High Court]

Before Syed Jamshed Ali, J

ABDUL SAEED KHAN

Versus

SECRETARY EDUCATION, GOVERNMENT OF THE PUNJAB, CIVIL SECRETARIAT,
LAHORE and 4 others

Writ Petition No. 778 of 2003, decided on 13th June, 2003.

Punjab Civil Servants (Efficiency and Discipline) Rules, 1999---

---Rr.4(1)(a)(ii), 5 & 7---Punjab Removal from Service (Special Powers) Ordinance (IV of 2000), S.13--Punjab Civil Servants Act (VIII of 1974), S.23.(2)---Deferment of promotion---Promotion of civil servant from BS-16 to BS-17 was deferred on grounds: of adverse remarks about his integrity in his ACR for relevant period pendency of criminal case against him and that Inquiry Officer had recommended imposition of major penalty on civil servant---Adverse ACR for relevant year was not conveyed to civil servant Un communicated adverse remarks could not be considered, against civil servant for deferring his case for promotion---As far as promotion during pendency of criminal case was concerned, there was no specific rule, but according to instructions in letter dated 7-9-1962 issued by Competent Authority which had force of rules according to S.23(2) of Punjab Civil Servants Act, 1974 it had been left to the Competent Authority to take cognizance pf criminal case against civil servant and to postpone consideration of case for promotion or ignore it---Contention of civil servant, that inquiry proceedings against him under Punjab Civil Servants (Efficiency and Discipline) Rules, 1999, had become infructuous, was repelled because S.13 of Punjab Removal from Service (Special Powers) Ordinance, 2000, had saved the proceedings pending under Punjab Civil Servants Act, 1974 and Rules made thereunder---Final decision of question of deferment of promotion, however, was left for determination by Competent Authority.

N.A. Qureshi v. Government of the Punjab and 2 others PLD 1982 Lah. 242; Muhammad Aslam Sheikh v. Federation of Pakistan through Secretary, Establishment Division Cabinet Secretariat, Islamabad and another 1999 PLC (C.S.) 761 and Muhammad Farooq Chohan v. Province of Punjab PLD 1987 SC 271 ref.

Pervaiz Inayat Malik for Petitioner.

Muhammad Hanif Khatana, Addl. A.-G. and Miss Shama Zia, Litigation Officer for Respondents.

Date of hearing: 13th June, 2003.

ORDER

The grievance of the petitioner is against his deferment for promotion from BS-16 to BS-17 as S.S.T. According to the report and parawise comments submitted by respondent No.1, not only a criminal case was pending against the petitioner but also that there was an adverse remarks about his integrity in the A.C.R. for the period from 1-1-2000 to 31-7-2000. Further, an inquiry was conducted against the petitioner and the Inquiry Officer has recommended imposition of major penalty on the petitioner.

2. The learned counsel for the petitioner submits that as far as the adverse A.C.R. for the year 2000 is concerned it was not conveyed to turn and, therefore, could not have been taken into consideration to the disadvantage of the petitioner. As far as pendency of the criminal case is concerned he submits that unless the petitioner was found guilty by the competent Court, he will be presumed to be innocent. According to him withholding of promotion is a penalty and it cannot be imposed in anticipation of the decision of the criminal Court. Reliance was placed on N.A. Qureshi v. Government of the Punjab and 2 others (PLD 1982 Lah. 242).

3. As far as the third objection of the departmental authority is concerned, he maintains that the inquiry was initiated under the Punjab Civil Servants (Efficiency and Discipline) Rules, 1999 and as a result of promulgation of the Punjab Removal from Service (Special Powers) Ordinance, 2000, no further proceedings in the matter could be taken and the said inquiry being infructuous, the findings recorded therein are of no relevance. Reliance is being placed on Muhammad Aslam Sheikh v. Federation of Pakistan through Secretary Establishment: Division Cabinet Secretariat Islamabad and another (1999 PLC (C.S.) 761).

4. On the other hand, Mr. Muhammad Hanif Khatana, learned Addl. Advocate-General, submits that the petitioner had a right to be considered for promotion. He was duly considered but deferred for valid reasons.

5. The submissions made by the learned counsel for the parties have been considered.

6. There is a merit in the first contention of the learned counsel that uncommunicated adverse remarks could not be considered against the E petitioner for deferring his case for promotion. This is supported by the observations of the Hon'ble Supreme, Court in the case of Muhammad Farooq Chohan v. Province of Punjab (PLD 1987 SC 271).

7. As far as promotion during pendency of a criminal case is concerned, there is no specific rule. However, according to the letter No.S.O. XII (S&GAD) 5-16/62 dated 7-g-1962 (printed at page 121 of the O&M Establishment Manual Volume-II, 1974 Edition) it has been left to the competent authority to take cognizance of the said criminal case, ask for a progress report, postpone consideration of the case (for promotion) or ignores it. Vide Government of the Punjab letter No.SO(IV) (S&GAD) 1-75-67 (policy) dated 18-1-1968 (pages 122 and 123 of the said Manual), the instructions contained in the letter dated 7-9-1962 aforesaid were applied to the cases of departmental proceedings as well. The letter dated 7-9-1962 and 18-1-1968 were further explained in letter. SO(IV) (S&GAD)-1-75/67 (Policy) dated 17-1-1969 (pages 123 and 124 of the said Manual), according to which, if the Authority was of the view that allegations, if established against a civil servant would call for a minor penalty then such an inquire may be ignored for the purpose of with holding of promotion of a person who is otherwise suitable for it. Therefore if the Selection Authority takes a decision not to promote a civil servant involved in a criminal case or a departmental inquiry, it cannot be said that it has acted without lawful authority. It may also be observed that the aforesaid instructions, which are general in nature issued by the competent authority have the force of rules. And, according to section 23(2) of the Punjab Civil Servants Act, 1974 even the instructions issued by the competent authority, which are not inconsistent with any provision of the said Act shall be deemed to be rules made under the said Act.

8. The judgment in the case of N.A. Qureshi, supra, relied upon by the learned counsel for the petitioner has been considered. In the said case, the Governor of the Punjab, vide order dated 25-11-1980, during the pendency of a criminal case against the petitioner in the said case, had allowed certain benefits to the petitioner including his promotion to the post of Deputy Director, Food which was subject to the formal approval of the Service and General Administration. Department. It was observed that, if promotion of the petitioner was he deferred on account of the criminal case pending against him, there were many occasions to do so before the order dated 25-11-1980. It was further observed that the formal approval of the S&GAD did not authorize the subordinate functionaries to undo the order passed by the Chief Executive of the Province. The said case had its-own peculiar features.

9. About the contention of the learned counsel, for the petitioner that the inquiry proceedings under the Efficiency and Discipline, Rules have been rendered infructuous, suffice it to say, that section 13 of the Punjab Removal from Service (Special Powers) Ordinance, 2000, saves the proceedings p pending under the Punjab Civil Servants Act, 1974 and the rules made thereunder. The aforesaid provisions prima facie answers the contention of the learned counsel for the petitioner. However, a final decision of the question is left for determination of the competent authority. Accordingly; ~~it find no merit in this~~

~~_____~~

H.B.T./A-876/L

Petition dismissed.

BEFORE THE HONORABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL, PESHAWAR

P-19

Service Appeal No. 6128/2020
Aqiq Hussain
DSP, District Kohat

..... Appellant


VERSUS

Inspector General of Police,
Khyber Pakhtunkhwa & other

..... Respondents

AUTHORITY LETTER

Mr. Arif Saleem steno (Focal Person) of this office is hereby authorized to file the parawise comments and any other registered documents in the Honorable Tribunal on behalf of respondents / defendant and pursue the appeal as well.


Dy: Inspector General of Police
Kohat Region, Kohat
(Respondent No. 2)