

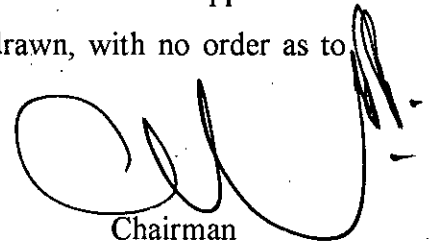
630/13

13.5.2014

Counsel for the appellant (Mr. Asad Zeb Khan, Advocate) and AAG for the respondents present. The learned counsel for the appellant informed that grievance of the appellant is being redressed by the respondent-department on the orders of the Peshawar High Court, Peshawar. The learned counsel further stated that the appellant has, therefore, instructed him to withdraw the appeal. The appeal is accordingly dismissed as withdrawn, with no order as to costs.

ANNOUNCED.

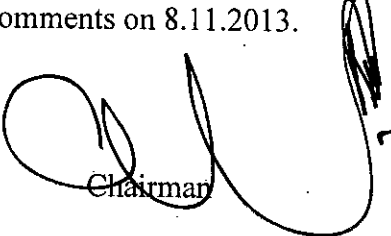
13.5.2014



Chairman

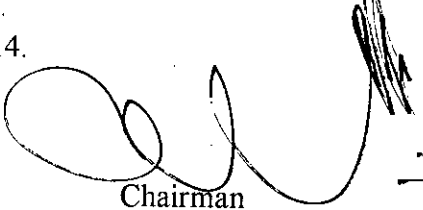
08.07.2013

Clerk of counsel for the appellant present. Both the respondents are absent despite their service through the concerned officials. However, Mr. Usman Ghani, Sr. GP is present and would be contacting the respondents for written reply/comments on 8.11.2013.

  
Chairman

08.11.2013


No one is present on behalf of the appellant. Mr. Falak Nawaz, DSP (legal) on behalf of the respondents with AAG present. Written reply on behalf of the respondents received, copy whereby be handed over to the appellant/counsel for the appellant for rejoinder on 11.2.2014.

  
Chairman

11.2.2014

Neither appellant nor his counsel present. Mr. Falak Nawaz, DSP(Legal) on behalf of respondents with AAG present. Rejoinder has not been received. To come up for rejoinder alongwith connected appeals on 13.5.2014.

  
Chairman

  
13/5/14


Appeal No. 630/2013  
Mr. Abdul Rashid Khan

3. 8.5.2013

Counsel for the appellant present and heard.

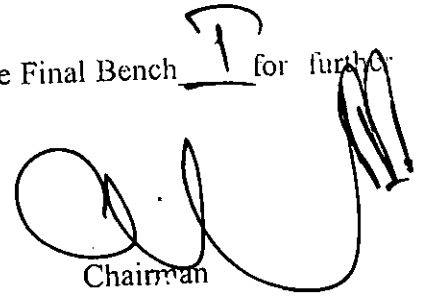
Contended that the appellant was appointed as 'Temporary AS' (TASI) in the respondent department on 2.4.1977 and later on, his services were confirmed as such on 1.1.1978. The appellant is entitled to be confirmed from the date of his confirmation. He referred to 15 numbers of such cases decided by this Tribunal on the same point giving the benefits to the appellants. The appellant preferred a departmental appeal on 6.12.2012 but with no response. Points raised 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. Case adjourned to 8.7.2013 for submission of written reply.

Appellant deposited  
Security & process  
fee Rs 180/-  
Bank receipt is  
attached with  
file  
Mh

  
Member.

4. 11.4.2013

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

  
Chairman

**BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.630/2013

Abdur Rashid Khan DSP presently working and posting as DSP, Special  
Branch Khyber Pakhtunkhwa Peshawar ..... (Appellant).

**VERSUS**


Provincial Police Officer Khbyer Pakhtunkhwa and others  
.....(Respondents).

**INDEX**

<b><i>S.No.</i></b>	<b><i>Description of Documents</i></b>	<b><i>Annex</i></b>	<b><i>Pages</i></b>
1.	Comments on behalf of respondents	-	1-3
2.	Affidavit	-	4
3.	Copy of In House meeting	A	5-7
4.	Copy of revised seniority list as stood on 05.06.2013	B	8-12
5.	Extract of Police Rule 12.2, 12.8	C	13-14

Respondents

Through

  
**DSP/Legal**  
CPO Peshawar.

**BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.630/2013

Abdur Rashid Khan DSP presently working and posting as DSP, Special  
Branch Khyber Pakhtunkhwa Peshawar ..... (Appellant).**VERSUS**Provincial Police Officer Khyber Pakhtunkhwa and others  
.....(Respondents).**Respectfully Sheweth:-**

Parawise comments to appeal by the respondents are submitted as below.

**1.Preliminary objections:-**

1. That the instant appeal is not maintainable in the present form.
2. That the appeal is bad for misjoinder/nonjoinder of necessary parties.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is time barred. According to Apex Court Supreme Court of Pakistan Islamabad Judgment dated 20.07.005 passed in Civil Petition No.772-K/2004, published in SCMR 2006 page 453, it was held that the service Tribunal should have taken notice of the fact that when appeal before the Departmental Authority being time barred, appeal by the civil servant before the Service Tribunal was incompetent.
5. That appellant being a police officer, is governed under the Police Rules 1934 read with Police order 2002 and not under the Civil Servants Act 1973. According to Police Rules, Seniority is determined favour the date of confirmation and not from the date of appointment. Reference in this regard could be made to the judgment of Apex Court Supreme Court of Pakistan published in PLD 1985 page 159.

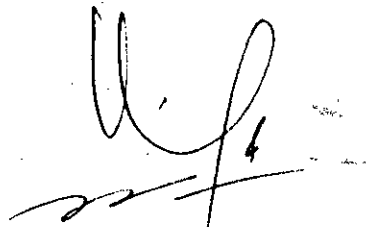
**2.Facts:-**

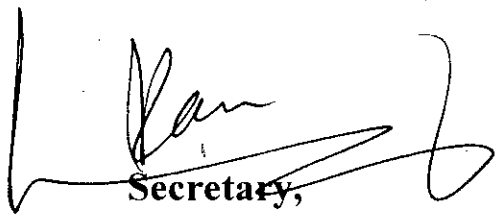
1. Correct according to service record, need no comments.
2. Correct according to service record, need no comments.

3. Correct to the extent that August Khyber Pakhtunkhwa Service Tribunal Peshawar in a number of Service Appeals decided confirmation of Appellants from the date of their appointment which was in conflict with PR 12-2(3) and 12-8, due to which appeals were filed against the order on the stance that a Police Officers are governed by Police Law i.e Police Act 1861, Police Rules 1934 and Police Order 2002 and needs to be treated in accordance with the Laws/Rules strictly in accordance with their position of merit.
4. Correct, already explained in para 3 above.
5. The Departmental Representation filed by the petitioner and others were taken up during In House Committee meeting held on 27.05.2013 and 29.05.2013 in conference Room of CPO Khyber Pakhtunkhwa Peshawar under the chairmanship of Provincial Police Officer Khyber Pakhtunkhwa wherein unanimous decision was taken that all the DSsP shall be given seniority as per their date of confirmation in the light of Police Rules 12-2(3) of 1934 in the rank of SI and not from the date of appointment/promotion as ASI. The provisional seniority list of DSsP issued vide No. S/292-328/13 dated 11.01.2013 is set aside and the seniority list of DSsP as it stood on 20.03.2012 is restored in its original shape by giving seniority to the DSP Muhammad Idrees and Younis Javed Mirza as per court decision. Thus a final seniority list of DSsP will be issued according to Police Rules. Copy of In House meeting enclosed as Annexure "A". While revised list of DSsP as stood on 05.06.2013 is enclosed as Annexure "B".
6. Correct, however it is pointed out that all the DSsP were given equal treatment and protection of law and no discrimination was exercised to any Police Officers of senior or junior rank of Police.
7. Already explained vide para 5 above. Need no further comments.
8. That the appellant was confirmed as ASI after the completion of probation period of 03 year, in accordance with Police Rules 12.8 of 1934.

9. Incorrect, the Police Officers, being member of Uniform/Disciplined force are governed under Police Laws including Police Act 1861, Police Rules 1934 and Police Order 2002 and not under the Civil Servant Act 1973. The seniority of the Police Officers is always determined/fixed in accordance with Police Rules 12-2(3) r/w 12-8 of 1934 copies enclosed as annexure "C".
10. Irrelevant, need no comments.
11. Para No. 11 is related to court decision, hence no comments.
12. Any additional ground, if necessary, will be taken at arguments stage.

In the light of above facts and circumstances it is requested that appeal filed by the appellant may be dismissed being time barred and in conflict with the Rules applicable to appellant.

  
**Provincial Police Officer,**  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No.1)

  
**Secretary,**  
Govt of Khyber Pakhtunkhwa,  
Home & TAs Department,  
Peshawar.  
(Respondent No.2)  
Secretary (Home),  
Khyber Pakhtunkhwa

**BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.630/2013

Abdur Rashid Khan DSP presently working and posting as DSP, Special  
Branch Khyber Pakhtunkhwa Peshawar. .... (Appellant).

**VERSUS**


Provincial Police Officer Khbyer Pakhtunkhwa and others.

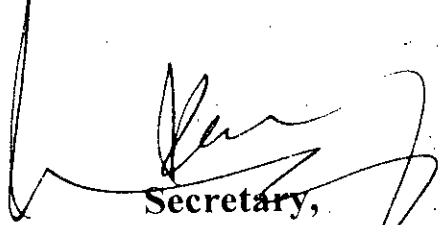
.....(Respondents).

**COUNTER AFFIDAVIT.**

We, the respondents No.1 and 2 mentioned below, do hereby solemnly affirm and declare on oath that contents of reply to the above title service appeal are true and correct to the best of our knowledge and belief. Nothing has been kept secret/concealed from this Honourable Service Tribunal.

82  
10/9/13

  
**Provincial Police Officer,**  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No.1)

  
**Secretary,**  
Govt of Khyber Pakhtunkhwa,  
Home & TAs Department,  
Peshawar.  
(Respondent No.2)  
Secretary (Home),  
Khyber Pakhtunkhwa



MINUTES OF IN-HOUSE MEETING

In house meetings were held in two phases, 1<sup>st</sup> on 27<sup>th</sup> May, 2013 and the 2<sup>nd</sup> on 29<sup>th</sup> May, 2013 at Conference Room CPO Peshawar under the Chairmanship of Mr. Ihsan Ghani, Provincial Police Officer Khyber Pakhtunkhwa. Representatives from Executive and Legal branches also participated. The following cases were discussed in detail:-

1. Case regarding Joint Seniority of Executive and Legal Branches in light of judgement of Peshawar High Court dated 24.04.2013.
  2. Determination of Seniority of DSSP in the light of Courts Judgments.
1. **Case regarding Joint Seniority of Executive and Legal Branches in light of judgement of Peshawar High Court dated 24.04.2013.**

The Honourable High Court Peshawar in its Judgement dated 24.04.2013 in Writ Petition No. 1680-P/2012 filed by Mian Mustafa Gul DSP Legal/Asstt: Director, ACE, Peshawar directed the respondent Department (Police Department) to issue combined Seniority List of two Branches of the Police Department i.e Legal and Executive and thereafter make promotions on the basis of seniority cum fitness in accordance with law in terms of Article 8 (2) (p) of the Police order, 2002.

Abstracts from the Police Rules and Court judgments were put before the house, which are reproduced below:-

**Police Rule 12.6 (3) (e)**

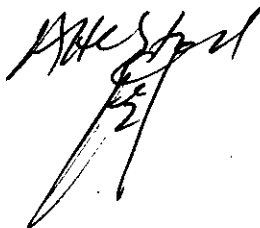
After recruitment, no Inspector Legal shall be allowed change of cadre from Inspector Legal to the Executive or any other branch in the Police Department.

**Article 8 (2) P of Police Order-2002.**

**Article 8. Police to be organized on functional basis:-**

(1) The Police establishment constituted under Article 7 shall, as far as practicable, be organized on functional basis in to branches, divisions, bureaus and sections.

(2) The branches, divisions, bureaus and sections referred to in clause (1) may include- (a) Investigation; (b) Intelligence; (c) Watch and Ward; (d) Reserve Police; (e) Police Accountability; (f) Personnel Management; (g) Education and Training; (h) Finance and Internal Audit; (i) Crime Prevention; (j) Crime against women; (k) Traffic Planning and Management; (l) Criminal Identification; (m) Information Technology; (n) Transport; (o) Research and Development; (p) Legal Affairs; (q) Welfare; (r) Estate management.



Criterion for determining seniority of subordinate ranks of Police force, held, would be provided by R. 12.2. Police rules, 1934 as from dates of their confirmation and not from date of continuous appointment in the grade as laid down in Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, r. 8 (1) (6) read with S. 7 (2), Punjab Civil Servants Act, 1974—Special Law, viz. Police Act, 1861 and Rules framed there under having not been repealed expressly or by implication, held further, would prevail over later law of general application i.e. Punjab Civil Servants Act, 1974 and Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974— {Interpretation of statutes—Civil services}

{p.173}J

The Civil Servant Act is an Act of general application and it has no constitutional status. Accordingly, it is as much a law as the Police Act of 1861 with the added distinction that it is of general application while the Police Act is of special application to the officers of the subordinate ranks of the Police force. The same is true with the rules. In this view of the matter, the question as to which would prevail over the other in case of inconsistency is of no difficulty. It should not be forgotten that the Police Act and the rules framed there-under are such as would be applicable to a disciplined force only while the Civil Servants Act cannot serve this purpose. {p.173}K.

The house discussed the case threadbare in light of the above rules/orders and decided that:-

The decision of the Honourable High Court dated 24.04.2013 is required to be agitated in the Apex Court and directed the AIG/Legal CPO to move for a CPLA through Law Department Govt. of Khyber Pakhtunkhwa.

- a) A Sub-Committee consisting of Addl: IGP/HQrs., Addl: IGP/Ops. Addl: IGI/S.B, DIG/HQrs, AIG/Estab: and a representative from Legal Branch was constituted to look-into the affairs of Legal Branch, prepare Service Structure and submit recommendation to the PPO / Khyber Pakhtunkhwa by 10.06.2013.
- b) A case be prepared immediately for promotion of Legal officers to the next higher ranks on their available vacancies by 10.06.2013.

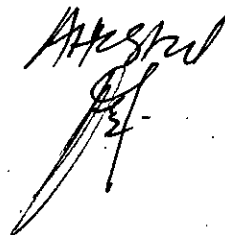
## 2. SENIORITY DISPUTE OF DSP (Executive)

*The house deliberately discussed the seniority case of DSP in light of court decision and Police Rules chapter 12.13.*

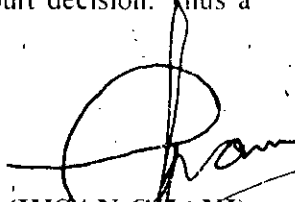
*Police Rule 12.2 (3) is reproduced below:-*

*(3) All appointments of enrolled police officers are on probation according to the rules in this Chapter applicable to each rank.*

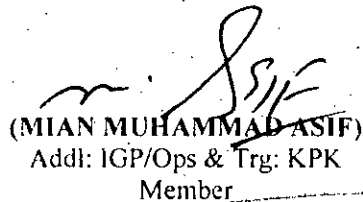
*Seniority, in the case of upper subordinates, will be reckoned in the first instance from date of first appointment, officers promoted from a lower rank being considered senior to persons appointed direct on the same date, and the seniority of officers appointed direct on the same date being reckoned according to age. Seniority shall, however be finally settled by dates of confirmation.*

*Attested*  


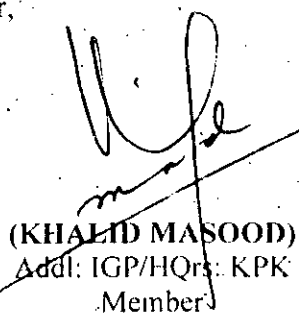
The house unanimously decided that all the DSsP shall be given seniority as per their date of confirmation in light of Police Rule 12.2 (3) in the rank of SI and not from the date of appointment/promotion as ASI. The Provisional Seniority List of DSsP issued vide No. S/292-328/13, dated 11.01.2013 is set aside and the seniority list of DSsP as stood on 20.03.2012 is restored in its original shape by giving seniority to the DSP/Muhammad Idrees and Younas Javed Mirza as per court decision. Thus a final seniority list of DSP be issued according to Police Rules.



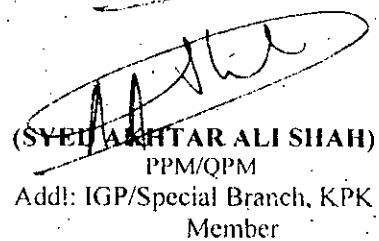
(IHSAN GHANI)  
 Provincial Police Officer,  
 Khyber Pakhtunkhwa,  
 (Chairman)



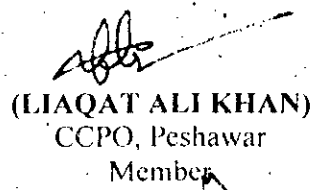
(MIAN MUHAMMAD ASIF)  
 Addl: IGP/Ops & Trg: KPK  
 Member



(KHALID MASOOD)  
 Addl: IGP/HQrs: KPK  
 Member



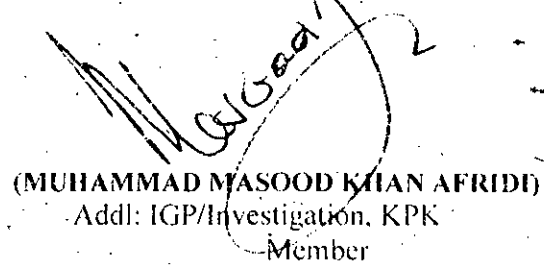
(SYED AKHTAR ALI SHAH)  
 PPM/QPM  
 Addl: IGP/Special Branch, KPK  
 Member



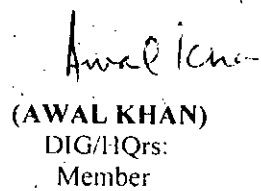
(LIAQAT ALI KHAN)  
 CCPO, Peshawar  
 Member



(AMIR HAMZA MAHSUD)  
 Addl: IGP/Commandant, HRP, KPK  
 Member



(MUHAMMAD MASOOD KHAN AFRIDI)  
 Addl: IGP/Investigation, KPK  
 Member



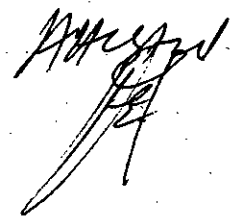
(AWAL KHAN)  
 DIG/HQrs:  
 Member



(SYED FIDA HASSAN SHAH)  
 AIG/Establishment  
 Member



(MUHAMMAD FAYYAZ)  
 AIG/Legal  
 Member



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

To: All Addl: IsGP in Khyber Pakhtunkhwa.  
The CCPO, Peshawar.  
All RPOs in Khyber Pakhtunkhwa.  
The Commiandant, PTC, Hangu.  
The DIG/Traffic, KPK, Peshawar.  
The Director, ACE, KPK, Peshawar.

No. S/3237-52/13, dated Peshawar, the 07/06/2013.

Subject: **FINAL SENIORITY LIST OF DSsP  
AS STOOD ON 05.06.2013.**

Memo:

A copy of Final Seniority List of DSsP as stood on 05.06.2013 (7-pages) is enclosed herewith, for circulation amongst all the concerned DSsP serving under your command, for their information.

(KHAJID MASOOD)  
Addl: IGP/HQrs:  
For Provincial Police Officer  
Khyber Pakhtunkhwa,  
Peshawar.

*Khajid Masood*

**FINAL SENIORITY LIST OF DEPUTY SUPERINTENDENTS OF POLICE, BPS-17 AS STOOD ON 20.03.20102**

No. S. 3236 /2013. As unanimously decided in the in-house meetings held on 27<sup>th</sup> May & 29<sup>th</sup> May, 2013 that all DSsP shall be given seniority as per their date of confirmation in the light of Police Rule-12.2 (3) in the rank of SI and not from the date of appointment/promotion as ASI. The Provisional Seniority List of DSsP issued vide No. S/292-328/13, dated 11.01.2013 is set aside and the seniority list of DSsP as stood on 20.03.20102 is restored in its original shape by giving seniority to the DSsP Muhammad Idrees and Younas Javed Mirza in light of Courts decision.

S. NO.	NAME OF OFFICER	QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF P <sup>1</sup> ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP		METHOD OF RECRUITMENT	Remarks
					DATE	PAY SCALE		
1	Mr. Faridullah	F.A	11.01.1954 DIKhan	27.03.1974	24.08.2006	17	By Promotion	
2	Mr. Aziz Muhammad	MA/LLB	11.07.1957 Nowshera	19.8.82 as PSI	24.08.2006	17	By Promotion	
3	Mr. Muhammad Idrees	F.A	04.05.1954 DIKhan	28.03.1975	24.08.2006	17	By Promotion	Assigned revised seniority as per Service Tribunal judgement dated 12.01.2012
4	Mr. Younas Javed	B.A	21.01.1957 Bannu	28.03.1975	24.08.2006	17	By Promotion	Assigned revised seniority as per Service Tribunal judgments dated 12.01.2012 and Peshawar High Court Peshawar dated 21.12.2012
5	Mr. Akbar Ali	B.A	14.06.1956 Swat	01.05.1975	07.08.2007	17	By Promotion	Assigned revised seniority vide this office letter No. S-1777/1803/12, dated 13.01.2012
6	Mr. Sher Muhammad	F.A	04.01.1954 Mansehra	28.09.1971	24.08.2006	17	By Promotion	
7	Mr. Riaz Hussain	M.A	03.03.1957 MKD Agency	01.04.1977	24.08.2006	17	By Promotion	
8	Mr. Muhammad Younas Khan	B.A	04.04.1955 MKD Agency	01.04.1977	24.08.2006	17	By Promotion	
9	Mr. Shah Nazar	B.A	01.04.1959 Kohistan	25.03.1979	24.08.2006	17	By Promotion	
10	Mr. Rasool Shah	B.A	01.10.1959 Kohistan	25.03.1979	24.08.2006	17	By Promotion	
11	Mr. Ghulam Habib	F.A	01.01.1955 Swabi	28.11.1975	23.02.2009	17	By Promotion	Assigned revised seniority vide this office letter No. S-1312/09, dt. 04.13.2009
12	Syed Imtiaz Ali Shah	B.A	15.04.1954 Peshawar	28.11.1975	23.02.2009	17	By Promotion	
13	Mr. Ihsanullah Khan	F.A	16.09.1956 Peshawar	28.11.1975	07.08.2007	17	By Promotion	
14	Mr. Rahatullah	10 <sup>th</sup>	20.04.1958 Peshawar	28.11.1975	07.08.2007	17	By Promotion	
15	Mr. Muhammad Javed	F.A	04.01.1957 Peshawar	10.04.1977	07.08.2007	17	By Promotion	Assigned revised seniority vide Order No. S-2617/11 dated 09.04.2012
16	Mr. Asif Jan	F.A	15.08.1955/Bannu	01.12.1976	06.03.2008	17	By Promotion	He has been given revised Seniority vide this office letter No. S-110, dated 06.02.2010
17	Mr. Hashmat Ali Shah	B.A	20.04.1956 DIKhan	01.12.1975	11.05.2010	17	By Promotion	Assigned revised seniority vide this office letter No. S-1777/1803/12, dated 13.01.2012
18	Mr. Muhammad Irshad	MA/LLB	10.03.1964 Peshawar	12.12.1991 as PSI	15.09.2007	17	By Promotion	
19	Syed Israr-ud-Din	B.A	01.03.1959 MKD Agy	01.04.1983	07.08.2007	17	By Promotion	
20	Mr. Malik Muhammad Tariq	MA/LLB	09.11.1961 DIKhan	10.11.1987	07.08.2007	17	By Promotion	
21	Mr. Sardar Khan	F.A	30.10.1959 Kohistan	25.03.1979	15.09.2007	17	By Promotion	
22	Mr. Muhammad Riaz	F.A	09.06.1956 Abbottabad	22.04.1980	10.12.2008	17	By Promotion	Assigned revised seniority vide this office letter No. S-1777/1803/12, dated 13.01.2012

*Muhammad Riaz*

			GOVT. SERVICE		SCALE	RECRUITMENT	
32	Mr. Mehmood Hussain	BA/LLB	25.04.1956 Haripur	01.12.1980	07.08.2007	17	By Promotion
34	Mr. Abdul Rashid	F.A	02.05.1956 Bannu	02.04.1977	31.10.2007	17	By Promotion
35	Mr. Khalid Naseem	B.A	30.07.1956 Mardan	12.04.1978	31.10.2007	17	By Promotion
36	Mr. Muhammad Ajmal	F.A	18.12.1955/Swabi	16.07.1974	23.02.2009	17	By Promotion Assigned revise seniority vide Notification No. 10299-E-II dt. 16.04.2010
37	Mr. Sardar Muhammad	B.A	22.10.1956 Mardan	12.04.1978	06.03.2008	17	By Promotion Assigned revise seniority vide Notification No. 1361 E-II dt. 21.1.2008
38	Mr. Qamar Zaman	F.A	11.02.1958 Peshawar	15.11.1978	31.10.2007	17	By Promotion
39	Mr. Muhammad Sadique	B.A	20.05.1956 Swat	01.07.1977	06.03.2008	17	By Promotion Assigned revised seniority vide the office letter No S-1777-1803-12, dated 15.03.2012
30	Mr. Zafar Hayat	10 <sup>th</sup>	11.04.1958 Karachi	18.05.1985	31.10.2007	17	By Promotion
31	Mr. Shams ur Rehman	B.A	06.11.1958 Mansehra	07.05.1981	31.10.2007	17	By Promotion
32	Mr. Muhammad Ayaz	B.A	14.05.1959 Abbottabad	07.05.1981	23.02.2009	17	By Promotion Assigned revised seniority vide Order No. S-1777-1803-12, dated 28.12.2011.
33	Mr. Abdul Aziz Afridi	B.A	02.09.1960 Abbottabad	07.05.1981	31.10.2007	17	By Promotion
34	Mr. Javed Iqbal	B.A	09.04.1961 Haripur	07.05.1981	31.10.2007	17	By Promotion
35	Mr. Habibullah	F.A	10.06.1957 Battagram	07.05.1981	31.10.2007	17	By Promotion
36	Mr. Sajid Khan	B.A	15.06.1958 Mansehra	07.05.1981	31.10.2007	17	By Promotion
37	Mr. Abdul Saboor	F.A	10.03.1960 Abbottabad	05.04.1984	31.10.2007	17	By Promotion
38	Mr. Gul Zarin	F.A	01.10.1960 Kohistan	05.04.1984	31.10.2007	17	By Promotion
39	Mr. Iftikhar Ahmad	FA	10.05.1962 Mansehra	05.04.1984	23.02.2009	17	By Promotion Assigned revised Seniority vide DSC held on 20.05.2009
40	Mr. Adam Khan	F.A	17.09.1953 Peshawar	28.11.1975	31.10.2007	17	By Promotion
41	Mr. Haroon ur Rashid	B.A	15.03.1955 Nowshera	10.04.1977	31.10.2007	17	By Promotion
42	Mr. Sanaullah	10 <sup>th</sup>	01.01.1959 Bannu	01.01.1971	31.10.2007	17	By Promotion
43	Mr. Mushtaq Ahmed	B.A	30.03.1954 DIKhan	12.02.1976	31.10.2007	17	By Promotion
44	Mr. Muhammad Pervaz	B.A	10.09.1958 Mardan	10.11.1977	23.02.2009	17	By Promotion
45	Mr. Izhar Ahmad	B.A	30.10.1957 Mardan	10.04.1977	23.02.2009	17	By Promotion
46	Mr. Inayatullah Shah	B.A/LLB	28.05.1956 Peshawar	10.04.1977	23.02.2009	17	By Promotion
47	Mr. Hidayatullah	B.A	15.12.53 Peshawar	27.06.1975	23.02.2009	17	By Promotion
48	Mr. Faridullah	10 <sup>th</sup>	08.10.1954 Bannu	03.05.1973	23.02.2009	17	By Promotion
49	Mr. Muhammad Iqbal	M.A/Pol: Sc:	02.06.1955 Bannu	10.11.1987	20.01.2011	17	By Promotion Assigned revised seniority vide the office letter No S-1777-1803-12, dated 15.03.2012
50	Mr. Kifayatullah	M.A (Pol: SC)	01.12.1962 Bannu	10.11.1987	23.02.2009	17	By Promotion

			DATE OF BIRTH & DOMICILE	DATE OF 1 <sup>ST</sup> ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP			Remarks
					DATE	PAY SCALE	METHOD OF RECRUITMENT	
51	Mr. Iftikhar ud din	F.A	20.04.1961 Nowshera	08.04.1984				
52	Mr. Riaz Ahmad	F.A	15.05.1962 Nowshera	05.04.1984	23.02.2009	17	By Promotion	
53	Haji Imtiaz Ahmed	FA	18.04.1956 Charsadda	10.04.1977	23.02.2009	17	By Promotion	
54	Mr. Bashir Ahmed	Matric	20.01.1957 L/Marwat	20.12.1975	10.12.2009	17	By Promotion	
55	Mr. Abdul Hayee	MA (Pol. Sc) B.Ed.	01.04.1965/DIKhan	20.04.1991	10.12.2009	17	By Promotion	
56	Mr. Ali Rehmat	FA	18.06.1956 Swat	01.04.1980	10.12.2009	17	By Promotion	
57	Mr. Shahnaz Khan	FA	13.02.1955 Abbottabad	06.04.1977	10.12.2009	17	By Promotion	
58	Mr. Abdul Malik	FA	28.09.1955 Abbottabad	09.12.1976 as JC 14.04.80 as ASI	10.12.2009	17	By Promotion	
59	Mr. Zulfiqar Ahmad Tanoli	BSc	15.05.1968 Haripur	03.01.1987	10.12.2009	17	By Promotion	
60	Mian Naseeb Jan	MA (Pushto)	04.10.1961 Charsadda	28.04.1983	10.12.2009	17	By Promotion	
61	Mr. Ihsan Ullah	FA	10.01.1962 Bannu	01.06.1982	10.12.2009	17	By Promotion	
62	Mr. Muhammad Iqbal	F.A	02.05.1955 Peshawar	28.11.1975	10.12.2009	17	By Promotion	
63	Mr. Sardar Bahadar	BA	10.05.1962 Mardan	05.04.1984	10.12.2009	17	By Promotion	
64	Mr. Shakir Ullah	BA	04.08.1956 Kohat	10.11.1977	10.12.2009	17	By Promotion	
65	Mr. Muhammad Nawaz	BA/LLB	08.05.1959 Mardan	12.04.1978	10.12.2009	17	By Promotion	
66	Mr. Iftikhar Ali	FA	01.06.1961 Charsadda	09.04.1980	10.12.2009	17	By Promotion	
67	Mr. Rahim Shah	FA	22.02.1962 Peshawar	01.04.1983	10.12.2009	17	By Promotion	
68	Mr. Muhammad Arif	FA	03.12.1956 Mardan	14.05.1984	10.12.2009	17	By Promotion	
69	Pir Shahab Ali Shah	MA/LLB	12.08.1960 Mardan	10.04.1980	10.12.2009	17	By Promotion	
70	Mr. Khushdil Khan	BA	20.11.1959 Nowshera	05.04.1984	10.12.2009	17	By Promotion	
71	Mr. Bakhtiar Ahmed	B.A	04.04.1957 Abbottabad	13.04.1980	11.05.2010	17	By Promotion	
72	Mr. Riaz Ahmed	B.A	10.04.1965 Swabi	05.04.1984	11.05.2010	17	By Promotion	
73	Mr. Imtiaz Ali	B.A	05.06.1960 Nowshera	05.04.1984	11.05.2010	17	By Promotion	
74	Mr. Shahid Ahmed	F.A	01.01.1961 Mardan	08.04.1984	20.01.2011	17	By Promotion	
75	Mr. Nowsher Khan	M.A	14.05.1961 Peshawar	07.04.1984	11.05.2010	17	By Promotion	He has given revised Seniority in accordance with letter No. SCR-V-4/ECAD/14/2005, dated 09.07.2010, for U.N. MISSION.
76	Mr. Sajjad Ali	F.A	05.05.1958 Peshawar	05.04.1984	13.06.2011	17	By Promotion	Assigned ante date seniority vide Notification No. 2942/12, dated 13.06.2012.
77	Mr. Tariq Sohail	B.A	15.04.1963 Bannu	05.04.1984	13.06.2011	17	By Promotion	He has been given revised Seniority.
78	Mr. Jehanzeb Khan Burki	MA/LLB	15.07.1963 Peshawar	05.04.1984	20.01.2011	17	By Promotion	He has been given revised Seniority.

*[Handwritten signature]*

STATE OF WEST BENGAL PUBLIC SERVICE COMMISSION

Sl. No.	NAME	EDUCATIONAL QUALIFICATION	DATE OF BIRTH	DATE OF ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION	METHOD OF PROMOTION
1	Mr. Khan Akbar	E.A.	01.06.1965 Peshawar	05.04.1984	20.01.2011	By Promotion
2	Mr. Shah Jehan	F.A.	05.01.1969 Charsadda	05.04.1984	13.06.2011	By Promotion
3	Mr. Muhammad Kiaz	M.A.	10.02.1958 Charsadda	31.12.1980	20.01.2011	By Promotion
4	Mr. Muhammad Javed Khan	F.A.	15.04.1960 Peshawar	10.11.1987	20.01.2011	By Promotion
5	Mr. Fazal Ahmed Jan	M.A.TLB	02.04.1962 Peshawar	10.11.1987	20.01.2011	By Promotion
6	Mr. Sadeem Kiaz	F.A.	25.06.1965 Peshawar	18.11.1987	20.01.2011	By Promotion
7	Mr. Saqib Ah Shah	B.A.	29.08.1960 Peshawar	16.04.1991	20.01.2011	By Promotion
8	Mr. Waqeeem Ahmed Khalil	B.A.	22.04.1962 Peshawar	16.04.1991	20.01.2011	By Promotion
9	Mr. Muhammad Ashtaq	B.A.	01.04.1971 Charsadda	16.04.1991	20.01.2011	By Promotion
10	Mr. Muhammad Zahir Shah	F.A.	09.03.1955 Peshawar	08.01.1975	20.01.2011	By Promotion
11	Mr. Farid	F.A.	15.11.1957 Karak	15.11.1975	20.01.2011	By Promotion
12	Mr. Mushaq Hussain	F.A.	19.09.1955 Kohat	22.04.1978	20.01.2011	By Promotion
13	Mr. Zain Khan	M.A.TLB	01.04.1960 Mardan	06.02.1990	20.01.2011	By Promotion
14	Mr. Shahzad Kokab Farooq	M.A.	13.12.1969 Dikhan	20.04.1991	20.01.2011	By Promotion
15	Mr. Ijaz Ali	10 <sup>th</sup>	01.10.1957 Kohistan	07.05.1981	20.01.2011	By Promotion
16	Mr. Aftab Javed	B.A.	08.02.1964 Haripur	10.11.1987	20.01.2011	By Promotion
17	Mr. Akhtar Ali	B.A.	04.02.1955 Nowshera	20.06.1977	20.01.2011	By Promotion
18	Mr. Anwar Ullah	B.A.	09.07.1964 Bannu	20.04.1991	20.01.2011	By Promotion
19	Mr. Mansaf Nawaz	F.A.	09.09.1954 Haripur	19.04.1980	20.01.2011	By Promotion
20	Mr. Tariq Mehmood	B.A.	28.04.1965 Abbottabad	25.04.1991	30.06.2011	By Promotion
21	Mr. Iqbal Ahmed	B.A.	15.06.1966 Abbottabad	28.04.1991	20.01.2011	By Promotion
22	Mr. Tariq Khan	B.A.	10.02.1965 Haripur	25.09.1987	20.01.2011	By Promotion
23	Mr. Mehruza Ahmad	F.A.	04.02.1969 Abbottabad	28.04.1991	30.06.2011	By Promotion
24	Mr. Muhammad Suleman	B.Sc.	28.07.1970 Manshehra	28.04.1991	30.06.2011	By Promotion
25	Mr. Iqbal Ahmed	F.A.	06.04.1966 Haripur	26.04.1991	20.01.2011	By Promotion
26	Mr. Aftab Javed	10 <sup>th</sup>	07.08.1964 Manshehra	28.12.1985	20.01.2011	By Promotion
27	Mr. Haseeb Ullah Rehman	F.A.	01.07.1957 Abbottabad	26.09.1975	20.01.2011	By Promotion
28	Mr. Muhammad Shaukat	10 <sup>th</sup>	10.02.1956 Abbottabad	25.04.1974	13.06.2011	By Promotion
29	Mr. Iqbal Ullah Rehman	F.A.	30.03.1956 Dir Upper	20.08.1970	20.01.2011	By Promotion
30	Mr. Farid Din	F.A.	16.05.1955 Karak	22.04.1978	30.06.2011	By Promotion



**12.2 Seniority and probation-(1)** The seniority of Assistant Superintendent of Police is regulated by the orders passed from time to time by the Secretary of State and the Central Government.

No Probationary Assistant Superintendent of Police shall be permanently appointed as an Assistant Superintendent of Police until he has passed the prescribed departmental examination.

A Probationary Assistant Superintendent of Police who does not qualify by passing these examinations within two years, or at the first examination after two years, from the date of his joining the service, will be removed from Government service: Provided that the Provincial Government shall have power to relax this rule in special cases, when the Probationary Assistant Superintendent of Police is likely to make a good police officer.

(2) The rules governing the probation and seniority of Deputy Superintendent of Police are contained in Appendix 12.1.

(3) All appointments of enrolled police officers are on probation according to the rules in this Chapter applicable to each rank.

Seniority, in the case of 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 he originally held vis-à-vis any officers promoted or confirmed before him during his deputation.

The seniority of lower subordinate shall be reckoned from dates of appointment, subject to the conditions of rule 12.24 and provided that a promoted officer shall rank senior to an officer appointed direct to the same rank on the same date.



**12-8. Probationary nature of appointments.-** Inspectors, sergeants, sub-inspectors and assistant sub-inspectors who are directly appointed will be considered to be on probation for three years and are liable to be discharged at any time within the period of their probation if they fail to pass the prescribed examinations including the riding test, or are guilty of grave misconduct or are deemed for sufficient reason, to be unsuitable for service in the Police. A probationary inspector shall be discharged by the Inspector-General, and all other Upper Subordinates by Range Deputy Inspector-General, Assistant-General, Government Railway Police, and Assistant Inspector-General, Provincial Additional Police (designated as commandants, Provincial Additional Police).



(2) The pay admissible to a probationary inspector, sergeant, sub-inspector or assistant sub-inspector is shown in Appendix 10.64 Table-A.

*Handwritten signature*

Form- A  
FORM OF ORDER SHEET

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

Case No. 630/2013

S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	10/04/2013	The appeal of Mr.Abdur Rasheed Khan presented today by Mr. Muhammad Usman Khan Turlandi Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.   REGISTRAR
2	15-4-2013	This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>8-5-2013</u> .   CHAIRMAN

①

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No. 630 of 2013.

Abdur Rashid Khan DSP .....Versus.....PPO & Other.

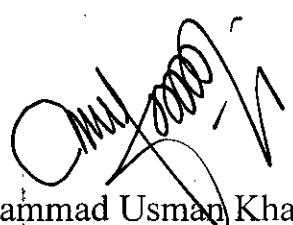
**INDEX**

S.No	DESCRIPTION OF DOCUMENTS	ANNEX	P.No
1.	Main Appeal	-----	1-6
2.	Affidavit	-----	7
3.	Address of Parties.	-----	8
4.	Appointment as T/ASI & Subsequent Confirmation as ASI.	"A"	9
5.	Departmental Appeal dated 06-12-2012.	"B"	10-13
6.	Vokatnama in original		14

**APPELLANT.**

(Abdur Rashid Khan DSP)

Through;

  
Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

Dated :04/04/2013.

Asad Zeb Khan.  
Advocate Peshawar.

OFFICE: Flate #C-1 Haji Murad Plaza Dalazak Road Peshawar Cantt:  
Cell#:0333-9153699/0313-9153699

(2)

● **BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No. 630 of 2013.

K.W.P. Province  
Lecture v. Peshawar  
No. 736  
10-04-2013

Abdur Rashid Khan, DSP presently working and posted as DSP, Special Branch Khyber PakhtunKhwa Peshawar ,.....**APPELLANT.**

**VERSUS**

1. Provincial Police Officer (PPO)/IGP  
Khyber PakhtunKhwa Province, Central Police Office (CPO)  
Peshawar.
2. Secretary to the Government of Khyber PakhtunKhwa Province,  
Home & Tribal Affairs Department, Civil Secretariat KPK,  
Peshawar.....**RESPONDENTS.**

Filed in-400  
10/4/2013

SERVICE APPEAL U/S 4 OF THE KPK SERVICE TRIBUNAL ACT,1974 FOR CONFIRMATION OF THE SPAN OF SERVICE RENDERED BY THE APPELLANT FROM THE DATE OF JOINING HIS SERVICE AS TEMPORARY ASI DATED 02-04-1977 TILL HIS CONFIRMATION AS ASI DATED 01-01-1978 WHEREAS THE DEPARTMENTAL REPRESENTATION OF THE APPELLANT DATED 31-12-2012 WAS NOT YET RESPONDED DESPITE THE STAPULATED PERIOD HAS BEEN ELAPSED.

**PRAYERS:-**

On acceptance of this appeal the respondents be directed to ensure the confirmation of the appellant from the date of joining his service as T/ASI w.e.f 02-04-1977 and the spot-less active service period rendered

by the appellant as T/ASI till 01-01-1978 be confirmed with all back benefits and in the light of the verdicts passed by this august Tribunal, enumerated below and equal treatment as per principal of consistency be given to the appellant.

<u>Serial No.</u>	<u>Appeal No.</u>	<u>Name of Parties.</u>
1.	192/2004	Shafiullah Khan.....VS...PPO.
2.	193/2004	Javed Iqbal ..... VS...PPO.
3.	194/2004	Hazrat Ali ..... VS...PPO.
4.	195/2004	Iftikhar Ahmed.....VS...PPO.
5.	196/2004	Abdul Wadood .....VS...PPO.
6.	197/2004	M.Mukhtiar.....VS...PPO.
7.	198/2004	Mir Qasim.....VS...PPO.
8.	199/2004	M.Zahir Shah.....VS...PPO.
9.	200/2004	Mati Urhaman .... VS...PPO.
10.	241/2004	M.Younas Khan .. VS...PPO.
11.	1361/2011	Younas Javed Mirza...VS...PPO.
12.	1370/2011	Muhammad Idrees.....VS...PPO.
13.	396/2011	Akbar Ali Ins-Legal...VS...PPO.
14.	398/2011	Imtiaz Ali Ins-Legal...VS...PPO.
15.	399/2011	Javed Ahmad -do- .....VS...PPO.

**RESPECTIVELY SHEWITH:**

The appellant submits as under;

1. The appellant has joined the services in police department as Temporary Assistant Sub Inspector (T-ASI) on 02-04-1977 and later on 01-01-1978 his services as ASI were confirmed.(copy of the relevant orders is annexure as "A").
2. That the appellant was promoted to the rank of Sub-Inspector on 01-07-1985 and was confirmed w.e.f 19-02-1992 and his name was brought on promotion List "F" w.e.f 30-11-1996 and was promoted as

Inspector w.e.f 19-02-2001. Thereafter the appellant was promoted as DSP on 07-11-2007 and presently working and posted as DSP in Special Branch Khyber PakhtunKhwa Peshawar.

3. That some of the colleagues after exhausting the remedy in Departmental representation, had approached this august Tribunal by filing their respective service appeal enumerated above seeking therein the confirmation of their respective services from the date of joining their services and this august Tribunal was pleased to pass a detailed judgment in Service Appeal mentioned above wherein the grievances of the appellants therein were properly redressed and their respective services as temporary appointment was considered as Active services and they were confirmed in their respective services from the date of joining their services.
4. That the respondents did not challenge the judgment of this august Tribunal before the appellate forum and thus the judgments of this august Tribunal have gained finality in the eyes of law, while the respondent department had also implemented the decision ibid and by confirming the appellant from the date of joining services were also assigned their revised seniority in the seniority list.
5. That the appellant in the given circumstances also approached the respondent No.1 through proper channel and filed the departmental representation for the redressal of his grievances on the analogy of the judgments referred above passed by this august Tribunal. (Copy of the departmental representation supported by the covering letter dated 31-12-2012 is annexure "B").
6. That the appellant did annexed the valuable and precious orders/judgment passed by the apex Supreme Court of Pakistan with his departmental representation wherein it was held that " if a Tribunal or the Supreme Court decides a point of law relating to the terms and conditions of a civil servant who litigated, and there were other civil servants, who may not have taken any legal proceedings,

in such a case, the dictates of justice and rule of good governance demand that the benefits of the said decision be extended to other civil servants also, who may, not be parties to that litigation, instead of compelling them to approach the Tribunal or any other legal forum---- all citizen are equal before law and entitled to equal protection of law as per Art.25 of the Constitution."

**(2009 SCMR Page 1)**

7. That the respondent No.1 neither bothered to accommodate the appellant and to redresses his grievances as prayed for nor took pain to reply the representation of the appellant in either way.
8. That the appellant was appointed as T-ASI on 02-04-1977 against the Budgeted & sanctioned post who was later on confirmed as ASI on 01-01-1978 so the period in-between the first appointment and Subsequent confirmation was the active spotless services rendered by the appellant.
9. That even otherwise the probation of a prospective civil servant is always counted as active service and while fixing the seniority the probation period has ever been taken into account.
10. That in case of all civil servants and even CSS Cadre etc where the two years probation period of the appointee is considered to be active service and seniority fixation has also been done accordingly.
11. That it has also been held by the apex supreme court of Pakistan that the judgment of the Supreme Court unless reviewed would have binding force so far such previous judgment of the Supreme Court has remained intact----- petitioners could not be knocked out on principle of laches. **(2010 SCMR Page 421).**
12. That further submission will be advances that at the time of hearing the appellant at the bar.

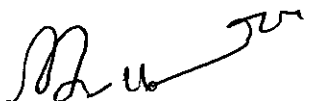


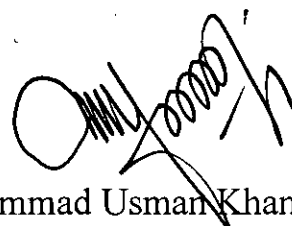
6

It is therefore humbly prayed that in view of the above facts & circumstances and on acceptance of this appeal the respondents be directed to ensure the confirmation of the appellant from the date of joining his service as T/ASI w.e.f 02-04-1977 and the spotless service period rendered by the appellant as temporary ASI till 01-01-1978 be considered as active services and be confirmed as such with all back benefits in the light of the verdicts passed by this august Tribunal, enumerated above and equal treatment as per principal of consistency be given to the appellant.

Any other remedy if available may also be extended in favor of the appellant to meet the ends of justice.

**APPELLANT.**

Signature   
(ASAD ZEB KHAN DSP)

Through;   
Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

Dated :06/04/2013.

Asad Zeb Khan.  
Advocate Peshawar.

(7)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

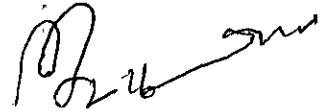
Service Appeal No. \_\_\_\_\_ of 2013.

Abdur Rashid Khan DSP.....Versus.....PPO & Other.

**AFFIDAVIT.**

I, the appellant, do hereby solemnly affirm and declare on oath that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief and that nothing has been kept or secret from this honorable Tribunal.

DEPONENT.



(Abdur Rashid Khan DSP)  
(Appellant.)

(8)

**BEFORE THE KPK SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No. \_\_\_\_\_ of 2013.

Abdur Rashid Khan DSP.....Versus.....PPO & Other.

**ADDRESSES OF PARTIES.**

**APPELLANT.**

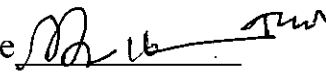
Abdur Rashid Khan, DSP presently working and posted as DSP, Special Branch Khyber PakhtunKhwa Peshawar

**VERSUS**

**RESPONDENTS.**

1. Provincial Police Officer (PPO)/IGP  
Khyber PakhtunKhwa Province, Central Police Office (CPO)  
Peshawar.
2. Secretary to the Government of Khyber PakhtunKhwa Province,  
Home & Tribal Affairs Department, Civil Secretariat KPK,  
Peshawar.

**APPELLANT.**

Signature   
(Abdur Rashid Khan DSP)

Through;

Muhammad Usman Khan  
Turlandi  
Advocate Peshawar.

Dated :06/04/2013.

Asad Zeb Khan.  
Advocate Peshawar.

CHARACTER ROLL OF

6. APPOINTMENTS, PROMOTIONS, REDUCTIONS, DISCHARGES, ETC.

1	2	3	4	5
Appointed, promoted, suspended, reduced, discharged, dismissed, resigned or died	To what grade and pay, appointed, promoted or reduced	Date	No. of District Order	Full Signature of Sup of Police
<p>Scale nos L 100-6-180/-5-201-10-280</p> <p>Appointed as Tasi at Rs. 150/- per mensem Temp. &amp; liable to be terminated his service with in seven day notice Okno 60692-5-22</p>		<p>2-4-1928</p>		<p><i>[Signature]</i></p>
<p>Appointed as Asi on three year probation w/c per Oct 1928</p>		<p>1-1-1928</p>		<p><i>[Signature]</i></p>
<p>Fixed monthly in the house n.p.s of 1500/- w/c 1-5-22 at Rs 290/- PM</p>				
<p>As Tasi at Rs 300/- per mensem 1-12-22</p>				<p><i>[Signature]</i></p>

16/1 (F.N)  
86

ATTESTED TO BE TRUE COPY

M. Usman Khan Turlandi  
M. A. LL. B Advocate  
Peshawar

7. TRANSFERS BEYOND THE DISTRICT.

1	2	3	4	5
Date	From	To	Authority for transfer	
<p>999</p> <p>Drawn by Allow For The</p> <p>During 1/80 to 1/81</p>	<p>From 12/4</p>	<p>150</p>	<p><i>[Signature]</i></p>	<p><i>[Signature]</i></p>

Date: 2  
Attest: 2  
G.M.

D. Khan

P-16

(10)

ANNEXURE B

From:- The Addl: Inspector General of Police  
Special Branch Khyber Pakhtunkhwa  
Peshawar

To:- The Provincial Police Officer  
Khyber Pakhtunkhwa Peshawar

No. 9061/EB, Dated Peshawar the, 31/12/2012

Subject:- REPRESENTATION

Memo:

Representation preferred by Mr: Abdur Rashid Khan DSP of this unit is sent herewith for further necessary action please.



(Director Technical)

For Addl: Inspector General of Police  
Special Branch Khyber Pakhtunkhwa  
Peshawar

To

The Provincial Police Officer,  
Khyber Pakhtunkhwa,  
Peshawar

**THROUGH PROPER CHANNEL**

**Subject: CONFIRMATION AS ASI FROM THE DATE OF APPOINTMENT THAT IS 02/04/1977, ACCORDING TO 19,25, POLICE RULES 1934.**

Respected Sir:

1. I was appointed as TASI on **02.04.1977** in Police Department D.I.Khan Region, D.I.Khan (Copy attached as **Annexure "A"**).
2. I was confirmed as ASI w.e.from **01.01.1978**.
3. I was promoted to the rank of Sub-Inspector on two years probation w.e.from **01.07.1985** and was confirmed as SI w.e.from **19.02.1992**.
4. My name was brought on promotion list 'F' w.e. from **30.11.1996** and was promoted as Inspector w.e.from **19.02.2001** vide Notification No. 10590/EC dated 06/12/2001.
5. I was promoted to the rank of DSP on **07.11.2007**, and presently working as DSP Special Branch.
6. According to Police rules 19,25, 1934, Inspector, Sub-Inspector and Assistant Sub-Inspector who are directly appointed, after completion of three years satisfying probation period would be confirmed from the date of appointment and directly appointed SI Legal will be confirmed under procedure of 19,26, Police Rules 1934 by Deputy Inspector General of Police concerned.
7. Below mentioned Officers were confirmed from the date of appointment directly by the DIG Kohat and D.I Khan Ranges, by adopting procedure of 19,26, Police Rules 1934, vide Notification No. 2196-98/EC, dated Kohat 30/06/2008, Notification No. 2684-86/EC, dated Kohat 23/07/2008, Notification No. 1306-8/EC, dated D.I Khan 15/04/2009

SI Legal Muhammad Ibrahim Azhar of Kohat Range

SI Legal Ishaq Gul of Kohat Range

SI Legal Ibrahim Ullah Khan of Kohat Range

SI Legal Altaf Hussain of D.I.Khan Range

(Copy attached as **Annexure "B, C & D"**).

8. The following officers were appointed as TASI in Malakand Range on 01/04/1977, who approached Service Tribunal Khyber Pakhtunkhwa, Peshawar seeking confirmation from the date of their appointment:-

- i) Muhammad Zahir Shah
- ii) Muhammad Younas Khan
- iii) Shafi Ullah Khan
- iv) Javed Iqbal
- v) Mathi ur Rehman

*Reviewed on Copy*  
*Jan*  
*27-12-2012*

- vi) Iffikhar Ahmad
- vii) Hazrat Ali
- viii) Muhammad Mukhtar
- ix) Abdul Wadood and Mir Qasim Khan

9. The Khyber Pakhtunkhwa Service Tribunal accepted their plea and directed the department to make confirmation of all these officers from the date their appointment i.e. 01/04/1977. The relevant paragraph of the judgment of the Services Tribunal dated 12/03/2005 is reproduced below:-

**"In our opinion the probation period of a respective civil servant is always counted as active service, as is done in case of other service like CSS etc where the two years probation period of the appointee is considered to be active service, and seniority fixation is done accordingly as regards the sanctioning or otherwise of the posts of ASIs in Malakand Range from 01/04/1977, we feel that it was primary responsibility of the department to have ensured that budgeted posts did exist before making appointment of the appellant and his batchmates. If the department lapsed on that score, the appellants and his batchmates should not made to suffer for the failings of others. With these remarks the appeal is accepted as praved for, and the decision of the earlier DPC meeting dated 14/05/2002 wherein the services of the appellant and his batchmates were regularized w.e. from 01/04/1977 is hereby restored. No order as to costs. File be consigned to the record"** (Copy attached as Annexure "E").

10. Younas Javed, Muhammad Idrees Khan DSSP were also confirmed from the date of appointment vide Service Tribunal Khyber Pakhtunkhwa Peshawar judgment dated 12/01/2012.

**"In view of the above, the appeal is accepted, the impugned order dated 04/07/2011, is set aside and the appellant is confirmed from the date of appointment i.e 28/03/1975, with seniority and other consequential benefits. Parties are left to bear their own costs"**(Copy attached as Annexure "F").


11. Honorable Supreme Court of Pakistan has held in the various judgments, **"that if a Tribunal or the Supreme Court decides a point of Law relating to the terms and condition of a Civil Servant who litigate, and there were other Civil Servants, who may not have taken an legal proceedings, in such case, the dictates of Justice and rule of good Governance demand that the benefit of the decision be extended to other Civil Servants also, who may, not be parties to that litigation, instead of completing them to approach the Tribunal or any other legal forum. All citizens are equal before Law and entitled to equal protection of Law as per Art 25 of the constitution"** (Copy attached as Annexure "G").It refers to the following cases:-

- i. Hameed Akhtar Niazi v. The Secretary, Establishment Division, Government of Pakistan and other 1966 SCMR 1185 and Tara Chand and others v. Karachi Water and Sewerage Board, Karachi and others 2005 SCMR 499 fol.

- ii. Mst. Muqqdas Akhtar and another v. Province of Punjab through Secretary Education Department, Government of Punjab and another 2000 PLC (C.S) 867 ref.
  - iii. Mst. Afshan Ghazanfar, A.A,-G,. Punjab and Rana Abdul Qayyum, D.S . (Education) Punjab for Petitioners.
  - iv. S.M. Tayyab, Senior Advocate Supreme Court for respondents (in Cr. Ps. Nos. 71-L, 72-L and C.P 224-L of 2008.
12. Recently Departmental Selection Committee constituted vide notification No. S/100 dated 20/02/2007 was held on 12/06/2012 in the conference room of CPO under the chair of Addl.IG Hqrs and its six other learned member who made it crystal clear that police officers appointed directly in the rank of ASI shall be confirmed from the date of regular appointment after completion of probation period in the light of various judgments of the Services tribunal, High court Peshawar and Supreme Court of Pakistan (Copy attached as **Annexure "H"**).
13. According to the decision of Khyber Pakhtunkhwa Service Tribunal Eleven officers of Malakand/D.I Khan Ranges were confirmed from the date of their initial appointment in Service and subsequently assigned seniority as such.
14. On the same analogy, I am also entitled to be confirmed from the date of appointment, as held by the **Honorable Supreme Court of Pakistan** in its decision mentioned in Para 13 ante.
15. Due to non-confirmation form the date of appointment i.e. 02.04.1977. Plenty of junior Police Officers of different junior batch were senior to me as per "F" list issued vide Notification No.5482-94/E-II, dated Peshawar 31.03.2004 (Copy attached as **Annexure "I"**).
16. In view of above factual and legal position, my case needs consideration on merit and deserve to be confirmed from the date of appointment with my coursmat.

It is therefore, requested that I may kindly be confirmed from the date of appointment i.e 02/04/1977 in the light of 19,25 Police Rules 1934, judgment of Apex Supreme Court of Pakistan, Service Tribunal Khyber Pakhtunkhwa Peshawar and DPC held on 12.06.2012. My name brought at right place in the revise seniority list "F" with my coursmat.

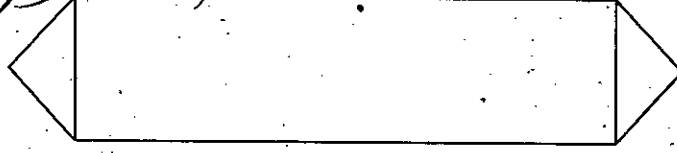
Yours obediently,

  
**(ABDUR RASHID KHAN)**  
 DSP Special Branch  
 Peshawar

Dated 27.12.2012



بعدالت کے پی سی، سروس ٹریبونل پشاور (14)



Service Appeal No. 12013

2013ء پنجاب

مورخہ

مقدمہ

دعویٰ

جرم

عبدالمشرف خان بنام  
DSP سیشن ڈی ایچ  
پشاور  
ڈسٹریکٹ ٹریبونل پشاور

باعث تحریر آنکہ

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی وجواب دہی وکل کاروائی متعلقہ

M. Usman Khan Turlandi  
M. A. LL. B Advocate

آن مقام KPK ST کیلئے

مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ پیر  
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالث و فیصلہ پر حلف دینے جواب دہی اور اقبال دعویٰ اور  
بصورت ڈگری کرنے اجراء اور وصولی چیک و روپیہ ارضی دعویٰ اور درخواست ہر قسم کی تصدیق  
زرائیں پر دستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیروی یا ڈگری یکطرفہ یا اپیل کی برآمدگی  
اور منسوخی نیز دائر کرنے اپیل نگرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا۔ از بصورت ضرورت  
مقدمہ مذکور کے کل یا جزوی کاروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے بجائے  
تقرر کا اختیار ہوگا۔ اور صاحب مقرر شدہ کو بھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے  
اور اس کا ساختہ پر داختم منظور قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانہ التوائے مقدمہ کے  
سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں  
گے۔ کہ پیروی مذکور کریں۔ لہذا وکالت نامہ لکھ دیا کہ سند ہے۔

ATTESTED  
&  
ACCEPTED

20/3

ماہ اگست

المرقوم

M. Usman Khan Turlandi  
M. A. LL. B Advocate  
Peshawar.

عدنان سٹیٹسٹری مارٹ  
چک مشگری پشاور ٹی فون: 2220193  
Mob: 0345-9223239

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KPK ST  
مقام

**BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.630/2013

Abdur Rashid Khan DSP presently working and posting as DSP, Special  
Branch Khyber Pakhtunkhwa Peshawar ..... (Appellant).

**VERSUS**

Provincial Police Officer Khyber Pakhtunkhwa and others  
.....(Respondents).

**INDEX**

<i>S.No.</i>	<i>Description of Documents</i>	<i>Annex</i>	<i>Pages</i>
1.	Comments on behalf of respondents	-	1-3
2.	Affidavit	-	4
3.	Copy of In House meeting	A	5-7
4.	Copy of revised seniority list as stood on 05.06.2013	B	8-12
5.	Extract of Police Rule 12.2, 12.8	C	13-14

Respondents

Through

  
**DSP/Legal**  
ØPO Peshawar.

**BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.630/2013

Abdur Rashid Khan DSP presently working and posting as DSP, Special Branch Khyber Pakhtunkhwa Peshawar ..... (Appellant).

**VERSUS**

Provincial Police Officer Khyber Pakhtunkhwa and others  
.....(Respondents).

**Respectfully Sheweth:-**

Parawise comments to appeal by the respondents are submitted as below.

**1.Preliminary objections:-**

1. That the instant appeal is not maintainable in the present form.
2. That the appeal is bad for misjoinder/nonjoinder of necessary parties.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is time barred. According to Apex Court Supreme Court of Pakistan Islamabad Judgment dated 20.07.005 passed in Civil Petition No.772-K/2004, published in SCMR 2006 page 453, it was held that the service Tribunal should have taken notice of the fact that when appeal before the Departmental Authority being time barred, appeal by the civil servant before the Service Tribunal was incompetent.
5. That appellant being a police officer, is governed under the Police Rules 1934 read with Police order 2002 and not under the Civil Servants Act 1973. According to Police Rules, Seniority is determined favour the date of confirmation and not from the date of appointment. Reference in this regard could be made to the judgment of Apex Court Supreme Court of Pakistan published in PLD 1985 page 159.

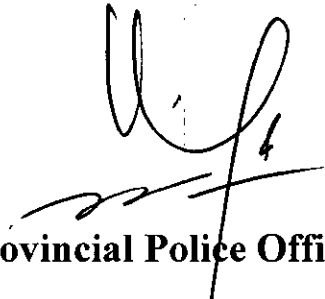
**2.Facts:-**

1. Correct according to service record, need no comments.
2. Correct according to service record, need no comments.

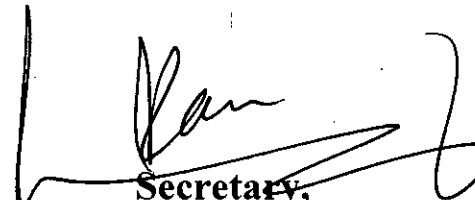
3. Correct to the extent that August Khyber Pakhtunkhwa Service Tribunal Peshawar in a number of Service Appeals decided confirmation of Appellants from the date of their appointment which was in conflict with PR 12-2(3) and 12-8, due to which appeals were filed against the order on the stance that a Police Officers are governed by Police Law i.e Police Act 1861, Police Rules 1934 and Police Order 2002 and needs to be treated in accordance with the Laws/Rules strictly in accordance with their position of merit.
4. Correct, already explained in para 3 above.
5. The Departmental Representation filed by the petitioner and others were taken up during In House Committee meeting held on 27.05.2013 and 29.05.2013 in conference Room of CPO Khyber Pakhtunkhwa Peshawar under the chairmanship of Provincial Police Officer Khyber Pakhtunkhwa wherein unanimous decision was taken that all the DSsP shall be given seniority as per their date of confirmation in the light of Police Rules 12-2(3) of 1934 in the rank of SI and not from the date of appointment/promotion as ASI. The provisional seniority list of DSsP issued vide No. S/292-328/13 dated 11.01.2013 is set aside and the seniority list of DSsP as it stood on 20.03.2012 is restored in its original shape by giving seniority to the DSP Muhammad Idrees and Younis Javed Mirza as per court decision. Thus a final seniority list of DSsP will be issued according to Police Rules. Copy of In House meeting enclosed as Annexure "A". While revised list of DSsP as stood on 05.06.2013 is enclosed as Annexure "B".
6. Correct, however it is pointed out that all the DSsP were given equal treatment and protection of law and no discrimination was exercised to any Police Officers of senior or junior rank of Police.
7. Already explained vide para 5 above. Need no further comments.
8. That the appellant was confirmed as ASI after the completion of probation period of 03 year, in accordance with Police Rules 12.8 of 1934.

9. Incorrect, the Police Officers, being member of Uniform/Disciplined force are governed under Police Laws including Police Act 1861, Police Rules 1934 and Police Order 2002 and not under the Civil Servant Act 1973. The seniority of the Police Officers is always determined/fixed in accordance with Police Rules 12-2(3) r/w 12-8 of 1934 copies enclosed as annexure 'C'.
10. Irrelevant, need no comments.
11. Para No. 11 is related to court decision, hence no comments.
12. Any additional ground, if necessary, will be taken at arguments stage.

In the light of above facts and circumstances it is requested that appeal filed by the appellant may be dismissed being time barred and in conflict with the Rules applicable to appellant.



**Provincial Police Officer,**  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No.1)



**Secretary,**  
Govt of Khyber Pakhtunkhwa,  
Home & TAs Department,  
Peshawar.  
(Respondent No.2)  
Secretary (Home),  
Khyber Pakhtunkhwa

**BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.630/2013

Abdur Rashid Khan DSP presently working and posting as DSP, Special  
Branch Khyber Pakhtunkhwa Peshawar. .... (Appellant).

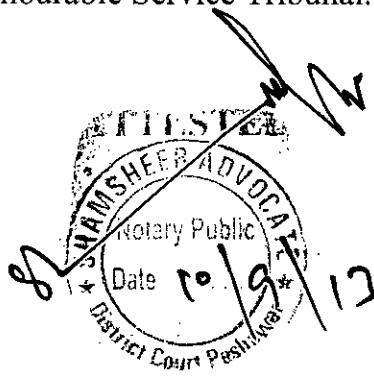
**VERSUS**

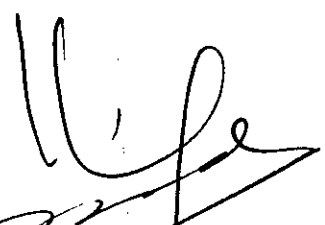
Provincial Police Officer Khbyer Pakhtunkhwa and others.

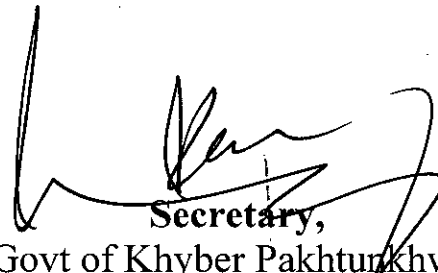
.....(Respondents).

**COUNTER AFFIDAVIT.**

We, the respondents No.1 and 2 mentioned below, do hereby solemnly affirm and declare on oath that contents of reply to the above title service appeal are true and correct to the best of our knowledge and belief. Nothing has been kept secret/concealed from this Honourable Service Tribunal.



  
**Provincial Police Officer,**  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No.1)

  
**Secretary,**  
Govt of Khyber Pakhtunkhwa,  
Home & TAs Department,  
Peshawar.  
(Respondent No.2)  
Secretary (Home),  
Khyber Pakhtunkhwa

MINUTES OF IN-HOUSE MEETING

In house meetings were held in two phases, 1<sup>st</sup> on 27<sup>th</sup> May, 2013 and the 2<sup>nd</sup> on 29<sup>th</sup> May, 2013 at Conference Room CPO Peshawar under the Chairmanship of Mr. Ihsan Ghani Provincial Police Officer Khyber Pakhtunkhwa. Representatives from Executive and Legal branches also participated. The following cases were discussed in detail:-

1. Case regarding Joint Seniority of Executive and Legal Branches in light of judgement of Peshawar High Court dated 24.04.2013.
  2. Determination of Seniority of DSsP in the light of Courts Judgments.
1. Case regarding Joint Seniority of Executive and Legal Branches in light of judgement of Peshawar High Court dated 24.04.2013.

The Honourable High Court Peshawar in its Judgement dated 24.04.2013 in Writ Petition No. 1680-P/2012 filed by Mian Mustafa Gul DSP Legal/Asstt: Director, ACE, Peshawar directed the respondent Department (Police Department) to issue combined Seniority List of two Branches of the Police Department i.e Legal and Executive and thereafter make promotions on the basis of seniority cum fitness in accordance with law in terms of Article 8 (2) (p) of the Police order, 2002.

Abstracts from the Police Rules and Court judgments were put before the house, which are reproduced below:-

Police Rule 12.6 (3) (c)

After recruitment, no Inspector Legal shall be allowed change of cadre from Inspector Legal to the Executive or any other branch in the Police Department.

Article 8 (2) P of Police Order-2002.

Article 8. Police to be organized on functional basis:-

(1) The Police establishment constituted under Article 7 shall, as far as practicable, be organized on functional basis in to branches, divisions, bureaus and sections.

(2) The branches, divisions, bureaus and sections referred to in clause (1) may include- (a) Investigation; (b) Intelligence; (c) Watch and Ward; (d) Reserve Police; (e) Police Accountability; (f) Personnel Management; (g) Education and Training; (h) Finance and Internal Audit; (i) Crime Prevention; (j) Crime against women; (k) Traffic Planning and Management; (l) Criminal Identification; (m) Information Technology; (n) Transport; (o) Research and Development; (p) Legal Affairs; (q) Welfare; (r) Estate management.

*[Handwritten signature]*

Pres. Muhammad Haleem, C.J., Muhammad Afzal Zullah, Shafiur Rahman and Mian Buranuddin Khan, Inspector General of Police, Punjab, Lahore and others-Appellants.

Criterion for determining seniority of subordinate ranks of Police force, held, would be provided by R. 12.2, Police rules, 1934 as from dates of their confirmation and not from date of continuous appointment in the grade as laid down in Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974, r. 8 (1) (6) read with S. 7 (2), Punjab Civil Servants Act, 1974—Special Law, viz. Police Act, 1861 and Rules framed there under having not been repealed expressly or by implication, held further, would prevail over later law of general application i.e Punjab Civil Servants Act, 1974 and Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974— {Interpretation of statutes—Civil services}

{p.173}J

The Civil Servant Act is an Act of general application and it has no constitutional status. Accordingly, it is as much a law as the Police Act of 1861 with the added distinction that it is of general application while the Police Act is of special application to the officers of the subordinate ranks of the Police force. The same is true with the rules. In this view of the matter, the question as to which would prevail over the other in case of inconsistency is of no difficulty. It should not be forgotten that the Police Act and the rules framed there-under are such as would be applicable to a disciplined force only while the Civil Servants Act cannot serve this purpose. {p.173}K.

The house discussed the case threadbare in light of the above rules/orders and decided that:-

The decision of the Honourable High Court dated 24.04.2013 is required to be agitated in the Apex Court and directed the AIG/Legal CPO to move for a CPLA through Law Department Govt: of Khyber Pakhtunkhwa.

- a) A Sub-Committee consisting of Addl: IGP/HQrs., Addl: IGP/Ops, Addl: IGP/S.B, DIG/HQrs, AIG/Estab: and a representative from Legal Branch was constituted to look-into the affairs of Legal Branch, prepare Service Structure and submit recommendation to the PPO / Khyber Pakhtunkhwa by 10.06.2013.
- b) A case be prepared immediately for promotion of Legal officers to the next higher ranks on their available vacancies by 10.06.2013.

## 2. SENIORITY DISPUTE OF DSP (Executive)

*The house deliberately discussed the seniority case of DSP in light of court decision and Police Rules chapter 12.13.*

*Police Rule 12.2 (3) is reproduced below:-*

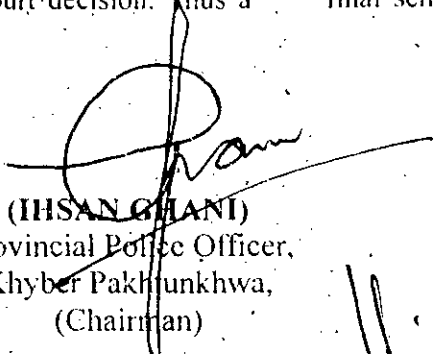
*(3) All appointments of enrolled police officers are on probation according to the rules in this Chapter applicable to each rank.*

*Seniority, in the case of 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.*




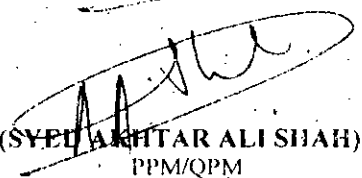


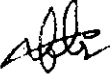
The house unanimously decided that all the DSsP shall be given seniority as per their date of confirmation in light of Police Rule 12.2 (3) in the rank of SI and not from the date of appointment/promotion as ASI. The Provisional Seniority List of DSsP issued vide No. S/292-328/13, dated 11.01.2013 is set aside and the seniority list of DSsP as stood on 20.03.2012 is restored in its original shape by giving seniority to the DSP/Muhammad Idrees and Younas Javed Mirza as per court decision. Thus a final seniority list of DSP be issued according to Police Rules.

  
(IHSAN GHANI)  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
(Chairman)

  
(MIAN MUHAMMAD ASIF)  
Addl: IGP/Ops & Trg: KPK  
Member

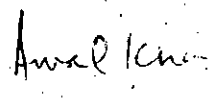
  
(KHALID MASOOD)  
Addl: IGP/HQrs: KPK  
Member


  
(SYED AKHTAR ALI SHAH)  
PPM/QPM  
Addl: IGP/Special Branch, KPK  
Member

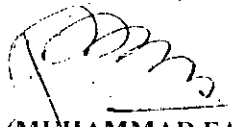
  
(LIAQAT ALI KHAN)  
CCPO, Peshawar  
Member

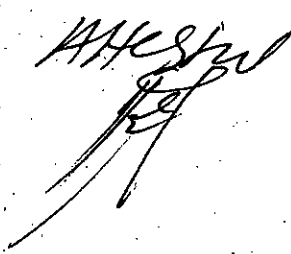
  
(AMIR HAMZA MAHSUD)  
Addl: IGP/Commandant, FRP, KPK  
Member

  
(MUHAMMAD MASOOD KHAN AFRIDI)  
Addl: IGP/Investigation, KPK  
Member

  
(AWAL KHAN)  
DIG/HQrs:  
Member

  
(SYED FIDA HASSAN SHAH)  
AIG/Establishment  
Member

  
(MUHAMMAD FAYYAZ)  
AIG/Legal  
Member



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

To : All Addl: IsGP in Khyber Pakhtunkhwa.  
The CCPO, Peshawar.  
All RPOs in Khyber Pakhtunkhwa.  
The Commandant, PTC, Hangu.  
The DIG/Traffic, KPK, Peshawar.  
The Director, ACE, KPK, Peshawar.

No. S/3237-52/13, dated Peshawar, the 07/06/2013.

Subject: FINAL SENIORITY LIST OF DSsP  
AS STOOD ON 05.06.2013.

Memo:

A copy of Final Seniority List of DSsP as stood on 05.06.2013 (7-pages)  
is enclosed herewith, for circulation amongst all the concerned DSsP serving under your  
command, for their information.

(KHALED MASOOD)

Addl: IGP/HQrs:  
For Provincial Police Officer  
Khyber Pakhtunkhwa.  
Peshawar.

*MHC Steel*  
*HE*

**FINAL SENIORITY LIST OF DEPUTY SUPERINTENDENTS OF POLICE, BPS-17 AS STOOD ON 05.06.2013**

No. S/ 3236 /2013. As unanimously decided in the in-house meetings held on 27<sup>th</sup> May & 29<sup>th</sup> May, 2013 that all DSsP shall be given seniority as per their date of confirmation in the light of Police Rule-12.2 (3) in the rank of SI and not from the date of appointment/promotion as ASI. The Provisional Seniority list of DSsP issued vide No. S/292-328/13, dated 11.01.2013 is set aside and the seniority list of DSsP as stood on 20.03.2010 is restored in its original shape by giving seniority to the DSsP Muhammad Idrees and Younas Javed Mirza in light of Courts decision.

S/NO.	NAME OF OFFICER	QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 <sup>st</sup> ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP			Remarks
					DATE	PAY SCALE	METHOD OF RECRUITMENT	
1.	Mr. Faridullah	F.A	11.01.1954 DIKhan	27.03.1974	24.08.2006	17	By Promotion	
2.	Mr. Aziz Muhammad	MA/LLB	11.07.1957 Nowshera	19.8.82 as PSI	24.08.2006	17	By Promotion	Assigned revised seniority as per Service Tribunal judgement dated 12.01.2012.
3.	Mr. Muhammad Idrees	F.A	04.05.1954 DIKhan	28.03.1975	24.08.2006	17	By Promotion	Assigned revised seniority as per Service Tribunal judgments dated 12.01.2012 and Peshawar High Court Peshawar dated 21.12.2012
4.	Mr. Younas Javed	B.A	21.01.1957 Bannu	28.03.1975	24.08.2006	17	By Promotion	Assigned revised seniority vide this office letter No S-1777-1803/12, dated 13.03.2012
5.	Mr. Akbar Ali	B.A	14.06.1956 Swat	01.05.1975	07.08.2007	17	By Promotion	
6.	Mr. Sher Muhammad	F.A	04.01.1954 Mansehra	28.09.1971	24.08.2006	17	By Promotion	
7.	Mr. Riaz Hussain	M.A	03.03.1957 MKD Agency	01.04.1977	24.08.2006	17	By Promotion	
8.	Mr. Muhammad Younas Khan	B.A	04.04.1955 MKD Agency	01.04.1977	24.08.2006	17	By Promotion	
9.	Mr. Shah Nazar	B.A	01.04.1959 Kohistan	25.03.1979	24.08.2006	17	By Promotion	
10.	Mr. Rasool Shah	B.A	01.10.1959 Kohistan	25.03.1979	24.08.2006	17	By Promotion	
11.	Mr. Ghulam Habib	F.A	01.01.1955 Swabi	28.11.1975	23.02.2009	17	By Promotion	Assigned revised seniority vide Order No. S-2134/12 dated 02.01.2012.
12.	Syed Imtiaz Ali Shah	B.A	15.04.1954 Peshawar	28.11.1975	23.02.2009	17	By Promotion	Assigned revised seniority vide this office Notification No. S-1312/09, dt: 04.03.2009
13.	Mr. Ihsanullah Khan	F.A	16.09.1956 Peshawar	28.11.1975	07.08.2007	17	By Promotion	
14.	Mr. Rahatullah	10 <sup>th</sup>	20.04.1958 Peshawar	28.11.1975	07.08.2007	17	By Promotion	Assigned revised seniority vide Order No. S-2614/12 dated 09.04.2012
15.	Mr. Muhammad Javed	F.A	04.01.1957 Peshawar	10.04.1977	07.08.2007	17	By Promotion	He has been given revised Seniority vide letter No. S-2048/10, dated 06.02.2010
16.	Mr. Asif Jan	F.A	15.08.1953/Bannu	01.12.1976	06.03.2008	17	By Promotion	Assigned revised seniority vide this office letter No. S-1777-1803/12, dated 13.03.2012
17.	Mr. Hashmat Ali Shah	B.A	20.04.1956 DIKhan	01.12.1975	11.05.2010	17	By Promotion	
18.	Mr. Muhammad Irshad	MA/LLB	10.03.1964 Peshawar	12.12.1991 as PSI	15.09.2007	17	By Promotion	
19.	Syed Israr-ud-Din	B.A	01.03.1959 MKD Agcy	01.04.1983	07.08.2007	17	By Promotion	
20.	Mr. Malik Muhammad Tariq	MA/LLB	09.11.1961 DIKhan	10.11.1987	07.08.2007	17	By Promotion	
21.	Mr. Sardar Khan	F.A	30.10.1959 Kohistan	25.03.1979	15.09.2007	17	By Promotion	
22.	Mr. Muhammad Riaz	F.A	09.06.1956 Abbottabad	22.04.1980	10.12.2009	17	By Promotion	He has been given revised seniority vide letter No. S-1173/11, dated 16.07.2011

*M. Hashmat Ali*

	NAME OF OFFICER	QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF ENTRY INTO GOVT. SERVICE	DATE	PAY SCALE	METHOD OF RECRUITMENT	Remarks
	Mr. Mehmood Hussain	BA/LLB	25.04.1956 Haripur	01.12.1980	07.08.2007	17	By Promotion	
24	Mr. Abdul Rashid	F.A	02.05.1956 Bannu	02.04.1977	31.10.2007	17	By Promotion	
25	Mr. Khalid Naseem	B.A	30.07.1956 Mardan	12.04.1978	31.10.2007	17	By Promotion	Assigned revise seniority vide Notification No. 10299/E-II dt. 16.04.2010
26	Mr. Muhammad Ajmal	F.A	18.12.1955/Swabi	16.07.1974	23.02.2009	17	By Promotion	Assigned revise seniority vide Notification No. 1561/E-II dt. 21.1.2008
27	Mr. Sardar Muhammad	B.A	22.10.1956 Mardan	12.04.1978	06.03.2008	17	By Promotion	
28	Mr. Qamar Zaman	F.A	11.02.1958 Peshawar	15.11.1978	31.10.2007	17	By Promotion	Assigned revised seniority vide this office letter No S/1777-1803/12, dated 13.03.2012.
29	Mr. Muhammad Sadique	B.A	20.05.1956 Swat	01.07.1977	06.03.2008	17	By Promotion	
30	Mr. Zafar Hayat	10 <sup>th</sup>	11.04.1958 Karachi	18.05.1985	31.10.2007	17	By Promotion	
31	Mr. Shams ur Rehman	B.A	06.11.1958 Mansehra	07.05.1981	31.10.2007	17	By Promotion	Assigned revised seniority vide Order No. S/187-7200/11, dated 28.12.2011
32	Mr. Muhammad Ayaz	B.A	14.05.1959 Abbottabad	07.05.1981	23.02.2009	17	By Promotion	
33	Mr. Abdul Aziz Afridi	B.A	02.09.1960 Abbottabad	07.05.1981	31.10.2007	17	By Promotion	
34	Mr. Javed Iqbal	B.A	09.04.1961 Haripur	07.05.1981	31.10.2007	17	By Promotion	
35	Mr. Habibullah	F.A	10.06.1957 Battagram	07.05.1981	31.10.2007	17	By Promotion	
36	Mr. Sajid Khan	B.A	15.06.1958 Mansehra	07.05.1981	31.10.2007	17	By Promotion	
37	Mr. Abdul Saboor	F.A	10.03.1960 Abbottabad	05.04.1984	31.10.2007	17	By Promotion	
38	Mr. Gul Zarin	F.A	01.10.1960 Kohistan	05.04.1984	31.10.2007	17	By Promotion	Assigned revised Seniority vide DSC held on 29.05.2009
39	Mr. Iftikhar Ahmad	FA	10.05.1962 Mansehra	05.04.1984	23.02.2009	17	By Promotion	
40	Mr. Adam Khan	F.A	17.09.1953 Peshawar	28.11.1975	31.10.2007	17	By Promotion	
41	Mr. Haroon ur Rashid	B.A	15.03.1955 Nowshera	10.04.1977	31.10.2007	17	By Promotion	
42	Mr. Sanauallah	10 <sup>th</sup>	01.01.1959 Bannu	01.01.1971	31.10.2007	17	By Promotion	
43	Mr. Mushtaq Ahmed	B.A	30.03.1954 DIKhan	12.02.1976	31.10.2007	17	By Promotion	
44	Mr. Muhammad Pervaz	B.A	10.09.1958 Mardan	10.11.1977	23.02.2009	17	By Promotion	
45	Mr. Izhar Ahmad	B.A	30.10.1957 Mardan	10.04.1977	23.02.2009	17	By Promotion	
46	Mr. Inayatullah Shah	B.A/LLB	28.05.1956 Peshawar	10.04.1977	23.02.2009	17	By Promotion	
47	Mr. Hidayatullah	B.A	15.12.53 Peshawar	27.06.1975	23.02.2009	17	By Promotion	
48	Mr. Faridullah	10 <sup>th</sup>	08.10.1954 Bannu	03.05.1973	23.02.2009	17	By Promotion	Assigned revised seniority vide this office letter No S/1777-1803/12, dated 13.03.2012.
49	Mr. Muhammad Iqbal	M.A/Pol: Sc:	02.06.1955 Bannu	10.11.1987	20.01.2011	17	By Promotion	
50	Mr. Kifayatullah	M.A (Pol: SC)	01.12.1962 Bannu	10.11.1987	23.02.2009	17	By Promotion	

S.NO.	NAME OF OFFICER	QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 <sup>ST</sup> ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP			Remarks
					DATE	PAY SCALE	METHOD OF RECRUITMENT	
51.	Mr. Iftikhar ud din	F.A	20.04.1961 Nowshera	08.04.1984	23.02.2009	17	By Promotion	
52.	Mr. Riaz Ahmad	F.A	15.05.1962 Nowshera	05.04.1984	23.02.2009	17	By Promotion	
53.	Haji Imtiaz Ahmed	FA	18.04.1956 Charsadda	10.04.1977	10.12.2009	17	By Promotion	
54.	Mr. Bashir Ahmed	Matric	20.01.1957 L/Marwat	20.12.1975	10.12.2009	17	By Promotion	
55.	Mr. Abdul Hayee	MA (Pol. Sc) B.Ed:	01.04.1965/DIKhan	20.04.1991	10.12.2009	17	By Promotion	
56.	Mr. Ali Rehmat	FA	18.06.1956 Swat	01.04.1980	10.12.2009	17	By Promotion	
57.	Mr. Shahnaz Khan	FA	13.02.1955 Abbottabad	06.04.1977	10.12.2009	17	By Promotion	
58.	Mr. Abdul Malik	FA	28.09.1955 Abbottabad	09.12.1976 as JC 14.04.80 as ASI	10.12.2009	17	By Promotion	
59.	Mr. Zulfiqar Ahmad Tanoli	BSc	15.05.1968 Haripur	03.01.1987	10.12.2009	17	By Promotion	
60.	Mian Naseeb Jan	MA (Pushto)	04.10.1961 Charsadda	28.04.1983	10.12.2009	17	By Promotion	
61.	Mr. Ihsan Ullah	FA	10.01.1962 Bannu	01.06.1982	10.12.2009	17	By Promotion	
62.	Mr. Muhammad Iqbal	F.A	02.05.1955 Peshawar	28.11.1975	10.12.2009	17	By Promotion	
63.	Mr. Sardar Bahadar	BA	10.05.1962 Mardan	05.04.1984	10.12.2009	17	By Promotion	
64.	Mr. Shakir Ullah	BA	04.08.1956 Kohat	10.11.1977	10.12.2009	17	By Promotion	
65.	Mr. Muhammad Nawaz	BA/LLB	08.05.1959 Mardan	12.04.1978	10.12.2009	17	By Promotion	
66.	Mr. Iftikhar Ali	FA	01.06.1961 Charsadda	09.04.1980	10.12.2009	17	By Promotion	
67.	Mr. Rahim Shah	FA	22.02.1962 Peshawar	01.04.1983	10.12.2009	17	By Promotion	
68.	Mr. Muhammad Arif	FA	03.12.1956 Mardan	14.05.1984	10.12.2009	17	By Promotion	
69.	Pir Shahab Ali Shah	MA/LLB	12.08.1960 Mardan	10.04.1980	10.12.2009	17	By Promotion	
70.	Mr. Khushdil Khan	BA	20.11.1959 Nowshera	05.04.1984	10.12.2009	17	By Promotion	
71.	Mr. Bakhtiar Ahmed	B.A	04.04.1957 Abbottabad	13.04.1980	11.05.2010	17	By Promotion	
72.	Mr. Riaz Ahmed	B.A	10.04.1965 Swabi	05.04.1984	11.05.2010	17	By Promotion	
73.	Mr. Imtiaz Ali	B.A	05.06.1960 Nowshera	05.04.1984	11.05.2010	17	By Promotion	
74.	Mr. Shahid Ahmed	F.A	01.01.1961 Mardan	08.04.1984	20.01.2011	17	By Promotion	He has given revised Seniority in accordance with letter No. SCR-V-LE&AD/1-14/2005, dated 09.05.2008 due to UN MISSION
75.	Mr. Nowsher Khan	M.A	14.05.1961 Peshawar	07.04.1984	11.05.2010	17	By Promotion	Assigned ante date seniority vide Notification No. 5508/5942/12 dated 13.08.2012.
76.	Mr. Sajjad Ali	F.A	05.05.1958 Peshawar	05.04.1984	13.06.2011	17	By Promotion	He has been given revised Seniority
77.	Mr. Tariq Sohail	B.A	15.04.1963 Bannu	05.04.1984	13.06.2011	17	By Promotion	He has been given revised Seniority
78.	Mr. Jehanzeb Khan Burki	MA/LLB	15.07.1963 Peshawar	05.04.1984	20.01.2011	17	By Promotion	

*Attested*  
*[Signature]*

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NAME OF OFFICER	QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 <sup>st</sup> ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP			Remarks
				DATE	PAY SCALE	METHOD OF RECRUITMENT	
Mr. Khan Akbar	F.A	01.06.1965 Peshawar	05.04.1984	20.01.2011	17	By Promotion	
Mr. Shah Jehan	F.A	05.01.1969 Charsadda	05.04.1984	13.06.2011	17	By Promotion	He has been given revised Seniority vide letter No. S/3435/11, dated 13.06.2011
Mr. Muhammad Riaz	M.A	10.02.1958 Charsadda	31.12.1980	20.01.2011	17	By Promotion	
Mr. Muhammad Javed Khan	F.A	15.04.1960 Peshawar	10.11.1987	20.01.2011	17	By Promotion	
Mr. Fazal Ahmed Jan	M.A/LLB	02.04.1962 Peshawar	10.11.1987	20.01.2011	17	By Promotion	
Mr. Saleem Riaz	F.A	25.06.1965 Peshawar	18.11.1987	20.01.2011	17	By Promotion	
Mr. Sarfaraz Ali Shah	B.A	29.08.1960 Peshawar	16.04.1991	20.01.2011	17	By Promotion	
Mr. Waseem Ahmed Khalil	B.A	22.04.1962 Peshawar	16.04.1991	20.01.2011	17	By Promotion	
Mr. Muhammad Ashfaq	B.A	01.04.1971 Charsadda	16.04.1991	20.01.2011	17	By Promotion	
Mr. Muhammad Zahir Shah	F.A	09.03.1955 Peshawar	08.01.1975	20.01.2011	17	By Promotion	
Mr. Taj Farid	F.A	15.11.1957 Karak	15.11.1975	20.01.2011	17	By Promotion	
Mr. Mushtaq Hussain	F.A	19.09.1953 Kohat	22.04.1978	20.01.2011	17	By Promotion	
Mr. Zain Khan	M.A/LLB	01.04.1960 Mardan	06.02.1990	20.01.2011	17	By Promotion	
Mr. Shahzada Kokab Farooq	M.A	13.12.1969 DIKhan	20.04.1991	20.01.2011	17	By Promotion	
Mr. Baz Mir	10 <sup>th</sup>	01.10.1957 Kohistan	07.05.1981	20.01.2011	17	By Promotion	
Mr. Arif Javed	B.A	08.02.1964 Haripur	10.11.1987	20.01.2011	17	By Promotion	
Mr. Akhtar Ali	B.A	04.02.1955 Nowshera	20.06.1977	20.01.2011	17	By Promotion	
Mr. Aman Ullah	B.A	09.07.1964 Bannu	20.04.1991	20.01.2011	17	By Promotion	
Mr. Ahmed Nawaz	F.A	09.09.1954 Haripur	19.04.1980	20.01.2011	17	By Promotion	
Mr. Tariq Mehmood	B.A	28.04.1965 Abbottabad	25.04.1991	30.06.2011	17	By Promotion	He has been given revised Seniority.
Mr. Ijaz Ahmed	B.A	15.06.1966 Abbottabad	28.04.1991	20.01.2011	17	By Promotion	
Mr. Janas Khan	B.A	10.02.1965 Haripur	25.09.1987	20.01.2011	17	By Promotion	
Mr. Mukhtar Ahmad	F.A	04.02.1969 Abbottabad	28.04.1991	30.06.2011	17	By Promotion	He has been given revised Seniority
Mr. Muhammad Suleman	B.Sc	28.07.1970 Mansehra	28.04.1991	30.06.2011	17	By Promotion	He has been given revised Seniority
Mr. Saeed Ahmed	F.A	06.04.1966 Haripur	26.04.1991	20.01.2011	17	By Promotion	
Mr. Asif Gohar	10 <sup>th</sup>	07.08.1964 Mansehra	28.12.1985	20.01.2011	17	By Promotion	
Mr. Hafeez Ur Rehman	F.A	01.07.1957 Abbottabad	26.09.1975	20.01.2011	17	By Promotion	
Mr. Muhammad Shaikat	10 <sup>th</sup>	10.02.1956 Abbottabad	25.04.1974	13.06.2011	17	By Promotion	He has been given revised Seniority
Mr. Khwaja Rehman	F.A	30.03.1956 Dir Upper	20.08.1970	20.01.2011	17	By Promotion	
Mr. Riaz ud Din	F.A	16.05.1955 Karak	22.04.1978	30.06.2011	17	By Promotion	

**12.2 Seniority and probation-(1)** The seniority of Assistant Superintendent of Police is regulated by the orders passed from time to time by the Secretary of State and the Central Government.

No Probationary Assistant Superintendent of Police shall be permanently appointed as an Assistant Superintendent of Police until he has passed the prescribed departmental examination.

A Probationary Assistant Superintendent of Police who does not qualify by passing these examinations within two years, or at the first examination after two years, from the date of his joining the service, will be removed from Government service: Provided that the Provincial Government shall have power to relax this rule in special cases, when the Probationary Assistant Superintendent of Police is likely to make a good police officer.

(2) The rules governing the probation and seniority of Deputy Superintendent of Police are contained in Appendix 12.1.

(3) All appointments of enrolled police officers are on probation according to the rules in this Chapter applicable to each rank.

Seniority, in the case of 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 he originally held vis-à-vis any officers promoted or confirmed before him during his deputation.

The seniority of lower subordinate shall be reckoned from dates of appointment, subject to the conditions of rule 12.24 and provided that a promoted officer shall rank senior to an officer appointed direct to the same rank on the same date.



**12-8. Probationary nature of appointments.-** Inspectors, sergeants, sub-inspectors and assistant sub-inspectors who are directly appointed will be considered to be on probation for three years and are liable to be discharged at any time within the period of their probation if they fail to pass the prescribed examinations including the riding test, or are guilty of grave misconduct or are deemed for sufficient reason, to be unsuitable for service in the Police. A probationary inspector shall be discharged by the Inspector-General, and all other Upper Subordinates by Range Deputy Inspector-General, Assistant-General, Government Railway Police, and Assistant Inspector-General; Provincial Additional Police (designated as commandants, Provincial Additional Police).

(2) The pay admissible to a probationary inspector, sergeant, sub-inspector or assistant sub-inspector is shown in Appendix 10.64 Table-A.

A handwritten signature in black ink, appearing to be 'M. K. Singh', written in a cursive style.



**BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.630/2013

Abdur Rashid Khan DSP presently working and posting as DSP, Special  
Branch Khyber Pakhtunkhwa Peshawar ..... (Appellant).

**VERSUS**

Provincial Police Officer Khbyer Pakhtunkhwa and others  
.....(Respondents).

**INDEX**

<b>S.No.</b>	<b>Description of Documents</b>	<b>Annex</b>	<b>Pages</b>
1.	Comments on behalf of respondents	-	1-3
2.	Affidavit	-	4
3.	Copy of In House meeting	A	5-7
4.	Copy of revised seniority list as stood on 05.06.2013	B	8-12
5.	Extract of Police Rule 12.2, 12.8	C	13-14

Respondents

Through

  
**DSP/Legal**  
CPO Peshawar.

**BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.630/2013

Abdur Rashid Khan DSP presently working and posting as DSP, Special Branch Khyber Pakhtunkhwa Peshawar ..... (Appellant).

**VERSUS**

Provincial Police Officer Khyber Pakhtunkhwa and others

.....(Respondents).

**Respectfully Sheweth:-**

Parawise comments to appeal by the respondents are submitted as below.

**1.Preliminary objections:-**

1. That the instant appeal is not maintainable in the present form.
2. That the appeal is bad for misjoinder/nonjoinder of necessary parties.
3. That the appellant is estopped by his own conduct to file the instant appeal.
4. That the appeal is time barred. According to Apex Court Supreme Court of Pakistan Islamabad Judgment dated 20.07.005 passed in Civil Petition No.772-K/2004, published in SCMR 2006 page 453, it was held that the service Tribunal should have taken notice of the fact that when appeal before the Departmental Authority being time barred, appeal by the civil servant before the Service Tribunal was incompetent.
5. That appellant being a police officer, is governed under the Police Rules 1934 read with Police order 2002 and not under the Civil Servants Act 1973. According to Police Rules, Seniority is determined favour the date of confirmation and not from the date of appointment. Reference in this regard could be made to the judgment of Apex Court Supreme Court of Pakistan published in PLD 1985 page 159.

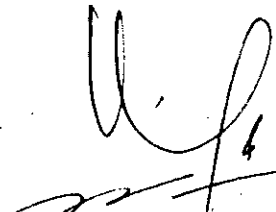
**2.Facts:-**

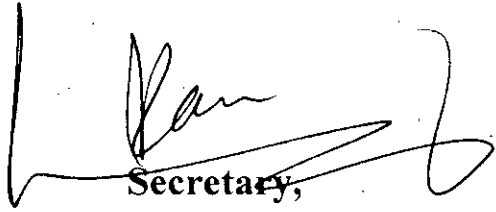
1. Correct according to service record, need no comments.
2. Correct according to service record, need no comments.

3. Correct to the extent that August Khyber Pakhtunkhwa Service Tribunal Peshawar in a number of Service Appeals decided confirmation of Appellants from the date of their appointment which was in conflict with PR 12-2(3) and 12-8, due to which appeals were filed against the order on the stance that a Police Officers are governed by Police Law i.e Police Act 1861, Police Rules 1934 and Police Order 2002 and needs to be treated in accordance with the Laws/Rules strictly in accordance with their position of merit.
4. Correct, already explained in para 3 above.
5. The Departmental Representation filed by the petitioner and others were taken up during In House Committee meeting held on 27.05.2013 and 29.05.2013 in conference Room of CPO Khyber Pakhtunkhwa Peshawar under the chairmanship of Provincial Police Officer Khyber Pakhtunkhwa wherein unanimous decision was taken that all the DSsP shall be given seniority as per their date of confirmation in the light of Police Rules 12-2(3) of 1934 in the rank of SI and not from the date of appointment/promotion as ASI. The provisional seniority list of DSsP issued vide No. S/292-328/13 dated 11.01.2013 is set aside and the seniority list of DSsP as it stood on 20.03.2012 is restored in its original shape by giving seniority to the DSP Muhammad Idrees and Younis Javed Mirza as per court decision. Thus a final seniority list of DSsP will be issued according to Police Rules. Copy of In House meeting enclosed as Annexure "A". While revised list of DSsP as stood on 05.06.2013 is enclosed as Annexure "B".
6. Correct, however it is pointed out that all the DSsP were given equal treatment and protection of law and no discrimination was exercised to any Police Officers of senior or junior rank of Police.
7. Already explained vide para 5 above. Need no further comments.
8. That the appellant was confirmed as ASI after the completion of probation period of 03 year, in accordance with Police Rules 12.8 of 1934.

9. Incorrect, the Police Officers, being member of Uniform/Disciplined force are governed under Police Laws including Police Act 1861, Police Rules 1934 and Police Order 2002 and not under the Civil Servant Act 1973. The seniority of the Police Officers is always determined/fixed in accordance with Police Rules 12-2(3) r/w 12-8 of 1934 copies enclosed as annexure "C".
10. Irrelevant, need no comments.
11. Para No. 11 is related to court decision, hence no comments.
12. Any additional ground, if necessary, will be taken at arguments stage.

In the light of above facts and circumstances it is requested that appeal filed by the appellant may be dismissed being time barred and in conflict with the Rules applicable to appellant.

  
**Provincial Police Officer,**  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No.1)

  
**Secretary,**  
Govt of Khyber Pakhtunkhwa,  
Home & TAs Department,  
Peshawar.  
(Respondent No.2)  
Secretary (Home),  
Khyber Pakhtunkhwa

**BEFORE THE PESHAWAR SERVICE TRIBUNAL PESHAWAR.**

Service Appeal No.630/2013

Abdur Rashid Khan DSP presently working and posting as DSP, Special  
Branch Khyber Pakhtunkhwa Peshawar. .... (Appellant).

**VERSUS**


Provincial Police Officer Khbyer Pakhtunkhwa and others.

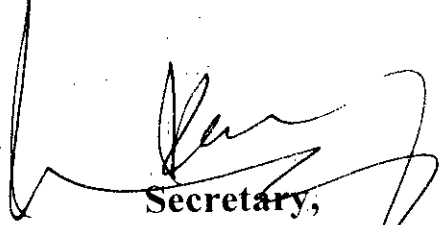
.....(Respondents).

**COUNTER AFFIDAVIT.**

We, the respondents No.1 and 2 mentioned below, do hereby solemnly affirm and declare on oath that contents of reply to the above title service appeal are true and correct to the best of our knowledge and belief. Nothing has been kept secret/concealed from this Honourable Service Tribunal.

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10/9/13

  
**Provincial Police Officer,**  
Khyber Pakhtunkhwa,  
Peshawar.  
(Respondent No.1)

  
**Secretary,**  
Govt of Khyber Pakhtunkhwa,  
Home & TAs Department,  
Peshawar.  
(Respondent No.2)  
Secretary (Home),  
Khyber Pakhtunkhwa

MINUTES OF IN-HOUSE MEETING

In house meetings were held in two phases, 1<sup>st</sup> on 27<sup>th</sup> May, 2013 and the 2<sup>nd</sup> on 29<sup>th</sup> May, 2013 at Conference Room CPO Peshawar under the Chairmanship of Mr. Ihsan Ghani Provincial Police Officer Khyber Pakhtunkhwa. Representatives from Executive and Legal branches also participated. The following cases were discussed in detail:-

1. Case regarding Joint Seniority of Executive and Legal Branches in light of judgement of Peshawar High Court dated 24.04.2013.
  2. Determination of Seniority of DSsP in the light of Courts Judgments.
1. Case regarding Joint Seniority of Executive and Legal Branches in light of judgement of Peshawar High Court dated 24.04.2013.

The Honourable High Court Peshawar in its Judgement dated 24.04.2013 in Writ Petition No. 1680-P/2012 filed by Mian Mustafa Gul DSP Legal/Asstt: Director, ACE, Peshawar directed the respondent Department (Police Department) to issue combined Seniority List of two Branches of the Police Department i.e Legal and Executive and thereafter make promotions on the basis of seniority cum fitness in accordance with law in terms of Article 8 (2) (p) of the Police order, 2002.

Abstracts from the Police Rules and Court judgments were put before the house, which are reproduced below:-

Police Rule 12.6 (3) (e)

After recruitment, no Inspector Legal shall be allowed change of cadre from Inspector Legal to the Executive or any other branch in the Police Department.

Article 8 (2) P of Police Order-2002.Article 8. Police to be organized on functional basis:-

(1) The Police establishment constituted under Article 7 shall, as far as practicable, be organized on functional basis in to branches, divisions, bureaus and sections.

(2) The branches, divisions, bureaus and sections referred to in clause (1) may include- (a) Investigation; (b) Intelligence; (c) Watch and Ward; (d) Reserve Police; (e) Police Accountability; (f) Personnel Management; (g) Education and Training; (h) Finance and Internal Audit; (i) Crime Prevention; (j) Crime against women; (k) Traffic Planning and Management; (l) Criminal Identification; (m) Information Technology; (n) Transport; (o) Research and Development; (p) Legal Affairs; (q) Welfare; (r) Estate management.



Present: Muhammad Haleem, C.J., Muhammad Afzal Zullah, Shafiqur Rahman and Mian Buranuddin Khan, Inspector General of Police, Punjab, Lahore and others-Appellants.

Criterion for determining seniority of subordinate ranks of Police force, held, would be provided by R. 12.2, Police rules, 1934 as from dates of their confirmation and not from date of continuous appointment in the grade as laid down in Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974; r. 8 (1) (6) read with S. 7 (2), Punjab Civil Servants Act, 1974—Special Law, viz. Police Act, 1861 and Rules framed there under having not been repealed expressly or by implication, held further, would prevail over later law of general application i.e Punjab Civil Servants Act, 1974 and Punjab Civil Servants (Appointment and Conditions of Service) Rules, 1974— {Interpretation of statutes—Civil services}

{p.173}J

The Civil Servant Act is an Act of general application and it has no constitutional status. Accordingly, it is as much a law as the Police Act of 1861 with the added distinction that it is of general application while the Police Act is of special application to the officers of the subordinate ranks of the Police force. The same is true with the rules. In this view of the matter, the question as to which would prevail over the other in case of inconsistency is of no difficulty. It should not be forgotten that the Police Act and the rules framed there-under are such as would be applicable to a disciplined force only while the Civil Servants Act cannot serve this purpose. {p.173}K.

The house discussed the case threadbare in light of the above rules/orders and decided that:-

The decision of the Honourable High Court dated 24.04.2013 is required to be agitated in the Apex Court and directed the AIG/Legal CPO to move for a CPLA through Law Department Govt: of Khyber Pakhtunkhwa.

- a) A Sub-Committee consisting of Addl: IGP/HQrs., Addl: IGP/Ops, Addl: IGP/S.B, DIG/HQrs, AIG/Estab: and a representative from Legal Branch was constituted to look-into the affairs of Legal Branch, prepare Service Structure and submit recommendation to the PPO / Khyber Pakhtunkhwa by 10.06.2013.
- b) A case be prepared immediately for promotion of Legal officers to the next higher ranks on their available vacancies by 10.06.2013.

2. **SENIORITY DISPUTE OF DSP (Executive)**

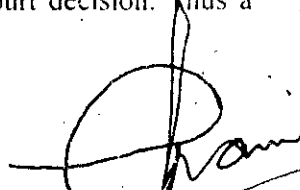
*The house deliberately discussed the seniority case of DSP in light of court decision and Police Rules chapter 12.13.*

*Police Rule 12.2 (3) is reproduced below:-*

*(3) All appointments of enrolled police officers are on probation according to the rules in this Chapter applicable to each rank.*

*Seniority, in the case of 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.*

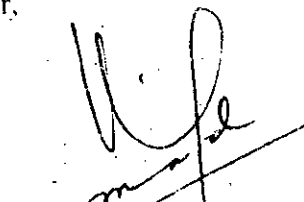
The house unanimously decided that all the DSsP shall be given seniority as per their date of confirmation in light of Police Rule 12.2 (3) in the rank of SI and not from the date of appointment/promotion as ASI. The Provisional Seniority List of DSsP issued vide No. S/292-328/13, dated 11.01.2013 is set aside and the seniority list of DSsP as stood on 20.03.2012 is restored in its original shape by giving seniority to the DSP/Muhammad Idrees and Younas Javed Mirza as per court decision. Thus a final seniority list of DSP be issued according to Police Rules.



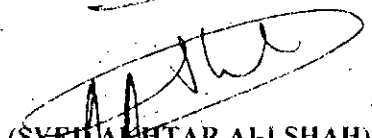
(IHSAN GHANI)  
Provincial Police Officer,  
Khyber Pakhtunkhwa,  
(Chairman)



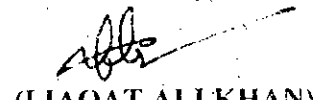
(MIAN MUHAMMAD ASIF)  
Addl: IGP/Ops & Trg: KPK  
Member




(KHALID MASOOD)  
Addl: IGP/HQrs: KPK  
Member



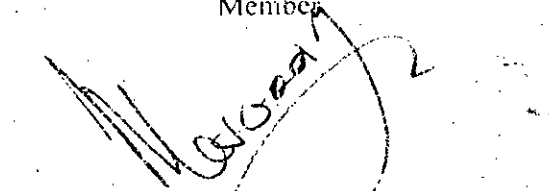
(SYED AKHTAR ALI SHAH)  
PPM/QPM  
Addl: IGP/Special Branch, KPK  
Member



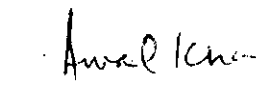
(LIAQAT ALI KHAN)  
CCPO, Peshawar  
Member



(AMIR HAMZA MAHTUB)  
Addl: IGP/Commandant, HRP, KPK  
Member



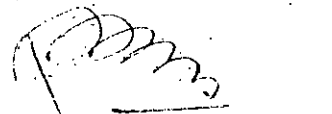
(MUHAMMAD MASOOD KHAN AFRIDI)  
Addl: IGP/Investigation, KPK  
Member



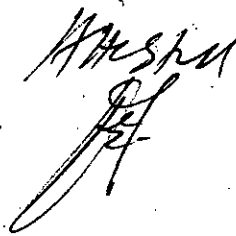
(AWAL KHAN)  
DIG/HQrs:  
Member



(SYED FIDA HASSAN SHAH)  
AIG/Establishment  
Member



(MUHAMMAD FAYYAZ)  
AIG/Legal  
Member





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

To: All Addl: IsGP in Khyber Pakhtunkhwa.  
The CCPO, Peshawar.  
All RPOs in Khyber Pakhtunkhwa.  
The Commandant, PTC, Hangu.  
The DIG/Traffic, KPK, Peshawar.  
The Director, ACE, KPK, Peshawar.

No. S/3237-52/13, dated Peshawar, the 07/06/2013.

Subject: **FINAL SENIORITY LIST OF DSsP  
AS STOOD ON 05.06.2013.**

Memo:

A copy of Final Seniority List of DSsP as stood on 05.06.2013 (7-pages) is enclosed herewith, for circulation amongst all the concerned DSsP serving under your command, for their information.

(KHALID MASOOD)

Addl: IGP/HQrs:  
For Provincial Police Officer  
Khyber Pakhtunkhwa,  
Peshawar.

*Khalid Masood*

**FINAL SENIORITY LIST OF DEPUTY SUPERINTENDENTS OF POLICE BPS-17 AS STOOD ON 20.03.20102**

No. S. 3236 /2013. As unanimously decided in the in-house meetings held on 27<sup>th</sup> May & 29<sup>th</sup> May, 2013 that all DSsP shall be given seniority as per their date of confirmation in the light of Police Rule-12.2 (3) in the rank of SI and not from the date of appointment/promotion as ASI. The Provisional Seniority List of DSsP issued vide No. S/292-328/13, dated 11.01.2013 is set aside and the seniority list of DSsP as stood on 20.03.20102 is restored in its original shape by giving seniority to the DSsP Muhammad Idrees and Younas Javed Mirza in light of Courts decision.

S.NO.	NAME OF OFFICER	QUALIFICATION	DATE OF BIRTH & DOMICILE	DATE OF 1 <sup>st</sup> ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP			Remarks
					DATE	PAY SCALE	METHOD OF RECRUITMENT	
1	Mr. Faridullah	F.A	11.01.1954 DIKhan	27.03.1974	24.08.2006	17	By Promotion	
2	Mr. Aziz Muhammad	MA/LLB	11.07.1957 Nowshera	19.8.82 as PSI	24.08.2006	17	By Promotion	
3	Mr. Muhammad Idrees	F.A	04.05.1954 DIKhan	28.03.1975	24.08.2006	17	By Promotion	Assigned revised seniority as per Service Tribunal judgment dated 12.01.2012
4	Mr. Younas Javed	B.A	21.01.1957 Bannu	28.03.1975	24.08.2006	17	By Promotion	Assigned revised seniority as per Service Tribunal judgments dated 12.01.2012 and Peshawar Tribunal judgment dated 21.12.2012
5	Mr. Akbar Ali	B.A	14.06.1956 Swat	01.05.1975	07.08.2007	17	By Promotion	Assigned revised seniority vide this office letter No. S/177-180/12, dated 15.03.2012
6	Mr. Sher Muhammad	F.A	04.01.1954 Mansehra	28.09.1971	24.08.2006	17	By Promotion	
7	Mr. Riaz Hussain	M.A	03.03.1957 MKD Agency	01.04.1977	24.08.2006	17	By Promotion	
8	Mr. Muhammad Younas Khan	B.A	04.04.1955 MKD Agency	01.04.1977	24.08.2006	17	By Promotion	
9	Mr. Shah Nazar	B.A	01.04.1959 Kohistan	25.03.1979	24.08.2006	17	By Promotion	
10	Mr. Rasool Shah	B.A	01.10.1959 Kohistan	25.03.1979	24.08.2006	17	By Promotion	
11	Mr. Ghulam Habib	F.A	01.01.1955 Swabi	28.11.1975	23.02.2009	17	By Promotion	Assigned revised seniority vide this office letter No. S/1312-09, dt. 04.13.2009
12	Syed Imtiaz Ali Shah	B.A	15.04.1954 Peshawar	28.11.1975	23.02.2009	17	By Promotion	
13	Mr. Ihsanullah Khan	F.A	16.09.1956 Peshawar	28.11.1975	07.08.2007	17	By Promotion	
14	Mr. Rahatullah	10 <sup>th</sup>	20.04.1958 Peshawar	28.11.1975	07.08.2007	17	By Promotion	Assigned revised seniority vide Order No. S/261/12 dated 09.04.2012
15	Mr. Muhammad Javed	F.A	04.01.1957 Peshawar	10.04.1977	07.08.2007	17	By Promotion	He has been given revised Seniority dated 15.03.2013 S/81-10, dated 06.02.2013
16	Mr. Asif Jan	F.A	15.08.1955/Bannu	01.12.1976	06.03.2008	17	By Promotion	Assigned revised seniority vide this office letter No. S/177-180/12, dated 17.03.2012
17	Mr. Hashmat Ali Shah	B.A	20.04.1956 DIKhan	01.12.1975	11.05.2010	17	By Promotion	
18	Mr. Muhammad Irshad	MA/LLB	10.03.1964 Peshawar	12.12.1991 as PSI	15.09.2007	17	By Promotion	
19	Syed Israr-ud-Din	B.A	01.03.1959 MKD Agy	01.04.1983	07.08.2007	17	By Promotion	
20	Mr. Malik Muhammad Tariq	MA/LLB	09.11.1961 DIKhan	10.11.1987	07.08.2007	17	By Promotion	
21	Mr. Sardar Khan	F.A	30.10.1959 Kohistan	25.03.1979	15.09.2007	17	By Promotion	
22	Mr. Muhammad Riaz	F.A	09.06.1956 Abbottabad	22.04.1980	10.12.2009	17	By Promotion	He has been given revised Seniority vide this office letter No. S/177-180/12, dated 16.02.2012

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			GOVT. SERVICE		SCALE	RECRUITMENT	
33.	Mr. Mehmood Hussain	BA/LLB	25.04.1956 Haripur	01.12.1980	07.08.2007	17	By Promotion
34.	Mr. Abdul Rashid	F.A	02.05.1956 Bannu	02.04.1977	31.10.2007	17	By Promotion
35.	Mr. Khalid Naseem	B.A	30.07.1956 Mardan	12.04.1978	31.10.2007	17	By Promotion
36.	Mr. Muhammad Ajmal	F.A	18.12.1955/Swabi	16.07.1974	23.02.2009	17	By Promotion Assigned revised seniority vide Notification No. 10299-E-II dt. 16.04.2010
37.	Mr. Sardar Muhammad	B.A	22.10.1956 Mardan	12.04.1978	06.03.2008	17	By Promotion Assigned revised seniority vide Notification No. 1561 E-II dt. 21.1.2008
38.	Mr. Qamar Zaman	F.A	11.02.1958 Peshawar	15.11.1978	31.10.2007	17	By Promotion
39.	Mr. Muhammad Sadique	B.A	20.05.1956 Swat	01.07.1977	06.03.2008	17	By Promotion Assigned revised seniority vide the office letter No. S-1775-1803/12, dated 15.03.2012
40.	Mr. Zafar Hayat	10 <sup>th</sup>	11.04.1958 Karachi	18.05.1985	31.10.2007	17	By Promotion
41.	Mr. Shams ur Rehman	B.A	06.11.1958 Mansehra	07.05.1981	31.10.2007	17	By Promotion
42.	Mr. Muhammad Ayaz	B.A	14.05.1959 Abbottabad	07.05.1981	23.02.2009	17	By Promotion Assigned revised seniority vide Order No. S-1872-2200/11, dated 28.12.2011
43.	Mr. Abdul Aziz Afridi	B.A	02.09.1960 Abbottabad	07.05.1981	31.10.2007	17	By Promotion
44.	Mr. Javed Iqbal	B.A	09.04.1961 Haripur	07.05.1981	31.10.2007	17	By Promotion
45.	Mr. Habibullah	F.A	10.06.1957 Battagram	07.05.1981	31.10.2007	17	By Promotion
46.	Mr. Sajid Khan	B.A	15.06.1958 Mansehra	07.05.1981	31.10.2007	17	By Promotion
47.	Mr. Abdul Saboor	F.A	10.03.1960 Abbottabad	05.04.1984	31.10.2007	17	By Promotion
48.	Mr. Gul Zarin	F.A	01.10.1960 Kohistan	05.04.1984	31.10.2007	17	By Promotion
49.	Mr. Iftikhar Ahmad	FA	10.05.1962 Mansehra	05.04.1984	23.02.2009	17	By Promotion Assigned revised Seniority vide DSC held on 29.05.2009
50.	Mr. Adam Khan	F.A	17.09.1953 Peshawar	28.11.1975	31.10.2007	17	By Promotion
51.	Mr. Haroon ur Rashid	B.A	15.03.1955 Nowshera	10.04.1977	31.10.2007	17	By Promotion
52.	Mr. Sanaullah	10 <sup>th</sup>	01.01.1959 Bannu	01.01.1971	31.10.2007	17	By Promotion
53.	Mr. Mushtaq Ahmed	B.A	30.03.1954 DIKhan	12.02.1976	31.10.2007	17	By Promotion
54.	Mr. Muhammad Pervaz	B.A	10.09.1958 Mardan	10.11.1977	23.02.2009	17	By Promotion
55.	Mr. Izhar Ahmad	B.A	30.10.1957 Mardan	10.04.1977	23.02.2009	17	By Promotion
56.	Mr. Inayatullah Shah	B.A/LLB	28.05.1956 Peshawar	10.04.1977	23.02.2009	17	By Promotion
57.	Mr. Hidayatullah	B.A	15.12.53 Peshawar	27.06.1975	23.02.2009	17	By Promotion
58.	Mr. Faridullah	10 <sup>th</sup>	08.10.1954 Bannu	03.05.1973	23.02.2009	17	By Promotion
59.	Mr. Muhammad Iqbal	M.A/Pol: Sc:	02.06.1955 Bannu	10.11.1987	20.01.2011	17	By Promotion Assigned revised seniority vide the office letter No. S-1775-1803/12, dated 15.03.2012
60.	Mr. Kifayatullah	M.A (Pol: SC)	01.12.1962 Bannu	10.11.1987	23.02.2009	17	By Promotion

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			DATE OF BIRTH & DOMICILE	DATE OF 1 <sup>ST</sup> ENTRY INTO GOVT. SERVICE	DATE OF PROMOTION TO the Rank of DSP			Remarks
					DATE	PAY SCALE	METHOD OF RECRUITMENT	
51	Mr. Ifrikhar ud din	F.A	20.04.1961 Nowshera	08.04.1984				
52	Mr. Riaz Ahmad	F.A	15.05.1962 Nowshera	05.04.1984	23.02.2009	17	By Promotion	
53	Haji Imtiaz Ahmed	FA	18.04.1956 Charsadda	10.04.1977	23.02.2009	17	By Promotion	
54	Mr. Bashir Ahmed	Matric	20.01.1957 L/Marwat	20.12.1975	10.12.2009	17	By Promotion	
55	Mr. Abdul Hayee	MA (Pol. Sc) B.Ed.	01.04.1965/DIKhan	20.04.1991	10.12.2009	17	By Promotion	
56	Mr. Ali Rehmat	FA	18.06.1956 Swat	01.04.1980	10.12.2009	17	By Promotion	
57	Mr. Shahnaz Khan	FA	13.02.1955 Abbottabad	06.04.1977	10.12.2009	17	By Promotion	
58	Mr. Abdul Malik	FA	28.09.1955 Abbottabad	09.12.1976 as JC 14.04.89 as ASI	10.12.2009	17	By Promotion	
59	Mr. Zulfiqar Ahmad Tanoli	BSc	15.05.1968 Haripur	03.01.1987	10.12.2009	17	By Promotion	
60	Mian Naseeb Jan	MA (Pushto)	04.10.1961 Charsadda	28.04.1983	10.12.2009	17	By Promotion	
61	Mr. Ihsan Ullah	FA	10.01.1962 Bannu	01.06.1982	10.12.2009	17	By Promotion	
62	Mr. Muhammad Iqbal	F.A	02.05.1955 Peshawar	28.11.1975	10.12.2009	17	By Promotion	
63	Mr. Sardar Bahadar	BA	10.05.1962 Mardan	05.04.1984	10.12.2009	17	By Promotion	
64	Mr. Shakir Ullah	BA	04.08.1956 Kohat	10.11.1977	10.12.2009	17	By Promotion	
65	Mr. Muhammad Nawaz	BA/LLB	08.05.1959 Mardan	12.04.1978	10.12.2009	17	By Promotion	
66	Mr. Ifrikhar Ali	FA	01.06.1961 Charsadda	09.04.1980	10.12.2009	17	By Promotion	
67	Mr. Rahim Shah	FA	22.02.1962 Peshawar	01.04.1983	10.12.2009	17	By Promotion	
68	Mr. Muhammad Arif	FA	03.12.1956 Mardan	14.05.1984	10.12.2009	17	By Promotion	
69	Pir Shahab Ali Shah	MA/LLB	12.08.1960 Mardan	10.04.1980	10.12.2009	17	By Promotion	
70	Mr. Khushdil Khan	BA	20.11.1959 Nowshera	05.04.1984	10.12.2009	17	By Promotion	
71	Mr. Bakhtiar Ahmed	B.A	04.04.1957 Abbottabad	13.04.1980	11.05.2010	17	By Promotion	
72	Mr. Riaz Ahmed	B.A	10.04.1965 Swabi	05.04.1984	11.05.2010	17	By Promotion	
73	Mr. Imtiaz Ali	B.A	05.06.1960 Nowshera	05.04.1984	11.05.2010	17	By Promotion	
74	Mr. Shahid Ahmed	F.A	01.01.1961 Mardan	08.04.1984	20.01.2011	17	By Promotion	
75	Mr. Nowsher Khan	M.A	14.05.1961 Peshawar	07.04.1984	11.05.2010	17	By Promotion	He has given revised Seniority in accordance with Order No. SGR-V-I/FAAD/1-14/2005, dated 19.07.2010, in the 1 <sup>ST</sup> MISSION.
76	Mr. Sajjad Ali	F.A	05.05.1958 Peshawar	05.04.1984	13.06.2011	17	By Promotion	Assigned ante date seniority vide No. 104/10/2012, dated 13.08.2012.
77	Mr. Tariq Sohail	B.A	15.04.1963 Bannu	05.04.1984	13.06.2011	17	By Promotion	He has been given revised Seniority.
78	Mr. Jehanzeb Khan Burki	MA/LLB	15.07.1963 Peshawar	05.04.1984	20.01.2011	17	By Promotion	He has been given revised Seniority.

D. SENIORITY LIST SENIORITY LIST as stood on 15/01/2013 doc. Comp. 03

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		DOMICILE	ENTRY INTO GOVT. SERVICE	DATE	PAY SCALE	METHOD OF RECRUITMENT	
Mr. Khan Akbar	F.A	01.06.1965 Peshawar	05.04.1984	20.01.2011	17	By Promotion	
Mr. Shah Jehan	F.A	05.01.1969 Charsadda	05.04.1984	13.06.2011	17	By Promotion	He has been given revised Seniority vide letter No. 5/2437/24 dated 13.06.2011
Mr. Muhammad Riaz	M.A	10.02.1958 Charsadda	31.12.1980	20.01.2011	17	By Promotion	
Mr. Muhammad Javed Khan	F.A	15.04.1960 Peshawar	10.11.1987	20.01.2011	17	By Promotion	
Mr. Fazal Ahmed Jan	M.A/LLB	02.04.1962 Peshawar	10.11.1987	20.01.2011	17	By Promotion	
Mr. Saleem Riaz	F.A	25.06.1965 Peshawar	18.11.1987	20.01.2011	17	By Promotion	
Mr. Sartaraz Ali Shah	B.A	29.08.1960 Peshawar	16.04.1991	20.01.2011	17	By Promotion	
Mr. Wassem Ahmed Khalil	B.A	22.04.1962 Peshawar	16.04.1991	20.01.2011	17	By Promotion	
Mr. Muhammad Ashfaq	B.A	01.04.1971 Charsadda	16.04.1991	20.01.2011	17	By Promotion	
Mr. Muhammad Zahir Shah	F.A	09.03.1955 Peshawar	08.01.1975	20.01.2011	17	By Promotion	
Mr. Lal Farid	F.A	15.11.1957 Karak	15.11.1975	20.01.2011	17	By Promotion	
Mr. Murtaza Hussain	F.A	19.09.1953 Kohat	22.04.1978	20.01.2011	17	By Promotion	
Mr. Zam Khan	M.A/LLB	01.04.1960 Mardan	06.02.1990	20.01.2011	17	By Promotion	
Mr. Shahzada Kokab Farooq	M.A	13.12.1969 DIKhan	20.04.1991	20.01.2011	17	By Promotion	
Mr. Baz Mir	10 <sup>th</sup>	01.10.1957 Kohistan	07.05.1981	20.01.2011	17	By Promotion	
Mr. Arif Javed	B.A	08.02.1964 Haripur	10.11.1987	20.01.2011	17	By Promotion	
Mr. ALBIN ALI	B.A	04.02.1955 Nowshera	20.06.1977	20.01.2011	17	By Promotion	
Mr. Aman Ellah	B.A	09.07.1964 Bannu	20.04.1991	20.01.2011	17	By Promotion	
Mr. Ahmed Nawaz	F.A	09.09.1954 Haripur	19.04.1980	20.01.2011	17	By Promotion	
Mr. Tariq Mehmood	B.A	28.04.1965 Abbottabad	25.04.1991	30.06.2011	17	By Promotion	He has been given revised Seniority
Mr. Ijaz Ahmed	B.A	15.06.1966 Abbottabad	28.04.1991	26.01.2011	17	By Promotion	
Mr. Umar Khan	B.A	10.02.1965 Haripur	25.09.1987	20.01.2011	17	By Promotion	
Mr. Mukhtar Ahmad	F.A	04.02.1969 Abbottabad	28.04.1991	30.06.2011	17	By Promotion	He has been given revised Seniority
Mr. Muhammad Suleman	B.Sc	28.07.1970 Mansehra	28.04.1991	30.06.2011	17	By Promotion	He has been given revised Seniority
Mr. Farid Ahmed	F.A	06.04.1966 Haripur	26.04.1991	20.01.2011	17	By Promotion	
Mr. A. Q. Qasim	10 <sup>th</sup>	07.08.1964 Mansehra	28.12.1985	20.01.2011	17	By Promotion	
Mr. Hafeez Ur Rehman	F.A	01.07.1957 Abbottabad	26.09.1975	20.01.2011	17	By Promotion	
Mr. Muhammad Shaukat	10 <sup>th</sup>	10.02.1956 Abbottabad	25.04.1974	13.06.2011	17	By Promotion	He has been given revised Seniority
Mr. Ejaz Ur Rehman	F.A	30.03.1956 Dir Upper	20.08.1970	20.01.2011	17	By Promotion	
Mr. Farid Din	F.A	16.05.1955 Karak	22.04.1978	30.06.2011	17	By Promotion	

M. M. Shah  
 J. A. J.

**12.2 Seniority and probation-(1)** The seniority of Assistant Superintendent of Police is regulated by the orders passed from time to time by the Secretary of State and the Central Government.

No Probationary Assistant Superintendent of Police shall be permanently appointed as an Assistant Superintendent of Police until he has passed the prescribed departmental examination.

A Probationary Assistant Superintendent of Police who does not qualify by passing these examinations within two years, or at the first examination after two years, from the date of his date of his joining the service, will be removed from Government service: Provided that the Provincial Government shall have power to relax this rule in special cases, when the Probationary Assistant Superintendent of Police is likely to make a good police officer.

(2) The rules governing the probation and seniority of Deputy Superintendent of Police are contained in Appendix 12.1.

(3) All appointments of enrolled police officers are on probation according to the rules in this Chapter applicable to each rank.

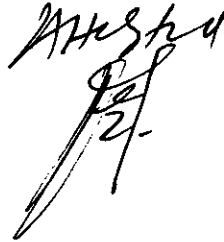
Seniority, in the case of upper subordinates, will be reckoned in the first instance from date of first appointment, officers promoted from a lower rank being considered senior to persons appointed direct on the same date, and the seniority of officers appointed direct on the same date being reckoned 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 he originally held vis-à-vis any officers promoted or confirmed before him during his deputation.

The seniority of lower subordinate shall be reckoned from dates of appointment, subject to the conditions of rule 12.24 and provided that a promoted officer shall rank senior to an officer appointed direct to the same rank on the same date.



**12-8. Probationary nature of appointments.-** Inspectors, sergeants, sub-inspectors and assistant sub-inspectors who are directly appointed will be considered to be on probation for three years and are liable to be discharged at any time within the period of their probation if they fail to pass the prescribed examinations including the riding test, or are guilty of grave misconduct or are deemed for sufficient reason, to be unsuitable for service in the Police. A probationary inspector shall be discharged by the Inspector-General, and all other Upper Subordinates by Range Deputy Inspector-General, Assistant-General, Government Railway Police, and Assistant Inspector-General, Provincial Additional Police (designated as commandants, Provincial Additional Police).

(2) The pay admissible to a probationary inspector, sergeant, sub-inspector or assistant sub-inspector is shown in Appendix 10.64 Table-A.

A handwritten signature in black ink, appearing to be 'M. H. S. 4' with a large flourish below it.