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**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1386/2013

Shakir Ullah Khan ASI, Police Station Bannu.

1424
01-10-13

(Appellant)

VERSUS

1. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Bannu Region, Bannu.
3. Deputy Inspector General of Police, Bannu.
4. District Police Officer Bannu.

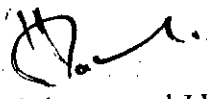
(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Order No 1237/EC dated 28.05.2013 whereby the confirmation order in the substantive rank of Assistant Sub-Inspector dated 19.09.2012 of the appellant has been withdrawn / cancelled, against which his departmental appeal dated 10.06.2013 has not been responded despite the lapse of 90 days statutory period

05.10.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General present. The present case pertains to the year 2013. Case called but neither the appellant appeared nor his counsel turned up. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.


(Hussain Shah)
Member

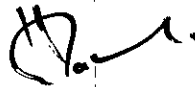

(Muhammad Hamid M)
Member

ANNOUNCED.
05.10.2018

05.10.2018

Appellant absent. Learned counsel for the appellant absent. Mr. Kabirullah Khattak learned Additional Advocate General present. The present case pertains to the year 2013. Case called but neither the appellant appeared nor his counsel turned up. Consequently the present service appeal is dismissed in default. No order as to costs. File be consigned to the record room.


(Hussain Shah)
Member


(Muhammad Hamid Mughal)
Member

ANNOUNCED.
05.10.2018

25.04.2018

Counsel for the appellant and Addl: AG for respondents present. Due to retirement of the worthy Chairman, the Tribunal is incomplete, therefore the case is adjourned. To come up for arguments on 10.07.2018 before D.B.


Reader

10.07.2018


Neither appellant nor his counsel present. Mr. Usman Ghani, District Attorney for respondents present. Adjourned. To come up for arguments on 04.09.2018 before D.B.


(Ahmad Hassan)
Member


(Muhammad Hamid Mughal)
Member

04.09.2018

Clerk to counsel for the appellant and Mr. Kabir Ullah Khattak learned Additional Advocate General present. Clerk to counsel for the appellant seeks adjournment. Adjourned. To come up for arguments on 05.10.2018 before D.B.



(Muhammad Amin Kundi)
Member


(Muhammad Hamid Mughal)
Member

14.09.2017

Clerk of the counsel for appellant present. Mr. Muhammad Jan, Deputy District Attorney for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that learned counsel for the appellant is not available today. Member copy of the instant appeal is also not available on file. The appellant is directed to submit member copy of the instant appeal on or before the next date of hearing 23.10.2017 before D.B.


Member
(Executive)


Member
(Judicial)

23.10.2017

Clerk of the counsel for appellant and Mr. Usman Ghani, District Attorney for the respondents present. Clerk of the counsel for appellant seeks adjournment. Granted. To come up for arguments on 14.12.2017 before D.B.



Member


Chairman

14.12.2017

None present for the appellant. Addl. AG for the respondents present. To come up for arguments on 21.02.2018 before the D.B.

Member


Chairman

21.02.2018

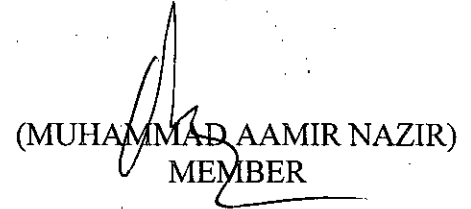
Due to non availability of D.B. Adjourned. To come up on 25.04.2018 before D.B.


(Gul Zeb Khan)
Member

13.12.2016

Counsel for the appellant and Mr. Asghar Ali Khan, H.C alongwith Assistant AG for the respondents present. The Member copy of the instant appeal is not available before the Tribunal. Learned counsel for the appellant is directed to submit the Member copy of the instant appeal before the date fixed. To come up for arguments on 19.6.17 before D.B.


(ASHFAQUE TAJ)
MEMBER


(MUHAMMAD AAMIR NAZIR)
MEMBER

19.04.2017


Clerk of the counsel for appellant present. Mr. Asghar Ali, Head Constable alongwith Mr. Muhammad Jan, Government Pleader for the respondents also present. Clerk counsel for the appellant requested for adjournment on the ground that counsel for the appellant is not available. Member copy of the instant appeal is not available on file. Directed to submit the Member copy of the instant appeal on or before the next date of hearing. To come up for arguments on 07.08.2017 before D.B.

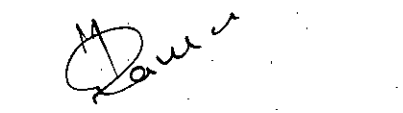

(AHMAD HASSAN)
MEMBER


(MUHAMMAD AMIN KHAN KUNDI)
MEMBER

07.08.2017

Clerk of the counsel for appellant present. Mr. Nasir, Head Constable alongwith Mr. Ziaullah, Deputy District Attorney for the respondents present. Clerk of the counsel for appellant seeks adjournment on the ground that counsel for the appellant is not available today. Member copy of the instant appeal is also not available on file. Directed to submit the same on or before the next date of hearing. Adjourned. To come up for arguments on 14.09.2017 before D.B.


(Muhammad Amin Khan Kundi)
Member (J)


(Muhammad Hamid Mughal)
Member (J)

07.01.2016

Counsel for the appellant and Mr. Mir Faraz Khan, Inspector (legal) alongwith Mr. Usman Ghani, Sr.GP for respondents present. Counsel for the appellant requested for adjournment. To come up for final hearing on 10.5.2016 before D.B.



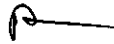
Member



Chairman

10.5.2016

Agent of counsel for the appellant and Addl. AG for the respondents present. Learned counsel for the appellant is stated to be busy in the august Supreme Court of Pakistan. To come up for final hearing before D.B on 22:08.2016.



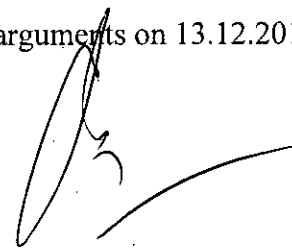
Member



Chairman

22.08.2016

Clerk to counsel for the appellant and Ashgar Ali, HC alongwith Mr. Ziaullah, GP for respondents present. Clerk to counsel for the appellant requested for adjournment. Request accepted. To come up for arguments on 13.12.2016.



Member



Chairman

10.08.2015 23.6.2014

Junior to counsel for the appellant and Mir Faraz Khan Inspector (Legal) for the respondents present. Notices to the respondents for the appellant is not available, therefore, case is adjourned to 16.10.2014 for arguments.

MEMBER

MEMBER

7 16.10.2014

Clerk of counsel for the appellant and Mr. Mir Faraz Khan, Inspector (Legal) on behalf of respondents with Mr. Muhammad Adeel Butt, AAG present. Written reply received on behalf of respondents, copy whereof is handed over to the clerk of counsel for the appellant for rejoinder on 30.01.2015.

Chairman

8 30.01.2015

Agent of counsel for the appellant and Mr. Mir Faraz Khan, Inspector (legal) on behalf of respondents alongwith learned Addl: AG present. Rejoinder submitted. Appeal be fixed before D.B for final hearing/arguments on 10.08.2015.

Chairman

10.08.2015

Junior to counsel for the appellant and Mir Faraz Khan Inspector (Legal) for the respondents present. Counsel for the appellant is not available, therefore, case is adjourned to 07.01.2016 for arguments.

MEMBER

MEMBER

Appeal No. 1386/2013
Mr. Shafiqullah

24.12.2013

Counsel for the appellant present. Preliminary arguments heard and case file perused. Through the instant appeal under Section-4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, the appellant has impugned order dated 28.05.2013 whereby the confirmation order in the substantive rank of Assistant Sub-Inspector dated 19.09.2012 of the appellant was withdrawn and the departmental appeal of the appellant to that effect has also not been responded within the statutory period of 90 days. The counsel for the appellant argued that the appellant was promoted by the respondents vide order dated 19.12.2012 but the same order was later on withdrawn on 25.08.2013 which is illegal and liable to the set aside. Points raised at the Bar need further consideration and the appeal in hand also within time, hence admit for regular hearing subject to all legal objections. The appellant is directed to deposit the security amount and process fee within 10 days. Thereafter, Notice be issued to the respondents for submission of written reply on 20.03.2014.

Appellant deposited
4 Process fee of Security
Rs. 2000/- Bank Receipt
attached with file
18/3/14

Member

24.12.2013

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

Chairman

S- 20-3-14

clerk of counsel for the appellant present. The Hon'ble Bench is on tour to Abbottabad. To come up for further proceeding on 23-6-14.



My Reader

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. 1386 /2013


S.No.	Date of order Proceedings	Order or other proceedings with signature of judge or Magistrate
1	2	3
1	04/10/2013	<p>The appeal of Mr. Shakir Ullah resubmitted today by Mr. Ijaz Anwar Advocate may be entered in the Institution Register and put up to the Worthy Chairman for preliminary hearing.</p> <p style="text-align: right;"> REGISTRAR</p>
2	23-10-2012	<p>This case is entrusted to Primary Bench for preliminary hearing to be put up there on <u>24-12-2012</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>

The appeal of Mr. Shakir Ullah Khan ASI Police Station Bannu received today i.e. on 01.10.2013 is incomplete on the following scores which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Copy of order dated 25.5.2013 mentioned in the heading of the appeal is not attached with the appeal which may be placed on it.
- 2- Annexure-C of the appeal is illegible which may be replaced by legible one.

No. 1294 /S.T,

Dt. 9/10 /2013.


REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Mr. Ijaz Anwar Adv. Pesh.

Sist
Resubmitted at 10/10
Completed
[4/2]

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1386/2013

Shakir Ullah Khan ASI, Police Station Bannu.

(Appellant)

VERSUS

Provincial Police officer, Khyber Pakhtunkhwa, Peshawar and
others.

(Respondents)

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Appellant

Through


IJAZ ANWAR
Advocate Peshawar

**BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR**

Appeal No. 1386/2013

1424
01-10-13

Shakir Ullah Khan ASI, Police Station Bannu.

(Appellant)

VERSUS

1. Provincial Police officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer Bannu Region, Bannu.
3. Deputy Inspector General of Police, Bannu.
4. District Police Officer Bannu.

(Respondents)

Appeal under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974 against the Order No 1237/EC dated 28.05.2013 whereby the confirmation order in the substantive rank of Assistant Sub-Inspector dated 19.09.2012 of the appellant has been withdrawn / cancelled, against which his departmental appeal dated 10.06.2013 has not been responded despite the lapse of 90 days statutory period.

Prayer in Appeal:-

On acceptance of this appeal the Impugned withdrawal Order dated 28.05.2013 may please be set-aside and the appellant may please be restored to the rank of confirmed Assistant Sub-Inspectors with all back benefits.

Respectfully Submitted:

1. That the appellant was appointed as Constable on 11.01.1986 in the Police Department was allotted Constabulary No 480.

The appellant is performing duty with zeal and zest. After passing departmental examinations and relevant courses, the appellant was considered by the DPC and was promoted as Officiating Assistant Sub-Inspector wef 04.09.2008. Ever since his appointment the appellant has performed his duties as assigned to him with zeal and devotion and have never

re-submitted to
and filed.

11/10/13

give never chance of complaint of his superior. The service record of appellant also stands witness the acts of bravely in the career. His meritorious performance has always been appreciated by the high ups and he also received many cash awards from the high ups for excellent and gallantry services rendered by him.

2. That keeping in view the extra ordinary bravery and velour, devotion to duty and commitment demonstrated in the performance of Govt duty beyond the call of duty, the District Police Officer Bannu recommended the appellant for out of turn confirmation in the substantive rank of Assistant Sub-Inspector in special case and not in terms of Standing Order No 06/2008. (Copy of the letter No 8391/PA dated 12.09.2002 is attached as Annexure A).
3. That the case was also assessed through a Scrutiny Committee Constituted at District level comprising of Waqar Ahmad Khan District Police Officer Bannu, Raqiaz Khan Superintendent of Police / Investigation Bannu and Musanif Shah SDPO Cantt Circle Bannu. The Committee after due consideration has agreed upon and referred the case to the Regional Police Officer Bannu (hereinafter to be referred as RPO/Bannu) for confirmation in the Substantive Rank of Assistant Sub-Inspector in a special case as a token to further encourage the Appellant to do duty with more zeal and zest vide DPO Bannu Memorandum No 8189/PA dated 07.09.2012. (Copy of the Memo No 8189/PA dated 07.09.2012 is attached as Annexure B).

4. That the RPO Bannu after due process / consideration approved the confirmation of the appellant in the substantive rank of Assistant Sub-Inspector under Standing Order No 06 / 2008 and not in terms of Special Case as recommended by the Office of District Police Officer Bannu. (Copy of the RPO Bannu Order letter No 2492/EC, dated 19.09.2012 is attached as Annexure C).
5. That upon the issuance of seniority list from Regional Police Officer Bannu vide letter No 1079-87/EC, dated 08.05.2013, it was found that the name of the appellant has wrongly been placed at Sr. No 80 of the said list of officiating Assistant Sub-Inspector and has not been assigned due seniority with confirmed Assistant Sub-Inspectors on List 'E' issued under letter No 1096-1101/EC, dated 08.05.2013 from retrospective dated 19.09.2012. The name of the appellant was required to be placed at Sr. No 76 below the name of ASI Arifullah No 64/B and above the name of ASI Umer Irfan No 49/B. (Copies of the seniority lists are attached as Annexure D & E).
6. That on 15.05.2013 the appellant submitted written application for assigning due seniority in the light of Order Bearing No 2492/EC, dated 19.09.2012 passed by the RPO Bannu. (Copy of the application is attached as Annexure F).
7. That instead of assigning due seniority in the seniority list of confirmed Assistant Sub-Inspector, to the great surprise of the appellant instead the confirmation order of the appellant was withdrawn vide order dated 28.05.2013, with a single stroke of pen after a lapse of 08 months and 11 days without showing any cause or proper departmental proceeding as laid

down in the prevailing Rules. (Copy of the Order of withdrawal dated 28.05.2013 is attached as Annexure G).

8. That the appellant submitted his Departmental Appeal dated 10.06.2013, however it has not been responded despite the lapse of 90 days statutory period. (Copy of the departmental appeal is attached as Annexure H).
9. That the impugned order is illegal, unlawful and against the law and facts hence liable to be set aside inter alia on the following grounds:

Grounds of Appeal:

- A. That the appellant has not been treated in accordance with law hence his rights and guaranteed under the law are badly violated.
- B. That no proper procedure has been followed before the withdrawal of the promotion order of the appellant, the promotion order of the appellant has been made by the competent authority and has been acted upon thus vested rights had accrued to the appellant and he could not be unseated without a proper notice and fair hearing. The action taken by the respondents vide the impugned order is derogatory to the principle of Natural Justice and is also hit by the principle of "**Audi Alteram Partem**" as well as in violation of the Article 4 and 25 of the Constitution of Islamic Republic of Pakistan.
- C. That the appellant has not been allowed opportunity personal hearing before the withdrawal of his promotion order thus he has been condemned unheard.

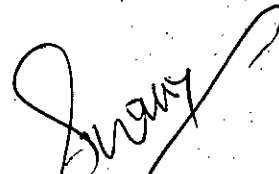
- D. That the appellant has taken over charge of the higher post and has also performed his duties against the said post for almost one year, thus valuable rights have been created in his favour and the same cannot be undue or snatched away with one stroke of pen.
- E. That the RPO Bannu while passing the impugned Order Bearing No 1237/EC, dated 28.05.2013 has also completely ignored the enquiry finding report Constituted by the then RPO Bannu vide his Order dated 26.12.2012. The Committee comprising of SP/Investigation Lakki, DSP Headquarter Lakki and RPEO Range Office Bannu vide enquiry finding report had endorsed the previous reports Bearing Nos *(i) 14246, dated 05.09.2012, (ii) 8189/PA, dated 07.09.2012 & (iii) 8391 / PA, dated 12.09.2012* with the recommendation that the case of appellant for confirmation in the substantive rank of Assistant Sub-Inspector may be considered as Special Case with modification / rectification in the Order / Gazette Notification instead of Standing Order No 06/2008. (Copies of the Order dated 26.12.2012 of the then RPO Bannu and enquiry finding report of the Committee are attached as Annexure I & J).
- F. That the appellant has been punished for the fault of others (concerned dealing hand i.e Establishment Clerk Range office Bannu).

G. That there are many precedents that Police Officers have been promoted and confirmed in Special Case as SI's and ASI's while only the appellant has been made a scapegoat and has also been discriminated and not equally treated. (Copy of the Orders is attached ~~as~~

~~in the enclosed order~~)

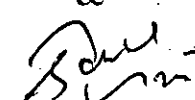
H. That the appellant seeks the permission of this Honorable Tribunal to rely on additional grounds at the hearing of this appeal.

It is, therefore, prayed that on acceptance of this appeal the Impugned withdrawal Order dated 25.05.2013 may please be set-aside and the appellant may please be restored to the rank of confirmed Assistant Sub-Inspectors with all back benefits.


Appellant

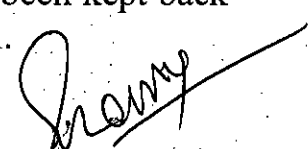
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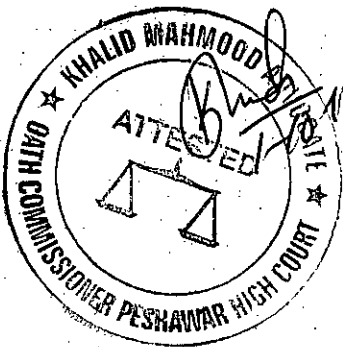

IJAZ ANWAR
Advocate Peshawar

&

SAJID AMIN
Advocate Peshawar

Affidavit

I, *Shakir Ullah Khan ASI, Police Station Bannu*, do hereby solemnly affirm and declare that the contents of the above appeal are true and correct to the best of my knowledge and belief and that nothing has been kept back or concealed from this Honourable Tribunal.


Deponent



7

Annex - A

From: - The District Police Officer, Bannu

To: - The Regional Police Officer,
Bannu Region, Bannu.

No. 8391/PA / dated Bannu, the 12 / 09 / 2012.

Subject: OUT OF TURN CONFIRMATION AS ASI


Memo: Please refer to your office memo no. 4402 dated: 11/09/2012 on the subject noted above.

On 16.07.2012, two suicide burqa covered suicide bombers attacked the old City Police Station, Bannu. They hurled hand grenades and opened fire on security guard and entered the building. As a result, three police personnel ASI Asmatullah, sentry Constable Bakhtiar No. 1234 and Shahab of DSB received injuries. The district police headed by Regional Police Officer, Bannu Region, Bannu, undersigned and ASP/HQr: promptly reached the spot. The police cordoned off the building and retaliated/opened fire on the suicide bombers. One of the suicide bombers blew himself while the other was shot dead by police.

The intrusion/entrance of suicide bombers into old Police Station City Bannu had endangered the lives of the public and police as well. Also there were reports of other suicide bombers at the scene. Constant vigil was kept and conveyed by Shakir Ullah ASI/Reader to undersigned. He provided cover to DPO Bannu while actively engaging in fire exchange and putting his life in danger and at the same time constantly keeping an eye on suspected people around the high ups.

Moreover his previous record also stands witness to acts of bravery in his career. He played key role in arrest a Talib at Spina Tangi, who with his accomplices was trying to flee from District Karak after kidnapping and dacoity. While posted at Police Station Ghoriwala, upon arrest of proclaimed offenders he received CCIII and cash rewards from high ups. In 2007 while posted as HC, he participated in all operational duties actively and played key role in arrest of criminals and smugglers (Khayal etc.).

The services rendered by Shakir Ullah ASI are a role model for all police officers. All the acts of bravery and gallantry speak of his keen devotion to his duties and police department. He is therefore recommended for confirmation as special case in the rank of ASI for his encouragement. It is further added for your kind information that such like confirmations/promotions have been granted by the then DIG Bannu upon the recommendation of Iqbal Marwat Shaheed the then DPO Bannu.


District Police Officer Bannu.



2

Annex-15

From: The District Police Officer, Bannu.

To: The Regional Police Officer,
Bannu Region Bannu.

No. 8189/A dated Bannu, the 7/9/2012.

Subject: OUT OF TURN CONFIRMATION AS ASI

Memo:-
Please refer to this office Memo: No.14246 dated 05.09.2012 on the subject noted above.


On 16.07.2012, two suicide burqa covered suicide bombers attacked the old City Police Station, Bann. They hurled hand grenades and opened fire on security guard and entered the building. As a result, three police personnel ASI Asmatullah, sentry constable Bakhtiar No. 1234 and Shahab of DSB received injuries. The district police headed by Regional Police Officer, Bannu Region, Bannu, undersigned and ASP/HQr: promptly reached the spot. The police cordoned off the building and retaliated/opened fire on the suicide bombers. One of the suicide bombers blew himself while the other was shot dead by police.

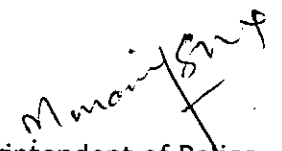
The intrusion/entrance of suicide bombers into old Police Station City Bannu had endangered the lives of the public and police as well. Also there were reports of other suicide bombers at the scene. Constant vigil was kept and conveyed by Shakir Ullah ASI/Reader to undersigned. He provided cover to DPO Bannu while actively engaging in fire exchange and putting his life in danger and at the same time constantly keeping an eye on suspected people around the high ups.

Moreover his previous record also stands witness to acts of bravery in his career. He played key role in arrest a Talib at Spina Tangi, who with his accomplices was trying to flee from Distric Karak after kidnapping and dacoity. While posted at Police Station Ghoriwala, upon arrest of proclaimed offenders he received CCIII and cash rewards from high ups. In 2007 while posted as HC, he participated in all operational duties actively and played key role in arrest of criminals and smugglers (Khayal etc).

The services rendered by Shakir Ullah ASI are a role model for all police officers. All the acts of bravery and gallantry speak of his keen devotion to his duties and police department. It is further added for your kind information that such like confirmations/promotions have been granted by the then DIG Bannu upon the recommendation of the then District Police Officers Bannu.

Keeping in view of the extraordinary bravery and velour, devotion to duty and commitment demonstrated in the performance of Govt: duty, the below committee, therefore, strongly recommends the case of ASI Shakir Ullah for conformation as Assistant Sub Inspector in a special case as a token, to further encourage the official to do his duty with more zeal and zest.


Superintendent of Police
Investigation


Deputy Superintendent of Police,
Cantt Circle, Bannu.




District Police Officer,
Bannu.

9

Amir C

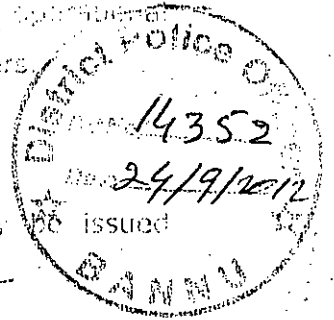
ORDER

Upon the recommendations of DPO/Bannu vide his office Memo: No. 8391/PA dated 12.09.2012, Offg: Asstt: Sub: Inspector, Organization No. 480 of Bannu District Police is hereby confirmed for substantive rank of Asstt: Sub: Inspector under Standing Order on the basis of providing cover to DPO/Bannu, while actively engaged in exchange and putting his life in danger and at the same time constantly keeping an eye on the suspected people around the high ups during the occurrence on dated 16.7.2012, when two suicide burqa covered suicide bombers attacked the old City Police Station Bannu. They hurled hand grenades and opened fire on security guard and entered the building. One of the bombers blew himself while the other was shot dead by Police. Moreover, his previous record also stands witness to acts of bravery in his career. He played key role in arrest a Talib at Spina Tangi, who with his accomplices was trying to flee from District Karak after kidnapping and dacoity. While posted at Police Station (Nowshera) upon arrest of proclaimed offenders he received CC-III and cash rewards from high ups. In 2007, while posted as Head Constable, he participated in all operational duties actively and played key role in arrest of criminals and smugglers.

He is allotted Range No. 35/B.

Necessary Gazette notification may be issued

under intimation to all concerned.



(NISAR AHMED KHAN)
PPM, CMM, PSP
Regional Police Officer
Bannu Region, Bannu.

NO. 2492

REC. DT- 19/9/2012

Copy to the District Police Officer, Bannu for information and action w/r to his office Memo No. 8391/PA dated 12.9.2012.

SRE

(NISAR AHMED KHAN)
PPM, CMM, PSP
Regional Police Officer
Bannu Region, Bannu.

24/9/12

Handwritten signature

Handwritten initials

ORDER

Upon the recommendations of DPO/Bannu vide his office Memo No.8391/PA dated 12.09.2012 Offg: Asstt; Sub; Inspector, Shakirullah No.488 of Bannu District Police is hereby continued to substantive rank of Asstt; Sub; Inspector under Standing Order :-

the basis of providing cover to DPO/Bannu, while accuracy exchange and putting his life in danger and at the same time constantly keeping an eye on the suspected people around the high ups during the occurrence on dated 16.7.2012, when two suicide buraq covered suicide bombers attacked the old City Police Station Bannu. They huried hand grenades and opened fire on security guard and entered the building. One of the bombers blew himself while the other was shot dead by Police. Moreover, his previous record also stands witness to acts of bravery in his career. He played key role in arrest a Talib at Spina Tangi, who with his accomplices was trying to flee from District Karak after kidnaping and dacoity. While posted at Police Station Ghowala upon arrest of proclaimed offenders he received CC and cash rewards from high ups in 2007, while posted as H Constable he participated in official duties actively and played key role in arrest of criminals and smugglers.

He is allotted Range No. 35/B.

Necessary Gazette notification may be issued under intimation to all concerned.

(NISAR AHMED KHAN)

PPM, CMM, PSP.

Regional Police Officer

Bannu Region, Bannu.

No.2492

/MC Dated 19/9/2012

Copy to the District Police Office for information and necessary action w/r to his office Memo No. 8391/PA dated 12.9.2012.

(NISAR AHMED KHAN)
PPM CMM, PSF

Bannu Region Bannu.

ATTESTED.

POLICE DEPTT:

BANNU REGION

**FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA, POLICE GAZETTE
PART-II ORDERS BY THE R.P.O. BANNU REGION.**

NOTIFICATION.

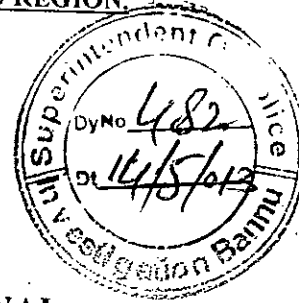
No. /EC, dated Bannu, the 08/05 /2013.

Subject:-

**SENIORITY LIST OF OFFG: ASSTT: SUB: INSPECTORS AND HEAD CONSTABLES ON REGIONAL
LEVEL ON LIST "D".**

The following Offg: Asstt: Sub: Inspectors and Head Constables on list "D" of Bannu Region, in order of seniority, as it stood on 06.05.2013 are appended below: -

S.#	Name & No.	Date of Birth	Education	Date of Enlistment	Date of Entry to List "D"	Date of Promotion as OASI	Remarks.
1.	OASI, Mohammad Ishaq No.859. ✓	31.12.1955	10 th	20.10.1975	01.10.1992	15.06.2002	-
2.	OASI, Amir Ali No.316.	17.07.1957	8 th	20.10.1995	01.10.1994	19.12.2003	-
3.	OASI, Dilawar Khan No.46.	17.02.1962	10 th	06.02.1982	01.04.1995	19.12.2003	-
4.	OASI, Umer Khan No.1074.	07.10.1958	8 th	26.12.1977	01.04.1995	19.12.2003	-
5.	OASI, Asari Gul No.595.	01.05.1955	10 th	03.12.1977	01.10.1996	08.11.2004	-
6.	OASI, Zar Wali No.115.	20.02.1962	10 th	25.05.1981	01.04.1997	08.11.2004	-
7.	OASI, Gul Mohammad No.266.	06.01.1962	10 th	08.01.1981	01.04.1997	08.11.2004	-
8.	OASI, Sanaulah No.172.	15.04.1962	10 th	16.04.1981	01.04.1997	08.11.2004	-
9.	OASI, Mohammad Ayaz No.239.	02.06.1960	10 th	01.12.1978	01.04.1997	08.11.2004	-
10.	HC, Noor Kamal No.185.	13.08.1961	9 th	21.07.1979	01.04.1997	08.11.2004	Reverted as HC by DPO-D.I.Khan vide Order No.60031 dated 01.06.2009.
11.	OASI, Yaqoob Khan No.290.	05.01.1956	10 th	06.11.1978	01.04.1997	03.09.2007	-
12.	OASI, Murad Ali No.740. ✓	08.03.1959	10 th	03.01.1978	01.04.1997	03.09.2007	-
13.	OASI, Asmatullah No.45.	28.02.1965	10 th	19.03.1983	11.10.1997	25.08.2006	-
14.	OASI, Raees Khan No.381.	02.04.1960	10 th	22.10.1978	11.10.1997	25.08.2006	-
15.	OASI, Akhya Jan No.589. ✓	20.02.1963	10 th	01.07.1981	01.05.1998	25.08.2006	-
16.	OASI, Gul Amir No.234.	20.12.1958	10 th	08.01.1977	20.04.1998	25.08.2006	-
17.	OASI, Bashir Nawaz No.1011.	22.03.1962	10 th	16.08.1980	10.10.1998	03.09.2007	-
18.	OASI, Noor Afzal No.719.	03.01.1961	10 th	13.02.1980	10.10.1998	03.09.2007	-



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19.	OASI, Fazal Rahim No.111.	01.03.1964	10 th	17.11.1982	10.10.1998	03.09.2007	-
20.	OASI, Muzafar Khan No.195.	10.05.1960	10 th	04.01.1981	10.04.1999	25.08.2006	-
21.	OASI, Rasool Khan No.480.	04.04.1962	10 th	21.12.1980	10.04.1999	25.08.2006	-
22.	OASI, Aziz Khan No.594. ✓	05.01.1960	10 th	17.04.1978	10.04.1999	25.08.2006	-
23.	OASI, Sher Ahmed No.1014. ✓	04.07.1964	B.A	23.06.1986	13.10.1999	03.09.2007	-
24.	OASI, Sarwar Shah No.30.	20.04.1959	10 th	03.08.1980	13.10.1999	03.09.2007	-
25.	OASI, Mohammad Zaman No.5.	01.09.1963	10 th	21.02.1982	13.10.1999	25.08.2006	-
26.	OASI, Gul Salam No.675.	25.04.1961	F.A	23.12.1980	20.04.2000	25.08.2006	-
27.	OASI, Hati Khan No.60.	08.04.1958	10 th	06.02.1962	20.04.2000	25.08.2006	-
28.	OASI, Said Ayaz No.909.	07.12.1965	10 th	22.03.1986	20.04.2000	16.02.2007	-
29.	OASI, Mir Daraz No.122. ✓	07.01.1964	10 th	28.07.1983	20.04.2000	16.02.2007	-
30.	OASI, Khurshid Khan No.1211. ✓	09.02.1962	B.A	22.12.1983	20.04.2000	16.02.2007	-
31.	OASI, Mamoor Khan No.211.	15.07.1955	10 th	10.07.1978	20.04.2000	03.09.2007	-
32.	OASI, Mohammad Hayat No.980.	08.01.1962	B.A	23.11.1984	20.04.2000	03.09.2007	-
33.	OASI, Rustam Khan No.792.	10.02.1960	10 th	23.12.1980	20.04.2000	03.09.2007	-
34.	OASI, Hakim Khan.	13.08.1969	10 th	01.01.1990	20.09.2000		-
35.	OASI, Mohammad Salim No.884.	31.10.1965	10 th	16.01.1984	20.04.2001	16.02.2007	-
36.	OASI, Abdul Hayee No.122.	13.05.1969	8 th	03.07.1978	20.04.2001	03.09.2007	-
37.	OASI, Saadullah No.861.	04.04.1966	10 th	24.12.1985	20.04.2001	16.02.2007	-
38.	OASI, Sarfaraz No.141.	02.01.1965	F.A	11.10.1983	20.10.2001	14.04.2008	Promoted as SI on Adhoc basis.
39.	OASI, Gul Shahzad No.823. ✓	04.09.1956	10 th	20.01.1979	20.10.2001	03.09.2007	-
40.	OASI, Munawar Jan No.209.	02.03.1963	10 th	03.12.1981	20.04.2002	03.09.2007	-
41.	OASI, Waheedullah No.1029.	18.11.1966	10 th	24.12.1985	20.04.2002	03.09.2007	-
42.	OASI, Sahar Gul No.42.	20.06.1964	10 th	01.10.1984	20.04.2002	14.04.2008	-
43.	OASI, Noor Aslam No.510. ✓	12.04.1963	10 th	19.01.1982	20.04.2002	03.09.2007	-
44.	OASI, Mohammad Ishaq No.1051. ✓	10.01.1963	B.A	23.12.1986	20.04.2002	03.09.2007	-
45.	OASI, Sanaullah No.325.	20.06.1964	M.A	27.09.1988	20.09.2002	31.01.2008	-
46.	OASI, Jamal Khan No.399.	01.01.1967	10 th	23.09.1986	20.09.2002	03.09.2007	-
47.	OASI, Naheed-ur-Rehman No.274.	01.03.1963	F.A	22.03.1983	20.09.2002	31.01.2008	-
48.	OASI, Safeerullah No.712.	09.09.1965	10 th	17.03.1986	20.09.2002	31.01.2008	-
49.	OASI, Saadullah No.337.	20.09.1960	7 th	21.09.1978	20.09.2002	31.01.2008	-
50.	OASI, Noor Jehan Shah	25.07.1963	F.A	24.12.1985	20.09.2002	14.04.2008	-
51.	OASI, Abdul Wahid No.335.	06.04.1961	9 th	07.04.1980	20.09.2002	04.09.2008	-
52.	OASI, Zaib Rehman No.773.	22.12.1964	F.A	24.12.1985	20.09.2002	14.04.2008	-
53.	OASI, Abdul Saboor No.53.	16.03.1969	F.A	15.06.1988	20.09.2002	31.01.2008	-

54.	OASI, Habib-ur-Rehman No.348.	20.07.1964	10 th	23.09.1986	20.03.2003	14.04.2008	-
55.	OASI, Munawar Khan No.1082.	15.02.1971	10 th	01.10.1989	20.03.2003	14.04.2008	-
56.	OASI, Sher Mast No.338.	18.01.1961	F.A	26.12.1985	20.03.2003	31.01.2008	-
57.	OASI, Sartaj Jehan No.780.	09.02.1967	10 th	23.12.1986	20.03.2003	14.04.2008	-
58.	OASI, Sardaraz Khan No.948.	13.12.1962	10 th	13.12.1987	20.03.2003	02.05.2009	-
59.	OASI, Abdullah Khan No.962.	14.08.1963	10 th	22.03.1987	20.03.2003	04.09.2008	-
60.	OASI, Saiful Malook No.339.	15.01.1962	F.A	23.09.1986	20.03.2003	14.04.2008	-
61.	OASI, Nasir-ud-Din No.544.	18.03.1969	10 th	22.03.1987	20.03.2003	31.01.2008	-
62.	OASI, Abdul Majid No.873.	25.07.1965	9 th	04.08.1983	20.03.2003	04.09.2008	-
63.	OASI, Faidullah No.1034.	15.07.1968	10 th	23.12.1986	20.03.2003	31.01.2008	-
64.	OASI, Wali Ayaz No.1003.	20.09.1965	10 th	24.03.1987	20.03.2003	31.01.2008	-
65.	OASI, Sardar Ali No.704. ✓	10.04.1964	F.A	23.12.1986	20.03.2003	04.09.2008	-
66.	OASI, Barkatullah No.1161. ✓	09.01.1966	10 th	24.12.1985	20.03.2003	14.04.2008	-
67.	OASI, Mohammad Amin No.875.	10.04.1966	10 th	10.07.1985	20.09.2003	14.04.2008	-
68.	OASI, Mohammad Rustam No.643.	10.11.1965	10 th	23.12.1986	20.09.2003	02.05.2009	-
69.	OASI, Ibneaz No.696. ✓	10.03.1968	F.A	01.04.1990	20.09.2003	04.09.2008	-
70.	OASI, Said Nawaz No.530.	25.09.1965	10 th	19.04.1984	20.09.2003	14.04.2008	-
71.	OASI, Sakhi Mar Jan No.264. ✓	21.04.1968	F.A	25.08.1988	20.09.2003	04.09.2008	-
72.	OASI, Rizwanullah No.146.	02.11.1970	F.A	01.04.1990	20.09.2003	04.09.2008	-
73.	OASI, Mir Sahib Khan No.1083. ✓	14.04.1968	10 th	21.06.1987	20.09.2003	14.04.2008	-
74.	OASI, Said Azam No.4.	01.01.1967	10 th	23.12.1986	20.09.2003	04.09.2008	-
75.	OASI, Islam Noor No.342.	20.03.1964	F.A	24.12.1985	20.09.2003	04.09.2008	-
76.	OASI, Anar Zaman No.1052.	06.01.1965	10 th	10.04.1983	20.09.2003	31.01.2008	-
77.	OASI, Qamar Zaman No.296.	06.10.1963	10 th	16.11.1983	20.09.2003	27.10.2008	-
78.	OASI, Azim Khan No.343.	04.04.1965	10 th	23.06.1986	20.09.2003	27.10.2008	-
79.	OASI, Mir Sahib Jan No.3.	08.03.1957	10 th	12.05.1976	20.09.2003	04.09.2008	Re-instated from the date of reversion.
80.	OASI, Shakirullah No.480.	11.02.1966	F.Sc	11.01.1986	01.04.2004	04.09.2008	-
81.	OASI, Sher Nawaz No.344.	10.02.1968	10 th	18.03.1986	01.04.2004	31.01.2008	-
82.	OASI, Ghulam Mohammad No.67.	28.11.1964	F.A	30.04.1984	01.04.2004	04.09.2008	-
83.	OASI, M. Zahir Shah No.345.	22.01.1967	F.A	23.12.1986	01.04.2004	04.09.2008	-
84.	OASI, Amir Jan No.282.	21.02.1968	F.A	24.03.1987	01.04.2004	27.10.2008	-
85.	OASI, Khalid Zaman No.1047.	09.01.1970	F.A	10.12.1988	01.04.2004	31.01.2008	-
86.	OASI, Mehrab Khan No.181.	31.03.1965	10 th	18.03.1986	01.04.2004	27.10.2008	-
87.	OASI, Mohammad Nawaz No.474.	06.01.1966	10 th	17.01.1984	01.04.2004	27.10.2008	-
88.	OASI, Mohammad Rehman No.640.	03.04.1966	10 th	23.12.1986	01.04.2004	27.10.2008	-

89.	OASI, Hamidullah Khan No.407.	14.08.1965	10 th	18.03.1986	01.04.2004	27.10.2008	-
90.	OASI, Mohammad Noor No.608.	14.08.1969	10 th	25.09.1987	01.04.2004	27.10.2008	Promoted as OASI on adhoc basis vide this office Memo: No.1977-79/EC dated 02.06.2010.
91.	OASI, Mohammad Ali No.74.	12.06.1964	F.A	11.01.1986	01.04.2004	02.05.2009	-
92.	OASI, Amanullah No.151.	12.08.1970	F.A	01.07.1989	01.04.2004	02.05.2009	-
93.	OASI, Ghani Rehman No.1168. ✓	12.08.1971	10 th	01.04.1990	25.09.2004	02.05.2009	-
94.	OASI, Abdul Qayyum No.152.	04.04.1968	F.A	23.06.1986	23.09.2004	02.05.2009	-
95.	OASI, Saadullah No.226.	06.09.1970	10 th	10.02.1988	25.09.2004	02.05.2009	-
96.	OASI, Rehmatullah No.101.	25.04.1968	10 th	01.04.1990	25.09.2004	02.05.2009	-
97.	OASI, Mohabat Khan No.98.	26.03.1969	10 th	21.06.1987	25.09.2004	02.05.2009	-
98.	OASI, Abdur Rashid No.500.	10.08.1969	10 th	01.10.1989	25.09.2004	02.05.2009	-
99.	OASI, Ghulam Saboor No.559.	11.11.1968	10 th	27.09.1988	01.04.2005	02.05.2009	-
100.	OASI, Abdul Hakim No.89.	11.11.1968	10 th	03.01.1991	01.04.2005	02.05.2009	-
101.	OASI, Hidayatullah No.417.	01.12.1972	10 th	11.07.1991	01.04.2005	02.05.2009	-
102.	OASI, Gul Janan No.88.	10.03.1970	F.A	18.03.1986	01.04.2005	23.07.2009	-
103.	OASI, Rasool Zaman No.357.	15.01.1968	10 th	16.03.1985	01.04.2005	23.07.2009	-
104.	OASI, Ihsanullah No.829.	02.01.1966	10 th	23.12.1986	01.04.2005	23.07.2009	-
105.	OASI, Gul Ayub No.1249.	31.12.1965	10 th	02.10.1983	01.04.2005	23.07.2009	-
106.	OASI, Mehrullah No.290.	17.04.1963	10 th	19.10.1988	01.04.2005	23.07.2009	-
107.	OASI, Mushtaq Ali Shah No.418.	00.00.1970	9 th	11.07.1991	01.04.2005	23.07.2009	-
108.	OASI, Gul Mohammad No.1229.	06.11.1968	10 th	30.12.1989	01.04.2005	23.07.2009	-
109.	OASI, Farid Khan No.525.	01.07.1970	10 th	11.07.1991	01.04.2005	23.07.2009	-
110.	OASI, Sajid Khan No.600.	20.07.1970	10 th	04.05.1993	01.04.2005	25.08.2010	-
111.	OASI, Zarghon Shah No.62.	16.04.1974	10 th	04.07.1984	01.04.2005	25.08.2010	-
112.	OASI, Ghausullah No.415.	11.01.1966	10 th	19.12.1987	01.04.2005	25.08.2010	-
113.	OASI, Nezam Khan No.416.	15.11.1969	10 th	10.12.1988	01.04.2005	25.08.2010	-
114.	OASI, Rustam Khan No.688.	04.03.1969	10 th	23.12.1986	01.04.2005	25.08.2010	-
115.	OASI, Qaza Khan No.63.	03.12.1965	10 th	27.12.1989	01.04.2005	25.08.2010	-
116.	OASI, Mohammad Wali No.61.	08.04.1971	10 th	23.12.1986	01.04.2005	25.08.2010	-
117.	OASI, Kamran Ali Shah No.307.	06.03.1967	10 th	11.07.1991	01.04.2005	25.08.2010	-
118.	OASI, Sher Mali No.20.	14.03.1968	B.Com	03.04.1990	01.04.2005	07.02.2012	-
119.	OASI, Mohammad Ajmal No.418.	01.03.1967	10 th	01.10.1989	20.09.2005	07.02.2012	-
120.	OASI, Razaullah Khan No.73.	15.06.1970	10 th	26.12.1996	20.09.2005	25.08.2010	-
121.	HC, Mohammad Ayaz No.211.	30.04.1975	F.A	22.03.1987	20.09.2005	-	-
		18.06.1968	F.A				

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122.	OASI, Asmatullah No.203.	14.06.1969	10 th	03.01.1991	20.09.2005	07.02.2012	
123.	HC, Mohammad Nawaz No.84.	02.11.1968	F.A	01.10.1989	20.09.2005	-	-
124.	HC, Ghafar Ali No.340.	22.02.1971	10 th	11.07.1991	20.09.2005	-	-
125.	HC, Khan Bahadur No.1254.	15.01.1970	10 th	10.12.1988	20.09.2005	-	-
126.	HC, Shalil Khan No.800.	17.06.1966	10 th	05.08.1984	20.09.2005	-	-
127.	HC, Pasham Khan No.196.	21.12.1964	F.A	07.03.1985	20.09.2005	-	-
128.	HC, Mohammad Tahir No.615.	20.12.1964	10 th	20.06.1987	20.09.2005	-	-
129.	HC, Saifur Rehman No.422.	01.05.1972	10 th	28.12.1991	01.04.2006	-	-
130.	HC, Nawab Khan No.421.	25.11.1968	10 th	10.12.1988	01.04.2006	-	-
131.	HC, Almar Khan No.842.	06.02.1968	10 th	23.12.1986	01.04.2006	-	-
132.	HC, Mohammad Ishtiaq No.734.	25.08.1975	10 th	04.01.1994	01.04.2006	-	-
133.	HC, Shafeedullah No.376.	14.07.1970	10 th	01.10.1989	01.04.2006	-	Promoted as ASI on Adhoc basis
134.	HC, Irshad Ali No.33.	06.11.1963	10 th	01.02.1985	01.04.2006	-	-
135.	HC, Moinullah No.102.	10.03.1966	10 th	17.04.1984	01.04.2006	-	-
136.	HC, Rukhsar Ali Shah No.1076.1	04.02.1967	10 th	23.12.1986	01.04.2006	-	-
137.	HC, Mohammad Yousaf No.419.	10.03.1970	10 th	01.07.1989	01.04.2006	-	-
138.	HC, Mohammad Shah No.417.	03.04.1966	10 th	23.12.1986	01.04.2006	-	-
139.	HC, Abdul Jalil No.818.	01.04.1972	10 th	19.12.1995	01.04.2006	-	-
140.	HC, Hamidullah No.27.	20.03.1968	10 th	11.07.1991	01.10.2006	-	-
141.	HC, Abdul Hamid No.558. ✓	01.04.1975	B.A	11.07.1995	01.10.2006	-	-
142.	HC, Ghulam Ali No.325.	05.11.1966	B.A	10.12.1988	01.10.2006	-	-
143.	HC, Khandan ✓	07.09.1972	10 th	11.07.1991	01.10.2006	-	-
144.	HC, Abdul Munim No.129.	04.09.1968	10 th	23.03.1987	01.10.2006	-	-
145.	HC, Imtiaz Khan No.52.	01.04.1971	10 th	23.12.1991	01.10.2006	-	-
146.	HC, Abdul Jamil No.1005. ✓	10.07.1967	10 th	01.10.1989	01.10.2006	-	-
147.	HC, Faridullah No.498.	12.02.1972	10 th	11.07.1991	01.10.2006	-	-
148.	HC, Abdul Jalil No.1209.	05.12.1968	10 th	01.10.1989	01.10.2006	-	-
149.	HC, Sher Ali No.707.	28.04.1971	F.A	01.10.1989	01.10.2006	-	-
150.	HC, Mohammad Amal No.434.	06.11.1966	10 th	11.07.1991	01.10.2006	-	-
151.	HC, Abdul Qayyum No.114. ✓	21.09.1965	10 th	22.03.1987	01.10.2006	-	-
152.	HC, Samiullah No.224.	22.05.1971	10 th	01.07.1989	01.04.2007	-	-
153.	HC, Mohammad Yousaf No.298.	13.01.1971	10 th	10.12.1988	01.04.2007	-	-
154.	HC, Ilam Din No.307.	12.02.1969	10 th	10.12.1988	01.04.2007	-	-
155.	HC, Zafar Zaman No.846.	13.02.1966	F.A	01.10.1989	01.04.2007	-	-

156.	HC, Mir Tajum No.676.	07.03.1974	F.A	03.04.1993	01.04.2007	-	-
157.	HC, Asar Islam No.231.	10.03.1970	F.A	11.07.1991	01.04.2007	-	-
158.	HC, Raqiaz Khan No.748.	05.11.1972	F.A	17.10.1995	01.08.2007	-	-
159.	HC, Haji Nawaz No.286.	01.03.1969	B.A	02.05.1993	01.08.2007	-	-
160.	HC, Hidayatullah No.597.	03.04.1974	F.A	16.12.1992	01.08.2007	-	-
161.	HC, Mutabar Khan No.306.	08.10.1968	10 th	10.12.1988	01.08.2007	-	-
162.	HC, Noor Laiq No.23.	06.04.1968	10 th	19.03.1988	01.08.2007	-	-
163.	HC, Kamran Khan No.6334.	22.09.1977	10 th	11.01.1996	01.08.2007	-	-
164.	HC, Abdul Ghani No.258.	16.01.1969	F.A	11.07.1991	01.08.2007	-	-
165.	HC, Said Nawaz No.432.	15.01.1971	F.A	16.12.1992	01.08.2007	-	-
166.	HC, Abdul Majid No.462.	15.05.1969	10 th	01.10.1989	01.08.2007	-	-
167.	HC, Najeebullah No.181.	01.03.1969	10 th	01.10.1989	01.08.2007	-	-
168.	HC, M. Ghani Shah No.235.	15.04.1966	10 th	25.12.1986	01.08.2007	-	-
169.	HC, Taj Ali No.477.	20.09.1967	10 th	10.12.1988	01.08.2007	-	-
170.	HC, Noor Aslam No.84.	20.10.1970	10 th	17.04.1993	30.11.2007	-	-
171.	HC, Noor Mohammad No.203.	30.12.1970	10 th	11.07.1991	30.11.2007	-	-
172.	HC, Habibullah No.195.	01.12.1967	F.A	04.09.1993	30.11.2007	-	-
173.	HC, Mohammad Safeer No.14.	16.04.1973	B.A	30.09.1993	30.11.2007	-	-
174.	HC, Dil Nawaz No.233.	24.09.1968	10 th	15.03.1993	30.11.2007	-	-
175.	HC, Khalid Nawaz No.733.	05.02.1972	F.A	30.12.1993	30.11.2007	-	-
176.	HC, Umer Jan No.900.	03.04.1970	B.A	27.04.1993	30.11.2007	-	-
177.	HC, Zainullah No.795.	12.04.1975	10 th	27.12.1993	30.11.2007	-	-
178.	HC, Yaqoob Khan No.160.	04.12.1971	10 th	11.07.1991	30.11.2007	-	-
179.	HC, Jamshid Ali No.782.	18.10.1973	B.A	23.09.1973	30.11.2007	-	-
180.	HC, Inayatullah No.1176.	09.04.1971	F.A	30.05.1993	30.11.2007	-	-
181.	HC, Mohammad Riaz No.889.	16.10.1966	10 th	01.04.1990	30.11.2007	-	-
182.	HC, Sher Nawaz No.127.	21.01.1967	10 th	23.09.1986	30.11.2007	-	-
183.	HC, Niamatullah No.1170.	11.02.1974	F.A	04.04.1993	30.11.2007	-	-
184.	HC, Niamatullah No.46 (Hangu).	18.10.1976	10 th	13.03.1995	30.11.2007	-	Received on transferred from PTC, Hangu to Lakki Marwat by worthy P.P.O, on bottom one seniority vide CPO Peshawar order No.7850-52/E-II dated 20.03.2009.
185.	HC, Jamshid Ali Khan No.300.	05.01.1973	B.A	27.09.1993	01.08.2008	-	-
186.	HC, Imran Khan No.668.	30.03.1975	F.A	25.09.1993	01.08.2008	-	-
187.	HC, Mohammad Ijaz No.FRP.	05.01.1974	F.A	04.07.1993	01.08.2008	-	-

188.	HC, Anjum Saeed Shah No.840.	24.05.1971	B.Sc	30.09.1992	01.08.2008	-	-
189.	HC, Dil Abbas No:1218.	22.01.1972	F.A	25.05.1993	01.08.2008	-	-
190.	HC, Amanullah No.926.	01.07.1972	F.Sc	21.03.1994	01.08.2008	-	With the light of judgment dated 22.08.2008 of the Service Tribunal, Khyber Pakhtunkhwa and direction issued by CPO Peshawar vide Memo: No.2300/Legal dated 21.10.2010.
191.	HC, Abdur Rauf No.320.	21.10.1972	10 th	11.07.1991	01.08.2008	-	-
192.	HC, Shams-ur-Rehman No.338.	01.05.1972	10 th	13.10.1990	01.08.2008	-	-
193.	HC, Hamayun No.288.	20.05.1973	10 th	15.11.1992	01.08.2008	-	-
194.	HC, Mohammad Usman No.312.	16.07.1967	F.A	10.12.1988	01.08.2008	-	-
195.	HC, Nemer Khan No.321.	15.08.1970	10 th	10.12.1988	01.08.2008	-	-
196.	HC, Amer Khan No.886.	11.06.1973	D.Com	03.05.1993	01.08.2008	-	-
197.	HC, Ihsanullah No.51.	08.08.1967	F.A	25.07.1992	01.08.2008	-	-
198.	HC, Inayatullah Shah No.406.	03.04.1967	10 th	13.08.1991	01.08.2008	-	-
199.	HC, Hamza Ali No.188.	10.02.1976	10 th	15.01.1995	01.04.2009	-	-
200.	HC, Mohammad Rehman No.62.	05.01.1977	10 th	26.01.1995	01.04.2009	-	-
201.	HC, Zafar Ali No.809.	15.02.1974	F.A	14.01.1995	01.04.2009	-	-
202.	HC, Ghulam Mohammad No.9.	20.03.1970	10 th	30.09.1991	01.04.2009	-	-
203.	HC, Rafiullah No.131.	07.10.1970	10 th	03.05.1993	01.04.2009	-	-
204.	HC, Rehmatullah No.761.	27.02.1970	10 th	13.08.1991	01.04.2009	-	-
205.	HC, Nimatullah No.896.	20.12.1972	B.A	15.06.1994	01.04.2009	-	-
206.	HC, Nasim Zaman No.16.	03.04.1974	B.A	13.03.1995	01.04.2009	-	-
207.	HC, Zari Gul No.200.	01.04.1970	10 th	18.07.1990	01.04.2009	-	-
208.	HC, Haji Subhan No.313.	05.11.1972	10 th	01.01.1993	01.04.2009	-	-
209.	HC, Sakhi Zaman No.670.	03.02.1971	F.A	05.04.1993	01.04.2009	-	-
210.	HC, Amanullah No.122.	16.06.1968	10 th	01.07.1989	01.04.2009	-	-
211.	HC, Mohammad Riaz No.760.	06.09.1978	F.A	01.11.1999	01.10.2009	-	-
212.	HC, Faridullah No.346.	01.09.1970	F.A	11.07.1991	01.10.2009	-	-
213.	HC, Kiramat Khan No.356.	08.01.1971	10 th	25.09.1993	01.10.2009	-	-
214.	HC, Rehatullah No.671.	25.10.1969	B.A	13.08.1991	01.10.2009	-	-
215.	HC, Saifullah No.1137.	11.07.1974	10 th	03.05.1993	01.10.2009	-	-
216.	HC, Niaz Malook No.25.	24.04.1970	10 th	01.07.1989	01.10.2009	-	-
217.	HC, Zaman Shah No.60.	12.04.1975	B.A	15.03.1995	01.10.2009	-	-
218.	HC, Najeebullah No.104.	27.04.1968	B.A	30.06.1994	01.10.2009	-	-
219.	HC, Mohammad Rehman No.442.	08.02.1970	10 th	13.08.1991	01.10.2009	-	-

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220.	HC, Haq Nawaz No.103	15.10.1970	10 th	17.01.1995	01.10.2009	-	-
221.	HC, Shafqatullah No.213.	23.08.1969	10 th	11.07.1991	01.10.2009	-	-
222.	HC, Aziz Rehman No.280.	19.02.1967	10 th	25.10.1992	01.10.2009	-	-
223.	HC, Liaqat Ali No.428.	01.04.1969	D.Com	11.07.1991	01.10.2009	-	-
224.	HC, Amir Jan No.319.	28.03.1970	10 th	10.12.1988	01.10.2009	-	-
225.	HC, Fazal Ghani No.402.	15.06.1969	F.A	11.07.1991	01.10.2009	-	-
226.	HC, Abdul Samad Qureshi No.500.	15.09.1980	M.A	02.10.2004	01.04.2010	-	-
227.	HC, Sher Khan No.311.	25.10.1968	10 th	12.01.1987	01.04.2010	-	-
228.	HC, Abdul Hameed No.30.	06.10.1968	F.A	04.08.1991	01.04.2010	-	-
229.	HC, Mohammad Usman No.560.	12.04.1974	10 th	20.04.1993	01.04.2010	-	-
230.	HC, Imam Khan No.576.	25.09.1968	10 th	13.08.1991	01.04.2010	-	-
231.	HC, Azmatullah No.507.	30.03.1969	10 th	11.07.1991	01.04.2010	-	-
232.	HC, Gulab Khan No.268.	09.02.1972	10 th	11.07.1991	01.04.2010	-	-
233.	HC, Dil Jan No.1197.	06.06.1969	10 th	10.12.1988	01.04.2010	-	-
234.	HC, Hidayatullah No.301.	07.01.1971	F.A	28.03.1994	01.04.2010	-	-
235.	HC, Rahim Khan No.47.	08.08.1974	B.A	03.07.1996	01.10.2010	-	-
236.	HC, Waheedullah No.197.	10.04.1975	10 th	26.06.1996	01.10.2010	-	-
237.	HC, Ihsanullah No.270.	07.04.1974	10 th	16.12.1992	01.10.2010	-	-
238.	HC, Ayub Nawaz No.737.	18.04.1972	10 th	27.03.1994	01.10.2010	-	-
239.	HC, Tahir Khan No.6.	02.04.1975	10 th	21.06.1993	01.10.2010	-	-
240.	HC, Sanaullah No.72.	05.10.1971	10 th	08.04.1990	01.10.2010	-	-
241.	HC, Karim Khan No.332.	25.11.1970	10 th	01.07.1989	01.10.2010	-	-
242.	HC, Qayyum Nawaz No.283.	13.07.1969	10 th	10.12.1988	01.10.2010	-	-
243.	HC, Sadar Nawaz No.880.	04.04.1971	F.A	13.08.1991	01.10.2010	-	-

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10.10.1998	03.09.2007	-	-
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244.	HC, Raham Daraz No.709.	21.01.1970	F.A	29.06.1995	01.10.2010		
245.	HC, Umar Salar Khan No.710.	16.09.1971	10 th	25.09.1993	01.10.2010		

(AZAD KHAN), TST, PSP
Regional Police Officer,
Bannu Region, Bannu.

OFFICE OF THE REGIONAL POLICE OFFICER, BANNU REGION, BANNU.

No. *1079-87* / EC, dated Bannu, the *28/05* / 2013.

- Copy to: -
1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
 2. The Additional Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar with 2-spare copies for publication.
 3. The Deputy Inspector General of Police, Special Branch, Khyber Pakhtunkhwa, Peshawar.
 4. The Asstt: Inspector General of Police, Traffic, Khyber Pakhtunkhwa, Peshawar.
 5. The Commandant, PTC, Hangu.
 6. The District Police Officers Bannu and Lakki Marwat.
 7. The Superintendents of Police, Investigation Bannu and Lakki Marwat.

The Police Officers concerned may be informed for their seniority position. Representation, if any, against the order of seniority, may be sent to this office within a period of one-month from the date of receipt of this communication, failing which, no representation thereafter will be entertained.

SRC / OHC
For further process.

SP / INU Bxv.5
9-5
13

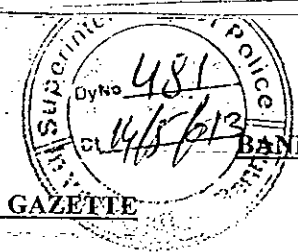
(AZAD KHAN), TST, PSP
Regional Police Officer,
Bannu Region, Bannu.

#6/5/13.

[Signature]

10.10.1998	03.09.2007	
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Annex - E

POLICE DEPTT.:

**FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA, POLICE GAZETTE
PART-II ORDERS BY THE R.P.O. BANNU REGION.**

SRC
- 02/11/13
S.I. 12/11/13
14/5

NOTIFICATION.

No. /EC, dated Bannu, the 02/5/2013.

Subject: - **REVISED SENIORITY LIST OF SUB: INSPECTORS ON LIST-E OF BANNU REGION POLICE AS STOOD ON 06.05.2013**

The name of the following Sub Inspectors of Bannu Region in order of their seniority as it stood on 06.05.2013 in the light of judgment of Service Tribunal dated 16.11.2011 are appended below: -

S.#	Name & No.	Education	Date of Birth	Date of Enlistment	Date of entry into list-E	Date of promotion as OSI.	Date of confirmation as SI.	Remarks.
1.	SI, Gul Faraz No.B/15.	10 th	02.10.1954	05.05.1973	01.12.1996	07.10.2001	18.08.2008	Promoted on adhoc basis as Offg: Inspector and reverted on 25.11.2010.
2	SI, Hazrat Ali Shah No.B/14.	10 th	02.02.1954	06.09.1973	01.06.2002	02.07.2005	27.10.2008	Promoted on adhoc basis as Offg: Inspector.
3	SI, Zafarullah No.B/21.	B.A.	31.01.1970	11.01.1995	13.07.2001	07.10.2004	17.09.2009	Promoted on adhoc basis as Offg: Inspector and reverted on 05.10.2010.
4	SI, Imtiaz Khan No. B/13. ✓	9 th	05.03.1955	03.05.1970	02.07.2005	25.08.2006	19.05.2011	-
5	SI, Mohammad Ayub No.37/B.	F.A.	11.04.1958	19.10.1976	25.08.2006	25.08.2006	25.08.2010	-
6	SI Mir Qabaz Khan No.B/16. ✓	10 th	20.12.1955	02.09.1975	25.08.2006	25.08.2006	04.10.2011	-
7	SI Miran Shah No.B/11 ✓	10 th	07.08.1953	26.08.1975	25.08.2006	25.08.2006	04.10.2011	-
8	SI Mir Ahmad No.B/8.	10 th	18.02.1956	22.10.1975	01.06.1995	04.07.2008	21.12.2011	-
9	SI, Mehmood Nawaz No.B/19.	F.A.	07.03.1974	29.02.2000	17.04.2004	02.07.2005	04.10.2011	-
10	SI, Amanullah No B/3 ✓	B.A.	20.04.1957	20.10.1974	02.07.2005	25.08.2006	05.07.2012	-
11	SI, Muzamil No.B/12.	10 th	10.12.1956	01.12.1974	22.10.2007	22.10.2007	05.07.2012	-

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12.	SI, Inayatullah No.B/6. ✓	10 th	01.04.1957	02.09.1975	18.12.2007	18.12.2007	05.07.2012	-
13	OSI, Noor Aslam No.52/B.	10 th	09.11.1953	19.09.1975	04.07.2008	04.07.2008	-	-
14	OSI, Naimatullah No.44/B.	9 th	04.10.1956	14.02.1975	18.12.2007	18.12.2007	-	-
15	OSI, Waqar Ahmed No.64/B.	B.Sc	20.09.1979	15.01.2004	31.03.2008	04.07.2008	-	-
16	SI, Asif Mehmood No.B/1. ✓	F.A.	25.04.1975	15.01.2004	31.03.2008	04.07.2008	22.02.2013	-
17	SI, Shah Baz Khan No.B/27.	10 th	03.02.1956	19.10.1976	31.03.2008	04.07.2008	22.02.2013	-
18	OSI, Ghulam Farid No.61/B.	10 th	07.11.1959	10.12.1977	31.03.2008	04.07.2008	-	Promoted as Inspector on adhoc basis.
19	OSI, Mohammad Bashir No.63/B.	10 th	01.11.1958	06.12.1976	31.03.2008	04.07.2008	-	-
20	OSI, Abdur Rahim No.76/B.	10 th	05.03.1957	22.10.1975	31.03.2008	04.07.2008	-	-
21	OSI Gul Nawaz No. 75/B	10 th	15.05.1960	10.09.1978	07.02.2009	13.08.2009	-	1. Promoted as Inspector on adhoc basis in special case vide CPO/Peshawar Endst: No. 1041-43/E-II dated 12.01.2010 in case FIR No. 150 dated 27.11.2007 u/s 9CNSA PS Dadiwala, District Lakki. 2. In the light of judgment of Honourable service Tribunal Khyber Pakhtunkhwa in service appeal No. 1005/2009 has been considered for promotion as SI list-E from the dates as when his junior colleagues were promoted and his name is included in promotion list-E with all back benefits and Senior should remain senior from him.
22	SI, Abdul Khanan No.B/17.	10 th	02.11.1966	19.12.1987	24.01.2009	27.10.2008	28.09.2009	Confirmed in a Special case vide this office Endst: No.5352/EC, dated 28.09.2009.
23	SI, Sardad Khan No.B/2.	F.A.	22.02.1961	07.10.1980	24.01.2009	24.01.2009	22.02.2013	-
24	OSI, Inayatullah No.25/B. ✓	10 th	16.01.1956	03.12.1977	24.01.2009	24.01.2009	-	-
25	OSI, Gul Janan No.7/B.	10 th	05.12.1956	02.09.1975	24.01.2009	24.01.2009	-	-
26	SI, Mir Bad Shah No.B/25.	10 th	01.01.1959	18.12.1977	24.01.2009	24.01.2009	22.02.2013	-
27	OSI, Gul Hamid No.28/B.	9 th	26.03.1961	17.02.1980	24.01.2009	24.01.2009	-	Promoted as Inspector on adhoc basis.
28	SI, Umer Niaz Shah No.B/26	F.A.	12.02.1958	07.07.1977	07.02.2009	13.08.2009	22.02.2013	-

29	OSI, Akhtar Ali No.5/B.	10 th	24.12.1961	17.08.1980	27.07.2009	13.08.2009	-	-
30	OSI, Inayatullah Wazir No.21/B.	10 th	15.04.1957	20.10.1975	27.07.2009	13.08.2009	-	-
31	OSI, Amir Sardar No.54/B.	10 th	06.08.1954	02.09.1975	27.07.2009	13.08.2009	-	-
32	OSI, Zahidullah No.22/B. ✓	10 th	09.09.1957	13.05.1978	27.07.2009	13.08.2009	-	-
33	OSI, Mashal Khan No.91/B.	10 th	01.04.1957	22.10.1975	27.07.2009	13.08.2009	-	In the light of judgment of Honourable. Service Tribunal Khyber Pakhtunkhwa dated 20.03.2010.
34	OSI, Mohammad Rukhsar No.58/B.	F.A.	05.05.1955	23.10.1975	27.07.2009	13.08.2009	-	-
35	OSI, Mohammad Khan No.9/B.	10 th	13.06.1960	24.08.1978	27.07.2009	13.08.2009	-	-
36	OSI, Asad Ali Shah No.47/B.	F.A.	06.02.1987	01.03.2006	15.02.2010	15.02.2010	-	-
37	OSI, Gul Mar Jan No.4/B.	10 th	05.10.1956	02.09.1975	15.02.2010	15.02.2010	-	-
38	OSI, Mohammad Salim No.13/B.	10 th	10.03.1954	15.10.1975	15.02.2010	15.02.2010	-	-
39	OSI, Rehmatullah No.78/B.	10 th	01.01.1958	30.10.1977	15.02.2010	15.02.2010	-	-
40	OSI, Taj Ali No.79/B.	10 th	08.08.1958	26.06.1978	15.02.2010	15.02.2010	-	-
41	OSI, Said Nawaz No.30/B. ✓	9 th	13.09.1955	04.12.1977	15.02.2010	15.02.2010	-	-
42	OSI, Nasrullah No.68/B.	10 th	12.05.1958	13.09.1978	15.02.2010	15.02.2010	-	-
43	OSI, Mohammad Jalil No.69/B.	B.A.	03.03.1970	27.01.2007	15.02.2010	15.02.2010	-	-
44	OSI, Abdul Hamid No.39/B.	10 th	14.10.1969	19.12.1987	15.02.2010	15.02.2010	-	In a Special Case in FIR No.559 dated 23.12.2009 u/s 5ESA/7ATA PS Saddar Bannu vide this office order No.4389 dated 29.12.2009.
45	OSI, Balqiaz Khan No.99/B ✓	8 th	03.12.1959	09.01.1980	08.02.2011	08.02.2011	-	-
46	OSI, Amir Khan No.100/B.	9 th	04.12.1957	19.04.1977	08.02.2011	08.02.2011	-	-
47	OSI, Sarfaraz No.101/B. ✓	10 th	17.09.1957	08.09.1976	08.02.2011	08.02.2011	-	-
48	OSI, Nabi Shah No.37/B.	10 th	08.08.1963	15.11.1981	08.02.2011	08.02.2011	-	-
49	OSI, Mohammad Saleem No.31/B.	10 th	04.04.1964	09.05.1982	08.02.2011	08.02.2011	-	-

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50	OSI, Mohammad Amin No.29/B.	F.Sc	18.11.1958	09.03.1980	07.02.2012		
51	OSI Gul Rauf No.90/B.	M.A	08.04.1977	01.02.2002	07.02.2012		
52	OSI, Mir Sahib Khan No.32/B.	10 th	03.04.1960	25.08.1980	07.02.2012		
53	OSI, Taj Ali Khan No.104/B.	F.A	04.12.1960	14.09.1981	07.02.2012		Confirmed as ASI in the light of judgment of Honourable Peshawar High Court D.I.Khan Bench dated 10.01.2011.
54	OSI, Gul Mohammad No.13/B.	10 th	01.07.1970	30.12.1989	07.02.2012		
55	ASI, Hazrat Umer No. 12/B	10 th	10.04.1956	25.10.1975	07.02.2012		His case will be considered after six months satisfactory performance.
56	ASI, Mohammad Aslam No.102/B.	10 th	03.04.1958	06.06.1977	07.02.2012		Ex-Pakistan leave.
57	ASI, Abdul Aziz No.103/B. ✓	10 th	03.09.1961	11.03.1980	07.02.2012		Deferred due to inefficient and different service record.
58	ASI Moinullah No.40/B	10 th	10.04.1960	04.04.1981	07.02.2012		
59	ASI Javed Iqbal No.55/B	F.A	15.04.1988	05.10.2007	07.02.2012		
60	ASI Zafarullah No.62/B	F.A	20.02.1984	05.10.2007	07.02.2012		
61	ASI Hamayun Raza No.65/B	B.A	21.06.1984	05.10.2007	07.02.2012		
62	ASI Yaseen Kamal No.20/B	F.A	05.05.1988	05.10.2007	07.02.2012		
63	ASI Mohammad Amjad No.10/B	F.A	20.01.1981	05.10.2007	07.02.2012		
64	ASI Mohammad Mufiz Khan No.14/B	M.A	15.11.1981	03.12.2007	07.02.2012		
65	ASI, Imran Aslam No. 17/B.	BA.	20.02.1980	03.12.2007	07.02.2012		
66	ASI, Haider Ali Shah No. 50/B.	BA.	29.11.1976	03.12.2007	07.02.2012		
67	ASI, Rizwanullah No. 19/B.	MA.	30.05.1982	23.02.2009	07.02.2012		
68	ASI, Amanullah No. 11/B.	MA.	01.04.1980	03.03.2009	07.02.2012		
69	ASI, Raza Khan No. 35/B.	BSc.	16.05.1984	05.03.2009	07.02.2012		
70	ASI, Ihsanullah No. 51/B.	MA.	04.12.1977	06.03.2009.	07.02.2012		
71	ASI, Imranullah No. 9/B.	BA.	07.02.1983	12.03.2009.	07.02.2012		
72	ASI, Ihsanullah No. 74/B.	MA.	02.02.1980	17.03.2009	07.02.2012		

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73.	ASI, Rahim Gul No. 18/B.	FA	24.03.1982	19.03.2009	10.12.2012	-	-	-
74.	ASI, Azad Khan No. 7/B.	FA.	10.01.1979	21.03.2009	22.06.2012.	-	-	-
75.	ASI, Arifullah No. 64/B.	BA	15.03.1987	21.03.2009	22.06.2012	-	-	-
76.	ASI, Umer Irfan No. 49/B.	FSc.	08.04.1983	25.03.2009.	20.11.2012	-	-	-
77.	ASI, Umer Khitab No. 81/B.	BSc.	02.04.1978	16.03.2010.	20.11.2012	-	-	-
78	ASI, Mohammad Riaz No. 87/B.	BSc.	06.09.1978	22.03.2010.	16.05.2012.	-	-	-
79	ASI, Najeebullah No. 84/B.	BSc.	01.02.1981	22.03.2010	20.11.2012	-	-	-
80	ASI Farmanullah No.88/B	BA.	25.1.1980	13.04.2010	06.05.2013	-	-	-

(AZAD KHAN), TST, PSP
Regional Police Officer,
Bannu Region, Bannu.

OFFICE OF THE REGIONAL POLICE OFFICER, BANNU REGION, BANNU.

No. 1096-1101/EC, dated Bannu, the 08/5 2013.

Copy to: -

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The Additional Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar with 2-spares copies for publication.
3. The District Police Officers Bannu and Lakki Marwat.
4. The Superintendents of Police, Investigation Bannu and Lakki Marwat.

SRL
To check.
For m/19

SP/Inv Bannu
9-5-13

(AZAD KHAN), TST, PSP
Regional Police Officer,
Bannu Region, Bannu.

08/5/13

[Handwritten signature]



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OFFICE OF THE
DISTRICT POLICE OFFICER, BANNU.

Ph: No. 0928 - 9270038

Fax # 0928 - 9270045

To: - The Regional Police Officer,
Bannu Region, Bannu.

No: - 6382 /Dated Bannu, the 21 /05/2013

Subject: - REPRESENTATION/REQUEST FOR DUE SENIORITY IN ACCORDANCE WITH RPO, BANNU ORDER ENDST NO.2492/EC DATED 19-09-2012 IN THE SUBSTANTIVE RANK OF ASSISTANT SUB INSPECTOR:

Memo:-

Enclosed please find herewith an application in respect of ASI Shakir Ullah of Police Lines, Bannu requesting therein for assigned due seniority with confirmed Assistant Sub Inspectors on list" E " from the re-trospective date i.e 19-09-2012 as desired please.

2
District Police Officer,
Bannu.

YPC

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Amir

THE REGIONAL POLICE OFFICER, BANNU REGION BANNU

Subject: REPRESENTATION/REQUEST FOR DUE SENIORITY IN ACCORDANCE WITH RPO, BANNU ORDER ENDST NO.2492/EC DATED 19-09-2012 IN THE SUBSTANTIVE RANK OF ASSISTANT SUB INSPECTOR:

Respected Sir,

With due deference and great reverence it is submitted:

- That the appellant was appointed on dated 11-01-1986 as constable in BPS-5 and allotted constabulary No. 480 and since then performed his duties at District Bannu with great zeal and zest.
- The applicant was promoted as officiating Assistant Sub Inspector w.e.f 04-09-2008.
- Upon the recommendation of DPO/Bannu vide memo No. 8391/PA dated 12-09-2012, the applicant was confirmed in the sustentative rank of Asstt: Sub Inspector on the basis of providing cover to DPO/Bannu, while actively engaging in the exchange of fire and putting his life in danger and at the sametime constantly keeping an eye on the suspected people around the high ups during the occurrence on dated 16-07-2012, when two suicide Burqa covered suicide bombers attacked the old City police station Bannu. They hurled hand grenades and opened fire on security guard and entered the building. One of the bombers blew himself while the other was shot dead by police. Moreover, his previous record also stands witness to acts of bravery in his career. He played key role in arrest of a Talib at Spina Tangi, who with his accomplices was trying to flee from District Karak after kidnapping and dacoity. While posted at police station Ghoriwala upon arrest of proclaimed offenders he received CC-III and reward from high ups. In 2007, while posted as head constable, he participated in all operation duties actively and played key role in arrest of criminals and smugglers and was allotted Range No. 35/B vide RPO, Bannu order Endst No.2492/EC dated 19-09-2012 and DPO, Bannu Gazette Notification No.15424-25 dated 01-10-2012(photo copy annexed at F/A).
- Upon the receipt of Seniority list from Regional Police Office Bannu Region Bannu issued vide Endst No.1079-87/EC dated 08-05-2013, it was found that name of the applicant has wrongly been placed at Serial No.80 of the said list of Offg: Assistant Sub Inspector and has not been assigned due seniority with confirmed Assistant Sub Inspectors on list " E " from re-trospective date i.e 19-09-2012(Photo copy of Seniority list is annexed at F/B). Such Seniority has already been assigned to OSI Gul Muhammad No.13/B who was confirmed in the substantive rank of Assistant Sub Inspector vide Judgment of Honorable Peshawar High Court D.I Khan Bench

In view of the above humble submissions, it is earnestly requested that the petitioner may kindly be assigned due seniority with confirmed Assistant Sub Inspectors on list " E " from the re-trospective date in the order of Regional Police Officer, Bannu vide order Endst No.2492/EC dated 19-09-2012.

Appellant

[Signature]

ASI Shakir Ullah Khan No.33/1
in Police Lines, Bannu(Earned)

Handwritten notes:
15-5-13
15-5-13

[Handwritten signature]

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Amir G

POLICE DEPARTMENT.

BANNU REGION.

ORDER

The confirmation order in the substantive rank of Asstt: Sub: Inspector in respect of Offg: Asstt: Sub: Inspector Shakirullah of Bannu District Police issued by the then RPO-Bannu Region vide this office Order Endst: No. 2492/EC dated 19.09.2012 is hereby cancelled/withdrawn with immediate effect, being in violation of Standing Order No. 6/2008, for the said Standing Order only provides for **adhoc promotion** and does not cover **out of turn confirmation**.

Necessary Gazette notification may be issued under intimation to all concerned.

(Signature)
**(AZADKHAN), TST, PSP
Regional Police Officer,
Bannu Region, Bannu.**

No. 1237 /EC, dated Bannu the 28/05/2013. *SP 28-5-13*

Copy to the District Police Officer, Bannu for information and n/action w/r to his office Memo: No. 6382 dated 2.5.2013.

Attested

(Signature)
Officer Superintendent
Range Police Office
Bannu

(Signature)
**(AZADKHAN), TST, PSP
Regional Police Officer,
Bannu Region, Bannu.**

(Signature)

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Annex-11

Before the Respected Provincial Police Officer Khyber Pakhtunkhwa Peshawar.

(Through Proper Channel)

Subject: APPEAL AGAINST THE ORDER BEARING NO. 1237/EC DATED
28.05.2013 PASSED BY WORTHY REGIONAL POLICE OFFICER
BANNU WHEREBY HIS OFFICE ENDST: NO. 2492/EC DATED
19.09.2012 REGARDING THE CONFIRMATION OF THE
APPELLANT IN THE SUBSTANTIVE RANK OF ASSISTANT SUB
INSPECTOR WAS CANCELLED/WITHDRAWN.

R/Sir,

The petitioner/appellant humbly submit as follows:-

- I. That the petitioner/appellant was appointed as constable on 11.01.1986 in police department and was allotted constabulary No. 480. Since from the date of enlistment as constable, the petitioner/appellant is performing duty with zeal and zest. After passing department examinations, petitioner/appellant was promoted as officiating Assistant Sub Inspector w/e from 4.09.2008.
- II. That on 16.07.2012, two suicide burqa covered suicide bombers attacked the old city Police Station Bannu. They hurled hand grenades and opened fire on security guard and entered the building. As a result, three police personnel ASI Asmatullah, Sentry constable Bakhtiar No. 1234 and Shahab of DSB received injuries. The district police headed by Regional Police Officer Bannu, District Police Officer Bannu and ASP/Head Quarter promptly reached the spot. The police cordoned off the building and retaliated/opened fire on the suicide bombers. One of the suicider blew up himself while the other was shot dead by police. The intrusion/entrance of suicide bombers into old Police Station City Bannu had endangered the lives of the public and Police as well. Also there were reports of other suicide bombers at the scene. Constant vigil was kept and conveyed by the petitioner/appellant and provided cover to DPO Bannu while actively engaging in fire exchange by putting his life in danger and at the same time constantly keeping an eye on suspected people around the high ups. The previous record of the petitioner also stands witness to acts of bravery in the career and upon the arrest of Proclaimed Offenders received CC-III/cash rewards from the high ups. Keeping in view the extra ordinary bravery and valour, devotion to duty and commitment demonstrated in the performance of govt: duty beyond the call of duty, the District Police Officer Bannu recommended the petitioner for out of turn confirmation in the substantive rank of Assistant Sub Inspector in special case and not in terms of Standing order no 6/2008. (Copy of letter No. 8391/PA dated 12.09.2002 is enclosed as Annexure "A").

That the case was also assessed through a scrutiny committee constituted at district level comprising of WAQAR AHMAD KHAN District Police Officer Bannu, Mr Raqiaz Khan Superintendent of Police/Investigation Bannu and Musanif Shah SDPO Cantt circle Bannu. The committee after due consideration was agreed upon and referred the case to RPO/ Bannu for confirmation in the substantive rank of Assistant Sub Inspector in a special case as a token to further encourage the petitioner to do duty with more zeal and zest vide DPO Bannu Memo: No. 8189/PA dated 7.09.2012. (Copy is enclosed as Annexure "B").

- IV. That the worthy RPO Bannu after due process/consideration approved the confirmation in the substantive rank of Assistance Sub Inspector under standing order No. 6/2008 and not in terms of special case as recommended by the office of District Police Officer Bannu. (Copy of RPO Bannu order Endst: No. 2492/EC dated 19.09.2012 is enclosed as Annexure "C").
- V. That upon the issuance of seniority list from Regional Police Officer Bannu vide Endst: No. 1079-87/EC dated 8.05.2013, it was found that the name of the petitioner has wrongly been placed at S.No. 80 of the said list of officiating Assistant Sub Inspector and has not been assigned due seniority with confirmed Assistant Sub Inspectors on list "E" issued under Endst: No. 1096-1101/EC dated 8.05.2013 from re-trospective date i.e 19.09.2012. The name of the petitioner/appellant was required to be placed at S.No. 76 below the name of ASI Arifullah No. 64/B and above the name of ASI Umer Irfan No. 49/B. (Copies are enclosed as Annexure "D", "E").
- VI. That on 15.05.2013, the petitioner/appellant submitted written application for assigning due seniority in the light of order bearing No. 2492/EC dated 19.09.2012 passed by the worthy RPO Bannu. (Copy of application is enclosed as Annexure "F").
- VII. That instead of assigning due seniority in the seniority list of confirmed Assistant Sub Inspectors, even the confirmation order of the petitioner was withdrawn with a single stroke of Pen after a lapse of 08 months and 11 days without showing any cause or proper departmental proceeding as laid down in the prevailing rules. (Copy of the order of withdrawal is enclosed as Annexure "G").
- VIII. That the worthy RPO Bannu while passing the impugned order bearing No. 1237/EC dated 28.05.2013 has also completely ignored the enquiry finding report constituted by the then RPO Bannu vide his order dated 26.12.2012. The committee comprising of SP/Investigation Lakki, DSP Head Quarter Lakki and RPEO Range Office Bannu vide enquiry finding report had endorsed the previous reports bearing No.s, i. 14246 dated 5.09.2012, ii. 8189/PA dated 7.09.2012 & iii. 8391/PA dated 12.09.2012 with the recommendation that the case of petitioner for confirmation in the substantive rank of Assistance Sub Inspector may be considered as special case with modification/rectification in the order/Gazette notification instead of Standing Order No. 6/2008. (Copy of order dated 26.12.2012 of the then RPO Bannu and enquiry finding report of the committee are enclosed as Annexure "H & I").



OFFICE OF THE
SUPERINTENDENT OF POLICE,
INVESTIGATION, BANNU

Amir G

(29)

DYN No. 2573/EE
dt-24/12/2012

Phone No: 0928-9270178

Fax No: 0928-9270141

No. 5065

Dated: 19/12/2012

TO: The Regional Police Officer,
Bannu Region Bannu.

Subject: ENQUIRY FINDING REPORT HIGHLIGHTING FACTS
REGARDING CONFIRMATION ASI SHAKIR ULLAH
NO. 35/B.

Memo:

Kindly refer to your office Endst: No. 3134/EC dated 11.12.2012 on the subject noted above.

Self explanatory enquiry finding report highlighting facts regarding confirmation of ASI Shakir ullah No.35/B is submitted herewith for your kind perusal and information please.

Encls: 02 Pages.

SP/Inv, 20/12

SP (Inv) BXU as an enquiry officer has simply reiterated his stance which he took as a member of committee forwarding the confirmation of ASI in-question.

The basic question has not been answered yet. Does confirmation is in accordance with standing order 6/2008?? Was the role of ASI Shakir-ullah such that he deserved this confirmation??

It needs threadbare enquiry to answer all the questions in an impartial manner. Hence, the case needs to be re-visited again. SP (Inv) Lakki, DSP Hqrs Lakki and RPEO Range Officer are directed to enquire the matter & report at the earliest.

Superintendent of Police,
Investigation, Bannu.

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Submitted for
to your kind perusal &
further orders pl.

W. RPO Sbi

~~RPEO~~
~~PL discuss~~
24/12

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**ENQUIRY FINDING REPORT HIGHLIGHTING FACTS REGARDING CONFIRMATION OF
ASI SHAKIR ULLAH NO. 35-B.**

In compliance with order contained in RPO Bannu remarks of dated 26.12.2012, wherein the below noted committee has been entrusted for threadbare enquiry regarding the confirmation of Assistant Sub Inspector Shakir Ullah in the substantive rank of Assistant Sub Inspector under S.O No. 06/2008 and further with the remarks as to whether confirmation exists in S.O NO. 06/2008 and whether he deserved such like confirmation.

Initially the case was referred by DPO Bannu to RPO Bannu vide letter No. 1424-6 dated 05.09.2012 (Record Branch) for out of turn confirmation as Assistant Sub Inspector in a Special Case which was put up before the worthy RPO Bannu and was kind enough to mark it to RPEO Bannu for comments with following remarks which are reproduced as below:

- *"Cases of other two police officers (SI Abdul Khanan & SI Abdul Hamid) quoted for reference illustrate that these officers were present and actively participated in the operation.*
- *Did ASI Shakir Ullah fire a bullet from his weapon?*
- *Will it not open a Pandora box?*
- *Recommendations need addition of other acts also."*

After the written opinion of the RPEO Bannu, these remarks were conveyed to DPO Bannu vide RPO Bannu letter No. 4402 dated 11.09.2012 for clarification. In response to the above the DPO Bannu clarified the actual position i.e role played by ASI Shakir Ullah in the incident of Suicide bomber attack on the old PS City building on 16.07.2012 highlighting the facts vide his letter No. 8391/PA dated 12.09.2012.

It is worth mentioning that the case was also examined through a proper scrutiny committee comprising of the worthy DPO Bannu Waqar Ahmad, Mr. Musanif Shah SDPO Cantt: as well as Mr. Raqiaz Khan SP/Investigation Bannu. The committee after due consideration was agreed upon and referred the case to RPO Bannu for his confirmation as Assistant Sub Inspector in a special case as a token, to further encourage the official to do his duty with more zeal and zest vide DPO Bannu Memo: No. 8189/PA dated 07.09.2012 (photocopy is attached at annex-A). The worthy RPO Bannu after due process/consideration approved his confirmation in the substantive rank of Assistant Sub Inspector vide office Endst:

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No. 2492 dated 19.09.2012 with the direction to DPO Bannu to issue his gazette notification order accordingly. In this context an impartial enquiry highlighting facts regarding the confirmation of Assistant Sub Inspector Shakir Ullah in the substantive rank of ASI under S.O No. 6/2008 was entrusted to Mr. Raqiaz Khan SP/Investigation Bannu who after going through the relevant record and other connected Documents minutely, submitted his finding report vide his letter No. 5065 dated 19.12.12 highlighting the following facts.

- That ASI Shakir Ullah (Reader DPO Bannu) provided cover to DPO Bannu while actively engaging in fire exchange and putting his life in danger and at the same time constantly keeping an eye on suspected people around the high ups.
- That a scrutiny committee comprising of DPO Bannu, SDPO Cantt: and Mr. Raqiaz Khan SP/Investigation Bannu has already examined the case with all its aspects and then recommended him for out of turn confirmation in the substantive rank of ASI as a special case. The scrutiny committee reports not only proved his presence on the spot but also proved his commitment demonstrated in the performance of Govt: duty and devotion to duty beyond the call of duty.
- The basic question has not been answered yet. Does confirmation is in accordance with S.O No. 06/2008?
- Was the role of ASI Shakir Ullah such that he deserved his confirmation?

Since the case of ASI Shakir Ullah was thoroughly assessed through a scrutiny committee of the district and after confirming his presence on the spot and further playing active role in providing security cover to the DPO Bannu while actively engaging in fire exchange by putting his life in danger in the incident of suicide bomber attack on old PS City building on dated 16.07.2012, his case was referred to Range Office Bannu for out of turn confirmation as a special case. The statements of HC Nifat Ullah No. 814, Constable Rehman Ullah No. 990 and driver Noor Ali Khan No. 1700 posted as gunners in DPO squad further corroborate his extra ordinary bravery, valour, devotion to duty and commitment, demonstrated in the performance of Govt: duty, as such the case of ASI Shakir Ullah was genuine one and rightly deserved to be confirmed as ASI in a special case.

The committee comprising of DPO/ Bannu, SP/ Investigation, Bannu and DSP/ Cantt: Bannu considered that the case of ASI Shakir Ullah for out of turn confirmation has been rightly recommended by the DPO Bannu and scrutiny committee, as there are many precedents of such

YES

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like confirmation in a special case. Certain cases have been pinpointed by the SP/Investigation Bannu in his report dated 19.12.2012 so far S.O No. 06/2008 in concerned, its subject is clear which provides opportunity of accelerated/out of turn promotion on Adhoc basics to Police Officials for extra ordinary performance. *Where as the case of ASI Shakir Ullah is of out of turn confirmation in a special case instead of promotion on Adhoc Basics.* The letter bearing Nos. 14246, dated 05.09.2012, No. 8189/PA, dated 07.09.2012, 8391/PA, dated 12.09.2012 clearly depicts that the case has been recommended for confirmation in a special case and not in the terms of promotion under S.O No. 06/2008. **The clerical mistake has been done by the concerned dealing hands Establishment branch of Regional Office Bannu up to the extent of writing the words "under S.O No. 06/2008" which may be omitted/modified whereas the words (in special case) require to be included in the said order issued under Endst: No. 2492/EC, dated 19.09.2012.**

The committee recommends/suggests that words "under S.O No. 06/2008" may be omitted/modified to regularize out of turn confirmation of ASI Shakir Ullah in the substantive rank in a special case accordingly. It may not be out of place to mention here that the learned DPO/ Bannu vide his Memo: No. 6997/ PA, dated 08.08.2012 has already recommended three police officials for namely PASI Asmatullah, Const: Bakhtiar No. 1234 and Shahab of DSB have already been recommended for gallantry award beside eight other Police officials have also been recommended for Chief Minister Award vide DPO/ Bannu letter No. 12809/ PA, dated 20.11.2012. The DPO/ Bannu has recommended the above noted officials as per their role played in the incident under reference.

In order to make the case more clear and transparent the CPO Peshawar was requested vide memo No. 3000/EC dated 20.11.2012 with the request to apprise/guide/clarify as to how much vacancies of Bannu Region are permanent and how much are temporary of the categories i.e (SI+ASI) in order to promote the qualified Police Officers, as per Police Rules 13-18. The CPO further referred the case to the Secretary Home & T.As Department vide memo No. 1286-7/A-3 dated 14.12.2012 seeking guidance for substantive promotion of SI and ASI on two years probation as per PR 13-18. The reply thereof reveals that during the preparation of Budget estimate 2011-2012 and 2012-2013, the Finance Department merged all SNE (Schedule for New Estimate into permanent Budget Estimate except the following Scheme which was recently being created in Police Department.




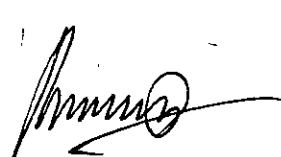
S.No	Schemes	No. of Post
1	BU4399-SP Frontier Reserved Police Bannu	2
2	TG4001- District Police Officer, Tor Gar	15
3	MR4003- Law & Order Mardan	11
4	SU4013- Law & Order Swabi	33
5	CA4016- Law & Order Charsadda	400
6	TG4001- District Police Officer, Tor Ghar	300
7	MR4033- Law & Order Mardan	262
8	MR4036- Investigation Mardan	40
9	NR4218- Law & Order Nowshera	200
10	PR4093- Peshawar City Police Law & Order	167
11	PR4093- Peshawar City Police Law & Order	130
12	PR4093- Peshawar City Police Law & Order	1400
13	SU4013- Law & Order Swabi	182
14	CA4016- Law & Order Charsadda	8

In view of the aforementioned scenario and the report of Home & T.As Department Peshawar Mr. ASI Shakirullah and other deserving Police officials can easily be accommodated/ confirmed in the existing vacancies of ASIs/ Sis as per above reports.

The committee is of the considered view in the above narrated prospectives, the case of ASI Shakirullah for his confirmation in the substantive rank may very kindly be considered as special case with modification/ rectification in the gazette notification instead of SO No. 6/ 2008.

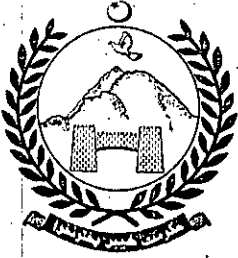
Enquiry report on the subject is submitted for favour of your kind perusal please.


Superintendent of Police
Investigation Lakki.


Dy: Superintendent Police
Head Quarter, Lakki


RPEO, Range Office
Bannu.





**OFFICE OF THE
SUPERINTENDENT OF POLICE,
INVESTIGATION, BANNU**

Phone No: 0928-9270178.

Fax No: 0928-9270141

No. 5065

Dated: 19/12/2012

TO: **The Regional Police Officer,
Bannu Region Bannu.**

Subject: **ENQUIRY FINDING REPORT HIGHLIGHTING FACTS
REGARDING CONFIRMATION ASI SHAKIR ULLAH
NO. 35/B.**

Memo:

Kindly refer to your office Endst: No. 3134/EC dated 11.12.2012 on the subject noted above.

Self explanatory enquiry finding report highlighting facts regarding confirmation of ASI Shakir ullah No.35/B is submitted herewith for your kind perusal and information please.

Encls: 02 Pages.


Superintendent of Police,
Investigation, Bannu.



ENQUIRY FINDING REPORT HIGHLIGHTING FACTS REGARDING CONFIRMATION OF ASI SHAKIRULLAH NO 35-B

In compliance with the order contained in RPO Bannu Endst: No. 3134/EC dated 11.12.2012, wherein the undersigned has been entrusted an impartial enquiry highlighting facts regarding the confirmation of Assistant Sub Inspector Shakirullah in the substantive rank of Assistant Sub Inspector under SO No. 6/2008 and further to submit findings in the light of relevant standing orders/Police Rules. The brief of the case under consideration is as under:

1. Initially the case was referred by DPO Bannu to RPO Bannu vide letter No. 14246 dated 5.09.2012 (Record branch) for out of turn confirmation as Assistant Sub Inspector in a Special Case which was put up before the worthy RPO Bannu and was kind enough to mark it to RPEO Bannu for comments with following remarks which are reproduced as below:

- i. "Cases of other two police officers (SI Abdul Khanan & SI Abdul Hamid) quoted for reference illustrate that these officers were present and actively participated in the operation.
- ii. Did ASI Shakirullah fire a bullet from his weapon.
- iii. Will no it open a Pandora box.
- iv. Recommendations need addition of other acts also."

After the written opinion of the RPEO Bannu, these remarks were conveyed to DPO Bannu vide RPO Bannu letter No. 4402 dated 11.09.2012 for clarification. In response to the above, the DPO Bannu clarified the actual position i.e role played by ASI Shakirullah in the incident of Suicide bombers attack on the old PS City building on 16.07.2012 highlighting the facts.

It is worth mentioning that the case was also examined through a proper scrutiny committee comprising the worthy DPO Bannu Waqar Ahmad, Mr. Musanif Shah SDPO Cantt as well as the undersigned. The committee after due consideration was agreed upon and referred the case to RPO Bannu for his confirmation as Assistant Sub Inspector in a special case as a token, to further encourage the official to do his duty with more zeal and zest vide DPO Bannu Memo: No. 8189/PA dated 7.09.2012 (photocopy is attached at annex-A). The worthy RPO Bannu after due process/consideration, approved his confirmation in the substantive rank of Assistant Sub Inspector vide office Endst: No. 2492 dated 19.09.2012 with the direction to DPO Bannu to issue his gazette notification order accordingly.

The nut shell of the above discussion is that after going through the relevant record and other connected Documents minutely, the undersigned reached to the conclusion that: -

- i. ASI Shakirullah (Reader DPO Bannu) provided cover to DPO Bannu while actively engaging in fire exchange and putting his life in danger and at the same time constantly keeping an eye on suspected people around the high ups.
- ii. That a scrutiny committee comprising of DPO Bannu, SDPO Cantt and the undersigned has already examined the case with all its aspects and then recommended him for accelerated promotion/confirmation in the substantive rank of Assistant Sub Inspector as a special case. The scrutiny committee reports not only proved his presence on the spot but also proved his commitment demonstrated in the performance of govt: duty and devotion to duty beyond the call of duty.

2. The contents of application clearly depict that some police officials/officers are annoyed and they are using various tactics to pressurize the high ups to get fulfill their unlawful demands. Approximately the entire District Police participated in the incident dated 16.07.2012 (Suicide bombers attack on old PS City building) and every one desires to be rewarded in shape of promotion, QPM/PPM/CM Award which is impossible. In case of non completion of their demands, they criticize the confirmation of ASI Shakirullah. The instant application seems to be the rafter of the said annoyance.

3. "Legality of the order passed vide Regional Police Officer, Bannu Region, Bannu order Endst: No. 2492/EC, dated 19.09.2012 and gazette notification issued vide District Police Officer, Bannu Endst: No. 15420-25, dated 1.10.2012. From perusal of record, it was found that the following police officials have been confirmed/promoted under standing order No. 6/2008.

- i. HC Abdul Jalil promoted as adhoc ASI.
- ii. OASI Mohammad Salim promoted as adhoc SI.
- iii. OASI Mohammad Noor promoted as adhoc SI.
- iv. OASI Sadullah promoted as adhoc SI.
- v. OASI Abdul Hamid confirmed as Assistant Sub: Inspector in a special case vide RPO Bannu Endst: No. 4389/EC dated 29.12.2009 and DPO Bannu gazette notification No. 21969-70, dated 31.12.2009 (Photocopy is attached at Annex-B)
- vi. OSI Abdul Khanan confirmed as SI (Special case)
- vii. OSI Gul Mohammad confirmed as ASI in suicidal attack case on PS Mandan dated 26.09.2009 by the Honorable High Court Bench D.I.Khan received vide RPO Bannu Endst: No. 3315/EC dated 21.09.2011 and Endst: No. 3504-06/EC dated 11.10.2011 (Photocopy is attached at Annex-C) . Needless to mention here that the then DPO Bannu recommended the case of OASI Gul Mohammad for confirmation as Assistant Sub Inspector but was rejected by High ups. He preferred an appeal to the Honorable High Court Bench D.I.Khan which was accepted. Subsequently he was confirmed as Assistant Sub Inspector on the basis of the court judgment dated 31.05.2011 (Photocopy is attached at Annex-D). It clearly depicts that confirmation in a special case has also been approved by the superior court. In nut shell the order passed by your worthy self Endst: No. 2492 dated 19.09.2012 and gazette notification issued vide District Police Officer Endst: No. 15420-25, dated 1.10.2012 is in accordance with police rules/standing order No. 6/2008.

In view of the above it is suggested that the case of ASI Shakirullah does not need re-opening. Once, one is confirmed in the substantive rank, cannot be reverted without proper departmental proceedings under police rule 13-18 which speaks that: "All police officers promoted in rank shall be on probation for 02 years, provided that the appointing authority may, by a special order in each case, permit periods of officiating service to count towards the period of probation. On the conclusion of the probationary period, a report shall be rendered to the authority empowered to confirm the promotion who shall either confirm the officer or revert him. In no case shall the period of probation be extended beyond 02 years and the confirming authority must arrive at a definite decision with in that period whether the officer should be confirmed or reverted. While on probation officers may be reverted without departmental proceeding. Such reversion shall not be considered reduction for the purpose of Rule No. 16-4.

In view of the above mentioned grounds of the said conformation of ASI Shakirullah and the legal position of the order issued by your good self and the fact that the whole enquiry is initiated on an anonymous application. I am of the very clear opinion that the confirmation case of ASI Shakirullah is legal, fair and justified and the anonymous complaint deserves to be filed with no further consideration.

Finding report is submitted for perusal please.

Y/S
WAKY RPO

O/C

[Signature]
Superintendent of Police
Investigation, Bannu.
11/12/2017

FOR PUBLICATION IN THE NWFP POLICE GAETTE PART II
ORDERED BY THE DISTRICT POLICE OFFICER, BANNU.

NOTIFICATION

Dated Bannu the, 27/10/ 2008

No. 10041 /PROMOTION. Having been approved for promotion as a special case vide Regional Police Officer, Bannu Region, Bannu order Endst: No. 2898/EC dated 16/10/2008, Offig: Assistant Sub Inspector Mir Bad Shah No. 582 of operation staff Bannu, presently posted as Incharge Distt; Special Branch, Bannu is hereby considered suitable for promotion to the Substantive Rank of Assistant Sub Inspector as a special case and allotted Range No. 77/B.

Mu
District Police Officer,
Bannu.

No. /dated Bannu, the /2008.

Copy of above is submitted to:-

1. The Regional Police Officer, Bannu Region, Bannu for favour of information.
2. The Additional Inspector General of Police/Investigation NWFP, Peshawar along with tow spare copies of the Gazette Notification for favour of publication in the NWFP Police Gazette Notification.

District Police Officer,
Bannu.

Y/G

3-13/09 P (38)

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From: The District Police Officer,
Bannu.

To: The Deputy Inspector General of Police,
Bannu Region, Bannu.

No. 1448 /Dated Bannu the, 14/2/2009.

Subject: BRINGING THE NAME OF ABDUL HAMEED KHAN ASI PS
MIRYAN ON "E" LIST.

Memo:

In the situation of the day when the suicide attackers & the Taliban have paralyzed the whole system of the country & the official of Police & other members of the law enforcing are on the target goal of these miscreants, the Police officers and officials are very much reluctant to face these peoples / accused. When any Police officer put his life on the palm by arresting or making to fail the plan of such like person, he deserves to be appreciated for his encouragement and given lesson to other Police officers for doing so. In this scenario, Abdul Hameed Khan ASI PS Miryan has performed extra ordinary duty by failing the plan of Terrorist Muhammad Yousaf s/o Muhammad Ayub Khan r/o Saleh Khan Mandew by arresting him having high explosive bomb which was fixing by accused to Lora Bridge which resulted in registration of case FIR No. 34 dated 09.02.2009 u/s 5ESA/7ATA PS Mandan. Had the accused was succeeded in his aim, not only huge damage would be caused to Govt: exchequer by blowing the said bridge with the explosion but there was every apprehension of destruction of so many precious lives of the innocent citizen.

In light of the above, the said ASI Abdul Hameed Khan deserves to be enlisted in list "E" on confirmation of him, the said post of ASI for his extra ordinary good performance at the cost of his life so that he may be encouraged for performance of his duty with great Zeal & Zest.

o/c

District Police Officer,
Bannu

Yusuf

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POLICE DEPTT:

BANNU REGION.

ORDER

Upon the recommendations made by D.P.O. Bannu vide his office Memo:No.9463 dt: 7.10.2008 for promotion to the substantive rank of ASI as a special case in respect of OASI Mir Bad Shah No. 582 of Oper:Staff Bannu, presently posted as Incharge Distt: Special Branch, Bannu in recognition of his performance to the Distt: Police in providing valuable, accurate and timely information to the Distt: Police. That is why the Distt: Police on the spur of movement have foiled the evil activities of the Anti-Social elements, criminal and Anti-State elements and with the established performance suitable for the D.P.O's recommendations, examined from his Service Record, OASI, Mir Bad Shah, No. 582 is hereby promoted to the substantive rank of ASI and his two-years probationary period in the subject promotion is also condoned as a special case.

He is allotted Range No. 77/B.

Necessary Gazette notification may be issued to all concerned under intimation to this office.

(M.MASOOD KHAN AFRIDI)
P.S.P.
Regional Police Officer,
Bannu Region, Bannu.

No. 2898

/EC Dt: Bannu, the 13/10/08.

Copy to the Distt: Police Officer, Bannu for information and n/action w/r to his office Memo:No.9463 dated 7.10.2008.

(M.MASOOD KHAN AFRIDI)
P.S.P.
Regional Police Officer,
Bannu Region, Bannu.

*ERC to 1881
Necessary notice
accordingly*

Handwritten signature/initials

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OFFICE OF THE
DISTRICT POLICE OFFICER,
BANNU.

Ph: No. 0928 - 9270038

Fax # 0928 - 9270045

To: - The Regional Police Officer,
Bannu Region, Bannu.

No:- 11645 /Dated Bannu, the 26/9/2011.

Subject: - ORDER:

Memo:-

Kindly refer to your office memo order endst: No. 3315/EC dated 21-09-2011.

In this connection, it is submitted that copy of the order quoted above has been received from the range office. In the said order neither the order number and date of the decision of honorable High court Bench D.I.Khan has been given nor copy of the order along with relevant papers have been attached which become a part of service record of the concerned ASI. Besides, this office has not been directed in the said order for further necessary action (i.e issuance of notification etc).

Moreover, contents of this office letter No. 21106 dated 04-12-2009 were perused wherein ASI Gul Muahhamad has been recommended for out of turn promotion only while on the other hand no specific date of confirmation has been given in the order issued from your office quoted above.

Keeping in view the above ambiguity, it is requested that this office may kindly be guided that from what date the confirmation of the said ASI could be made in the light of the decision of honorable High court. Besides, your good self order is also solicited regarding the issuance of notification. Moreover, copy of the relevant documents may be provided so that the same may be placed in the service record of the said ASI and proper notification could be made if approved please.

Handwritten initials/signature.

District Police Officer,

411

POLICE DEPARTMENT

BANNU DISTRICT

FOR PUBLICATION IN THE KPK POLICE GAZETTE PART-II
ORDERED BY THE DISTRICT POLICE OFFICER, BANNU.

NOTIFICATION.

No. 12599 /PROMOTION. Having been approved for Promotion in the light of the judgment dated 31-05-2011 of Honorable High Court Peshawar D.I. Khan Bench vide Regional Police Officer Bannu Region, Bannu order endst No 3315/EC dated 21-09-2011 and order endst: No. 3504-06/EC dated 11/10/2011, Assistant Sub Inspector Gul Muhammad is confirmed as ASI, with effect from 10-01-2011 in the existing substantive/confirmed vacancy of ASI occurred due to the retirement of OSI Khub Nawaz. He is allotted Range No.13/B.

District Police Officer,
Bannu.

No 12600 - 1 /Dated Bannu, the 13/10 /2011.

Copy of above is submitted to :-

1. The Regional Police Officer, Bannu Region, Bannu, Bannu for favour of information.
2. The Additional Inspector General of Police /Investigation KPK, Peshawar along with two spare copies of the Gazette Notification for favour of publication in the KPK Police Gazette Notification.

District Police Officer,
Bannu.

[Handwritten signature]

service record of the said ASI and proper notification could be made if approved please.

(42)

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POLICE DEPARTMENT

BANNU DISTRICT

FOR PUBLICATION IN THE KPK POLICE GAZETTE PART-II
ORDERED BY THE DISTRICT POLICE OFFICER, BANNU.

NOTIFICATION.

No. 12599 /PROMOTION. Having been approved for Promotion in the light of the judgment dated 31-05-2011 of Honorable, High Court Peshawar D.I. Khan Bench vide Regional Police Officer Bannu Region, Bannu order endst No 3315/EC dated 21-09-2011 and order endst: No. 3504-06/EC dated 11/10/2011, Assistant Sub Inspector Gul Muhammad is confirmed as ASI with effect from 10-01-2011 in the existing substantive/confirmed vacancy of ASI occurred due to the retirement of OSI Khub Nawaz. He is allotted Range No.13/B.

District Police Officer,
Bannu.

No 12600-1 /Dated Bannu, the 13-10 /2011.

Copy of above is submitted to :-

1. The Regional Police Officer, Bannu Region, Bannu, Bannu for favour of information.
2. The Additional Inspector General of Police /Investigation KPK, Peshawar along with two spare copies of the Gazette Notification for favour of publication in the KPK Police Gazette Notification.

District Police Officer,
Bannu.

Handwritten signature/initials

11/10/2011

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3-13/09-A

Attention Rizwan Khan - E-II CPO Pes.

ORDER

The D.P.O. Bannu vide his Memo: No.18212 dated 24.09.2009 after examining his case through the proper organized Committee comprising of DSP/HQrs: DSP/Rural as well Inspector Legal. Bannu, has strongly recommended the name of SI Abdul Khanan SHO/Mandan for confirmation in the rank of Sub: Inspector for the arrest of 02 Nos. Terrorist/Miscreants in the area of Muazam Mita Khet Illaqa PS Mandan when they were chased by Police party headed by SI Abdul Khanan under supervision of Mr. Waqas Hassan, then ASP/HQrs: Bannu. Besides recovery of the afore-mentioned weaponry/Hand Grenades two (02) more Kalashnikovs along with seven chargers containing 170 rounds of 7.62 bore were also recovered from the SURF vehicle of the Terrorist/Miscreants who utilized it for openly moving in the limits of PS Mandan owing to the gravity of situation. A proper case vide FIR No.150 dated 19.05.2008 U/S 324/353/34/13AO/7SIAA/5 Exp:/7ATA was also registered to this effect at Police Station Mandan.

So far the incident of dated 26.09.2009 resulting into completely destruction of Police Station Mandan as a result of explosion of Hyundai Pick Up with high intensity which was fully loaded with explosive materials through suicide bomber is concerned. No doubt that as a result of the present occurrence the Police Station Mandan with surrounding vicinity has completely destroyed in addition to the martyrdom/sustaining serious injuries by the Police Officials as well Civilians. the Police Officials deployed by SI Abdul Khanan SHO/Mandan at PS Mandan Check Post have fired and hit the vehicle, which was moving towards Bannu City with the destination to destroy Bannu City/unknown targets, just the suicide bomber exploded the vehicle in front of PS Mandan. The credit of saving of Bannu City/unknown targets from destruction as well casualties in thousands goes to SI Abdul Khanan SHO/Mandan who himself also sustained serious injuries in the suicide attack and is under proper treatment at DHQ Hospital Bannu.

Keeping in view of his devotion, bravery and extra ordinary performance. SI Abdul Khanan SHO/Mandan is hereby confirmed in the rank of Sub: Inspector as a special case with immediate effect.

M. Masood Khan Afridi
(M.MASOOD KHAN AFRIDI)
P.S.P
Regional Police Officer,
Bannu Region, Bannu.

No. 5352 /GC, dated Bannu, the 28/9 /2009.

Copy of above is forwarded to the District Police Officer, Bannu for information and further necessary appropriate action.

Y.S.

(M.MASOOD KHAN AFRIDI)
P.S.P
Regional Police Officer,
Bannu Region, Bannu.

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POLICE DEPARTMENT.

DISTRICT BANNU.

FOR PUBLICATION IN THE NWFP POLICE GAZETTE PART-II
ORDERED BY THE DISTRICT POLICE OFFICER, BANNU.

NOTIFICATION

Dated Bannu, the ____ / 12/2009.

No. _____ / **CONFIRMATION:** Having being Confirmed officiating Assistant Sub-Inspector Abdul Hamid No. 115 operation staff, Bannu vide Regional Police Officer, Bannu Region, Bannu Order Endst: No. 4389/EC dated 29.12.2009 for his good/outstanding performance and devotion to Govt: duty vide Case FIR No. 559 dated 23.12.2009 u/s 5-ESA/7-ATA PS Saddar as such the recovery of the (5-Explosive packed Drums, 5-Gas Slanders packed with explosive materials, Prima Card 100-yards, 4-Electronic Detonators, 3-Non electric Detonators, 1-Battery and one Pocket Phone used for remote control) from Back-Surf Vehicle, moving in suspicious condition on Bannu Kohat road, made target by the Police Party headed by him. His officiating period counted towards the period of probation in special case under PR: 13:18 and CPO: Peshawar Instruction/direction vide Endst: No. 24489-98/E-II dated 28.12.2005.
Allotted Range No. 39/B.

[Signature]
District Police Officer,
Bannu.

No. 21969-70 / Dated 31 / 12/2009.

Copy of above is submitted to:-

1. The Additional Inspector General of Police, Investigation, NWFP, Peshawar for information alongwith two spare copies for publication in Gazette Notification please.
2. The Regional Police Officer, Bannu Region, Bannu for favour of information and necessary action please.

[Signature]

[Signature]
District Police Officer,
Bannu.

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PANNU REGI

POLICE DEPTT.:

ORDER.

Offg:ASI, Abdul Hamid No.115 Oper.Staff, Bannu, presently posted at PS:Saddar, Bannu is hereby promoted/ confirmed to the substantive rank of ASI and his officiating period is counted towards the period of probation in a special-case under PR:13.18 and CPO, Pesh: instructions/directions vide Endst:No.24489-98/E-II dated 28.12.2005 in recognition of his good/outstanding performance and devotion to Govt:duty vide case FIR No.559 dt: 23.12.2009 U/S 5ESA/7ATA, PS:Saddar, Bannu, for recovery of the following bulk of explosive articles from the Blask-Surf vehicle, moving in suspicious condition on Bannu Kohat road, made target by the Police-Party, headed by OASI Abdul Hamid on mobile-patrolling PS:Saddar, Bannu :-

- 1). 05 Explosive packed Drums.
- 2). 05-Gas Slanders packed with explosive materials
- 3). Prima Card 100-Yards.
- 4). 04-Electronic Detonators.
- 5). 03-Non electric Detonators.
- 6). 01-Battery.
- 7). 01-Pocket Phone used for remote control.

He is allotted Range No.39/B.

Necessary Gazette notification may be issued under intimation to all concerned.

(M.MASOOD KHAN AFRIDI)
P.S.P.
Regional Police Officer,
Bannu Region, Bannu.

No. 4389

/EC Dt:Bannu, the 29/12/09.

Copy to the Distt:Police Officer, Bannu for information and n/action.

(M.MASOOD KHAN AFRIDI)
P.S.P.
Regional Police Officer,
Bannu Region, Bannu.

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**OFFICE OF THE
REGIONAL POLICE OFFICER,
BANNU REGION, BANNU**

Phone No: 0928-9270076

Fax No: 0928-9270075

No. 4402

Dated 11/9 /2012

To: The District Police Officer, Bannu

Subject: OUT OF TURN CONFIRMATION AS ASI

Memo:

Please refer to your office Memo: No.14246 dated 05.09.2012 on the subject noted above.

After perusal of the above quoted memo:, the worthy Regional Police Chief, Bannu recorded the following remarks:-

- Cases of other two Police officers quoted for reference illustrate that those officers were present and actively participated in the operation?
- Does ASI Shakirullah fire a bullet from his weapon?
- Will not it open a Pandora box?
- Recommendations need addition of other acts also.

✓
Regional Police Officer,
Bannu Region, Bannu

11/9/12

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The District Police Officer, Bannu

To: - The Regional Police Officer,
Bannu Region, Bannu.

No. 142461 dated Bannu, the 5 / 9 / 2012.

Subject: OUT OF TURN CONFIRMATION AS ASI

Memo:

On 16.07.2012, two suicide burqa clad bombers attacked the old City Police Station, Bannu. They hurled hand grenades and opened fire on security guard and entered the building. As a result, three police personnel ASI Asmatullah, sentry Constable Bakhtiar No. 1234 and Shahab of DSB received injuries. The district police headed by Regional Police Officer, Bannu Region, Bannu, undersigned and ASP/HQr: promptly reached the spot. The police cordoned off the building and retaliated/opened fire on the suicide bombers. One of the suicide bombers blew himself while the other was shot dead by police.

The intrusion entrance of suicide bombers into old Police Station City Bannu had endangered the lives of the public and police as well. Also there were reports of other suicide bombers at the scene. Constant vigil was kept and conveyed by Shakir Ullah ASI/Reader to undersigned.

The voluntary services rendered by Shakir Ullah ASI at the crucial moment at the scene and facilitating the police in making the operation successful is a role model for all police officers. No doubt he was not a member of police party in action yet the role played by him i.e. conveying timely and accurate information about the other suicide bombers speaks of his keen devotion to his duties and police department, is an exemplary act which is almost lacking amongst the ranks. He is therefore recommended for confirmation as special case in the rank of ASI for his encouragement. It is further added for your kind information that such like confirmations/promotions have been granted by the then DIG Bannu upon the recommendation of Iqbal Marwat Shaheed the then DPO Bannu.

District Police Officer,
Bannu.

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Sir,

REFERENCE: ATTACHED PUC: REPRESENTATION/REQUEST FOR DUE SENIORITY IN ACCORDANCE WITH RPO, BANNU ORDER ENDST NO.2492/EC DATED 19-09-2012 IN THE SUBSTANTIVE RANK OF ASSISTANT SUB INSPECTOR:

It is submitted for your kind information that ASI Shakir Ullah of Police Lines, Bannu (Now on Earned Leave) requesting therein that he may be assigned due seniority with confirmed Assistant Sub Inspectors on list " E " from the re-trospective date in the light of Regional Police Officer, Bannu vide order Endst No.2492/EC dated 19-09-2012.

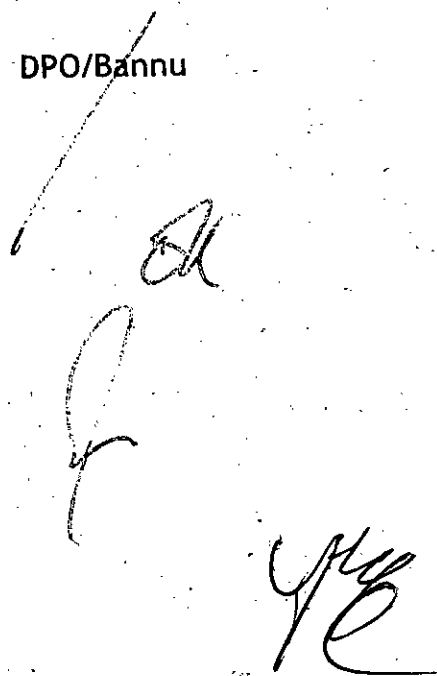
If approved: May forwarded his Representation/Application to the Range Chief in accordance to his seniority list for consideration.

Submitted for your kind perusal and Order please.



SRC
Establishment Clerk.
16/05/2013.

DPO/Bannu



SP (Inv) BXV

Pl conduct impartial investigation & highlighting fact

No. Ec بنوں ریجن بنوں

DT 12-11-12

عنوان: شا کر اللہ 35/B ASI کی ناجائز کنفرمیشن

→ Pl go through relevant standing orders / Police Rules and give ur findings at the earliest

مؤدبانہ التماس کی جاتی ہے کہ آپ جناب نے DPO بنوں کی سفارش پر بحوالہ لیٹر نمبر 839/PA مورخہ 12/09/2012 اور DPO آفس بنوں شا کر اللہ 480 officiating ASI کو اسٹینڈنگ آرڈر نمبر 6/2008 کی روشنی میں کنفرم کروا کے اسے ریج نمبر 35/B الاٹ کیا اور بحوالہ لیٹر نمبر 2492/EC مورخہ 19/9/2012 کو گزٹ نوٹیفیکیشن جاری کیا۔

لیٹر نمبر 8391/PA میں DPO صاحب کی ذیل سفارشات تھی۔

- 1- 16/7/2012 کو شا کر اللہ ASI پرانا تھانہ سٹی پردہشت گہاڑوں کے حملے کے دوران DPO صاحب کو Cover فراہم کر رہا تھا اور دہشت گردوں کے ساتھ فائرنگ میں بھی مصروف رہا۔ اس کے ساتھ ساتھ High Ups کے ارد گرد مشکوک افراد پر بھی کڑی نظر رکھی۔
- 2- شا کر اللہ ASI نے سپینہ تنگی کے مقام پر کرک سے ڈکیتی اور اغوا نیکی کے بعد بھاگ کر اینوالے ایک طالب (دہشت گرد) کو بھی پکڑا۔
- 3- 2007ء میں شا کر اللہ ASI نے PO کی گرفتاری پر CCI III شوقیت اور کیش پرائز بھی حاصل کیا۔
- 4- بحیثیت ہیڈ کنسٹیبل شا کر اللہ نے اپنی ڈیوٹی مستعدی اور جانفشانی سے ادا کر کے مختلف قسم کے جرائم پیشہ افراد اور سنگرز کو گرفتار کیا ہے۔

جناب عالی!

متذکرہ بالا سفارشات کی روشنی میں شا کر اللہ ASI کو کنفرم کروا کے 82 دوسرے Officiating ASI's سے سینئر کروا دیا گیا۔ جبکہ حقیقت یہ ہے کہ مورخہ 16/7/2012 تھانہ سٹی وقوعہ کے روز صبح شا کر اللہ کہیں بھی موجود نہ تھا کیونکہ وہ DPO آفس میں ریڈر کے طور پر کام کر رہا تھا اور آفس میں موجود تھا۔ نہ ہی شا کر اللہ ASI نے زندگی خطرے میں ڈال کر دہشت گردوں کا مقابلہ کیا ہے اور نہ ہی کسی دہشت گرد کو پکڑا ہے۔ **بہت تعلق ہے۔**

16/7/2012 کو تھانہ سٹی پر حملے کے دوران کنسٹیبل بختیار 1234 سب سے پہلے دہشت گردوں کا نشانہ بنا اور پانچ گولیاں کھا کر شدید زخمی ہوا جو آج بھی معذور ہے مگر اسے کوئی ترقی نہیں ملی، نہ ہی کوئی انعام ملا۔ اس کے علاوہ مزید یہ کہ دہشت گردوں کے ساتھ مکمل مقابلہ انسپکٹر اسماعیل خان SHO تھانہ سٹی، عصمت اللہ ASI، شفیع اللہ خان HC اور DSB کے اہل کاروں نے کیا ہے۔ جن میں ASI عصمت اللہ آج تک ایک پاؤں پر معذور ہے مگر ان سب میں کسی ایک بھی ترقی نہیں ملی۔

جناب عالی! ان تمام پولیس اہلکاروں کے خلفاً بیان لیکر معلوم کیا جائے کہ شا کر اللہ ASI نے کتنی قربانی دی اور کتنے دہشت

گرد ہلاک کئے؟



اب اسٹینڈنگ آرڈر 06/2008 کا حوالہ ملاحظہ کیجئے۔

ملا پیرا غیر معمولی کارکردگی و بہادری اور قربانی پر ایڈ ہاک پروموشن کے متعلق ہے، جس میں تین اعلیٰ افسران جو DIG کے عہدہ سے
لم نہ ہو اور ان میں متعلقہ ریجن کا DIG بھی شامل ہو، کی کمیٹی ہوگی اور اس کمیٹی کی سفارش پر روٹین ڈیوٹی سے ہٹ کر غیر معمولی
کارکردگی اور بہادری دکھانے پر ایڈ ہاک پروموشن دی جائے گی، یہاں پر کنفرمیشن کی کوئی بات نہیں نہ کوئی قانون موجود ہے جس کا
والہ دیکر شاکر اللہ ASI کو کنفرم کیا گیا ہے۔

اسی اسٹینڈنگ آرڈر کا دوسرا پیرا QPM اور PPM کے بارے میں ہے شاکر اللہ ASI کو نہ QPM ملا ہے اور نہ
PPM جس کی بناء پر وہ کنفرم کر دیئے جائے۔

جناب عالی! اسٹینڈنگ نمبر 6/2008 میں 10/10/2012 کو Amendment کی گئی جس کے تین حصے ہیں۔

پہلا حصہ کنسٹیبل کی ایڈ ہاک پروموشن ہے جو متعلقہ DPO کا اختیار ہے۔

دوسرا حصہ HC ہے ASI تک ایڈ ہاک پروموشن ہے، جس کا اختیار متعلقہ RPO کے پاس ہے جبکہ تیسرے حصے میں
SI اور انسپکٹر تک کی پروموشن ہے۔ جس کی سفارش RPO کر کے CPO بھیجوائے گا۔ لہذا اس Amendment میں بھی
کسی جگہ کنفرمیشن کا ذکر نہیں ہے۔ جب اسٹینڈنگ آرڈر نمبر 6/2008 میں سرے سے کنفرمیشن کا کوئی شق ہی موجود نہیں سوائے
ایڈ ہاک پروموشن کے پھر ASI شاکر اللہ کو کس بنیاد پر کنفرم کیا گیا ہے۔

لہذا آپ جناب سے گزارش ہے کہ ASI شاکر اللہ 35/B کی کنفرمیشن ناجائز اور غیر قانونی ہے۔ اس میں کنسٹیبل، بختیار
1234، عصمت اللہ خان ASI، اسماعیل خان SHO، شفید اللہ HC، گارڈ انچارج پرانا تھانہ سٹی اور DSB اہلکاروں کی حق تلفی
اور ان کے ساتھ زیادتی ہے۔ اس کے ساتھ ساتھ ان تمام Officiating ASI's کے ساتھ بھی زیادتی ہے جن سے شاکر اللہ کو
سینئر کروایا گیا۔ آپ جناب اس غیر قانونی اور ناجائز کنفرمیشن کو کنسل کروا کے حقیقی مستحقین کو اس کا حق دلوادیں اور اس سلسلے میں
مناسب انکوائری کے احکامات صادر کر کے صاف اور شفاف طریقے سے محرومین کی دادرسی کی جائے۔

علاوہ ازیں شاکر اللہ ASI کسی طور پر بھی ایڈ ہاک پروموشن کا بھی مستحق نہیں کیونکہ بروز وقوع اس کی موجودگی پرانا تھانہ سٹی
میں نہیں تھی اور نہ ہی وہ کسی مقابلے میں دہشت گردوں کے خلاف مصروف رہا۔

العارضین

۱۔ OASI محمد اسحاق نمبر 859 سے لیکر OASI عظیم خان 343 تک تمام 81 Officiating ASI's

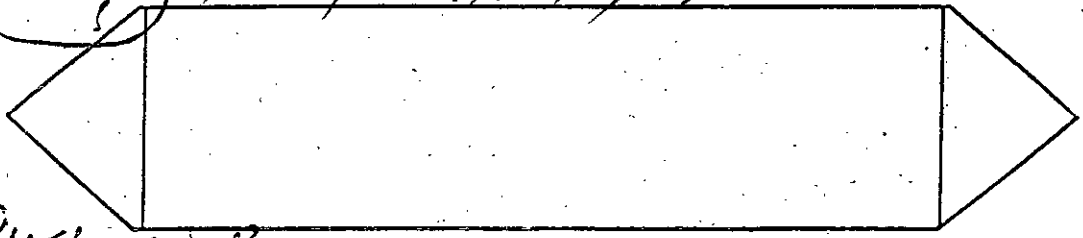
۲۔ تھانہ سٹی میں دہشت گردوں کے ساتھ مقابلہ کرنے والے تمام پولیس اہلکاران۔

کاپی برائے اطلاع:

۱۔ پرو نشل پولیس آفیسر KPK پشاور

۲۔ ایڈیشنل IG اپریشنل KPK پشاور

بعدالت ضمن قبول قواہ سرویس ٹریننگ



2012ء پنجاب اسٹیٹ

بنام بی بی اویس

سٹاکس

موزخہ
مقدمہ
دعوی
جرم

باعث تحریر آنکے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و جواب دہی وکل کاروائی متعلقہ
آن مقام کے لئے (اعلیٰ ججز ایف ڈی صاحبہ اسٹیٹ اسٹیٹ) کے
مقرر کر کے اقرار کیا جاتا ہے۔ کہ صاحب موصوف کو مقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز
وکیل صاحب کو راضی نامہ کرنے و تقرر ثالثہ فیصلہ برحلف دیئے جواب دہی اور اقبال دعویٰ اور
بصورت ڈگری کرنے اجراء اور صولی چیک و روپیہ عرضی 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 اختیار 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 کبھی وہی جملہ مذکورہ باختیارات حاصل ہوں گے اور اس کا ساختہ
پرواختہ منظور قبول ہوگا۔ دوران مقدمہ میں جو خرچہ دہر جائے التوائے مقدمہ کے سبب سے وہوگا۔
کوئی تاریخ پیشی مقام دورہ پر ہو یا حد سے باہر ہو تو وکیل صاحب پابند ہوں گے۔ کہ پیروی
مذکور کریں۔ لہذا اوکالت نامہ لکھ دیا کہ سند ہے۔

ماہ 20

اسٹیٹ

واہ الع کے لئے منظور ہے۔

بمقام ASI ڈسٹرکٹ ایف ڈی
ملی سرورٹ

Handwritten signature and notes at the bottom left.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR

Appeal No. 1386/2013

Shakir Ullah ASI Police Station Bannu

(Appellant)

VERSUS

- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar,
 - 2) The Regional Police Officer, Bannu Region, Bannu,
 - 3) The Deputy Inspector General of Police Bannu
 - 4) The District Police Officer, Bannu
- (Respondents)

REPLY BY RESPONDENT NO.1, 2, 3 & 4

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the appeal of appellant is not maintainable under the law & rules.
- 2) That the appellant has concealed the actual facts from the Honourable Tribunal.
- 3) That the appeal of appellant is time-barred.
- 4) That the appellant has approached the Honorable Tribunal with unclean hands.
- 5) That the appellant is estopped to file the appeal due to his own conduct.
- 6) That the appeal is bad due to Non-joinder of necessary party.
- 7) That the appellant has no cause of action.
- 8) No lawful/ vested right of appellant has been violated.

OBJECTIONS ON FACTS

- (1) Pertains to record. Some bad entries pertain to willful absence from duty were available in the service record of appellant.
- (2) Pertain to record. Out of turn/Special case promotion was granted to brave Police officer under standing order No.6/2008 but the same was declared illegal by the apex Supreme court of Pakistan vide order dated 13.05.2009 reported in 2010 PLC(C,S)924C.
- (3) Pertain to record. Out of turn /special case confirmation dose not explain in the standing order No.6/2008 and other rules. Therefore all the recommendations and orders were withdrawn/cancelled by the competent authority in the light of apex court order.
- (4) Pertain to record. Letters No.8189/PA dated 07.09.2012 and No.8391/PA dated 12.09/2012 reveal that the appellant was recommended for out of turn conformation as ASI which attract standing order No.6/2008 but the same has been declared illegal by the Apex Court.
- (5) Incorrect. The name of appellant was placed at serial No.80 of the officiating Assistant Sub-Inspector list "D" Under standing order No.6/2008, the appellant could not supersede his senior, mere on account of out of turn promotion/confirmation.

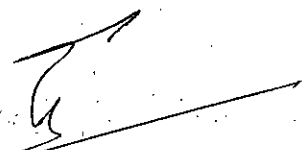
- (6) Pertains to record. The appellant could not claim seniority over his senior mere on account of out of turn/special case confirmation.
- (7) Incorrect. Respondent No.2 received complaint regarding the illegal confirmation of appellant as ASI. The matter was thoroughly probe in the light of standing No.6/2008 and it was found that the order of confirmation of appellant was in violation of standing order No.6/2008 which only provides adhoc promotion and does not cover out of turn confirmation. Therefore the order No.1237/EC dated 28.05.2013 was passed which is based on facts and in accordance with law. Photo copies of complaint and order are enclosed as annexure "A" & "B"
- (8) Pertain to record. The departmental appeal of the appellant is illegal, unlawful and against the law and facts.
- (9) Incorrect. The order is legal, lawful and in accordance with law, facts and ruling of Apex Court.

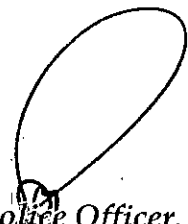
OBJECTIONS ON GROUNDS.

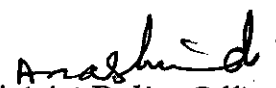
- (A) Incorrect. The order No.1237/EC dated 28.05.2013 of the respondent No.2 is based on facts and legal one. The order No.2492 dated 19.09.2012 was issued without observing legal requirements, being a shining dent in the process of confirmation. It was the obligations of respondent No.2 to dispense with justice and put the things on rights and protect the lawful rights of other subordinates. No right of the appellant has been violated by the respondents.
- (B) Incorrect. The order was reviewed by the respondent No.2 on the grounds that a lot of officials were senior to the appellant and the out of turn confirmation is in violation of standing order No.6/2008 which only provide adhoc promotion and does not cover out of turn confirmation.
- (C) The order No.2492 dated 19.09.2012 was reviewed in the light of complaint and standing order No.6/2008 and found illegal. There is no need of personal hearing of appellant in the issue.
- (D) Incorrect. No right of the appellant has been violated. He was serving against the post of ASI before and after the passing of order.
- (E) Incorrect. The respondent No.2 was not bound to consider the recommendation of committee which has no footing under the existing rules/standing order.
- (F) Incorrect. The order has been passed on merit and in accordance with law and rules without any malafide intention on the part of respondents and establishment clerk Range Office Bannu.
- (G) Incorrect. All the Police Officers of Bannu Region who achieved adhoc promotion/confirmation, have been withdrawn/cancelled in the light of judgment of Apex Court. Photo copy enclosed as annexure "C"
- (H) That the respondent may be allowed to argue more grounds at the time of hearing of this appeal.

Prayer:

In view of the above facts and circumstances, it is humbly prayed that the appeal of appellant, being not maintainable, may kindly be dismissed with costs.


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


Regional Police Officer,
Bannu Region, Bannu. (DIG Bannu)
(Respondent No.2 & 3)


District Police Officer,
Bannu
(Respondent No.4)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR**Appeal No. 1386/2013**

Shakir Ullah ASI Police Station Bannu

(Appellant)

VERSUS

- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar,
- 2) The Regional Police Officer, Bannu Region, Bannu,
- 3) The Deputy Inspector General of Police Bannu
- 4) The District Police Officer, Bannu

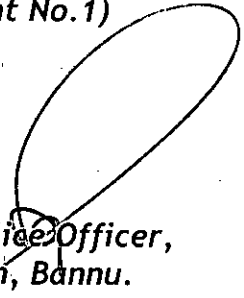
(Respondents)

COUNTER AFFIDAVIT


We the following respondents, do hereby solemnly affirm and declare that the contents of the attached para wise comments are true and correct to the best of our knowledge and belief and nothing has been withheld or concealed from this Honorable Tribunal.



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



Regional Police Officer,
Bannu Region, Bannu.
(Respondent No.2&3)



District Police Officer,
Bannu
(Respondent No.4)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR
Appeal No. 1386/2013

Shakir Ullah ASI Police Station Bannu

(Appellant)

VERSUS


- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar,
- 2) The Regional Police Officer, Bannu Region, Bannu,
- 3) The Deputy Inspector General of Police Bannu
- 4) The District Police Officer, Bannu

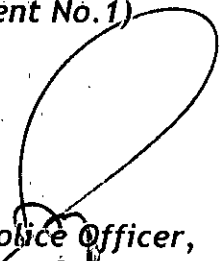
(Respondents)

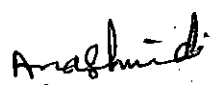
AUTHORITY LETTER.

Mr. Mir Faraz Khan Inspector Incharge legal cell Office of DPO Bannu is hereby authorized to appear before The Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

He is authorized to submit and sign all documents pertaining to the present appeal.


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


**Regional Police Officer,
 Bannu Region, Bannu.
 (Respondent No. 2&3)**


**District Police Officer,
 Bannu
 (Respondent No. 4)**

Pl conduct imparti highlighting fact

3134 EC بنوں ریجن بنوں پوائس آفیسر بنوں ریجن بنوں بنوں A Annexure

DI 12-12-12

عنوان: شاکر اللہ 35/B ASI کی تازہ کنفرمیشن

Pl go through relevant standing orders/ Police Rules
مؤدبانہ التماس کی جاتی ہے کہ آپ جناب نے DPO بنوں کی سفارش پر بحوالہ لیٹر نمبر 839/PA مورخہ 12/09/2012 اور DPO آفس بنوں شاکر اللہ 480 officiating ASI کو اسٹینڈنگ آرڈر نمبر 6/2008 کی روشنی میں کنفرم کروا کے اسے ریٹج نمبر 35/B الاٹ کیا اور بحوالہ لیٹر نمبر 2492/EC مورخہ 19/9/2012 کو گزٹ نوٹیفیکیشن جاری کیا۔

لیٹر نمبر 8391/PA میں DPO صاحب کی ذیل سفارشات تھی۔

- 1- 16/7/2012 کو شاکر اللہ ASI پرانا تھانہ سٹی پردہشت گھوڑوں کے حملے کے دوران DPO صاحب کو Cover فراہم کر رہا تھا اور وہشت گردوں کے ساتھ فائرنگ میں بھی مصروف رہا۔ اس کے ساتھ ساتھ High Ups کے ارد گرد مشکوک افراد پر بھی کڑی نظر رکھی۔
- 2- شاکر اللہ ASI نے سپینہ تنگی کے مقام پر کرک سے ڈکیتی اور اغوا لٹی کے بعد بھاگ کر انیوالے ایک طالب (دہشت گرد) کو بھی پکڑا۔
- 3- 2007ء میں شاکر اللہ ASI نے PO کی گرفتاری پر CCI III سٹوفلیٹ اور گیش پرائز بھی حاصل کیا۔
- 4- بحیثیت ہیڈ کنسٹیبل شاکر اللہ نے اپنی ڈیوٹی مستعدی اور جانفشانی سے ادا کر کے مختلف قسم کے جرائم پیشہ افراد اور سنگرز کو گرفتار کیا ہے۔

جناب عالی!

متذکرہ بالا سفارشات کی روشنی میں شاکر اللہ ASI کو کنفرم کروا کے 82 دوسرے Officiating ASI's سے سینئر کروا دیا گیا۔ جبکہ حقیقت یہ ہے کہ مورخہ 16/7/2012 تھانہ سٹی وقوع کے روز صبح شاکر اللہ کہیں بھی موجود نہ تھا کیونکہ وہ DPO آفس میں ریڈر کے طور پر کام کر رہا تھا اور آفس میں موجود تھا۔ نہ ہی شاکر اللہ ASI نے زندگی خطرے میں ڈال کر وہشت گردوں کا مقابلہ کیا۔ اور نہ ہی کسی وہشت گرد کو پکڑا ہے۔

16/7/2012 کو تھانہ سٹی پر حملے کے دوران کنسٹیبل بختیار 1234 سب سے پہلے وہشت گردوں کا نشانہ بنا اور پانچ گولیاں کھا کر شدید زخمی ہوا جو آج بھی معذور ہے مگر اسے کوئی ترقی نہیں ملی، نہ ہی کوئی انعام ملا۔

اس کے علاوہ مزید یہ کہ وہشت گردوں کے ساتھ مکمل مقابلہ انسپکٹر اسماعیل خان SHO تھانہ سٹی، عصمت اللہ ASI، شفیع اللہ خان HC اور DSB کے اہل کاروں نے کیا ہے۔ جن میں ASI عصمت اللہ آج تک ایک پاؤں پر معذور ہے مگر ان سب میں کسی ایک بھی ترقی نہیں ملی۔

جناب عالی! ان تمام پولیس اہلکاروں کے خلفاً بیان لیکر معلوم کیا جائے کہ شاکر اللہ ASI نے کتنی قربانی دی اور کتنے وہشت

گرد ہلاک کئے؟

اب اسٹینڈنگ آرڈر 06/2008 کا حوالہ ملاحظہ کیجئے۔

ہلا پیرا غیر معمولی کارکردگی اور بہادری اور قربانی پرائڈ ہاک پروموشن کے متعلق ہے، جس میں تین اعلیٰ افسران جو DIG کے عہدہ سے کم نہ ہو اور ان میں متعلقہ ریجن کا DIG بھی شامل ہو، کی کمیٹی ہوگی اور اس کمیٹی کی سفارش پر روٹین ڈیوٹی سے ہٹ کر غیر معمولی کارکردگی اور بہادری دکھانے پرائڈ ہاک پروموشن دی جائے گی، یہاں پر کنفرمیشن کی کوئی بات نہیں نہ کوئی قانون موجود ہے جس کا نوالہ دیکر شا کر اللہ ASI کو کنفرم کیا گیا ہے۔

اسی اسٹینڈنگ آرڈر کا دوسرا پیرا QPM اور PPM کے بارے میں ہے شا کر اللہ ASI کو نہ QPM ملا ہے اور نہ PPM جس کی بناء پر وہ کنفرم کر دیئے جائے۔

جناب عالی! اسٹینڈنگ نمبر 6/2008 میں 10/10/2012 کو Amendment کی گئی جس کے تین حصے ہیں۔

پہلا حصہ کنسٹیبل کی ایڈ ہاک پروموشن ہے جو متعلقہ DPO کا اختیار ہے۔
دوسرا حصہ HC ہے ASI تک ایڈ ہاک پروموشن ہے، جس کا اختیار متعلقہ RPO کے پاس ہے جبکہ تیسرے حصے میں SI اور انسپکٹر تک کی پروموشن ہے۔ جس کی سفارش RPO کر کے CPO بھیجوائے گا۔ لہذا اس Amendment میں بھی کسی جگہ کنفرمیشن کا ذکر نہیں ہے۔ جب اسٹینڈنگ آرڈر نمبر 6/2008 میں سرے سے کنفرمیشن کا کوئی شق ہی موجود نہیں سوائے ایڈ ہاک پروموشن کے پھر ASI شا کر اللہ کو کس بنیاد پر کنفرم کیا گیا ہے۔

لہذا آپ جناب سے گزارش ہے کہ ASI شا کر اللہ 35/B کی کنفرمیشن ناجائز اور غیر قانونی ہے۔ اس میں کنسٹیبل بختیار 1234، عصمت اللہ خان ASI، اسماعیل خان SHO، شفید اللہ HC، گارڈ انچارج پرانا تھانہ شی اور DSB اہلکاروں کی حق تلفی اور ان کے ساتھ زیادتی ہے۔ اس کے ساتھ ساتھ ان تمام Officiating ASI's کے ساتھ بھی زیادتی ہے جن سے شا کر اللہ کو سینئر کروایا گیا۔ آپ جناب اس غیر قانونی اور ناجائز کنفرمیشن کو کینسل کروا کے حقیقی مستحقین کو اس کا حق دلوادیں اور اس سلسلے میں مناسب انکوائری کے احکامات صادر کر کے صاف اور شفاف طریقے سے محرومین کی داد رسی کی جائے۔

علاوہ ازیں شا کر اللہ ASI کسی طور پر بھی ایڈ ہاک پروموشن کا بھی مستحق نہیں کیونکہ بروز وقوعہ اس کی موجودگی پرانا تھانہ شی میں نہیں تھی اور نہ ہی وہ کسی مقابلے میں دہشت گردوں کے خلاف مصروف رہا۔

العارضین

۱۔ OASI محمد اسحاق نمبر 859 سے لیکر OASI عظیم خان ذبحہ 3 تک تمام 81 Officiating ASI's۔

۲۔ تھانہ شی میں دہشت گردوں کے ساتھ مقابلہ کرنے والے تمام پولیس اہلکاران۔

کاپی برائے اطلاع:

۱۔ پرو نیشنل پولیس آفیسر KPK پشاور

۲۔ ایڈیشنل IG اپریشنل KPK پشاور

13-11-08

STANDING ORDER NO. 5 / 2008

DYNO 1241 / EC
DT-28/6/08

Action
Dil Jon

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

Annex "E-2"

19

2

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

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

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

(MALIK NAVEED KHAN)
Provincial Police Officer,
N.W.F.P., Peshawar.

SRC/614/PO

For n/ action
aw/depis-

No. 4287 / 132.7/IC-I, dated Peshawar, the 11 June, 2008.

Copy forwarded to

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

E.C
For Approval
Action

Dil Jon
28/6

Amendment "B" (25)

[Handwritten Signature]

BANNU REGION.

POLICE DEPARTMENT.

ORDER

The confirmation order in the substantive rank of Asstt: Sub: Inspector in respect of Offg: Asstt: Sub: Inspector Shakirullah of Bannu District Police issued by the then RPO-Bannu Region vide this office Order Endst: No. 2492/EC dated 19.09.2012 is hereby cancelled/withdrawn with immediate effect, being in violation of Standing Order No. 6/2008, for the said Standing Order only provides for adhoc promotion and does not cover out of turn confirmation.

Necessary Gazette notification may be issued under intimation to all concerned.

[Handwritten Signature]
(AZADKHAN), TST, PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 1237 /EC, dated Bannu the 28/05/2013. *[Handwritten: 28-5-13]*

Copy to the District Police Officer, Bannu for information and n/action w/r to his office Memo: No. 6382 dated 2.5.2013.

Attested

[Handwritten Signature]
Officer Superintendent
Kotga Police Office
Bannu

(AZADKHAN), TST, PSP
Regional Police Officer,
Bannu Region, Bannu.

~~RPO (Services)~~Annexure C
2010 PLC (C.S.) 924

[Supreme Court of Pakistan]

Present; Iftikhar Muhammad Chaudhry, C.J.,
Raja Fayyaz Ahmed and Ch. Ijaz Ahmed, JJ

MUHAMMAD NADEEM ARIF and others

versus

INSPECTOR-GENERAL OF POLICE,
PUNJAB, LAHORE and others

Civil Petitions Nos. 492 to 495 of 2009, decided on 13th May, 2009.

(Against the judgment dated 6-3-2009 passed by the Lahore High Court, Lahore in I.C.As. Nos. 154 to 157 of 2008).

(a) Constitution of Pakistan (1973)---

--- Art. 199--- Civil Procedure Code (V of 1908), O.XX, R.1(2)---
 Constitutional petition--- Announcement of judgment by High Court
 after six months of hearing the arguments of parties--- Validity---
 Provisions of O.XX, R.1(2), C.P.C., were directory, but not
 mandatory--- High Court, after considering contentions of petitioner
 had dismissed petition with cogent reasons--- No prejudice was shown to
 have been caused to petitioner by announcing judgment after such
 delay--- Supreme Court upheld impugned judgment in circumstances.
 [pp. 928, 929, 930] A, B, C & E

Muhammad Bakhsh's case 1989 SCMR 1473; Juma Khan's case
 PLD 2002 SC 823; Samiul Haq's case 2001 SCMR 1053; Ali Khan
 Subanpoto's case 1997 SCMR 1599; Raja Hamayun Sarfraz Khan's case
 2007 SCMR 307; Syed Iftikhar-ud-Din Haider Gardezi's case 1996
 SCMR 669 at 673 and Muhammad Ovais's case 2007 SCMR 1587 rel.

(b) Administration of justice---

--- Every case is to be decided on its own peculiar circumstances and
 facts. [p. 930] D

(c) Police Act (V of 1861)---

--- S. 12--- Instructions/rules/policy issued by Inspector-General of
 Police without approval of Provincial Government--- Validity--- Such
 instructions/rules would not be valid and would have no legal
 sanctity--- Long practice of department to follow such instructions/rules
 conflicting with parent statute or rules could not remain

PLC (Services)

operative, but must be ignored---No one would be obliged to obey such directions/instructions/departmental practice---Principles. [pp. 930, 931] F, G & J

Qayyum Nawaz Khan's case 1999 SCMR 1594 ref.

Siddiq Akbar's case 1998 SCMR 2013 rel.

(d) Locus poenitentiae, principle of---

---Award of benefit to a person in violation of law would not attract principle of locus poenitentiae. [p. 931] H

Jalaluddin's case PLD 1992 SC 207 fol.

(e) Interpretation of statutes---

---Departmental construction of statute, though not binding on court, could be taken into consideration, if same was followed by department consistently. [p. 931] I

Siddiq Akbar's case 1998 SCMR 2013 rel.

(f) Interpretation of statutes---

---Conflict between departmental practice/instructions/directions and rules---Effect---Rules would prevail---Principles.

The role of the directions/instructions is to supplement, never to contradict or conflict with rules. A direction/instruction cannot abridge or run counter to statutory provisions. If there is any conflict between the rules and the directions/instructions/departmental practice, then rules prevail. Instructions or departmental practice cannot amend or supersede the rules. A rule can be amended by another rule and not by a direction/instruction/departmental practice. [p. 931] K

Departmental practice consistently followed by the department with regard to any issue or provision has force of law, but it is not absolute in all respect. [p. 933] M

The principle of locus poenitentiae has more force than the principle qua the departmental practice followed by the department qua any instructions or rules consistently since long. Where the action is in derogation of section or law, then the locus poenitentiae is not absolute. [p. 934] R

Anwar Ahmed Lari's case 1990 SCMR 1013; Chairman, Regional Transport Authority's case PLD 1991 SC 14; Messrs Airport Support Services' case 1998 SCMR 2268 and Jalaluddin's case PLD 1992 SC 207 ref.

(g) Interpretation of statutes---

---Departmental instructions and statutes must be read as an organic whole. [p. 933] L

(h) Words and phrases---

---"Approval"---Meaning. [p. 933] N

Black's Law Dictionary and Aftab Ahmed Khan Sherpao's case PLD 1997 Pesh. 93 ref.

(i) Words and phrases---

---"Approval" and "consultation or consent"---Comparison---Approval is more mandatory and stronger as compared to the word consultation or consent. [p. 933] O

(j) Constitution of Pakistan (1973)---

---Art. 9---Due process of law, doctrine of---Scope---Right of access to justice to all was founded on such doctrine---Such right would include a right to be treated according to law, a right to have a fair and proper trial and a right to have an impartial court or Tribunal---Justice could be done only by an independent judiciary---Principles. [p. 933] P

Sharaf Faridi and 3 others v. The Federation of Pakistan PLD 1989 Kar. 404 and Fauji Foundation and another v. Shamimur Rehman PLD 1983 SC 457 rel.

(k) Civil Service---

---Seniority is a vested right of an employee. [p. 934] Q

Anwar Ahmed Lari's case 1990 SCMR 1013 rel.

(l) Public offices---

---Government offices being public trust should be regulated in a manner to promote sense of public service with a view to make a welfare State---Principles stated.

The Government officers are like public trust and, therefore, the same should be regulated in fair, transparent and economically so as to promote the sense of public service and thereby to make a welfare State. The public offices should not be held for improper motives. The social justice and economic justice can also be done through fair administrative policies. No policy can be congenial, if it breeds corruption. [p. 935] S

(Ch. Ijaz Ahmed, J)

(m) Civil service—

—Promotion—Out-of-turn promotion—Scope.

Out of turn promotion is not only against the Constitution, but also against Injunctions of Islam. Out of turn promotion in a public department generates frustration and thereby diminishes the spirit of public service. It generates undue preference in a public service. Element of reward and award is good to install the spirit of service of community, but it should not be made basis of accelerated promotion. [p.935] T

Qayyum Nawaz Khan's case 1999 SCMR 159; ref.

Hafiz S.A. Rehman, Senior Advocate Supreme Court for Petitioners.

Ms. Afshan Ghazanifar, A.A.G., Naseer Baloch, DSP (Legal), Lahore and Fazal Rahim, DSP (Legal) Sheikhpura for official Respondents.

Nemo for Pro forma Respondents.

ORDER

CH. IJAZ AHMED, J.—We intend to decide captioned petitions by one consolidated judgment having similar facts and law.

2. Detailed facts of the case are need not to be reproduced as the same have been stated in the impugned judgment as well as in the memo of petitions. However, necessary facts out of which the captioned petitions arise are that petitioners were initially appointed as Constables. Subsequently they were granted one step promotion as Head Constable Instructors on their joining the staff of Police Training School and they claimed confirmation in the rank of Head Constable from the date of one step promotion. The Inspector-General of Police vide letter dated 22-3-2008 declined their request on the plea that they had not qualified lower school course and could be detailed for such course on completion of at least 3 years at the training school and after having completed and passed successfully, only then they could be promoted as Head Constable and could retain their rank. Petitioners being aggrieved filed Constitutional petitions in the Lahore High Court with the prayer that one step promotion be declared promotion for all purposes and they may be allowed to join intermediate training course. The writ petitions were accepted by treating one step promotion of the petitioners as Head Constables as regular promotion in all respects. Petitioners were also held entitled for intermediate training course required for promotion as A.S.-I. Respondents Nos. 1 and 2 being aggrieved filed four I.C.As. in the Lahore High Court, Lahore which were accepted vide impugned judgment dated 26-8-2008. Hence the present petitions.

3. Learned counsel for the petitioners submits that I.C.As. were

heard on 26-8-2008 whereas the judgment was announced on 6-3-2009, therefore, the impugned judgment is violative of law laid down by this Court in various pronouncements as the impugned judgment was announced after six months. He further urges that memorandum dated 22-3-2008 is also hit by Article 25 of the Constitution. Respondent No.1 had withdrawn the Office Order dated 23-2-2002 and office order dated 8-11-2002 through the Memorandum dated 22-3-2008. He further urges that memorandum in question wherein the criteria of promotion on the basis of seniority from the date of passing lower school course was introduced in violation of the previous policy and practice of the department. The Memorandum in question is also in consistent with or in violation of the law laid down by this Court in Qayyum Nawaz Khan's case (1999 SCMR 1594).

4. The learned Assistant Advocate-General Punjab, submits that selection policy issued by the competent authority vide memorandum dated 8-11-2002/23-2-2002 does not in any way indicate that an official can claim his promotion from the date he joins Police Training School/Police Training Institution. Policy dated 8-11-2002 clearly envisages that his seniority would be reckoned with the batch mates of lower school course. She further submits that learned High Court was justified to hold that afore-said Office Order dated 23-2-2002 issued by the Inspector-General of Police, without approval of the Government of the Punjab, has no legal sanctity. She further submits that all the policies relied upon by the learned counsel of the petitioners were issued by respondent No.1 without securing approval from the Government of the Punjab in terms of section 12 of Police Act, 1861. She further submits that it appears that I.C.As. were heard on 26-8-2008 but the petitioners did not attach order of the Lahore High Court wherein the judgment was reserved. Therefore, the contention of the learned counsel that the judgment was announced after six months does not borne out from the record. Even otherwise no prejudice has been caused to the petitioners as all the contentions raised by the learned counsel for the petitioners were mentioned in the impugned judgment which were rejected by the learned High Court after application of mind with cogent reasons.

5. We have given our anxious consideration to the contentions of the learned counsel of the parties and perused the record. It is an admitted fact that date of hearing as mentioned in the impugned judgment is 26-8-2008 whereas it was announced on 6-3-2009. It is the duty of the petitioners to bring on record the order of the High Court wherein the judgment was reserved or copy of the relevant register wherein the intimation was sent by the staff of the High Court to the concerned branch that the judgment in question was reserved. However, in the interest of justice and fair play we have considered the contentions of the learned counsel for the petitioners to find out prejudice caused to the

petitioners as the impugned judgment was announced after six months. The afore-said proposition of law was considered and decided by this Court in Muhammad Bukish's case (1989 SCMR 1473) and laid down the following principle:--

"No doubt the judgment was announced one year after it had been reserved but we find that the learned Judge adverted to all the points as mentioned above. Nevertheless it is proper that once the arguments conclude and the judgment reserved, it has to be announced within reasonable period. We are sure that in future no unnecessary delay will take place in announcement of judgments."

The aforesaid principle was reaffirmed by this Court in Juma Khan's case (PLD 2002 SC 823) by observing that merely because of the delay in pronouncement of judgment, decision, itself is not vitiated unless and until prejudice has caused to the petitioners. It is also observed that Order XX, rule 1(2), C.P.C., is directory in nature and not mandatory in nature as observed by this Court in Juma Khan's case. The afore-said principle was also upheld in Samiul Haq's case (2001 SCMR 1053) in the following terms:--

"While interpretation rule 31 of Order XLI, C.P.C., the learned Division Bench has dealt with all the contentions of the petitioner's counsel in the judgment, therefore, no prejudice was caused to the petitioner. But it is always proper and advisable that after pronouncement of judgment, the High Court would write the judgment without unnecessary delay."

The aforesaid principle has also been followed in Ali Khan Subanpoto's case (1997 SCMR 1590) as depicted from para 10 wherein it is specifically mentioned that no prejudice seems to have been caused to the petitioner. Rule 30 and Rule 31 of Order XLI, C.P.C. were examined by this Court in Raja Hamayun Sarfraz Khan's case (2007 SCMR 307) and laid down the following principle:--

"The examination of the above provisions of law and ingredients show that where a law provides for writing, announcing and signing a judgment, all that must be done in a way, to give validity to the judgment."

This Court has also considered the afore-said provisions of Rule 30 and 31 of Order XLI, C.P.C. wherein the impugned judgment was set aside as the same was not announced within six months. See Syed Ifkhar-ud-Din Haider Gardezi's case (1996 SCMR 669 at 673). Even in this case, this Court has observed as under:--

"It is not possible for this Court to determine this matter finally

because substantial evidence available on record could not be considered by the High Court to come to some conclusion one way or the other. In other words, it could safely be held that the dispute between the parties was not decided keeping in view the evidence on record."

Similarly at page 675 it has been observed as under:--

"This case is also hit by rule 31 as all the points which were argued and relied upon the learned counsel for the appellants were not considered for their proper determination on the basis of available evidence..... We would also hold that evidence of Saeed Ahmad D.W. was not considered by the High Court the just decision of the appeal. This being so, the appeal of the appellants shall be deemed to be still pending decision before the High Court."

Contrary view has been taken by this Court in Muhammad Ovais' case (2007 SCMR 1587). Even in this case, the Court observed in para.8 as under:--

"In the lengthy arguments addressed before us on merits, we were referred to a bulk of documentary evidence going to the very route of the case which was never found mentioned in the impugned judgment of the High Court. This omission seems to be caused only and only due to the delay of ten months in question."

It is proper to mention here that in the case in hand all the contentions raised before the learned High Court in the impugned judgment were noted, considered and rejected, with cogent reasons coupled with the fact that the petitions were heard in the Lahore High Court on 26-8-2008 and judgment was announced on 6-3-2009. The petitioners have not brought on record any document to show that the judgment was reserved on 26-8-2008 by annexing with the petition interim order of the High Court or copy of the concerned register of the Lahore High Court. It is settled-law that each and every case is to be decided on its own peculiar circumstances and facts.

6. In view of the foregoing discussion who do not find any force in the contentions of the learned counsel of the petitioners that the judgment be set aside merely on the ground that it was announced after six months. The ratio of the afore-said cases is that it is the duty and obligation of the petitioners to point out that by announcing the judgment after considerable delay had caused prejudice to the petitioners. The learned High Court in the impugned judgment after quoting all the relevant rules and provisions of Police Act had given findings of fact that office order

dated 23-2-2002/8-11-2002, was issued by the Inspector-General of Police without approval of the Government of the Punjab, therefore, the same has no legal sanctity. Section 12 of the Police Act confers power upon the Inspector-General of Police to frame rules after securing approval from the Government of the Punjab. The learned counsel of the petitioners has failed to bring on record any document to show that the memorandum dated 23-2-2002/8-11-2002 or any instructions issued by the Inspector General of Police has the backing of the Government of the Punjab. The said provision was interpreted in Siddiq Akbar's case 1998 SCMR 2013 wherein Standing Order No. II issued by the Inspector-General of Police having not been approved by Provincial Government was devoid of its legal status and was, therefore, of no legal authority by observing that merely because a Standing Order has held ground for a number of years is not sufficient to assume grant of approval. The basic memorandum relating to the policy/rule which was issued by the Inspector-General of Police in favour of the petitioners was not valid itself having any legal backing, therefore, learned High Court was justified to declare the same having no legal sanctity. It is settled principle of law that where benefit is awarded to a person in violation of law then principle of locus poenitentiae does not attract as law laid down by this Court in Jalaluddin's case (PLD 1992 SC 207). The departmental construction of statute, although not binding on the Court, can be taken into consideration specially if it was followed by the department consistently and applying this principle Siddiq Akbar's case was decided while interpreting section 12 of the Police Act on 8-5-1998. The department consistently followed those instructions of the Inspector-General of Police which were issued without approval of the Provincial Government. The instructions as well as departmental practice are illegal and violative of the directions or instructions on departmental practice conflicting with the parent statute or rule cannot remain operative and must be ignored even though they have been followed long, have been found to be convenient and have worked fairly in practice. No one is obliged to obey such directions/instructions/departmental practice. The role of the directions/instructions is to supplement, never to contradict or conflict with rules. A direction/instruction cannot abridge, or run counter to, statutory provisions. If there is any conflict between the rules and the directions/instructions/departmental practice, the rules prevail. Instruction or departmental practice cannot amend or supersede the rules. A rule can be amended by another rule and not by a direction/instructions/departmental practice. Therefore, the argument qua department has consistently followed the instructions have no force. The afore-said dictum is binding on each and every organ of the State by virtue of Articles 189 and 190 of the Constitution.

7. Petitioners request was declined by the Inspector-General of

Police vide memorandum dated 22-3-2008 which was challenged by the petitioners by invoking extraordinary jurisdiction of the High Court under Article 199 of the Constitution which was accepted by the learned Single Judge of the High Court vide judgment dated 6-5-2008. The judgment of the learned Single Judge was implemented by the respondents vide memorandum dated 18-2-2009 in the following terms along with others wherein the total numbers are 119:--

"In compliance of the orders of the Lahore High Court issued in writ petitions, following Head Constables are deputed for Intermediate School Course which commenced from 16-2-2009 in Police College, Sihala, subject to the decisions of the Intra Court appeals pending in the Lahore High Court on the subject."

8. The judgment of the learned Single Judge was reversed by the Division Bench of the Lahore High Court vide judgment dated 6-3-2009 which was also implemented by the respondents vide memo. dated 6-4-2009 in the following terms:--

"In pursuance of the judgment dated 6-3-2009 passed by the honourable Lahore High Court, Lahore, in ICA/Appeal No.154 of 2008 the permission granted to the 126 officials (list enclosed) for joining Intermediate School Course commenced with effect from 16-2-2009 at Police College, Sihala is hereby withdrawn."

9. Petitioners are 33 in numbers whereas their other colleagues in the orders of the respondents are not before this Court. The Petitioners have also alleged that action of the respondents is also hit by Article 25 of the Constitution as depicted from the different orders passed by the respondents dated 9-4-2007, 13-9-2007, 15-10-2007, 11-4-2007 and 14-11-2007 wherein similar requests of the head constables were accepted. There are various pronouncements of this Court with regard to step promotion out of turn on account of bravery such as Qayyum Nawaz Khan's case (1999 SCMR 1594). The controversy in Qayyum Nawaz Khan's case supra was with regard to promotion of upper subordinates only. The seniority of upper subordinates is finally determined from the date of their confirmation in the post while seniority of lower subordinates is determined from the date of their appointment and their confirmation for the said purpose is immaterial as is depicted from para 15 of the impugned judgment. The relevant instructions on the subject dated 8-11-2002 are as follows:--

A constable with the qualification prescribed in para 6 above and not more than 30 years of age and having a minimum of seven years of service may be taken as Head Constable Instructor on one step promotion.

On successful completion of three years tenure he will be sent for lower school course. On successful completion of the lower school course, he will be brought on list C.I. as Head Constable and will be reverted back to his district/unit as Head Constable of 1st C.I.

His seniority on list C.I. of his district/range/unit would be reckoned with the batch mates of lower school course.

10. It is settled principle of law that instructions and statutes must be read as an organic whole. The claims of the petitioners, with regard to one step promotion as a Head Constable on joining the training school treating as regular promotion/confirmation in all respects, are not within the framework of the afore-said instructions. The question of validity of policy/instructions issued by the respondents off and on under section 12 of the Police Act, 1861 was not challenged except in Qayyum Nawaz Khan's case and Siddiq Akbar's case supra. In both the cases the rules regarding promotion, seniority were not under-challenge. It is not doubt that departmental practice consistently followed by the department with regard to any issue or provision has force of law but it is not absolute in all respect. In the case in hand both the above-mentioned principles relating to discrimination and departmental practice have no force in view of facts and circumstances of the case in hand. The department had given benefit to the Head Constables, according to them due to one step out of turn promotion on the basis of the instructions issued by the Inspector General of Police under section 12 of the Police Act, 1861, which of course was issued without the approval of the Provincial Government. According to the Black's Law Dictionary the expression "approval" means the act of confirmation, ratifying, sanctioning or consenting to some act or thing done by another and implies knowledge and exercise of discretion after knowledge. See Aftab Ahmad Khan Serpao's case (PLD 1997 Pesh. 93). The word approval is more mandatory and stronger as compared to the word consultation or consent. This question arises first time with regard to grant of promotion one step out of turn promotion on account of performance of the personnel of the disciplinary force i.e. police force along with promotion from the date of joining the course in the training school. These instructions are in violation of Article 25 of the Constitution qua other members. In the disciplinary force who would not get a chance to show their worth would be entitled to get one step out of turn promotion along with seniority which is not in consonance of law and Constitution. In fact it creates frustration in the department among the officials of same batch on the well known principle of due process of law. "Doctrine of 'due process of law'---Right of 'access to justice to all' is a well recognized inviolable right enshrined in Art.9 of the Constitution and is equally bound in the doctrine of 'due process of law'---Right includes the right

to be treated according to law, the right to have a fair and proper trial and a right to have an impartial Court or Tribunal-Justice therefore can only be done if there is an independent judiciary which should be separate from Executive and not at its mercy or dependent on it. Sharaf Faridi and 3 others v. The Federation of Pakistan PLD 1989 Kar.404.

"Due process of law" contained in America Constitution meaning and application of doctrine with reference to precedents. Fauji Foundation and another v. Shamimur Rehman PLD 1983 SC 457.

"the term "due process of law" is summarized as follows:--

- (1) He shall have due notice of proceedings which affect his rights.
- (2) He shall be given reasonable opportunity to defend.
- (3) that the Tribunal or Court before which his right are adjudicated is so constituted as to give reasonable assurance of his honesty and impartiality; and
- (4) that it is a Court of competent jurisdiction. Ibid

The seniority is vested right of an employee as laid down by this Court in Anwar Ahmed Lari's case (1990 SCMR 1013), therefore, such deviation is not in consonance with the object and spirit of the Police Act, 1861 read with Articles 4, 5(2) of the Constitution and Article 25 of the Constitution. It appears that the Inspector General of Police had issued instructions off and on without judicial application of mind which is the primary duty of the public functionary in view of the law laid down by this Court in Chairman, Regional Transport Authority's case (PLD 1991 SC 14). After addition of section 24-A in General Clauses Act, 1887 which was interpreted by this Court laying down the principle that public functionaries must have to pass the orders within reasonable time with reasons after applying independent mind as law laid down by this Court in Messrs Airport Support Services' case (1998 SCMR 2268). The principle of locus poenitentiae has more force than the principle qua the departmental practice followed by the department qua any instructions or rules consistently since long. Even then this Court laid down a law to deviate from the general principle of locus poenitentiae where the action is in derogation of section or law then the locus poenitentiae is not absolute as laid down by this Court in Jalaluddin's case (PLD 1992 SC 207).

11. In view of the afore-said discussion the said pleas of the learned counsel of the petitioners have no force. The employees of the Police Department are serving in terms of instructions and policy issued by the Inspector-General of Police off and on in violation of section 12 of the Police Act, 1861. In this view of the matter, the Inspector-General of

PLC (Service)

Police is well within his right to issue policy/framed rules keeping in view the circumstances and difficulties of the employees under section 12 of the Police Act, 1861 or Article 122 of Police Order, 2002. The Government offices, are like public trust and, therefore, the same should be regulated in fair, transparent and economically so as to promote the sense of public service and thereby to make a welfare State. The public offices should not be held for improper motives. The social justice and economic justice can also be done through fair administrative policies. No policy can be congenial if it breeds corruption. Out of turn promotion, as envisaged in the impugned instruction, is not only against Constitution but also against Injunctions of Islam. Out of turn promotion in a public department generates frustration and thereby diminishes the spirit of public service. It generates undue preference in a public service. Element of reward and award is good to install the spirit of service of community but it should not be made basis of accelerated promotion. Let copy of this order be sent to all the Provincial Police Officers and Islamabad Capital City Police Officer to look into the matter and frame rules to save the agony of police officials/officers as well as to save the public exchequer from unnecessary litigation.

12. In view of what has been discussed above we do not find any infirmity or illegality in the impugned judgment. Therefore, this petition has no merit and the same is dismissed. Leave refused.

S.A.K./M-78/SC

Leave refused.

2010 P L C (C.S.) 935

[Peshawar High Court]

Before Shah Jehan Khan and Shahji Rehman Khan, JJ

Dr. MUHAMMAD SALEEM

versus

UNIVERSITY OF PESHAWAR through
Vice-Chancellor and 2 others

Writ Petition No.599 of 2008, decided on 21st May, 2009.

(a) North-West Frontier Province Civil Servants Act (XVIII of 1973)---

---S. 5---University of Peshawar Act (II of 1974), S.21(3)---
Constitution of Pakistan (1973), Art.199---Constitutional petition---
Appointment---Withdrawal of---Petitioner was appointed as a Lecturer
on ad hoc basis in Arabic Department in the University---Later on
when post of Associate Professor was advertised, the petitioner having
the required qualifications applied for the same and was recommended
by the Selection Board of the University in its meeting---In meeting of

PLC (Services)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR
Appeal No. 1386/2013

Shakir Ullah ASI Police Station Bannu

(Appellant)

VERSUS

- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar,
- 2) The Regional Police Officer, Bannu Region, Bannu,
- 3) The Deputy Inspector General of Police Bannu
- 4) The District Police Officer; Bannu

(Respondents)

REPLY BY RESPONDENT NO.1, 2, 3 & 4

Respectfully Sheweth:

PRELIMINARY OBJECTIONS.

- 1) That the appeal of appellant is not maintainable under the law & rules.
- 2) That the appellant has concealed the actual facts from the Honourable Tribunal.
- 3) That the appeal of appellant is time-barred.
- 4) That the appellant has approached the Honorable Tribunal with unclean hands.
- 5) That the appellant is estopped to file the appeal due to his own conduct.
- 6) That the appeal is bad due to Non-joinder of necessary party.
- 7) That the appellant has no cause of action.
- 8) No lawful/ vested right of appellant has been violated.

OBJECTIONS ON FACTS

- (1) Pertains to record. Some bad entries pertain to willful absence from duty were available in the service record of appellant.
- (2) Pertain to record. Out of turn/Special case promotion was granted to brave Police officer under standing order No.6/2008 but the same was declared illegal by the apex Supreme court of Pakistan vide order dated 13.05.2009 reported in 2010 PLC(C,S)924C.
- (3) Pertain to record. Out of turn /special case confirmation dose not explain in the standing order No.6/2008 and other rules. Therefore all the recommendations and orders were withdrawn/cancelled by the competent authority in the light of apex court order.
- (4) Pertain to record. Letters No.8189/PA dated 07.09.2012 and No.8391/PA dated 12.09/2012 reveal that the appellant was recommended for out of turn conformation as ASI which attract standing order No.6/2008 but the same has been declared illegal by the Apex Court.
- (5) Incorrect. The name of appellant was placed at serial No.80 of the officiating Assistant Sub-Inspector list "D" Under standing order No.6/2008, the appellant could not supersede his senior, mere on account of out of turn promotion/confirmation.


- (6) Pertains to record. The appellant could not claim seniority over his senior mere on account of out of turn/special case confirmation.
- (7) Incorrect. Respondent No.2 received complaint regarding the illegal confirmation of appellant as ASI. The matter was thoroughly probe in the light of standing No.6/2008 and it was found that the order of confirmation of appellant was in violation of standing order No.6/2008 which only provides adhoc promotion and does not cover out of turn confirmation. Therefore the order No.1237/EC dated 28.05.2013 was passed which is based on facts and in accordance with law. Photo copies of complaint and order are enclosed as annexure "A" & "B"
- (8) Pertain to record. The departmental appeal of the appellant is illegal, unlawful and against the law and facts.
- (9) Incorrect. The order is legal, lawful and in accordance with law, facts and ruling of Apex Court.


OBJECTIONS ON GROUNDS:


- (A) Incorrect. The order No.1237/EC dated 28.05.2013 of the respondent No.2 is based on facts and legal one. The order No.2492 dated 19.09.2012 was issued without observing legal requirements, being a shining dent in the process of confirmation. It was the obligations of respondent No.2 to dispense with justice, and put the things on rights and protect the lawful rights of other subordinates. No right of the appellant has been violated by the respondents.
- (B) Incorrect. The order was reviewed by the respondent No.2 on the grounds that a lot of officials were senior to the appellant and the out of turn confirmation is in violation of standing order No.6/2008 which only provide adhoc promotion and does not cover out of turn confirmation.
- (C) The order No.2492 dated 19.09.2012 was reviewed in the light of complaint and standing order No.6/2008 and found illegal. There is no need of personal hearing of appellant in the issue.
- (D) Incorrect. No right of the appellant has been violated. He was serving against the post of ASI before and after the passing of order.
- (E) Incorrect. The respondent No.2 was not bound to consider the recommendation of committee which has no footing under the existing rules/standing order.
- (F) Incorrect. The order has been passed on merit and in accordance with law and rules without any malafide intention on the part of respondents and establishment clerk Range Office Bannu.
- (G) Incorrect. All the Police Officers of Bannu Region who achieved adhoc promotion/confirmation, have been withdrawn/cancelled in the light of judgment of Apex Court. Photo copy enclosed as annexure "C"
- (H) That the respondent may be allowed to argue more grounds at the time of hearing of this appeal.

Prayer:

In view of the above facts and circumstances, it is humbly prayed that the appeal of appellant, being not maintainable, may kindly be dismissed with costs.


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


Regional Police Officer,
Bannu Region, Bannu. (DIG Bannu)
(Respondent No.2 & 3)


District Police Officer,
Bannu
(Respondent No.4)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR
Appeal No. 1386/2013

Shakir Ullah ASI Police Station Bannu

(Appellant)

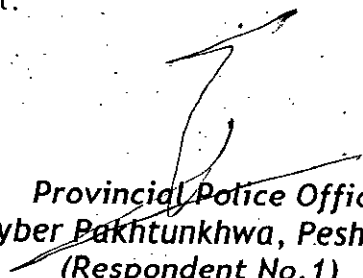
VERSUS

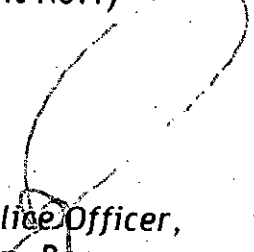
- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar,
- 2) The Regional Police Officer, Bannu Region, Bannu,
- 3) The Deputy Inspector General of Police Bannu
- 4) The District Police Officer, Bannu

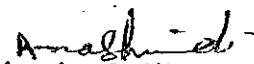
(Respondents)

COUNTER AFFIDAVIT

We the following respondents, do hereby solemnly affirm and declare that the contents of the attached para wise comments are true and correct to the best of our knowledge and belief and nothing has been withheld or concealed from this Honorable Tribunal.


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


Regional Police Officer,
Bannu Region, Bannu.
(Respondent No.2&3)


District Police Officer,
Bannu
(Respondent No.4)

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUN KHWA PESHAWAR
Appeal No. 1386/2013

Shakir Ullah ASI Police Station Bannu

(Appellant)


VERSUS

- 1) The Provincial Police Officer Khyber Pakhtunkhwa Peshawar,
 - 2) The Regional Police Officer, Bannu Region, Bannu,
 - 3) The Deputy Inspector General of Police Bannu
 - 4) The District Police Officer, Bannu
- (Respondents)

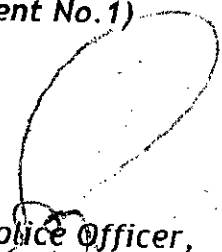
AUTHORITY LETTER.

Mr. Mir Faraz Khan Inspector Incharge legal cell Office of DPO Bannu is hereby authorized to appear before The Service Tribunal Khyber Pakhtunkhwa Peshawar on behalf of the undersigned in the above cited case.

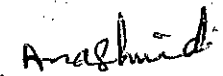
He is authorized to submit and sign all documents pertaining to the present appeal.



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



Regional Police Officer,
Bannu Region, Bannu.
(Respondent No. 2&3)



District Police Officer,
Bannu
(Respondent No. 4)

SP (Inv) DAV
 → Pl conduct impartially highlighting fact
 N 3134 EC بنوں ریجن بنوں پولیس پوچھنے کی درخواست جناب ریجنل پولیس آفیسر بنوں ریجن بنوں EC بنوں بنوں
 D1 12-11-12

عنوان: شاہراہ 35/B ASI کی ناجائز کنفرمیشن
 → Pl go through relevant standing orders/ Police Rules
 and give ur findings at the earliest.
 مؤدبانہ التماس کی جاتی ہے کہ آپ جناب نے DPO بنوں کی سفارش پر بحوالہ لیٹر نمبر 839/PA مورخہ 12/09/2012 اور DPO آفس بنوں شاہراہ 480 officiating ASI کو اسٹینڈنگ آرڈر نمبر 6/2008 کی روشنی میں کنفرم کروا کے اسے ریج نمبر 35/B الاٹ کیا اور بحوالہ لیٹر نمبر 2492/EC مورخہ 19/9/2012 کو گزٹ نوٹیفیکیشن جاری کیا۔

لیٹر نمبر 8391/PA میں DPO صاحب کی ذیل سفارشات تھی۔

- 1- 16/7/2012 کو شاہراہ 35/B پرانا تھانہ سٹی پر دہشت گردوں کے حملے کے دوران DPO صاحب کو Cover فراہم کر رہا تھا اور دہشت گردوں کے ساتھ فائرنگ میں بھی مصروف رہا۔ اس کے ساتھ ساتھ High Ups کے ارد گرد مشکوک افراد پر بھی کڑی نظر رکھی۔
- 2- شاہراہ 35/B نے سپہ تنگی کے مقام پر کرک سے ڈکیتی اور اغوا کیوں کے بعد بھاگ کر انیوالے ایک طالب (دہشت گرد) کو بھی پکڑا۔
- 3- 2007ء میں شاہراہ 35/B نے PO کی گرفتاری پر CCI III سٹوفیکٹ اور کیش پرائز بھی حاصل کیا۔
- 4- بحیثیت ہیڈ کنسٹیبل شاہراہ 35/B نے اپنی ڈیوٹی مستعدی اور جانفشانی سے ادا کر کے مختلف قسم کے جرائم پیشہ افراد اور سنگمگز کو گرفتار کیا ہے۔

جناب عالی!

متذکرہ بالا سفارشات کی روشنی میں شاہراہ 35/B کو کنفرم کر دیا کے 82 دوسرے Officiating ASI's سے سینئر کر دیا گیا۔ جبکہ حقیقت یہ ہے کہ مورخہ 16/7/2012 تھانہ سٹی وقوعہ کے روز صبح شاہراہ 35/B بھی موجود نہ تھا کیونکہ وہ DPO آفس میں ریڈر کے طور پر کام کر رہا تھا اور آفس میں موجود تھا۔ نہ ہی شاہراہ 35/B نے زندگی خطرے میں ڈال کر دہشت گردوں کا مقابلہ کیا ہے اور نہ ہی کسی دہشت گرد کو پکڑا ہے۔ نہ تنگ کیا ہے۔

16/7/2012 کو تھانہ سٹی پر حملے کے دوران کنسٹیبل بختیار 1234 سب سے پہلے دہشت گردوں کا نشانہ بنا اور پانچ گولیاں کھا کر شدید زخمی ہوا جو آج بھی معذور ہے مگر اسے کوئی ترقی نہیں ملی، نہ ہی کوئی انعام ملا۔ اس کے علاوہ مزید یہ کہ دہشت گردوں کے ساتھ مکمل مقابلہ انسپکٹر اسمعیل خان SHO تھانہ سٹی، عصمت اللہ ASI، شفیق اللہ خان HC اور DSB کے اہل کاروں نے کیا ہے۔ جن میں ASI عصمت اللہ آج تک ایک پاؤں پر معذور ہے مگر ان سب میں کسی ایک کو بھی ترقی نہیں ملی۔

جناب عالی! ان تمام پولیس اہلکاروں کے خلفاً بیان لیکر معلوم کیا جائے کہ شاہراہ 35/B نے کتنی قربانی دی اور کتنے دہشت گرد ہلاک کئے؟

اب اسٹینڈنگ آرڈر 06/2008 کا حوالہ ملاحظہ کیجئے۔

ہلا پیرا غیر معمولی کارکردگی و بہادری اور قربانی پرائڈ ہاک پروموشن کے متعلق ہے، جس میں تین اعلیٰ افسران جو DIG کے عہدہ سے لم نہ ہو اور ان میں متعلقہ ریجن کا DIG بھی شامل ہو، کی کمیٹی ہوگی اور اس کمیٹی کی سفارش پر روٹین ڈیوٹی سے ہٹ کر غیر معمولی کارکردگی اور بہادری دکھانے پرائڈ ہاک پروموشن دی جائے گی، یہاں پر کنفرمیشن کی کوئی بات نہیں نہ کوئی قانون موجود ہے جس کا نوالہ دیکر شاکر اللہ ASI کو کنفرم کیا گیا ہے۔

اسی اسٹینڈنگ آرڈر کا دوسرا پیرا QPM اور PPM کے بارے میں ہے شاکر اللہ ASI کو نہ QPM ملا ہے اور نہ

PPM جس کی بناء پر وہ کنفرم کر دیئے جائے۔

جناب عالی! اسٹینڈنگ نمبر 6/2008 میں 10/10/2012 کو Amendment کی گئی جس کے تین حصے ہیں۔

پہلا حصہ کنسٹیبل کی ایڈ ہاک پروموشن ہے جو متعلقہ DPO کا اختیار ہے۔

دوسرا حصہ HC سے ASI تک ایڈ ہاک پروموشن ہے، جس کا اختیار متعلقہ RPO کے پاس ہے جبکہ تیسرے حصے میں SI اور انسپکٹر تک کی پروموشن ہے۔ جس کی سفارش RPO کر کے CPO بھیجوائے گا۔ لہذا اس Amendment میں بھی کسی جگہ کنفرمیشن کا ذکر نہیں ہے۔ جب اسٹینڈنگ آرڈر نمبر 6/2008 میں سرے سے کنفرمیشن کا کوئی شق ہی موجود نہیں سوائے ایڈ ہاک پروموشن کے پھر ASI شاکر اللہ کو کس بنیاد پر کنفرم کیا گیا ہے۔

لہذا آپ جناب سے گزارش ہے کہ ASI شاکر اللہ 35/B کی کنفرمیشن ناجائز اور غیر قانونی ہے۔ اس میں کنسٹیبل بختیار 1234، عصمت اللہ خان ASI، اسماعیل خان SHO، شفید اللہ HC، گارڈ انچارج پرانا تھانہ سٹی اور DSB اہلکاروں کی حق تلفی اور ان کے ساتھ زیادتی ہے۔ اس کے ساتھ ساتھ ان تمام Officiating ASI's کے ساتھ بھی زیادتی ہے جن سے شاکر اللہ کو سینئر کروایا گیا۔ آپ جناب اس غیر قانونی اور ناجائز کنفرمیشن کو کنسل کروا کے حقیقی مستحقین کو اس کا حق دلوادیں اور اس سلسلے میں مناسب انکوائری کے احکامات صادر کر کے صاف اور شفاف طریقے سے محرومین کی دادرسی کی جائے۔

علاوہ ازیں شاکر اللہ ASI کسی طور پر بھی ایڈ ہاک پروموشن کا بھی مستحق نہیں کیونکہ بروز دو بعد اس کی موجودگی پرانا تھانہ سٹی میں نہیں تھی اور نہ ہی وہ کسی مقابلے میں دہشت گردوں کے خلاف مصروف رہا۔

العارضین

۱۔ OASI محمد اسحاق نمبر 859 سے لیکر OASI عظیم خان نمبر 34 تک تمام 31 Officiating ASI's۔

۲۔ تھانہ سٹی میں دہشت گردوں کے ساتھ مقابلہ کرنے والے تمام پولیس اہلکاران۔

کاپی برائے اطلاع:

۱۔ پرنسپل پولیس آفیسر KPK پشاور

۲۔ ایڈیشنل IG پرنسپل KPK پشاور

3-1108

STANDING ORDER NO. 5 / 2008

DYNO 1241 / EC
DT-28/6/08

Action
Dil Joo

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

Annex "E-2"

19

2

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

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

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

(Signature)
(MALIK SAVEED KILAN)
Provincial Police Officer,
N.W.F.P., Peshawar.

SRC/614/PO

For n/ action
aw/repn-

No. 4287 / 132.7 / C-1, dated Peshawar, the 11 June, 2008.

Copy forwarded to

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

EC
For approval
action

D.L. 13/6/08

(Signature)
2/20/08

Annexure ^CB² (25)

[Handwritten Signature]

BANNU REGION.

POLICE DEPARTMENT.

ORDER

The confirmation order in the substantive rank of Asstt: Sub: Inspector in respect of Offg: Asstt: Sub: Inspector Shakirullah of Bannu District Police issued by the then RPO-Bannu Region vide this office Order Endst: No. 2492/EC dated 19.09.2012 is hereby cancelled/withdrawn with immediate effect, being in violation of Standing Order No. 6/2008, for the said Standing Order only provides for adhoc promotion and does not cover out of turn confirmation.

Necessary Gazette notification may be issued under intimation to all concerned.

[Handwritten Signature]
(AZADKHAN), TST, PSP
Regional Police Officer,
Bannu Region, Bannu.

No. 1237 /EC, dated Bannu the 28/05/2013. *JP 28-5-13*

Copy to the District Police Officer, Bannu for information and n/action w/r to his office Memo: No. 6382 dated 2.5.2013.

Attested

[Handwritten Signature]
Office Superintendent
District Police Office
Bannu

(AZADKHAN), TST, PSP
Regional Police Officer,
Bannu Region, Bannu.

Annexure "C"
2010 PLC (C.S.) 924

[Supreme Court of Pakistan]

*Present; Iftikhar Muhammad Chaudhry, C.J.,
Raja Fayyaz Ahmed and Ch. Ijaz Ahmed, JJ*

MUHAMMAD NADEEM ARIF and others

versus

INSPECTOR-GENERAL OF POLICE,
PUNJAB, LAHORE and others

Civil Petitions Nos. 492 to 495 of 2009, decided on 13th May, 2009.

(Against the judgment dated 6-3-2009 passed by the Lahore High Court, Lahore in I.C.As. Nos. 154 to 157 of 2008).

(a) Constitution of Pakistan (1973)---

---Art.199---Civil Procedure Code (V of 1938), O.XX, R.1(2)---
Constitutional petition---Announcement of judgment by High Court
after six months of hearing the arguments of parties---Validity---
Provisions of O.XX, R.1(2), C.P.C., were directory, but not
mandatory---High Court, after considering contentions of petitioner
had dismissed petition with cogent reasons---No prejudice was shown to
have been caused to petitioner by announcing judgment after such
delay---Supreme Court upheld impugned judgment in circumstances.
[pp. 928, 929, 930] A, B, C & E

Muhammad Bakhsh's case 1989 SCMR⁶ 1473; Juma Khan's case
PLD 2002 SC 823; Samiul Haq's case 2001 SCMR 1053; Ali Khan
Subanpoto's case 1997 SCMR 1590; Raja Hamayun Sarfraz Khan's case
2007 SCMR 307; Syed Iftikhar-ud-Din Haider Gardezi's case 1996
SCMR 669 at 673 and Muhammad Ovais's case 2007 SCMR 1587 rel.

(b) Administration of justice---

---Every case is to be decided on its own peculiar circumstances and
facts. [p. 930] D

(c) Police Act (V of 1861)---

---S. 12---Instructions/rules/policy issued by Inspector-General of
Police without approval of Provincial Government---Validity---Such
instructions/rules would not be valid and would have no legal
sanction---Long practices of department to follow such instructions/rules
conflicting with parent statute or rules could not remain

operative, but must be ignored—No one would be obliged to obey such directions/instructions/departmental practice—Principles. [pp. 930, 931] F, G & J

Qayyum Nawaz Khan's case 1999 SCMR 1594 ref.

Siddiq Akbar's case 1998 SCMR 2013 rel.

(d) Locus poenitentiae, principle of---

---Award of benefit to a person in violation of law would not attract principle of locus poenitentiae. [p. 931] H

Jalaluddin's case PLD 1992 SC 207 fol.

(e) Interpretation of statutes---

---Departmental construction of statute, though not binding on court, could be taken into consideration, if same was followed by department consistently. [p. 931] I

Siddiq Akbar's case 1998 SCMR 2013 rel.

(f) Interpretation of statutes---

---Conflict between departmental practice/instructions/directions and rules---Effect---Rules would prevail---Principles.

The role of the directions/instructions is to supplement, never to contradict or conflict with rules. A direction/instruction cannot abridge or run counter to statutory provisions. If there is any conflict between the rules and the directions/instructions/departmental practice, then rules prevail. Instructions or departmental practice cannot amend or supersede the rules. A rule can be amended by another rule and not by a direction/instruction/departmental practice. [p. 931] K

Departmental practice consistently followed by the department with regard to any issue or provision has force of law, but it is not absolute in all respect. [p. 933] M

The principle of locus poenitentiae has more force than the principle qua the departmental practice followed by the department qua any instructions or rules consistently since long. Where the action is in derogation of section or law, then the locus poenitentiae is not absolute. [p. 934] R

Anwar Ahmed Lari's case 1990 SCMR 1010; Chairman, Regional Transport Authority's case PLD 1991 SC 14; Messrs Airport Support Services' case 1998 SCMR 2268 and Jalaluddin's case PLD 1992 SC 207 ref.

(g) Interpretation of statutes---

---Departmental instructions and statutes must be read as an organic whole. [p. 933] L

(h) Words and phrases---

---"Approval"---Meaning. [p. 933] N

Black's Law Dictionary and Aftab Ahmed Khan Sherpao's case PLD 1997 Pesh. 93 ref.

(i) Words and phrases---

---"Approval" and "consultation or consent"---Comparison---Approval is more mandatory and stronger as compared to the word consultation or consent. [p. 933] O

(j) Constitution of Pakistan (1973)---

---Art. 9---Due process of law, doctrine of---Scope---Right of access to justice to all was founded on such doctrine---Such right would include a right to be treated according to law, a right to have a fair and proper trial and a right to have an impartial court or Tribunal---Justice could be done only by an independent judiciary---Principles. [p. 933] P

Sharaf Faridi and 3 others v. The Federation of Pakistan PLD 1989 Kar. 404 and Fauji Foundation and another v. Shamimur Rehman PLD 1983 SC 457 rel.

(k) Civil Service---

---Seniority is a vested right of an employee. [p. 934] Q

Anwar Ahmed Lari's case 1990 SCMR 1013 rel.

(l) Public offices---

---Government offices being public trust should be regulated in a manner to promote sense of public service with a view to make a welfare State---Principles stated.

The Government officers are like public trust and, therefore, the same should be regulated in fair, transparent and economically so as to promote the sense of public service and thereby to make a welfare State. The public offices should not be held for improper motives. The social justice and economic justice can also be done through fair administrative policies. No policy can be congenial, if it breeds corruption. [p. 935] S

(Ch. Ijaz Ahmed, J)

(m) Civil service---

---Promotion---Out-of-turn promotion---Scope.

Out of turn promotion is not only against the Constitution, but also against Injunctions of Islam. Out of turn promotion in a public department generates frustration and thereby diminishes the spirit of public service. It generates undue preference in a public service. Element of reward and award is good to install the spirit of service of community, but it should not be made basis of accelerated promotion. [p.935] T

Qayyum Nawaz Khan's case 1999 SCMR 159:1 ref.

Hafiz S.A. Rehman, Senior Advocate Supreme Court for Petitioners.

Ms. Afshan Ghazainfar, A.A.G., Naseer Baloch, DSP (Legal), Lahore and Fazal Rahim, DSP (Legal) Sheikhpura for official Respondents.

Nemo for Pro forma Respondents.

ORDER

CH. IJAZ AHMED, J.---We intend to decide captioned petitions by one consolidated judgment having similar facts and law.

2. Detailed facts of the case are need not to be reproduced as the same have been stated in the impugned judgment as well as in the memo of petitions. However, necessary facts out of which the captioned petitions arise are that petitioners were initially appointed as Constables. Subsequently they were granted one step promotion as Head Constable Instructors on their joining the staff of Police Training School and they claimed confirmation in the rank of Head Constable from the date of one step promotion. The Inspector-General of Police vide letter dated 22-3-2008 declined their request on the plea that they had not qualified lower school course and could be detailed for such course on completion of at least 3 years at the training school and after having completed and passed successfully, only then they could be promoted as Head Constable and could retain their rank. Petitioners being aggrieved filed Constitutional petitions in the Lahore High Court with the prayer that one step promotion be declared promotion for all purposes and they may be allowed to join intermediate training course. The writ petitions were accepted by treating one step promotion of the petitioners as Head Constables as regular promotion in all respects. Petitioners were also held entitled for intermediate training course required for promotion as A.S.-I. Respondents Nos. 1 and 2 being aggrieved filed four I.C.As. in the Lahore High Court, Lahore which were accepted vide impugned judgment dated 26-8-2008. Hence the present petitions.

3. Learned counsel for the petitioners submits that I.C.As. were

heard on, 26-8-2008 whereas the judgment was announced on 6-3-2009, therefore, the impugned judgment is violative of law laid down by this Court in various pronouncements as the impugned judgment was announced after six months. He further urges that memorandum dated 22-3-2008 is also hit by Article 25 of the Constitution. Respondent No.1 had withdrawn the Office Order dated 23-2-2002 and office order dated 8-11-2002 through the Memorandum dated 22-3-2008. He further urges that memorandum in question wherein the criteria of promotion on the basis of seniority from the date of passing lower school course was introduced in violation of the previous policy and practice of the department. The Memorandum in question is also in consistent with or in violation of the law laid down by this Court in Qayyum Nawaz Khan's case (1999 SCMR 1594).

4. The learned Assistant Advocate-General Punjab, submits that selection policy issued by the competent authority vide memorandum dated 8-11-2002/23-2-2002 does not in any way indicate that an official can claim his promotion from the date he joins Police Training School/Police Training Institution. Policy dated 8-11-2002 clearly envisages that his seniority would be reckoned with the batch mates of lower school course. She further submits that learned High Court was justified to hold that afore-said Office Order dated 23-2-2002 issued by the Inspector-General of Police, without approval of the Government of the Punjab, has no legal sanctity. She further submits that all the policies relied upon by the learned counsel of the petitioners were issued by respondent No.1 without securing approval from the Government of the Punjab in terms of section 12 of Police Act, 1861. She further submits that it appears that I.C.As. were heard on 26-8-2008 but the petitioners did not attach order of the Lahore High Court wherein the judgment was reserved. Therefore, the contention of the learned counsel that the judgment was announced after six months does not borne out from the record. Even otherwise no prejudice has been caused to the petitioners as all the contentions raised by the learned counsel for the petitioners were mentioned in the impugned judgment which were rejected by the learned High Court after application of mind with cogent reasons.

5. We have given our anxious consideration to the contentions of the learned counsel of the parties and perused the record. It is an admitted fact that date of hearing as mentioned in the impugned judgment is 26-8-2008 whereas it was announced on 6-3-2009. It is the duty of the petitioners to bring on record the order of the High Court wherein the judgment was reserved or copy of the relevant register wherein the intimation was sent by the staff of the High Court to the concerned branch that the judgment in question was reserved. However, in the interest of justice and fair play we have considered the contentions of the learned counsel for the petitioners to find out prejudice caused to the

petitioners as the impugned judgment was announced after six months. The afore-said proposition of law was considered and decided by this Court in Muhammad Bukhsh's case (1989 SCMR 1473) and laid down the following principle:--

"No doubt the judgment was announced one year after it had been reserved but we find that the learned Judge adverted to all the points as mentioned above. Nevertheless it is proper that once the arguments conclude and the judgment reserved, it has to be announced within reasonable period. We are sure that in future no unnecessary delay will take place in announcement of judgments."

The aforesaid principle was reaffirmed by this Court in Juma Khan's case (PLD 2002 SC 823) by observing that merely because of the delay in pronouncement of judgment, decision, itself is not vitiated unless and until prejudice has caused to the petitioners. It is also observed that Order XX, rule 1(2), C.P.C., is directory in nature and not mandatory in nature as observed by this Court in Juma Khan's case. The afore-said principle was also upheld in Samiul Haq's case (2001 SCMR 1053) in the following terms:--

"While interpretation rule 31 of Order XLI, C.P.C., the learned Division Bench has dealt with all the contentions of the petitioner's counsel in the judgment, therefore, no prejudice was caused to the petitioner. But it is always proper and advisable that after pronouncement of judgment, the High Court would write the judgment without unnecessary delay."

The aforesaid principle has also been followed in Ali Khan Subanpoto's case (1997 SCMR 1590) as depicted from para 10 wherein it is specifically mentioned that no prejudice seems to have been caused to the petitioner. Rule 30 and Rule 31 of Order XLI, C.P.C. were examined by this Court in Raja Hamayun Sarfraz Khan's case 2007 SCMR 307) and laid down the following principle:--

"The examination of the above provisions of law and ingredients show that where a law provides for writing, announcing and signing a judgment, all that must be done in a way, to give validity to the judgment."

This Court has also considered the afore-said provisions of Rule 30 and 31 of Order XLI, C.P.C. wherein the impugned judgment was set aside as the same was not announced within six months. See Syed Iftikhar-ud-Din Haider Gardezi's case (1996 SCMR 669 at 673). Even in this case, this Court has observed as under:--

"It is not possible for this Court to determine this matter finally

because substantial evidence available on record could not be considered by the High Court to come to some conclusion one way or the other. In other words, it could safely be held that the dispute between the parties was not decided keeping in view the evidence on record."

Similarly at page 675 it has been observed as under:--

"This case is also hit by rule 31 as all the points which were argued and relied upon the learned counsel for the appellants were not considered for their proper determination on the basis of available evidence.....We would also hold that evidence of Saeed Ahmad D.W. was not considered by the High Court the just decision of the appeal. This being so, the appeal of the appellants shall be deemed to be still pending decision before the High Court."

Contrary view has been taken by this Court in Muhammad Ovais' case (2007 SCMR 1587). Even in this case, the Court observed in para 8 as under:--

"In the lengthy arguments addressed before us on merits, we were referred to a bulk of documentary evidence going to the very route of the case which was never found mentioned in the impugned judgment of the High Court. This omission seems to be caused only and only due to the delay of ten months in question."

It is proper to mention here that in the case in hand all the contentions raised before the learned High Court in the impugned judgment were noted, considered and rejected with cogent reasons coupled with the fact that the petitions were heard in the Lahore High Court on 26-8-2008 and judgment was announced on 6-3-2009. The petitioners have not brought on record any document to show that the judgment was reserved on 26-8-2008 by annexing with the petition interim order of the High Court or copy of the concerned register of the Lahore High Court. It is settled-law that each and every case is to be decided on its own peculiar circumstances and facts.

6. In view of the foregoing discussion who do not find any force in the contentions of the learned counsel of the petitioners that the judgment be set aside merely on the ground that it was announced after six months. The ratio of the afore-said cases is that it is the duty and obligation of the petitioners to point out that by announcing the judgment after considerable delay had caused prejudice to the petitioners. The learned High Court in the impugned judgment after quoting all the relevant rules and provisions of Police Act had given findings of fact that office order

dated 23-2-2002/8-11-2002 was issued by the Inspector-General of Police without approval of the Government of the Punjab, therefore, the same has no legal sanctity. Section 12 of the Police Act confers power upon the Inspector-General of Police to frame rules after securing approval from the Government of the Punjab. The learned counsel of the petitioners has failed to bring on record any document to show that the memorandum dated 23-2-2002/8-11-2002 or any instructions issued by the Inspector General of Police has the backing of the Government of the Punjab. The said provision was interpreted in Siddiq Akbar's case 1998 SCMR 2013 wherein Standing Order No. II issued by the Inspector-General of Police having not been approved by Provincial Government was devoid of its legal status and was, therefore, of no legal authority by observing that merely because a Standing Order has held ground for a number of years is not sufficient to assume grant of approval. The basic memorandum relating to the policy/rule which was issued by the Inspector-General of Police in favour of the petitioners was not valid itself having any legal backing, therefore, learned High Court was justified to declare the same having no legal sanctity. It is settled principle of law that where benefit is awarded to a person in violation of law then principle of locus poenitentiae does not attract as law laid down by this Court in Jalaluddin's case (PLD 1992 SC 207). The departmental construction of statute, although not binding on the Court, can be taken into consideration specially if it was followed by the department consistently and applying this principle Siddiq Akbar's case was decided while interpreting section 12 of the Police Act on 8-5-1998. The department consistently followed those instructions of the Inspector-General of Police which were issued without approval of the Provincial Government. The instructions as well as departmental practice are illegal and violative of the directions or instructions on departmental practice conflicting with the parent statute or rule cannot remain operative and must be ignored even though they have been followed long, have been found to be convenient and have worked fairly in practice. No one is obliged to obey such directions/instructions/departmental practice. The role of the directions/instructions is to supplement, never to contradict or conflict with rules. A direction/instruction cannot abridge, or run counter to, statutory provisions. If there is any conflict between the rules and the directions/instructions/departmental practice, the rules prevail. Instruction or departmental practice cannot amend or supersede the rules. A rule can be amended by another rule and not by a direction/instructions/departmental practice. Therefore, the argument qua department has consistently followed the instructions have no force. The fore-said dictum is binding on each and every organ of the State by virtue of Articles 129 and 190 of the Constitution.

7. Petitioners request was declined by the Inspector-General of

Police vide memorandum dated 22-3-2008 which was challenged by the petitioners by invoking extraordinary jurisdiction of the High Court under Article 199 of the Constitution which was accepted by the learned Single Judge of the High Court vide judgment dated 6-5-2008. The judgment of the learned Single Judge was implemented by the respondents vide memorandum dated 18-2-2009 in the following terms along with others wherein the total numbers are 119:--

"In compliance of the orders of the Lahore High Court issued in writ petitions, following Head Constables are deputed for Intermediate School Course which commenced from 16-2-2009 in Police College, Sihala, subject to the decisions of the Intra Court appeals pending in the Lahore High Court on the subject."

8. The judgment of the learned Single Judge was reversed by the Division Bench of the Lahore High Court vide judgment dated 6-3-2009 which was also implemented by the respondents vide memo. dated 6-4-2009 in the following terms:--

"In pursuance of the judgment dated 6-3-2009 passed by the honourable Lahore High Court, Lahore, in ICA/Appeal No.154 of 2008 the permission granted to the 126 officials (list enclosed) for joining Intermediate School Course commenced with effect from 16-2-2009 at Police College, Sihala is hereby withdrawn."

9. Petitioners are 33 in numbers whereas their other colleagues in the orders of the respondents are not before this Court. The Petitioners have also alleged that action of the respondents is also hit by Article 25 of the Constitution as depicted from the different orders passed by the respondents dated 9-4-2007, 13-9-2007, 15-10-2007, 11-4-2007 and 14-11-2007 wherein similar requests of the head constables were accepted. There are various pronouncements of this Court with regard to step promotion out of turn on account of bravery such as Qayyum Nawaz Khan's case (1999 SCMR 1594). The controversy in Qayyum Nawaz Khan's case supra was with regard to promotion of upper subordinates only. The seniority of upper subordinates is finally determined from the date of their confirmation in the post while seniority of lower subordinates is determined from the date of their appointment and their confirmation for the said purpose is immaterial as is depicted from para 15 of the impugned judgment. The relevant instructions on the subject dated 8-11-2002 are as follows:--

A constable with the qualification prescribed in para 6 above and not more than 30 years of age and having a minimum of seven years of service may be taken as Head Constable Instructor on one step promotion.

PLC (Service)

On successful completion of three years tenure he will be sent for lower school course. On successful completion of the lower school course, he will be brought on list C.I. as Head Constable and will be reverted back to his district/unit as Head Constable of 1st C.I.

His seniority on list C.I. of his district/range/unit would be reckoned with the batch mates of lower school course.

10. It is settled principle of law that instructions and statutes must be read as an organic whole. The claims of the petitioners, with regard to one step promotion as a Head Constable on joining the training school treating as regular promotion/confirmation in all respects, are not within the framework of the afore-said instructions. The question of validity of policy/instructions issued by the respondents off and on under section 12 of the Police Act, 1861 was not challenged except in Qayyum Nawaz Khan's case and Siddiq Akbar's case supra. In both the cases the rules regarding promotion, seniority were not under-challenge. It is not doubt that departmental practice consistently followed by the department with regard to any issue or provision has force of law but it is not absolute in all respect. In the case in hand both the above-mentioned principles relating to discrimination and departmental practice have no force in view of facts and circumstances of the case in hand. The department had given benefit to the Head Constables, according to them due to one step out of turn promotion on the basis of the instructions issued by the Inspector General of Police under section 12 of the Police Act, 1861, which of course was issued without the approval of the Provincial Government. According to the Black's Law Dictionary the expression "approval" means the act of confirmation, ratifying, sanctioning or consenting to some act or thing done by another and implies knowledge and exercise of discretion after knowledge. See Aftab Ahmad Khan Serpao's case (PLD 1997 Pesh. 93). The word approval is more mandatory and stronger as compared to the word consultation or consent. This question arises first time with regard to grant of promotion one step out of turn promotion on account of performance of the personnel of the disciplinary force i.e. police force along with promotion from the date of joining the course in the training school. These instructions are in violation of Article 25 of the Constitution qua other members. In the disciplinary force who would not get a chance to show their worth would be entitled to get one step out of turn promotion along with seniority which is not in consonance of law and Constitution. In fact it creates frustration in the department among the officials of same batch on the well known principle of due process of law. "Doctrine of "due process of law"---Right of "access to justice to all" is a well recognized principle of law and is a violable right enshrined in Art.9 of the Constitution and is equally bound in the doctrine of "due process of law"---Right includes the right

to be treated according to law, the right to have a fair and proper trial and a right to have an impartial Court or Tribunal-Justice therefore can only be done if there is an independent judiciary which should be separate from Executive and not at its mercy or dependent on it. Sharaf Faridi and 3 others v. The Federation of Pakistan PLD 1989 Kar.404.

"Due process of law" contained in America Constitution meaning and application of doctrine with reference to precedents. Faujl Foundation and another v. Shamimur Rehman PLD 1983 SC 457.

"the term "due process of law" is summarized as follows:--

- (1) He shall have due notice of proceedings which affect his rights.
- (2) He shall be given reasonable opportunity to defend.
- (3) that the Tribunal or Court before which his right are adjudicated is so constituted as to give reasonable assurance of his honesty and impartiality; and
- (4) that it is a Court of competent jurisdiction. Ibid

The seniority is vested right of an employee as laid down by this Court in Anwar Ahmed Lari's case (1990 SCMR 1013), therefore, such deviation is not in consonance with the object and spirit of the Police Act, 1861 read with Articles 4, 5(2) of the Constitution and Article 25 of the Constitution. It appears that the Inspector General of Police had issued instructions off and on without judicial application of mind which is the primary duty of the public functionary in view of the law laid down by this Court in Chairman, Regional Transport Authority's case (PLD 1991 SC 14). After addition of section 24-A in General Clauses Act, 1887 which was interpreted by this Court laying down the principle that public functionaries must have to pass the orders within reasonable time with reasons after applying independent mind as law laid down by this Court in Messrs Airport Support Services' case (1998 SCMR 2268). The principle of locus poenitentiae has more force than the principle qua the departmental practice followed by the department qua any instructions or rules consistently since long. Even then this Court laid down a law to deviate from the general principle of locus poenitentiae where the action is in derogation of section or law then the locus poenitentiae is not absolute as laid down by this Court in Jalaluddin's case (PLD 1992 SC 207).

11. In view of the afore-said discussion the said pleas of the learned counsel of the petitioners have no force. The employees of the Police Department are serving in terms of instructions and policy issued by the Inspector-General of Police off and on in violation of section 12 of the Police Act, 1861. In this view of the matter, the Inspector-General of

Police is well within his right to issue policy/framed rules keeping in view the circumstances and difficulties of the employees under section 12 of the Police Act 1861 or Article 122 of Police Order, 2002. The Government offices, are like public trust and, therefore, the same should be regulated in fair, transparent and economically so as to promote the sense of public service and thereby to make a welfare State. The public offices should not be held for improper motives. The social justice and economic justice can also be done through fair administrative policies. No policy can be congenial if it breeds corruption. Out of turn promotion, as envisaged in the impugned instruction, is not only against Constitution but also against Injunctions of Islam. Out of turn promotion in a public department generates frustration and thereby diminishes the spirit of public service. It generates undue preference in a public service. Element of reward and award is good to install the spirit of service of community but it should not be made basis of accelerated promotion. Let copy of this order be sent to all the Provincial Police Officers and Islamabad Capital City Police Officer to look into the matter and frame rules to save the agony of police officials/officers as well as to save the public exchequer from unnecessary litigation.

12. In view of what has been discussed above we do not find any infirmity or illegality in the impugned judgment. Therefore, this petition has no merit and the same is dismissed. Leave refused.

S.A.K./M-78/SC

Leave refused.

2010 P L C (C.S.) 935

[Peshawar High Court]

Before Shah Jehan Khan and Shahji Rehman Khan, JJ

Dr. MUHAMMAD SALEEM

versus

UNIVERSITY OF PESHAWAR through
Vice-Chancellor and 2 others

Writ Petition No.599 of 2008, decided on 21st May, 2009.

(a) North-West Frontier Province Civil Servants Act (XVIII of 1973)---

---S. 5---University of Peshawar Act (II of 1974), S.21(3)---
Constitution of Pakistan (1973), Art.199---Constitutional petition---
Appointment---Withdrawal of---Petitioner was appointed as a Lecturer
on ad hoc basis in Arabic Department in the University---Later on
when post of Associate Professor was advertised, the petitioner having
the required qualifications applied for the same and was recommended
by the Selection Board of the University in its meeting---In meeting of

PLC (Services)

BEFORE THE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

In the matter of
Appeal No. 603/2013

Shakir Ullah ASI Police Station Bannu.

(Appellant)

VERSUS

Provincial Police Officer Khyber Pakhtukhwa, Peshawar &
others.

(Respondents)

REJOINDER TO THE PARA WISE REPLY ON
BEHALF OF THE APPELLANT

Respectfully submitted:

The appellant submits his rejoinder as under:

ON PRELIMINARY OBJECTIONS:

1. Contents incorrect and misleading, the appeal is filed well in accordance with the prescribed rules and procedure hence maintainable.
2. Contents incorrect and misleading all facts necessary for the disposal of the appeal are brought before this honourable Tribunal and nothing has been concealed.
3. Contents incorrect and misleading, the instant appeal is filed well within the prescribed period of limitation.
4. Contents incorrect and misleading, the appellant has come to the tribunal with clean hands.
5. Contents incorrect and misleading, no rule of estoppel is applicable in the instant case.
6. Contents incorrect and misleading, all parties necessary for the disposal of the appeal are arrayed in the instant appeal.

30.01.15

7. Contents incorrect and misleading the confirmation order of the appellant to the substantive rank of Assistant Sub Inspector has been illegally withdrawn without due process of law, hence the appellant has the necessary cause of action to file the instant appeal.
8. Contents incorrect and misleading , the confirmation order dated 19.09.2012, of the appellant to the rank of ASI had acted upon and taken legal effect thus rights were accrued in favour of the appellant, subsequently on withdrawal of the same order vide order dated 25.05.2013, those have been badly violated.

ON FACTS

1. Contents need no reply, however contents of Para-1 of the appeal are true and correct. Moreover the contention of the respondents regarding bad entries are incorrect and misleading.
2. Contents need no reply, however contents of Para-2 of the appeal are true and correct. Moreover the judgment referred in the para is not attracted to the case of the appellant.
3. Contents of Para-3 of the appeal are correct, the reply submitted to the Para is incorrect and misleading.
4. Contents need no reply, however contents of Para-3 of the appeal are true and correct.
5. Contents of Para-5 of the appeal are correct, the reply submitted to the Para is incorrect and misleading.
6. Contents of Para-6 of the appeal are correct, the reply submitted to the Para is incorrect and misleading.
7. Contents of Para-7 of the appeal are correct, the reply submitted to the Para is incorrect and misleading.
8. Contents of Para-8 of the appeal are correct, the reply submitted to the Para is incorrect and misleading.
9. Contents of Para-9 of the appeal are correct, the reply submitted to the Para is incorrect and misleading.

30.09.15

GROUND

The Grounds (A to H) taken in the memo of appeal are legal and will be substantiated at the time of arguments.

It is, therefore, humbly prayed that the appeal of the appellant may please be accepted as prayed for.

[Signature]
Appellant

Through

[Signature]

IJAZ ANWAR
Advocate, Peshawar.

&

[Signature]

SAJID AMIN
Advocate, Peshawar.

0-28
30.01.15

AFFIDAVIT

I do, hereby solemnly affirm and declare on oath that the contents of the above rejoinder as well as titled appeal are true and correct and nothing has been kept back or concealed from this Honouralbe Tribunal.

[Signature]
Deponent

ATTESTED



30-01-2015

1

BEFORE THE KHYBER PAKHTUNKHWA
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6. Contents of Para-6 of the appeal are correct, the reply submitted to the Para is incorrect and misleading.
7. Contents of Para-7 of the appeal are correct, the reply submitted to the Para is incorrect and misleading.
8. Contents of Para-8 of the appeal are correct, the reply submitted to the Para is incorrect and misleading.
9. Contents of Para-9 of the appeal are correct, the reply submitted to the Para is incorrect and misleading.

3

GROUNDS

The Grounds (A to H) taken in the memo of appeal are legal and will be substantiated at the time of arguments.

It is, therefore, humbly prayed that the appeal of the appellant may please be accepted as prayed for.

Through

Appellant



IJAZ ANWAR,
Advocate, Peshawar.

&

SAJID AMIN
Advocate, Peshawar.

AFFIDAVIT

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Deponent