Clerk of learned counsel for the appellant present. Mr. Naseer-ud-Din Shah, Assistant Advocate General alongwith Mr. Wisal Ahmad, H.C for the respondents present.

respondent 4 to 6 are out district & duc to nonpostal tickets they were not put up for reply/comments before the S.B on 03.11.2022.

Reply/comments on behalf of official respondents No. 1 to 3 have already been submitted. Reply/comments on behalf of private respondents are still awaited. Notice be issued to private respondents No. 4 to 6 for submission of reply/comments. Adjourned. To come

> (Mian Muhammad) Member (E)

25.05.2022

Learned counsel for the appellant present. Mr. Noor Zaman Khattak, District Attorney alongwith Mr. Wisal Khan Reader for official respondents present. None present on behalf of private respondents No. 4 to 6.

behalf official reply/comments on of Written respondent No. 1 to 3 have already been submitted. Notice be issued to private respondents No. 4 to 6 for submission of written reply/comments. Adjourned. To come up for written reply/comments on 27.07.2022 before S.B.

> (Mian Muhammad) Member (E)

27.07.2022

Counsel for appellant present.

Muhammad Adeel Butt, learned Additional Advocate

General alongwith Wisal HC for official respondents No.1 to 3

present. None present on behalf of private respondents No.4 to 6.

Reply of official respondents No.1 to 3 has already been submitted. Notice be issued to private respondents No.4 to 6 for submission of comments for 27 00 2022 for comments, before S.B.

> (Fareeha Paul) Member (E)

8-2-2022

Due to retirement of the Honsble Chairman the case is adjourned to come up for the same as before on 11-04-2022

Reader.

11/4/2022

None present for the appellant. Mr. Wisal Khan, HC alongwith Mr. Kabirullah Khattak, AAG for the official respondents present and submitted written reply on behalf of respondents No. 1 to 3. No one is available on behalf of private respondent respondent No. 4 to 6. Notice be issued to respondents No. 4 to 6 for submission of written reply on 25/5/2022 before S.B.

CHAIRMAN

16.08.2021

Nemo for appellant.

I have gone through the memorandum of appeal and documents annexed therewith, the points agitated in the appeal need consideration. The appeal is admitted to full hearing, subject to all just and legal objections including that of limitation to be determined during the course full hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents for submission of written reply/comments in office within 10 days after receipt of notices, positively. If the written reply/comments are not submitted within the stipulated time, or extension of time is not sought through written application with sufficient cause, the office shall submit the file with a report of non-compliance. File to come up for arguments on 12.12.2021 before the D.B.

Appellant/counsel be issued notice to deposit security and process fee within the stipulated time.

airman

12.01.2022

Appellant Deposited

Appellant in person present submitted application for extension of time to deposit security & process fee. Application is allowed and appellant is directed to deposit security & process within 03 working days. Thereafter, notice be issued to respondents for submission of reply/comments. To come up for reply/comments before the S.B on 08.02.2022.

(Atiq-Ur-Rehman Wazir)

Member (E)

Form- A

### FORM OF ORDER SHEET

Court of			
	1/11		
	6614		
Case No		/2021	

	Case No	/2021
S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	28/06/2021	The appeal of Mr. Siraj resubmitted today by Malik Noon Muhammad Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.
2-		REGISTRAR.  This case is entrusted to S. Bench for preliminary hearing to be put up there on $160821$ .
		CHAIRMAN

This is an appeal filed by Mr. Siraj Hussain today on 07/06/2021 against the order dated 12.03.2021 against which he preferred/made departmental appeal/ representation on 15.03.2021 the period of ninety days is not yet lapsed as per section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, which is premature as laid down in an authority reported as 2005-SCMR-890.

As such the instant appeal is returned in original to the appellant/Counsel. The appellant would be at liberty to resubmit fresh appeal after maturity of cause of action and also removing the following deficiencies.

-1- Memorandum of appeal may be got signed by the appellant.

Addresses of respondent no. 4 to 6 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.

/3- Appeal has not been flagged/marked with annexures marks.

/ 4- Annexures of the appeal may be attested.

5- Certificate be given to the effect that appellant has not filed any service appeal earlier on the subject matter in this form.

6- Two more copies/sets of the appeal along with annexures i.e. complete in all respect may also be submitted with the appeal

No. 954 /ST,

D1.08/06\_/2021

REGISTRAR'
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR.

Malik Noor Muhammad Adv. Pesh.

All Pholestons ore senace consquery

A Dad

### BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 6614_/2021			. •	
Mr. Siraj Hussain		• • • • • •	Арр	ellant
VE	RSUS		·	
Police Department			. Respor	ndent

### INDEX

S.No	Description of Documents	Annex	Pages
1.	Memo of the appeal		1-5
2.	Affidavit + Centificate		8-7
3.	Seniority list	A	R-01
4.	Copy of impugned notification	В	10
5.	Copies departmental appeals	C	11-12
6.	Wakalat Nama		13

Through

Dated: 19.05.2021

**Appellant** 

Malik Noor Muhammad Advocate Peshawar.

Cell No. 0313-9215655

## BEFORE THE KHYBER PAKHTUNKHWA SERVUCE TRIBUNAL PESHAWAR

Mr Seraj Hussain ,Junior scale stenographer (BPS-14) Kl	nyber agency,
Pwshawar	

### **VERSUS**

- 1- The inspector General of police KPK Peshawar.
- 2- Additional Inspector General of police Head Quarter KPK Peshawar.
- 3- Assistant Inspector General of police, Establishment KPK Peshawar.
- 4- Noman khan (BPS-16) junior scale stenographer GIG INVESTEGATION CPO Peshawar.
- 5- Tufail khan (BPS-16) junior scale stenographer DIG MALAKAND.
- 6- Matiullah (BPS-16) Junior scale stenographer IGP Office CPO Peshawar.

......Respondents

APPEAL UNDER SECTION 4 OF THE KPK SERVECE TRIBUNAL ACT 1974 AGAINST THE IMPUGNED NOTIFFICATION DATED 12.03.2021,NO.851-65/E-V, WHEREBY THE JUNIOR TO APPELLANT HAVE BEEN PROMOTED TO THE POST OF **STENOGRAPHER** (BPS-16) AND **AGAINST** THE ACTION TAKEN ON THE DEPARTMENTAL APPEAL OF THE APELLANT.

On acceptance of this appeal, the impugned notification may very kindly be modified/rectified by promoting the appellant to the post of stenographer (BPS-16) w.e.f. 12.03.2021 with an consequential benefits including seniority.

Any other remedy which this August Tribunal deems fit that may also be awarded in favour of the appellant.

### **Respectfully Sheweth:**

- 1. That appellant is the employee of the respondent departmental and is presently serving as Senior Scale stenographer (BPS-14) quite efficiently and upto the entire satisfaction of his superiors.
- 2. That the respondent department circulated seniority list of steno typists (BPS-14) as it stood on 30.06.2020, in which name of the appellant was appeared/enlisted at S. No. 04. (Copy of the seniority list is attached as annexure –A)
- 3. That, it is pertinent to mention that departmental promotion committee meeting held on 04.03.2021 at CPO Peshawar under the chairmanship of respondent NO. 2 & 3. That when the notification dated 12.03.2021 was issued by the respondent department the appellant astonished to know that he was ignored

from promotion to the post of stenographer (BPS-16) despite of having eligibility and seniority while juniors to the appellant were promoted to the said post. (Copy of impugned notification is attached as annexure -B)

- 4. That, appellant feeling aggrieved from the impugned notification dated 12.03.2021. preferred departmental appeal before respondent No. 1, 2 and 3 but no reply has been received to the appellant so far. (Copies of departmental appeals are attached as annexure --C)
- 5. That appellant feeling aggrieved and having no other remedy but to file the instant service appeal on the following ground amongst the other;

### GROUNDS:

- A. That, the impugned notification dated 12.03.2021 is against the law, facts, norms of natural justice and materials on the record hence not tenable and liable to be modified/rectified.
- B. That the appellant has not been treated by the respondent department in accordance with law, rules on the subject noted above and as such the respondents violated Article 4 and 25 of the constitution of Islamic republic of Pakistan 1973.

- C. That the respondent department acted in arbitrary and malafide manner by ignoring the appellant from promotion to the post of (Stenographer BS-16)
- D. That the impugned promotion notification dated 12.03.2021 is volatile of Article 38(e) of the Constitution of Islamic Republic of Pakistan 1973.
- E. That the impugned notification dated 12.03.2021 issued in violation of section of the Khyber Pakhtunkhwa Civil servant Act, 1973 read with rule 7(3) of the appointment. Promotion and transfer Rules, 1989.
- F. That the respondent Department discriminated the appellant amongst his colleagues/junior colleagues by ignoring from promotion to the post of (Stenographer BPS-16) and prompted colleagues/junior colleagues to the post, hence the impugned notification is not tenable in the eye of law and liable to be modified/rectified.
- G. That the impugned notification dated 12.03.2021 has been issued in violation of the principle of Natural Justice.
- H. That the appellant is the Senior amongst his colleagues/junior colleagues of respondent department and he was fully hopeful for his promotion but inspite of having eligibility and seniority the

appellant has been ignored from promotion to the post of Stenographer (BPS-16)

I. That appellant seeks permission to advance other grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that on acceptance of this appeal of the appellant, the appeal may be accepted as prayed.

Appellant Siraj Hussain

Through

Date: \_\_\_.05.2021

Malik Noor Muhammad

Advocate, Peshawar

## BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No/2021
Mr. Siraj Hussain
VERSUS
Police Department
I, <b>Siraj Hussain</b> S/o Iltaf Hussain R/o City Town Sarbiland Pura, Peshawar, do hereby solemnly affirm on oath that the contents of accompanying <b>Appeal</b> are true and correct to the best of my knowledge and belief and nothing has been concealed from this Honorable Court.  DEPONENT  CNIC: 17301-8046990-1  Cell: 0310-9000821
Malik Noor Muhammad Advocate, Peshawar.

### BEFORE THE KHYBER P UKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Appeal No	/2021
Mr Siraj Hussain	Petitioner
	Versus
COVT eta	Respondents

### **CERTIFICATE**

It is certify on oath that no service appeal has been filed earlier by the appellant on the subject matter.

Deponent

**APPELANT** 

Through

MALIK NOOR MUHAMMAD (ADVOCATE PHC)





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

### SENIORITY LIST OF STENO TYPISTS (BPS-14) AS IT STOOD ON 30.06.2020.

o. 3 74.2 /E-V: The Seniority list of Steno Typists (BPS-14) of Khyber Pakhtunkhwa Police is published for information of all concerned:-

. NO.	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDUCATION	DATE OF APPOINTMENT	REMARKS
1.	Shah Faisal	16.08.1969	15.08.2029	Mardan	·	06.02.1996 ST	Awarded punishment of Reduction from Senior Scale Stenographer (BPS-16) to Junior Scale Stenographer (BPS-14) by Addl: IGP/Elite Force KPK vide order
2.	Shams-Ur-Rehman	22.02.1970	21.02.2030	Karak	B.A	10.10.1996	No. 15740-46/EF, dated 16.10.2019.
3.	Aamir Khan	20.03.1992	19.03.2052	D.I.Khan	F.Sc	02.03.2015	e
4.	Siraj Hussain	27.03.1989	26.03.2049	Khyber	D.Com	02.03.2015	
				Agency			ATTESTED_ 0
5.	Noman Khan	31.03.1992	30.03.2052	Peshawar	B.Sc	02.03.2015	Am
6.	Tufail Khan	01.03.1990	28.02.2050	Khyber Agency	D.Com	02.03.2015	

Superinfendent E-V,

Superintendent CPB,

Registrar.

s. NO.	NAME	DATE OF BIRTH	DATE OF RETIREMENT	DOMICILE	EDUCATION	APPOINTMENT	REMARKS
7.	Naeem Ahmad	14.04.1992	13.04.2052	Peshawar	B.Com	02.03.2015	
8.	Matiullah	04.03.1984	03.03.2044	Lakki Marwat	M.B.A	02.03.2015	
9,	Shakeel Ahmad	17.05.1993	16.05.2053	Nowshera	D.Com	02.03.2015	
10.	Sajid Ali Shah	28.03.1992	27.03.2052	Peshawar	D.Com	02.03.2015	
11.	Adnan Saced	03.04.1988	02.04.2048	Peshawar	M.Com	02.03.2015	
12.	Tasaddauq Hussain	04.04.1987	03.04.2047	Peshawar	M.A	06.05.2015	
13.	Miraj-Ud-Din	03.01.1993	02.01.2053	Chitral	M.A	08.04.2016	
14.	Ibrar-Ud-Din	01.05.1994	30.04.2054	Dir Upper	MA/DIT	08.04.2016	
15.	Muhammad Tariq	10.12.1989	09.12.2049	Swat	B.A	08.04.2016	
16.	Hafiz-Ur-Rehman	02.01.1989	01.01.2049	Chitral	M.A	08.04.2016	
17.	Amjad Siddique	06.11.1988	05.11.2048	Abbottabad	M.B.A	08.04.2016	
18.	Wahab Ali	12.02.1985	11.02.2045	Mohmand Agency	B.A	08.04.2016	ATTESTED
19.	Adil Javed	02.10.1991	01.10.2051	Abbottabad	M.A	08.04.2016	Alicoles
20.	Muhammad Sohail	02.05.1994	01.05.2054	Bannu	B.Com	08.04.2016	7

Superintendent E-V,

Superintendent CPB,

Registrar,



# FOR PLEUICATION IN THE KHALL PARTITUNK IN POLICE CAZETTE PARTITOR DERSOF THE SINSPECTION GENERAL OF POLICE THE BERSPAKHTUNK IN WA PESHAWAR

Dated Peshawar 12 / 03 /2021

### **NOTIFICATION**

No. 851-65 /E-V, PROMOTION: - In pursuance to the provision contained in the Khyber Pakhtunkhwa Police Department Ministerial Service Rules, 1974 at S.No. 7 of the Appendix-A to the said Rules, the Competent Authority on the recommendations of the Departmental Promotion Committee (D.P.C) meeting held on 04.03.2021, is pleased to promote the following Steno Typist (BPS-14) to the rank of Stenographer (BS-16) on regular basis with immediate effect:-

SH	NAME OF OFFICIAL	PRESENT PLACE OF POSTING
1.	Aamir Khan	Finance & Procurement Branch, CPO, Peshawar
2.	Noman Khan	CCPO Peshawar
3.	Tufall Khan	SP FRP Office Peshawar Range
4.	Matlullah	CTD Khyber Pakhtunkhwa Peshawar

Terms and conditions of promotion are as under:-

- 1. They will be on probation for a period of one year extendable for another year in terms of Section-6 (2) of Khyber Pakhtunkhwa, Civil Servant Act-1973 read with Rules-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer Rules, 1989.
- 2. Their promotion will take effect from the date of they actually assume the charge of their higher responsibilities.

Sd/(KASHIF ALAM) PSP
Additional Inspector General of Police,
Headquarters, Khyber Pakhtunkhwa,
Peshawar

### Endst: No. and dated even

Copy forwarded to the:-

- Addl: Inspector General of Police, HQrs:, Khyber Pakhtunkhwa.
- Capital City Police Officer, Peshawar.
- DIG/HQrs:, CTD, Finance & Procurement, Khyber Pakhtunkhwa.
- · Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
- Accountant General Office, Khyber Pakhtunkhwa, Peshawar.
- PSO to Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- .- Registrar, CPO, Peshawar.

Office Supdts: Secret & CP Branch CPO Peshawar.

(IRFAN ULLAH) PSP
AIG/Establishment
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar



To:

The Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

Subject: - APPEAL.

### Respected Sir:-

With reference's, it is submitted that I was enlisted as Junior Scale Stenographer(BPS-14) in Police Department on 03.03.2015.

I remained posted on various seats and performed my duties well. On the same ground I was granted outstanding Annual Confidential Reports.

desolately, in the year 2019, Chief Traffic Officer Peshawar (Kashif Zulfiqar)PSP incorporated Adverse Remarks in my Annual Confidential Report without prior advice notice on baseless allegations which were proved fake during departmental inquiry.

Later on clarification, the same Adverse Remarks were expunged by Chief Traffic Officer (Annexure-A).

During Departmental Promotion Committee on 04.03.2021, I was deferred from promotion being eligible. On the ground of Adverse ACR 2019, which was already expunged on 13.01.2021 by reporting officer, and was available on record. (Annexure-B).

It is pertinent to mentioned here that I submitted an appeal to Assistant Inspector General of Police, Establishment Khyber Pakhtunkhwa, Peshawar and Additional Inspector General of Police, Head Quarter Khyber Pakhtunkhwa, Peshawar on 08.03.2021 for review of my promotion case, but to no avail.

I therefore humbly requesting that kindly review on my application and grant me promotion as Senior Scale Stenographer (BPS-16) with my colleagues beings entitled under the relevant law/rules.

Thanks.

Siraj Hussain

Junior Scale Stenographer

CCP, Pehawar. 0310-9000821

15-03-202

Respected Sir,

With due reverence and humble submission, I have to draw your kind attention towards the recent DPC Meeting held on 04.03.2021 for consideration the promotion case of Junior Scale Stenographer, where in name of the applicant was also to be considered but unfortunately, I was to be over-sighted/deferred on account of Adverse ACR for the period of 01.01.2019 to 04.11.2019 passed by the Reporting Officer due to some misunderstanding and misleading in hasty manners. However, when the some Adverse Remarks were conveyed to the undersigned, I was very much shocked to note it have no found at all. So without waiting a moment I made representation before the Reporting Officer and when I was heard in person, I defended myself with plausible and convincing grounds and fully satisfied the Reporting Officer who after conducting secret probe into the matter, found me innocent and expunged my ACR Reported as Adverse. Apart from it all my previous ACR's are good and reported as A-1 & A.

So on expunction of the same, I am eligible for promotion to the next higher Scale of Stenographer with my batch mates/Colleagues as my Adverse remarks have already been expunged vide order No.S/118-22 dated 13.01.2021 (Copy attached) by the Competent Authority.

Foregoing in view, it is humbly submitted that I may very kindly be promoted with my colleagues being entitled under the relevant law/rules.

Yours Obediently

√ \$iraj⁵Hussain Junior Scale stenographer

CCP, Peshawar.

08-03-2021

ATTESTED

## BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 6614/2021		
Siraj Hussain	************	(Appellant)
	VERSUS	

Inspector General of Police, Khyber Pakhtunkhwa, etc.....(Respondents)

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S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE	
1.	Para-wise comments		1-2	
2.	Affidavit		. 3	
3.	Copy of minutes of DPC meeting dated 04.03.2021	A	4-12	
4.	Copy of minutes of DPC meeting dated 19.01.2022	В	13-14	

DEPONENT

(MIR FARAZ KHAN)

DSP/ Legal, CPO, Peshawar. 11101-1425161-3 0336-5761727

## BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 661	4/2021	
Siraj Hussain	•••••	(Appellant)
	VERSUS	
Inspector General of Po	lice, Khyber Pakhtunkhwa, et	c(Respondents)

### REPLY BY RESPONDENTS NO. 1 TO 3

### RESPECTFULLY SHEWETH:

### PRELIMINARY OBJECTIONS:-

- a) That the appeal is not based on facts.
- b) That the appeal is barred by law and limitation.
- c) That the appeal is not maintainable in the present form.
- d) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- e) That the appellant is estopped to file the instant appeal by his own conduct.
- f) That the appellant has not come to this Honorable Tribunal with clean hands.
- g) That the appellant has got no cause of action and locus standi to file the instant service appeal.

### FACTS:-

- 1. Pertains to service record of the appellant need no comments
- 2. Correct to the extent of seniority list need no comments.
- 3. The name of appellant was discussed in the DPC meeting held on 04.03.2021(Annexure "A") and the DPC deferred his name for promotion to the rank of Stenographer because his performance is not upto the mark and needs improvement. Furthermore, it is pertinent to mention here that appellant has been promoted to the rank of Stenographer in the DPC meeting held on 19.01.2022. (Annexure "B").
- 4. Incorrect. No record of application of the appellant is found in the office of answering respondents.
- 5. The instant Service Appeal of the appellant being not maintainable and is liable to be dismissed on following Grounds.

### **GROUNDS:-**

- A. Incorrect. The notification dated 12.03.2021, is quite in accordance with law/ rules, facts and natural justice, tenable and no need to be modified/rectified.
- **B.** Incorrect. The appellant has been treated in accordance with law/ rules and no Article of Constitution of Islamic Republic of Pakistan has been violated by the answering respondents.
- C. Incorrect. No malafide has been committed by the answering respondents.
- **D.** Incorrect. No violation of Constitution of Islamic Republic of Pakistan has been committed by the answering respondents.
- E. Incorrect. The appellant has been treated quite in accordance with law/rules.
- **F.** Incorrect. No discrimination has been done by the answering respondents.
- G. Incorrect. The respondents did not violate the principle of Natural Justice as the appellant was not considered for promotion because his performance was not upto the mark but as he improved his performance the appellant was considered in the next DPC dated 19.01.2022.
- H. Incorrect. As already explained in Para No. 3 of Facts.
- I. The answering respondents seek permission of this Honorable Tribunal to raise other ground at time of hearing of instant Service Appeal.

### PRAYER:-

Keeping in view the above stated facts and rules, it is therefore humbly prayed that the appeal is not maintainable, being devoid of merits, hence, may kindly be dismissed with costs, please.

Assistant Inspector General of Police, Establishment, Khyber Pakhtunkhwa,

Peshawar. (Respondent No. 3)

Additional Inspector General of Police,

HQrs: Khyber Pakhtunkhwa, Peshawar.

(Respondent No. 2)

Inspector General of Police, Khyber Pakhtunkhwa,

Peshawar.

(Respondent No. 1)

## BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 6614/2021	
Siraj Hussain	(Appellant)
VER	SUS
Inspector General of Police, Khyber Pa	khtunkhwa, etc(Respondents)

### **AFFIDAVIT**

I, Mir Faraz Khan SP/ Courts & Litigation, CPO, Peshawar do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

Respondents through

(MIR FARAZ KHAN)

DSP/ Legal, CPO, Peshawar. 11101-1425161-3 0336-5761727

4	Siraj Hussain	CCP Peshawar	The DPC examined his case and recommended him to be
			<u>deferred</u> for promotion to the rank of Stenographer (BPS-16)
		1	because his performance is not upto the mark and needs
	. '		improvement.
5	Noman Khan	CCP Peshawar	The DPC examined his case and recommended him for
,	.	<i>*</i>	promotion to the rank of Stenographer (BPS-16) on Regular
		. ,	Basis.
			He will be on probation for a period of one year
			extendable for another one year in terms of Section-6 (2)
	<b>\</b> '		of Khyber Pakhtunkhwa Civil Servants Act-1973 read
•			with Rules-15 (1) of Khyber Pakhtunkhwa Civil Servants
			(Appointment, Promotion and Transfer) Rules 1989.
6	Tufail Khan	SP/FRP Office	The DPC examined his case and recommended him for
		Peshawar	promotion to the rank of Stenographer (BPS-16) on Regular
		,	Basis.
	1		He will be on probation for a period of one year
			extendable for another one year in terms of Section-6 (2)
			of Khyber Pakhtunkhwa Civil Servants Act-1973 read
!	•	1 .	with Rules-15 (1) of Khyber Pakhtunkhwa Civil Servants
.]		\. · :	(Appointment, Promotion and Transfer) Rules 1989.
7	Matiullah	CTD Peshawar	The DPC examined his case and recommended him for the
			promotion to the rank of Stenographer (BPS-16) on Regular
			Basis.
1	\ .		He will be on probation for a period of one year
1.		1 . :	extendable for another one year in terms of Section-6 (2)
	1		of Khyber Pakhtunkhwa Civil Servants Act-1973 read
1			with Rules-15 (1) of Khyber Pakhtunkhwa Civil Servants
1	ļ		(Appointment, Promotion and Transfer) Rules 1989.

Meeting ended with vote of thanks to all.

Khyber Pakhtunkhwa

(IRFANIZI AH KHAN)PSP Asstt: Inspector General of Police, Establishment,

Khyber Pakhtunkhwa.

(SAJID ALI KAAN)PSP Commandant, FRP, Khyber Pakhtunkhwa

(RAI BABAR SAEED)PSP Deputy Inspector General of Police,

Headquarters, Khyber Pakhtunkhwa (MUHAMMAD ZAFAR ALI)PSP
Project Director,
Safe City Project Peshawar

(HUMAYUN BASHIR TARAR)PS Addl: Inspector General of Police

Elite Force, Khyber Pakhtunkhwa.

Approved

(KASPIF ALAM)PSP Additional Inspector General of Police

Headquarters, Khyber Pakhtunkhwa

3.	Siraj Hussain	DPO Office Khyber	m ppg
		DI O Office Knyber	The DPC examined his case and
	•		recommended him for promotion to the
			result - 6.64
1 1			rank of Stenographer (BPS-16) on Regular
1 1			Basis.
1.4			He will be on probation for a mark a
	•		He will be on probation for a period of
			one year extendable for another one year
			in terms of Section-6 (2) of Khyber
1		-,-1	Delate of Sections (2) of Knyber
1 :1	· -		Pakhtunkhwa Civil Servants Act-1973
1	•	* -	read with Rules-15 (1) of Khyber
l'	;		
	•		
1 1		•	(Appointment, Promotion and Transfer)
			Rules 1989.
4.	Shakeel Ahmad	DPO Office Charsadda	The DDG
1		Di G Gillioc Charsadda	
			recommended him for promotion to the
1			rank of Stenographer (BPS-16) on Regular
			Tank of Steffographier (BPS-10) on Regular
			Basis.
			He will be on probation for a period of
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. :	· ·		(Appointment, Promotion and Transfer)
		. :	Rules 1989.
5.	Adnan Saeed	FRP Peshawar Range	
1		111d 1 Callawai Range	
1			recommended him for promotion to the
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			Pakhtunkhwa Civil Servants Act-1973
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- During meeting, the chair of the Committee directed that a letter may be circulated to all Regions/Districts/Units with the directions that in future any Reporting Officers / Countersigning Officers must provide reasons if intended for adverse remarks in ACRs of all particular officers/officials. Furthermore, if the Countersigning Officer expunged the adverse remarks, a cogent reason will be mentioned in the ACR of
- The chair of the Committee further directed that AlG/Legal may provide the rules regarding expunged of the adverse remarks and grading.

Meeting ended with vote of thanks to all.

(JAVED AHMAD) AIG/Legal

Khyber Pakhtunkhwa Peshawar

(IRFAN TARIQ) PSP

AIG/Establishment For Inspector General of Police,

Khyber Pakhtunkhwa, Peshawar.

(MUHAMMAD YOUNAS CHANDIO) PSP

Deputy Inspector General of Police, Internal Accountability, Khyber Pakhtunkhwa

(SAQIB ISMAIL MEMON) PSP Deputy Inspector General of Police,

HQrs: Khyber Pakhtunkhwa, Peshawar.

Approved

(SABIR AHMED) PSP

Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa,

Peshawar.

ومنجاب مراسلانك مخرسراج بنام D-102/ باعث تحريرة نكه مقدمه مندرجه عنوان بالامين ابن طرف سے واسطے بيروي وجواب دہي دكل كارواكي متعلقه آن مقام كياور كياء ملك المراجد رنبه في لا بحدياطان ابغرارس مقرر کر کے اقر ارکیا جاتا ہے۔ کہ صاحب موصوف کومقدمہ کی کل کاروائی کا کامل اختیار ہوگا۔ نیز وكيل صاحب كوراضى نامه كرنے وتقرر ثالت و فيصله برحلف ديئے جواب دہى اورا قبال دعوى اور بسورت ومركركر في اجراءاورصولي چيك وروبيدارعرضي دعوى اور درخواست برتهم كي تقديق زرایں پردستخط کرانے کا اختیار ہوگا۔ نیز صورت عدم پیردی یا ڈگری میطرفہ یا ابیل کی برامدگی ادر منسوخی نیز دائر کرنے اپیل مگرانی ونظر ثانی و پیروی کرنے کا اختیار ہوگا۔ از بصورت ضرورت مقدمہ ندکور کے کل یاجزوی کاروائی کے واسطے اوروکیل یا مختار قانونی کوایئے ہمراہ یا اپنے بجائے تقرر کا اختیار ہوگا۔اور صاحب مقرر شدہ کو بھی وہی جملہ ندکورہ باا ختیا رات حاصل ہوں مےاوراس کا ساخت پرواخته منظور تبول ہوگا۔ دوران مقدمہ میں جوخرچہ دہرجاندالتوائے مقدمہ کے سبب سے وہوگا۔ کوئی تاریخ پیشی مقام دورہ پر ہویا حدہے باہر ہوتو وکیل صاحب پابند ہوں مے کہ بیروی ند کورکریں ۔لہذا و کالت نامہ کھدیا کہ سندر ہے ۔ 20 کے لئے منظور ہے. Heefted and of the lyong قار فحطرطان

### "B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.	وم					
	Appeal No	6614	•••••	of 20 21		
	SvaJ H	ussain		ppellant/Petit	ioner	
		O Versus				
	~ 1-1m-	-Y- Kirk		Responder	nt	
;		Pasnor	adont No	4		
		Kespon	De IZ	Koinut	Care	Ster
Notice to: —	bure DIC	Responsible Respon	gation)	e po	Doshawa	Ŋ.
Province Service the above case by hereby informed *on	e Tribunal Act, 19 y the petitioner in d that the said ap the you are at libe postponed either upported by your ast seven days befother documents appearance on the vill be heard and d any alteration in the registered post. You the appeal/petition this address by region.	ion under the pro- 174, has been preso- 174, has been preso- 174, has been preso- 175, has been preso- 176, has been preso- 177, person is fixed and lecided in your absoluted in form address your address your address the deemed to sistered post will be copy of appeal be- 177, copy of appeal be- 177, has been under the date fixed and lecided in your absoluted in form address your address your address your address your address the date fixed for the fixed post will be deemed to sistered post will be copy of appeal be- 177, has been presonable and so and has been address your address yo	ented/registerice has been ixed for hea u wish to use date fixed, authorised authorised authorised aring 4 coprely. Please in the man ence.  The Registrates contained be your core deemed suffixed authorised au	ered for con n ordered to aring before rge anythin or any othe representa erefore, req pies of writ also take ner aforem his appeal/p ar of any c ed in this no creet addres fficient for	nsideration, o issue. You a ce the Tribun ng against the day to which tive or by an uired to file ten statementice that mentioned, the hange in you tice which the purpose of the purpose	in re
office Notice No.		dated	•••••	•••••		
Given und	er my hand and t	he seal of this Cou	•	awar this	2015	•••
Day of		Ja,	20 . >	12		
	2	35-01-20	er Pakhtunl		rice Tribuna	ıl,

2. Always quote Case No. While making any correspondence.

Note:

The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

### "B"

# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR. § 6

	PESHAWAR.	2.0
No.		
Appeal No	66.14	of 20 21
Jeron Hus	50~····	Appellant/Petitioner
1.	Versus	
the I	PKP2	Respondent
	Respondent No	
Notice to: _ the Inspector	or Command O	F Police KPK
P	· bound!	
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. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

Peshawar.

2. Always quote Case No. While making any correspondence.

Note:

### KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

No.	:}
•	Appeal No. of 20 21
•	Sayon Llussain Appellant/Petitioner
•	Versus
#	L. I. C. P. U.P.L. Respondent
·	Respondent No
Notice to: —	Additional Implector Meneral CF Police Head Quarter KPK Perhawas.
•	Head Quarter Kly Barbaras.
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Always quote Case No. While making any correspondence.

### "B"

KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

2. Always quote Case No. While making any correspondence.

### "B"

# KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD PESHAWAR.

No.
Appeal No
Appellant/Petitioner
Versus  He I C P KPK Respondent
Desmandant No
Respondent No. 5
Notice to: - Mati in Mah (BPS-16) Junior Scale  Stenographer 167 (Africe CPO ) Schowar.
WHEREAS an appeal/petition under the provision of the Khyber Pakhtunkhwa Province Service Tribunal Act, 1974, has been presented/registered for consideration, in the above case by the petitioner in this Court and notice has been ordered to issue. You are hereby informed that the said appeal/petition is fixed for hearing before the Tribunal *on
given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition will be deemed to be your correct address, and further notice posted to this address by registered post will be deemed sufficient for the purpose of this appeal/petition.
Copy of appeal is attached. Copy of appeal has already been sent to you vide this
office Notice Nodated
Given under my hand and the seal of this Court, at Peshawar this
Day of
Registrar,  Khyber Pakhtunkhwa Service Tribunal,  Peshawar.
Note: 1. The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.
2. Always quote Case No. While making any correspondence.

KI	HYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD.
1	PESHAWAR. 35
No. Post	Appeal No. Se Voj HVSair, of 20  Appellant/Petitioner
	Appellant/Petitioner
	The IGP Westsus Perhawal
Notice to:	Tufail Khan (BPS-16) Junior Scale stenographe. DIG Malakand
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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays. Always quote Case No. While making any correspondence.

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### KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, PESHAWAR.

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Note: The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays. Always quote Case No. While making any correspondence.





### KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD,

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The hours of attendance in the court are the same that of the High Court except Sunday and Gazetted Holidays.

Peshawar.

Always quote Case No. While making any correspondence.

Note:

### "B"

## KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR. JUDICIAL COMPLEX (OLD), KHYBER ROAD, Q.B.

•	PESHAWAR.	
No.	•	
Appeal No	t/us(ains	of 20 2-1
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*	Respondent No.	S
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Note:

## TRIBUNAL, PESHAWAR

Service Appeal No. 6614/2021	
Siraj Hussain	(Appellant)
VERSUS	•
Inspector General of Police, Khyber Pakhtunkhwa,	etc(Respondents)

### **INDEX**

S. NO	DESCRIPTION OF DOCUMENTS	ANNEXURE	PAGE
1.	Para-wise comments		1-2
2.	Affidavit		3
3.	Copy of minutes of DPC meeting dated 04.03.2021	A	4-12
4.	Copy of minutes of DPC meeting dated 19.01.2022	В	13-14

DEPONENT.

(MIR FARAZ KHAN)
DSP/ Legal,
CPO, Peshawar.
11101-1425161-3 0336-5761727

### BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Siraj Hussain			• • • • • • • • • • • • • • • • • • • •	(Appellant)	
	:	VERSUS		( Apponunc)	

### **REPLY BY RESPONDENTS NO. 1 TO 3**

### RESPECTFULLY SHEWETH:

### **PRELIMINARY OBJECTIONS:-**

- a) That the appeal is not based on facts.
- b) That the appeal is barred by law and limitation.
- c) That the appeal is not maintainable in the present form.
- d) That the appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
- e) That the appellant is estopped to file the instant appeal by his own conduct.
- f) That the appellant has not come to this Honorable Tribunal with clean hands.
- g) That the appellant has got no cause of action and locus standi to file the instant service appeal.

### FACTS:-

- 1. Pertains to service record of the appellant need no comments
- 2. Correct to the extent of seniority list need no comments.
- 3. The name of appellant was discussed in the DPC meeting held on 04.03.2021(Annexure "A") and the DPC deferred his name for promotion to the rank of Stenographer because his performance is not upto the mark and needs improvement. Furthermore, it is pertinent to mention here that appellant has been promoted to the rank of Stenographer in the DPC meeting held on 19.01.2022. (Annexure "B").
- 4. Incorrect. No record of application of the appellant is found in the office of answering respondents.
- 5. The instant Service Appeal of the appellant being not maintainable and is liable to be dismissed on following Grounds.

### **GROUNDS:-**

- A. Incorrect. The notification dated 12.03.2021, is quite in accordance with law/ rules, facts and natural justice, tenable and no need to be modified/ rectified.
- **B.** Incorrect. The appellant has been treated in accordance with law/ rules and no Article of Constitution of Islamic Republic of Pakistan has been violated by the answering respondents.
- C. Incorrect. No malafide has been committed by the answering respondents.
- **D.** Incorrect. No violation of Constitution of Islamic Republic of Pakistan has been committed by the answering respondents.
- E. Incorrect. The appellant has been treated quite in accordance with law/rules.
- F. Incorrect. No discrimination has been done by the answering respondents.
- G. Incorrect. The respondents did not violate the principle of Natural Justice as the appellant was not considered for promotion because his performance was not upto the mark but as he improved his performance the appellant was considered in the next DPC dated 19.01.2022.
- H. Incorrect. As already explained in Para No. 3 of Facts.
- I. The answering respondents seek permission of this Honorable Tribunal to raise other ground at time of hearing of instant Service Appeal.

### PRAYER:-

Keeping in view the above stated facts and rules, it is therefore humbly prayed that the appeal is not maintainable, being devoid of merits, hence: may kindly be dismissed with costs, please.

Assistant Inspector General of Police, Establishment, Khyber Pakhtunkhwa,

Peshawar.

(Respondent No. 3)

Additional Inspector General of Police,

HQrs: Khyber Pakhtunkhwa,

Peshawar.

(Respondent No. 2)

Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.

(Respondent No. 1)

## BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 6614/2021	·	
Siraj Hussain		(Appellant)
	VERSUS	
Inspector General of Police, Kl	hyber Pakhtunkhwa, etc	(Respondents)

### **AFFIDAVIT**

I, Mir Faraz Khan SP/ Courts & Litigation, CPO, Peshawar do hereby solemnly affirm on oath that the contents of accompanying comments on behalf of Respondents are correct to the best my knowledge and belief. Nothing has been concealed from this Honorable Tribunal.

Respondents, through

(MIR FARAZ KHAN)

DSP/ Legal, CPO, Peshawar. 11101-1425161-3 0336-5761727

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4	Siraj Hussain	CCP Peshawar	The DPC examined his case and recommended him to be
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1			bullet 15 (1) of Khyber Pakhtunkuwa Civii Service
1		• •	(Appointment, Promotion and Transfer) Rules 1989.

Meeting ended with vote of thanks to all.

(G/Degal/

Pakhtyxkhwa

(IRFANUZIAH KHAN)PSP Asstt: Inspector General of Police, Establishment, Khyber Pakhtunkhwa.

(SAJID ALI KHAN)PSP Commandant, FRP, Khyber Pakhtunkhwa

(RAI BABAR SAEED)PSP Deputy Inspector General of Police,

Headquarters, Khyber Pakhtunkhwa (MUHAMMAD ZAFAR ALI)PSP Project Director, Safe City Project Peshawar

(HUMAYUN BASHIR TARAR)PS Addl: Inspector General of Police

Elite Force, Khyber Pakhtunkhwa.

Approved

(KASHIF ALAM)PSP Additional Inspector General of Police

Headquarters, Khyber Pakhtunkhwa

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4.	Shakeel Ahmad	DPO Office Charsadda	The DPC examined his case and
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			rank of Stenographer (BPS-16) on Regular Basis.  He will be on probation for a period of one year extendable for another one year in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servants Act-1973 read with Rules-15 (1) of Khyber Pakhtunkhwa Civil Servants
			rank of Stenographer (BPS-16) on Regular Basis.  He will be on probation for a period of one year extendable for another one year in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servants Act-1973 read with Rules-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer)
7.	Miraj-Ud-Din	PA to	rank of Stenographer (BPS-16) on Regular Basis.  He will be on probation for a period of one year extendable for another one year in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servants Act-1973 read with Rules-15 (1) of Khyber Pakhtunkhwa Civil Servants
7.	Miraj-Ud-Din		rank of Stenographer (BPS-16) on Regular Basis.  He will be on probation for a period of one year extendable for another one year in terms of Section-6 (2) of Khyber Pakhtunkhwa Civil Servants Act-1973 read with Rules-15 (1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion and Transfer) Rules 1989.  The DPC examined his case and
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- During meeting, the chair of the Committee directed that a letter may be circulated to all Regions/Districts/Units with the directions that in future any Reporting Officers / Countersigning Officers must provide reasons if intended for adverse remarks in ACRs of all particular officers/officials. Furthermore, if the Countersigning Officer expunged the adverse remarks, a cogent reason will be mentioned in the ACR of
- The chair of the Committee further directed that AIG/Legal may provide the rules regarding expunged of the adverse remarks and grading.
- Meeting ended with vote of thanks to all.

(JAVED AHMAD) AIG/Legal

Khyber Pakhtunkhwa Peshawar

(IRFAN TARIQ) PSP AIG/Establishment For Inspector General of Police,

Khyber Pakhtunkhwa, Peshawar.

21.01.22

(MUHAMMAD YOUNAS CHANDIO) PSP

Deputy Inspector General of Police, Internal Accountability, Khyber Pakhtunkhwa

(SAQIB ISMAIL MEMON) PSP Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa,

Peshawar.

Approved

(SABIR AHMED) PSP

Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa,

Peshawar.