

20th Oct, 2022

Appellant in person present. Mr. Muhammad Riaz Khan Paindakhel, Asst: AG for respondents present.

Appellant seeks adjournment as his counsel is not available today. Last chance is given to the appellant. To come up for arguments on 27.12.2022 before D.B.



(Fareeha Paul)
Member(Executive)



(Kalim Arshad Khan)
Chairman

17.11.2021

Counsel for the appellant and Mr. Muhammad Riaz Khan Paindakhel, Asstt. AG alongwith Iftikhar Ahmad, H.C for the respondents present.

Representative of the respondents has furnished reply/comments. Placed on file. To come up for arguments on 15.03.2022 before the D.B at Camp Court, Abbottabad.


Chairman

Camp Court, A/Abad

15.03.2022 Due to retirement of Chairman, case is adjourned to 14.06.2022



Reader

14.06.2022

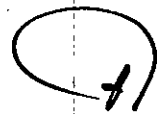
Nemo for appellant. Lawyers are on general strike.

Muhammad Adeel Butt, learned Additional Advocate General for respondents present.

Notice be issued to appellant/counsel for 18.08.2022 for arguments before D.B at Camp Court, Abbottabad.


(Fareeha Paul)
Member (E)

Camp Court, A/Abad


(Rozina Rehman)
Member (J)

Camp Court, A/Abad

S.A No. 6624/2021

13.10.2021

Learned counsel for the appellant present and states that security and process fee have not been deposited due to misunderstanding and submitted an application for extension of time to deposit the same.

Application is accepted. The appellant is allowed to deposit security and process fee within seven working days from today. After the requisite deposit notices be issued to the respondents for submission of reply/comment within 10 days in office from the date of receipt of notice. In case they fail to submit reply/comments within stipulated time from today, they shall have to seek extension of time through written application citing sufficient reasons, the office shall submit the file with a report of non-compliance. Case to come up for arguments before the D.B on 18.02.2022 at Camp Court Abbottabad.

Appellant Deposited
Security & Process Fee

18/10/21

17/10/21
Ext. Allowed



(Salah-Ud-Din)
Member (Judicial)
Camp Court A/Abad



Chairman
Camp Court A/Abad



20.08.2021

Counsel for the appellant present. Preliminary arguments heard.

Learned counsel for the appellant contends that the appellant was firstly given conditional promotion subject to furnishing of ACR for a particular period and later on the promotion was withdrawn purportedly due to non-fulfillment of the condition. Preliminary arguments advanced at the bar disclose arguable points for full hearing of the appeal. The appeal is, therefore, admitted for full hearing subject to all just and legal objections, including that of limitation to be determined during 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 13.10.2021 before the D.B at camp court, Abbottabad.

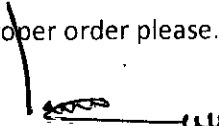


Chairman

Form- A

FORM OF ORDER SHEET

Court of _____

Case No. - 6624 /2021

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	29/06/2021	<p>The appeal of Mr. Muhammad Shoib presented today by Mr. Muhammad Aslam Tanoli Advocate, may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench Peshawar. Notices be issued to appellant/counsel for preliminary hearing to be put up there on <u>20/08/21</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Appeal No. 6624

Muhammad Shoaib, Senior Clerk, Police Department, presently posted at Office of the District Police Officer Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.

Respondents


SERVICE APPEAL

INDEX

S/N	Description of Document	Ann- exure	Page No.
1.	Appeal with condonation application		01-08
2.	Order dated 12-03-2021	"A"	09-10
3.	Letter dated 06-04-021 & ACR	"B"	11-14
4.	Notification dated 14-04-2021	"C"	15
5.	Representation dated 22-04-2021	"D"	16
6.	Letter dated 27-05-2021	"E"	17
7.	Wakalatnama		


Appellant

Through


(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated: 29-06-2021

①

BEFORE HONOURABLE KHYBER PAKHTUNKHWA
SERVICE TRIBUNAL PESHAWAR

Appeal No.....

Muhammad Shoaib, Senior Clerk, Police Department, presently posted at Office of the District Police Officer Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.

Respondents

SERVICE APPEAL UNDER SECTION-4 OF KPK SERVICE TRIBUNAL ACT 1974 AGAINST NOTIFICATION NO.1178-88/E-V DATED 14-04-2021 AND ORDER NO. 2272/21 DATED 27-05-2021 OF PPO/IGP KPK PESHAWAR VIDE WHICH APPELLANT'S PROMOTION AS ASSISTANT GRADE CLERK (BPS-16) HAS BEEN DEFFERRED AND DEPARTMENTAL APPEAL REJECTED RESPECTIVELY.

PRAYER: ON ACCEPTANCE OF INSTANT SERVICE APPEAL BOTH THE IMPUGNED ORDERS DATED 14-04-2021 AND 27-05-2021 OF THE RESPONDENTS MAY GRACIOUSLY BE SET ASIDE AND THE APPELLANT BE PROMOTED AS ASSISTANT GRADE CLERK (BPS-16) IN ACCORDANCE WITH NOTITIONER NO. 823-50/E-V DATED 12-03-2021 WHEN HIS JUNIORS HAVE BEEN PROMOTED WITH ALL CONSEQUENTIAL SERVICE BACK BENEFITS.

Respectfully sheweth,

1. That appellant was appointed as Junior Clerk in the police department on 08-09-1988 and promoted to the rank of Senior Clerk on 11-12-2012. Thus appellant has rendered about 32 years service. Appellant always performed his assigned duties with devotion, dedication and honesty. Appellant has unblemished rather meritorious service record at his credit.

2. That the appellant was promoted as Assistant Grade Clerk (BPS-16) vide Notification No. 823-50/E-V dated 12-03-2021 by the PPO/IGP KPK Peshawar in a DPC meeting held on 04-03-2021 with the remarks that "He is conditionally promoted to the rank of Assistant Grade Clerk (BPS-16) subject to completion of ACR for the period from 17-04-2016 to 30-09-2016 within fortnight". **(Copy of Notification dated 12-03-2021 is attached as Annexure "A")**.
3. That in compliance with the PPO/IGP KPK Peshawar letter No. 823-50/E-V dated 12-03-2021, the Regional Police Officer Hazard Region Abbottabad dispatched the appellant's required ACR through his letter No. 7013 dated 06-04-2021 which was received in the office of PPO/IGP KPK Peshawar on 07-04-2021. **(Copy of letter dated 06-04-2021 alongwith ACR is attached as Annexure-"B")**.
4. That despite receipt appellant's required ACR the PPO/IGP KPK Peshawar vide his Notification No. 1178-88/E-V dated 14-04-2021 withdrawn the promotion Notification dated 12-03-2021 and deferred the appellant of his promotion as Assistant Grade Clerk (BPS-16) without any law, departmental rules & regulations and principle of natural justice. **(Copy of Notification dated 14-04-2021 alongwith ACR is attached as Annexure-"C")**.
5. That appellant aggrieved of the aforementioned Notification preferred a representation dated 22-04-

3

2021 to the PPO/IGP KPK Peshawar which was rejected vide impugned order No. 2272/21 dated 27-05-2021 (but copy of the said order was delivered on 04-06-2021). **(Copies of representation dated 22-04-2021 and Order 27-05-2021 are attached as Annexure-"D & E").**

6. Hence instant service appeal, inter alia, on the following amongst others:-

GROUND:

- a) That both the impugned orders dated 14-04-2021 and 27-05-2021 of respondents are illegal, unlawful against the departmental rules & regulation, against the facts and circumstances of the matter and principle of natural justice hence are liable to be set aside.
- b) That no proper scrutiny of the papers was made by the departmental authorities while deferring the appellant from his legitimate promotion as Assistant Grade Clerk (BPS-16). Even appellant was not heard in person before deferring him from his promotion. Instant impugned orders are liable to be set aside on this score alone.
- c) That the respondents have not treated the appellant in accordance with law, departmental rules & regulations and policy on the subject and have acted in violation of Article-4 of the constitution of Islamic Republic of Pakistan 1973 and unlawfully

4

issued impugned orders, which are unjust, unfair hence not sustainable in the eyes of law.


- d) That the appellate authority has also failed to abide by the law and even did not take into consideration the grounds taken in the memo of representation/appeal by the appellant. Thus the impugned order of respondents are contrary to the law as laid down departmental rules regulations read with section 24-A of General Clause Act 1897 read with Article 10A of Constitution of Islamic Republic of Pakistan 1973.
- e) That preparation and furnishing of ACRs was not the responsibility of Appellant. It was the departmental authorities to have arranged the ACRs of subordinate well in time. Departmental authorities have acted in violation of law, rules, regulations and principle of natural justice in the matter of appellant's promotion. There is no fault on the part of appellant for which he has been penalized.
- f) That though the appellant's required ACR i.e. from 17-04-2016 to 30-09-2016 has been received in the office of respondent No.1 on 07-04-2021 but his promotion notification was withdrawn and promotion deferred on 14-04-2021 which was unjust and injustice with the appellant, hence impugned orders are liable to be set aside and the appellant deserves to be promoted as Assistant Grade Clerk (BPS-16) in accordance with Notification dated 12-03-2021 when his juniors were promoted.

- f) That instant appeal is well within time and this honorable Service Tribunal has got every jurisdiction to entertain and adjudication upon the same.

PRAYER:

It is, therefore, humbly prayed that on acceptance of instant Service Appeal the orders dated 14-04-2021 and 27-05-2021 of respondents may graciously be set aside and appellant be promoted as Assistant Grade Clerk (VBPS-16) in accordance with Notification dated 12-03-2021 with his juniors with grant of all consequential service back benefits.

Through:

Appellant

 (Mohammad Aslam Tanoli)
 Advocate High Court
 At Haripur

Dated 29-06-2021

VERIFICATION

It is verified that the contents of instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been concealed thereof.

Dated: 29-06-2021


Appellant

6

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Muhammad Shoaib, Senior Clerk, Police Department, presently posted at Office of the District Police Officer Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.

Respondents

SERVICE APPEAL

CERTIFICATE

It is certified that no such Appeal on the subject has ever been filed in this Honourable Service Tribunal or any other court prior to instant one.

APPELLANT

Dated: 29 -06-2021

7

**BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR**

Muhammad Shoaib, Senior Clerk, Police Department, presently posted at Office of the District Police Officer Haripur.

Appellant

VERSUS

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.

Respondents

SERVICE APPEAL

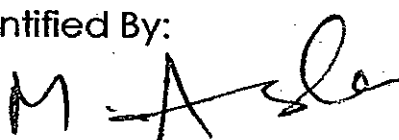
AFFIDAVIT:

I, Muhammad Shoaib appellant do hereby solemnly declare and affirm on oath that the contents of the instant Service Appeal are true and correct to the best of my knowledge and belief and nothing has been suppressed from this Honourable Service Tribunal.


Deponent/Appellant

Dated: 29-06-2021

Identified By:


Mohammad Aslam Tanoli
Advocate High Court
At Haripur




Appellant

8

BEFORE HONOURABLE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
PESHAWAR

Muhammad Shoaib, Senior Clerk, Police Department, presently posted at Office of the District Police Officer Haripur.

VERSUS

Appellant

1. Provincial Police Officer, Khyber Paktunkhwa, Peshawar.
2. Regional Police Officer, Hazara Region, Abbottabad.
3. District Police Officer, Haripur.

Respondents


APPLICATION FOR CONDONATION OF DELAY IN FILING SERVICE APPEAL BEFORE THIS HONOURABLE SERVICE TRIBUNAL

Respectfully Sheweth:

1. That applicant/appellant has filed today Service Appeal, which may be considered as part and parcel of this application, against order dated 14-04-2021 and 27-05-2021 passed by respondents whereby appellant promotion has been deferred and departmental appeal rejected respectively. Though impugned order was passed on 27-05-2021 but its copy was provided on 04-06-2021.
2. That as the orders have been passed in violation and derogation of the statutory provisions of law, rules and regulations governing the terms and conditions of service of the appellant, therefore causing a recurring cause of action to the applicant/appellant can be challenged and questioned irrespective of a time frame.
3. That impugned orders passed by the respondents on 14-04-2021 and 27-05-2021 are illegal, without lawful authority and whimsical in manner. The applicant/appellant has filed departmental representation/appeal in time and has rigorously been pursuing his case. The delay, if any, in filing departmental as well as service appeal needs to be condoned.
4. That instant application is being filed as an abundant caution for the condonation of delay, if any. The impugned orders are liable to be set aside in the interest of justice.

It is, therefore, respectfully prayed that on acceptance of the instant application the delay, if any, in filing of above titled appeal may graciously be condoned.

Through:


Applicant/Appellant
(Mohammad Aslam Tanoli)
Advocate High Court
At Haripur

Dated 29-06-2021

VERIFICATION:

It is verified that the contents of the instant application/appeal are true and correct to the best of my knowledge & belief & nothing has been suppressed.

Dated 29-06-2021


Applicant/Appellant



FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA
POLICE GAZETTE PART-II ORDERS OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA PESHAWAR

Annex A

3174
17/3/21

Dated Peshawar 12/03/2021

NOTIFICATION

No. 823-50 /E-V, PROMOTION: In pursuance to the provision contained in the Khyber Pakhtunkhwa Police Department Ministerial Service Rules, 1974 at S.No. 3 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 Senior Clerks (BPS-14) to the rank of Assistant Grade Clerks (BS-16), on regular basis with immediate effect:-

S#	NAME OF OFFICIAL	PRESENT PLACE OF POSTING
1.	Haibat Khan	DPO Office Lakki Marwat
2.	Akhtar Hussain-I	SP Investigation Office D.I.Khan
3.	Farmanullah	E-III Branch CPO/Peshawar
4.	Muhammad Zahid	SP Investigation Office Mansehra
5.	Muhammad Shafiq	FRP Bannu Range (He is conditionally promoted to the rank of Assistant Grade Clerk (BPS-16) subject to completion of ACR for the period from 01.01.2017 to 31.12.2017 within fortnight)
6.	Abdul Karim	CCPO Peshawar
7.	Gul Rehman	DPO Office Lakki Marwat
8.	Muhammad Bika-I	RPO Office Kohat
9.	Ghaffar Ali	SP Investigation Office Charsadda
10.	Muhammad Saeed	Investigation Wing Nowshera
11.	Gohar Ali	DPO Office Swabi
12.	Muhammad Shoaib	DPO Office Haripur (He is conditionally promoted to the rank of Assistant Grade Clerk (BPS-16) subject to completion of ACR for the period from 17.04.2016 to 30.09.2016 within fortnight)
13.	Hussain Habib	DPO Office Swabi
14.	Muhammad Farman Ali	CCPO Peshawar
15.	Fazal Khaliq	DPO Office Lower Chitral
16.	Alamzeb	DPO office Mansehra
17.	Hayat Ullah	Investigation Wing Mardan
18.	Shah Zaman-I	RPO Office Kohat
19.	Rahmat Ullah	DPO Office D.I.Khan
20.	Muhammad Khurshid	DPO Abbottabad
21.	Aslam Khan	FRP HQR: Peshawar
22.	Akhtar Hussain-II	DPO office Dir Upper
23.	Essa Khan	Police School of Explosive Handling Nowshera
24.	Gul Karim	Operation Branch CPO (He is conditionally promoted to the rank of Assistant Grade Clerk (BPS-16) subject to completion of ACRs for the period from 01.01.2015 to 16.11.2015 and 01.01.2019 to 31.03.2019 within fortnight)

Attested

25.	Sultan Mehmood	SP Investigation Office Haripur
26.	Guldar Alam	DPO Office Dir Lower
27.	Ashraf Khan	DPO office Haripur
28.	Ijaz Khan	SP Investigation Office Abbottabad
29.	Shah Iran	DPO Office Nowshera

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 actualy assume the charge of their higher responsibilities.
3. The promotion of officials having ACRs deficiency will be conditioned with submission of their remaining ACRs within fortnight. In case of non-compliance, they shall be considered deferred and a fresh Notification of their deferment shall be issued.

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

Endst: No. and dated even

Copy forwarded to the:-

- All Addl: Inspectors General of Police in Khyber Pakhtunkhwa.
- All Regional Police Officers, in Khyber Pakhtunkhwa.
- Accountant General Khyber Pakhtunkhwa, Peshawar.
- All concerned Deputy Inspectors General of Police in Khyber Pakhtunkhwa.
- Capital City Police Officer, Peshawar.
- Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
- All concerned District Police Officers in Khyber Pakhtunkhwa.
- All concerned SP Investigation in Khyber Pakhtunkhwa.
- All concerned District Account Officers in Khyber Pakhtunkhwa
- PSO to Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- Registrar, CPO, Peshawar.
- Office Supdts: Establishment-III, Secret & CP Branch CPO Peshawar.

DPO, AIG, Haripur & Nowshera
SP Inves. AIG, Haripur & Nowshera
 For Information & Action
 Please

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

NO = 5383-87 / Ew
 dt = 18/3/2027

Jamil
 RPO Nowshera

Attested
[Signature]



7513/SB
7/4/2021

(11)

Annex 'B'

OFFICE OF THE REGIONAL POLICE OFFICER
HAZARA REGION, ABBOTTABAD

0992-9310021-22

0992-9310023

r.pohazara@gmail.com

0345-9560687

No: 7013 IAS DATE 06/04/2021

To: The Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar.

Subject: MISSING ACRS-PROMOTION OF MINISTERIAL STAFF.

Memorandum:

Please refer to CPO Notification No. 823-50/E-V, dated 12.03.2021.

Enclosed please find herewith an Annual Confidential Report (induplicate) in respect of Assistant Muhammad Shoab for the period from 17.04.2016 to 01.11.2016 duly countersigned for further action, please.


Regional Police Officer,
Hazara Region, Abbottabad.

No. 7014-15 IAS.

Copy of above is forwarded for information to the:-

1. Assistant Inspector General of Police, Establishment, Khyber Pakhtunkhwa, Peshawar w/r to Notification No. 823-50/E-V, dated 12.03.2021.
2. Office Superintendents E-V & CP Branch CPO


Regional Police Officer,
Hazara Region, Abbottabad.

Received

07/04/2021

at 3:50

Allesed

12

Original

APPENDIX 'C'
From 'G' (Revised)
SRC

APPENDIX-VI

CONFIDENTIAL

GOVERNMENT OF K.P.K

POLICE DEPARTMENT

CONFIDENT REPORT

FOR THE PERIOD FROM 17.04.2016 TO 01.11.2016

PART-I

- 1. Name Muhammad Shuaib
- 2. Designation SRC
- 3. Date of Birth 01.01.1969
- 4. Date of Entry into Government Service 31.08.1988
- 5. Branches in which employed during the year, with period SRC, DPO
Haripur

PART-II

A. PERFORMANCE	A1	A	B	C	D
1. Referencing paging of notes and correspondence	✓				
2. Movement of files and record of suspense cases.	✓				
3. Keeping files and papers in tidy condition		✓			
4. Promptness and accuracy in disposing of work		✓			
E. PERSONAL TRAITS					
5. Intelligence		✓			
6. Knowledge of procedure and regulations.		✓			
7. Punctuality		✓			
8. Co-operation and tact		✓			
9. Amenability to discipline		✓			
10. Skill in drafting		✓			

Alister

13

11 Integrity:-

(x) Incorruptible

[Signature]

(x) Reported to be corrupt

(x) Beloved to be corrupt, because of:

G. Monetary condition

H. Other considerations

12 Knowledge of Typing

[Signature]
Yes

No

13. Trust worthiness in confidential and secret matters.

14. Any disciplinary action taken during the period under report.

PART-III

- A. Recommended for accelerated promotion.
- B. Fit for promotion
- C. Recently promoted /appointed consideration for promotion
- D. Not yet fit for promotion.
- E. Unit for Further Promotion.

	By Reporting Officer	By Countersigning Officer
A.		
B.	<i>[Signature]</i>	<i>[Signature]</i>
C.		
D.		
E.		

PART-IV

General Assessment	By Reporting Officer	By Countersigning Officer
i. Very Good		
ii. Good	<i>[Signature]</i>	<i>[Signature]</i>
iii. Average		
iv. Below Average		
v. Poor		

Attested
[Signature]

14

PEN PICTURE

He is a very good officer. He is hardworking and energetic.

[Signature]

(Syed Shahzad Nadeem Bukhari) PSP
District Police Officer,
Haripur

Date _____

General Marks by Higher Officers:

Countersigning Officer's Signature _____

Name (In Block Letters) Saeed Wazir (PSP)

[Signature]
SAEED KHAN
Regional Police Officer
Hazara Region Abbottabad

Designation: Regional Police Officer, Hazara Region,
Abbottabad

Date _____

I agree

[Signature]

12/4/21

Attested

[Signature]



(15) OFFICE OF THE *Annex 'e'*
INSPECTOR GENERAL OF POLICE,
CENTRAL POLICE OFFICE,
KHYBER PAKHTUNKHWA PESHAWAR

Dated at Peshawar the 14/04/2021

NOTIFICATION

No. 1178-88 /E-V, **DEFERMENT**: - The following Senior Clerks (BPS-14) were conditionally promoted as Assistant Grade Clerk (BPS-16) vide Notification No. 823-50/E-V dated 12.03.2021, subject to completion of their ACRs within fortnight i.e. from 12.03.2021 to 27.03.2021, but they did not complete their ACRs within given period, the notification ibid pertaining to these Senior Clerks is hereby withdrawn and they are declared deferred for promotion to the post of Assistant Grade Clerk due to non-availability of ACRs as noted against each, with immediate effect:-

S#	NAME OF OFFICIAL	PRESENT PLACE OF POSTING	PERIOD OF INCOMPLETE ACRS
1.	Muhammad Shafiq	FRP Bannu Range	From 01.01.2017 to 31.12.2017
2.	Muhammad Shoaib	DPO Office Haripur	From 17.04.2016 to 30.09.2016
3.	Gul Karim	Operation Branch CPO	From 01.01.2015 to 16.11.2015 & From 01.01.2019 to 31.03.2019

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

Endst: No. & date even.

Copy forwarded to the: -

- o Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
- o Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
- o Regional Police Officer, Hazara.
- o Commandant FRP, HQrs: Khyber Pakhtunkhwa, Peshawar
- o District Police Officer, Haripur.
- o SP FRP Bannu Range.
- o Accountant General Office Khyber Pakhtunkhwa.
- o District Accounts Officer, Haripur & Bannu.
- o Registrar CPO, Peshawar.
- o Office Superintendent Secret & Operations Branch CPO, Peshawar.

Allesed

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

16

Annex-D

To

The Inspector General of Police,
Khyber Pukhtoon Khwa (KPK) Peshawar.

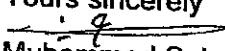
Subject: Application for reprocessing promotion declared as deferred due to unavailability of ACRs

Respected sir.

It is to state that I am (Muhammad Shaoib) working as senior clerk in police department currently, I have a long journey of delivering services within the respective department consisting 33 years of service. I would like to bring into your kind notice that my promotion from senior clerk into Assistant Grade Clerk has been withdrawn and declared as deferred for the post of Assistant Grade Clerk due to unavailability of ACRs as per the letter issued (1178-88/E.V) Dated, 14/04/2021 by the Additional IG/establishment Peshawar (KPK). As mentioned in the letter (1178-88/E.V) of the ACRs found incomplete from 17-04-2016 to 30-09-2016 is a short period of time which was completed and handed over immediately to the Secret Branch. I would like to request you to please conduct an investigation about the deficiency found due to negligence of Secret Branch that received ACRs two months back, reference attached with the application, such delay and irresponsible attitude ultimately hindered my promotion of becoming Assistant Grade Clerk that I believe is possible with your kind support, I would really appreciate for initiating such steps to complete the process of promotion withdrawn by the Additional IG Office/establishment.

With best regards

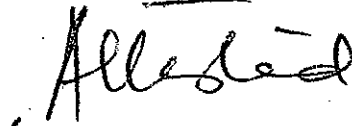

Yours sincerely

22/4

Muhammad Sohaib

Senior Clerk Police Department

Date: 22-04-2021

Contact. 03459811603



17

Annex - E' MK

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR.

No. S/ 2272 /21, dated Peshawar the 27/05 2021

To: The Regional Police Officer,
Hazara Region Abbottabad.

Subject:- APPLICATION
Memo:

Kindly refer to your office letter No. 8635-36/E, dated 28.04.2021 on the subject cited above.

It is submitted for your kind information that letter No. 823-50/E-V, dated 12.03.2021 addressed to all RPOs in KPK for completion of missing ACRs of Senior Clerks within fortnight, but ACRs of the complainant Muhammad Shoaib Senior Clerk received to this office on 07.04.2021 (photocopy of receipt is enclosed) which were **(11) days late after target time.**

The complaint of Senior Clerk Muhammad Shoaib is baseless and therefore, the competent authority filed his case.

(NOOR AFGHAN)
Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

5955

34/5/21

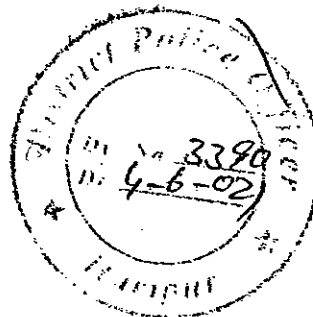
Copy of above is forwarded for information to the:

1. Office Superintendent, E-V CPO
2. Office Superintendent, CPB, CPO.

NO = 11611 / Ec/As.
dt = 01-06-2021

EA/As/DPO Hazara
for mg & inform the official
Maha

SRC
For information
& further action



DIG / 31/5

Allosted

DPO HR
03-06-2021

①

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO. 6624/2021

Muhammad Shoaib, Senior Clerk, Police Department, presently posted at office of the
District Police Officer Haripur.

..... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.

..... (Respondents)

Reply/comments by respondents No.1, 2 & 3.

Respectfully Sheweth.

PRELIMINARY OBJECTIONS:-

1. That the instant Service Appeal is not maintainable in the present form.
2. That the appellant is estopped by his own conduct.
3. That the appellant has not come to the Honorable Tribunal with clean hands.
4. That the appellant has suppressed material facts from the Honorable Tribunal.
5. That the instant Service Appeal is bad for mis-joinder and non-joinder of necessary and proper parties.
6. That the instant Service Appeal is badly barred by law and limitation.
7. That the appellant has filed the instant service appeal just to pressurize the respondents.
8. That the order passed by the authorities are based on facts & rules, after fulfilling all the codal formalities; hence, the appeal is liable to be dismissed without any further proceeding.

REPLY ON FACTS:-

1. Correct to the extent that the appellant was appointment as junior clerk in police department on 08.09.1988, and he was promoted as senior clerk on 11.12.2012. The appellant was conditionally promoted as Assistant Grade Clerk BPS-16 vide notification No.823-50/EV dated 12.03.2021, subject to the provision of ACRs for period i.e. 17.04.2016 to 13.09.2016 vide Additional Inspector General of Police, HQrs Khyber Pakhtunkhwa, Peshawar. (Copy of notification is attached as annexure "A").
2. Correct to the extent that the appellant was conditionally promoted as Assistant Grade Clerk BPS-16 by the competent authority. The appellant was directed to complete the ACRs for the periods i.e. 17.04.2016 to 13.09.2016. However, the appellant did not comply the directions of competent authority. He failed to

- 5
- complete the required ACRs within stipulated period, therefore, his conditional order of promotion was withdrawn by competent authority i.e. Additional Inspector General of Police, HQrs vide notification No.1178-88/E-IV dated 14.04.2021. (Copy of notification is attached as annexure "B").
3. Incorrect, the appellant did not complete his ACRs for the period i.e. 17.04.2016 to 13.09.2016 within fortnight period. Therefore, the promotion of the appellant was withdrawn by the competent authority.
 4. Incorrect, the appellant failed to complete his ACRs for the requisite periods, hence, his conditional order for promotion Assistant Grade Clerk BPS-16 was withdrawn on lawful ground and justification. The order of withdrawal/deferment against appellant is quite legal, in accordance with law and maintainable.
 5. In reply to this para, it is submitted that the representation of the appellant was considered by the competent authority, and being found baseless; It was rejected by competent authority vide Registrar for Inspector General of Police, Khyber Pakhtunkhwa, Peshawar letter No.2272/21 dated 27.05.2021. It was clearly mentioned in the letter that the required ACRs of appellant were received in CPO Khyber Pakhtunkhwa, Peshawar the after lapse of 11 days. (Copy of order is attached as annexure "C").
 6. Incorrect, the instant service appeal is not maintainable, being devoid of any legal force.


REPLY ON GROUNDS:-


- A) Incorrect, the orders of the competent authorities dated 14.04.2021 and 27.05.2021 are quite legal, based on evidence, hence, maintainable under the law. The appellant waived his right for promotion as Assistant Grade Clerk BPS-16 as he failed to complete the requisite ACRs within stipulated time. Therefore, the appellant is not entitled for promotion as Assistant Grade Clerk BPS-16.
- B) Incorrect, the departmental/competent authority scrutinized the relevant records. All legal requirements were fulfilled. The appellant proved himself not eligible for promotion as Assistant Grade Clerk BPS-16. Though he was given ample opportunity to clear the deficiency i.e. complete/provide the missing ACRs for the period mentioned above, yet he did not take any interest and failed to complete/provide the same within stipulated period. Therefore, the order of deferment of appellant as Assistant Grade Clerk issued by the competent authority is lawful and maintainable.
- C) Incorrect, the appellant was dealt with in accordance with law and rules. Moreover, the principles of natural justice were also observed. The appellant was dealt with fairly, justly and in accordance with law/rules. Hence, the order of withdrawal as Assistant Grade Clerk of the appellant is maintainable under the law/rules.
- D) Incorrect, the appellate departmental authority abide by the law and took into consideration all facts, circumstances and relevant record. Hence, the representation of appellant was rejected on lawful grounds and justification. Therefore, the order of competent authority regarding the deferment of appellant from Assistant Grade Clerk is lawful and maintainable.

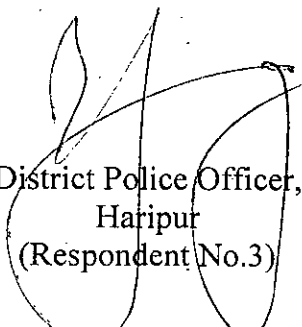
- (5)
- E) Incorrect, the appellant was beneficiary of promotion for Assistant Grade Clerk BPS-16. Therefore, it was also duty of the appellant to complete his ACRs. The departmental authority did not refuse to issue the ACRs to the appellant, rather he failed to submit the same within stipulated period. It was the negligence, inefficiency and incompetency of appellant that he did not complete the missing ACRs. Therefore, the appellant was rightly deferred from promotion as Assistant Grade Clerk BPS-16.
- F) Incorrect, the appellant was conditionally promoted as Assistant Grade Clerk BPS-16 by the competent authority vide notification No.823-50/E-V-PROMOTION dated 12.03.2021, wherein the appellant was directed to complete his ACRs for the period from 17.04.2016 to 30.09.2016 within fortnight. The appellant did not comply the conditional order, and completed his ACRs after lapse of 11 days beyond the stipulated period of 14 days, therefore, his conditional order for promotion was withdrawn on 14.04.2021 by the competent authority i.e. Additional Inspector General of police HQrs vide notification No.1178-88/E-IV dated 14.04.2021. The appellant was deferred from promotion as Assistant Grade Clerk due to his own fault and negligence.
- G) The instant service appeal is not maintainable under the law.

PRAYER:-

In view of above stated facts it is most humbly prayed that the instant service appeal does not hold any legal force, may kindly be dismissed with costs, please.


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


Regional Police Officer,
Hazara Region,
Abbottabad
(Respondent No.2)


District Police Officer,
Haripur
(Respondent No.3)

(4)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO. 6624/2021

Muhammad Shoaib, Senior Clerk, Police Department, presently posted at office of the
District Police Officer Haripur.

..... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, and others.

..... (Respondents)

**REPLY TO APPLICATION FOR CONDONATION OF DELAY IN SERVICE
APPEAL BY RESPONDENTS.**


Respectfully Sheweth:-

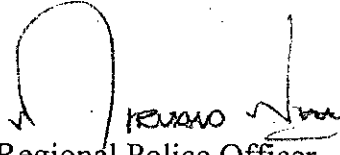
The reply to application for condonation of delay of service appeal on
behalf of respondents No. 1,2 & 3, is submitted as under:-

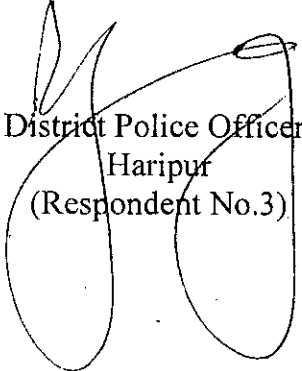
1. Incorrect, the appellant/applicant was conditionally promoted as Assistant Grade Clerk BPS-16 by the competent authority vide notification No.823-50/EV dated 12.03.2021, subject to completion of ACRs for the period from 17.04.2016 to 13.09.2016. The appellant/applicant failed to complete the ACRs for the required period within fortnight. Therefore, the order of conditional promotion was withdrawn by the competent authority vide notification No.1178-88/E-IV dated 14.04.2021. The appellant/applicant filed departmental representation which was rejected vide Registrar for Inspector General of Police, Khyber Pakhtunkhwa, Peshawar Letter No.2272/24 dated 27.05.2021. Therefore, the instant service appeal is badly time barred and not maintainable under the law.
2. Incorrect, the orders of the departmental authority are lawful, based on facts record and evidence. Therefore, the petitioner has no locus standi to file the instant service appeal/application.
3. Incorrect, the order of the respondents/departmental authorities dated 14.04.2021 and 27.05.2021 are quite legal in accordance with law and maintainable. The instant service appeal is time barred and not maintainable under the law.
4. Incorrect, the instant service appeal is badly time barred and not maintainable, which is liable to be dismissed.

(D)

In view of above, it is most humbly prayed that the instant service appeal as well as application for condonation of delay does not hold any legal force, which may kindly be dismissed with cost, please.


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


Regional Police Officer,
Hazara Region,
Abbottabad
(Respondent No.2)


District Police Officer,
Haripur
(Respondent No.3)

(6)

**BEFORE THE HONORABLE KHYBER PAKHTUNKHWA, SERVICE
TRIBUNAL PESHAWAR CAMP COURT ABBOTTABAD**

SERVICE APPEAL NO. 6624/2021

Muhammad Shoaib, Senior Clerk, Police Department, presently posted at office of the
District Police Officer Haripur.

..... (Appellant)

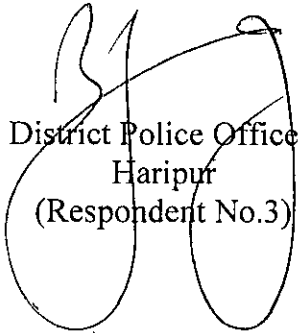
VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar, and others.

..... (Respondents)

COUNTER AFFIDAVIT

I, do hereby solemnly affirm and declare, that the contents of comments / reply, are true to the best of my knowledge and belief and nothing has been concealed from this Honorable Tribunal.


District Police Officer,
Haripur
(Respondent No.3)



FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA
POLICE GAZETTE PART-II ORDERS OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA PESHAWAR

Annex 'A'

Dated Peshawar 12/03/2021

NOTIFICATION

No. 823-50 /F-V. PROMOTION: In pursuance to the provision contained in the Khyber Pakhtunkhwa Police Department Ministerial Service Rules, 1974 at S.No. 3 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 Senior Clerks (BPS-14) to the rank of Assistant Grade Clerks (BS-16), on regular basis with immediate effect:-

S#	NAME OF OFFICIAL	PRESENT PLACE OF POSTING
1.	Haihat Khan	DPO Office Lakki Marwat
2.	Akhtar Hussain-I	SP Investigation Office D.I.Khan
3.	Farmanullah	E-III Branch CPO/Peshawar
4.	Muhammad Zahid	SP Investigation Office Mansehra
5.	Muhammad Shafiq	FRP Bannu Range (He is conditionally promoted to the rank of Assistant Grade Clerk (BPS-16) subject to completion of ACR for the period from 01.01.2017 to 31.12.2017 within fortnight)
6.	Abdul Karim	CCPO Peshawar
7.	Gul Rehman	DPO Office Lakki Marwat
8.	Muhammad Bilal-I	RPO Office Kohat
9.	Ghaffar Ali	SP Investigation Office Charsadda
10.	Muhammad Saeed	Investigation Wing Nowshera
11.	Gohar Ali	DPO Office Swabi
12.	Muhammad Shoaib	DPO Office Haripur (He is conditionally promoted to the rank of Assistant Grade Clerk (BPS-16) subject to completion of ACR for the period from 17.04.2016 to 30.09.2016 within fortnight)
13.	Hussain Habib	DPO Office Swabi
14.	Muhammad Farman Ali	CCPO Peshawar
15.	Fazal Khaliq	DPO Office Lower Chitral
16.	Abuzeh	DPO office Mansehra
17.	Hayat Ullah	Investigation Wing Mardan
18.	Shah Zaman-I	RPO Office Kohat
19.	Rahmat Ullah	DPO Office D.I.Khan
20.	Muhammad Khurshid	DPO Abbotabad
21.	Aslam Khan	FRP HQR: Peshawar
22.	Akhtar Hussain-II	DPO office Dir Upper
23.	Essa Khan	Police School of Explosive Handling Nowshera
24.	Gul Karim	Operation Branch CPO (He is conditionally promoted to the rank of Assistant Grade Clerk (BPS-16) subject to completion of ACRs for the period from 01.01.2015 to 16.11.2015 and 01.01.2019 to 31.03.2019 within fortnight)

Attested

25.	Sultan Mehnood	SP Investigation Office Haripur
26.	Guldar Alam	DPO Office Dir Lower
27.	Ashraf Khan	DPO office Haripur
28.	Ijaz Khan	SP Investigation Office Abbottabad
29.	Shah Iran	DPO Office Nowshera

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.
3. The promotion of officials having ACRs deficiency will be conditioned with submission of their remaining ACRs within fortnight. In case of non-compliance, they shall be considered deferred and a fresh Notification of their deferment shall be issued.

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

Encls: No. and dated even

Copy forwarded to the:-

- All Addl. Inspectors General of Police in Khyber Pakhtunkhwa.
- All Regional Police Officers, in Khyber Pakhtunkhwa.
- Accountant General Khyber Pakhtunkhwa, Peshawar.
- All concerned Deputy Inspectors General of Police in Khyber Pakhtunkhwa.
- Capital City Police Officer, Peshawar.
- Commandant, FRP, Khyber Pakhtunkhwa, Peshawar.
- All concerned District Police Officers in Khyber Pakhtunkhwa.
- All concerned SP Investigation in Khyber Pakhtunkhwa.
- All concerned District Account Officers in Khyber Pakhtunkhwa.
- PSO to Inspector General of Police Khyber Pakhtunkhwa Peshawar.
- Registrar, CPO, Peshawar.
- Office Superintendent Establishment, III, Secret & CP Branch CPO Peshawar.

DPO, AIG, Haripur & Nowshera
SP Haripur, AIG, Haripur & Nowshera
For Information & Reaction
Please.

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

NO = 5383-87 / E...
 dt 18/3/2027.

Amel
RPO Haripur

Attested



OFFICE OF THE ~~INSPECTOR~~ **B**
INSPECTOR GENERAL OF POLICE,
CENTRAL POLICE OFFICE,
KHYBER PAKHTUNKHWA PESHAWAR

Dated at Peshawar the 14/04/2021

NOTIFICATION

No. 1178-88 /E-V, DEFERMENT: - The following Senior Clerks (BPS-14) were conditionally promoted as Assistant Grade Clerk (BPS-16) vide Notification No. 823-50/E-V dated 12.03.2021, subject to completion of their ACRs within fortnight i.e. from 12.03.2021 to 27.03.2021, but they did not complete their ACRs within given period, the notification ibid pertaining to these Senior Clerks is hereby withdrawn and they are declared deferred for promotion to the post of Assistant Grade Clerk due to non-availability of ACRs as noted against each, with immediate effect:-

S#	NAME OF OFFICIAL	PRESENT PLACE OF POSTING	PERIOD OF INCOMPLETE ACRS
1.	Muhammad Shafiq	FRP Bannu Range	From 01.01.2017 to 31.12.2017
2.	Muhammad Shoab	DPO Officer Haripur	From 17.04.2016 to 30.09.2016
3.	Gul Karim	Operation Branch CPO	From 01.01.2015 to 16.11.2015 & From 01.01.2019 to 31.03.2019

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

Endst. No. & date even.

Copy forwarded to the: -

- o Additional Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
- o Deputy Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
- o Regional Police Officer, Hazara.
- o Commandant FRP, HQrs: Khyber Pakhtunkhwa, Peshawar
- o District Police Officer, Haripur.
- o SP FRP Bannu Range.
- o Accountant General Office Khyber Pakhtunkhwa.
- o District Accounts Officer, Haripur & Bannu.
- o Registrar CPO, Peshawar.
- o Office Superintendent Secret & Operations Branch CPO, Peshawar.

Allesed

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



10

Annex - C

OFFICE OF THE
INSPECTOR GENERAL OF POLICE,
KHYBER PAKHTUNKHWA
CENTRAL POLICE OFFICE, PESHAWAR.

No. SI 2272 /21, dated Peshawar the 27/05 2021

To: The Regional Police Officer,
Hazara Region Abbottabad.

Subject: APPLICATION

Memo: Kindly refer to your office letter No. 8635-36/A, dated 28.04.2021
on the subject cited above.

It is submitted for your kind information that letter No. 823-50/E-V,
dated 12.03.2021 addressed to all RPOs in KPK for completion of missing ACRs of
Senior Clerks within fortnight, but ACRs of the complainant Muhammad Shoaib Senior
Clerk received to this office on 07.04.2021 (photocopy of receipt is enclosed) which were
(11) days late after target time.

The complaint of Senior Clerk Muhammad Shoaib is baseless and
therefore, the competent authority filed his case.

S955

31/5/21

(NOOR AFGHAN)
Registrar,

For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

Copy of above is forwarded for information to the:

1. Office Superintendent, E-V CPO
2. Office Superintendent, CPB, CPO.

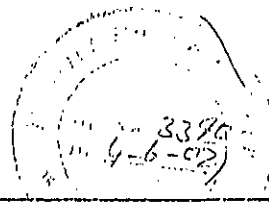
TJO = 11611 / E-1A5

dt - 01-06-2021

ER/As/DPO Head Office

for mg. by inspection this official memo

27/5/21



[Handwritten signature]

[Handwritten signature]

11/07/21 Office, Peshawar 2021