

E.P. No. 223/2019  
Minhaj Sikkandar

7<sup>th</sup> Oct, 2022

Petitioner in person present. Mr. Kabirullah Khattak,  
Addl: AG alongwith Mr. Khalil, SI for respondents  
present.

Representative of the respondents submitted objection  
petitioner which is placed on file. A copy of the same is  
also handed over the petitioner. To come up for further  
proceedings on 10.11.2022 before S.B.

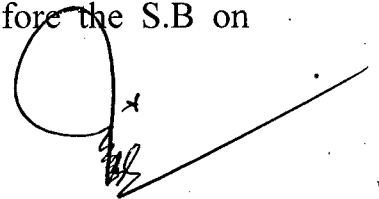


(Kalim Arshad Khan)  
Chairman

10.11.2022

Petitioner in person present. Mr. Kabirullah Khattak, Additional  
Advocate General alongwith Mr. Khalil Khan, Inspector for the  
respondents present.

As per previous order sheet, objections submitted by the  
respondents, have been shared with the learned counsel for petitioner.  
Petitioner requested for adjournment on the ground that his counsel is  
not available today. Request is acceded to by way of last chance.  
Adjourned. To come up for further proceedings before the S.B on  
01.12.2022.



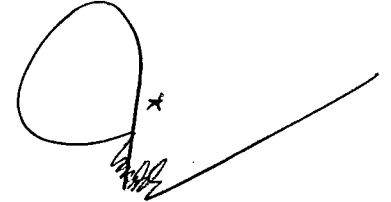
(Mian Muhammad)  
Member (E)

SCANNED  
BT  
Peshawar

15.08.2022

Petitioner in person present. Mr. Kabirullah Khattak, Additional Advocate General for the respondents present. None present on behalf of the respondent department.

Notice be issued to the respondents for submission of objection petition. Adjourned. To come up for further proceedings before the S.B on 05.09.2022.



(Mian Muhammad)  
Member (E)

05.09.2022

Petitioner present in person. Mr. Kabir Ullah Khattak, Additional Advocate General alongwith Zia Ullah, HC for respondents present.

Representative of the respondent department submitted reply to objection petition No. 5577/ES, dated 25.08.2022 which is placed on file. A copy of the same is handed over to the petitioner and learned AAG also. To come up for further proceedings on 06.10.2022 before S. B.



(Fareeha Paul)  
Member (E)

E.P. No. 223/2018  
Minhaj Sikandar vs Gurt

28.06.2022

Appellant in person present. Mr. Muhammad Adeel Butt, Additional Advocate General alongwith Mr. Khalil S.I for the respondents present.

Respondent department submitted implementation report wherein request has been made for submission of objection petition on the ground that certain legal issues were involved in execution of the Service Tribunal judgement dated 26.03.2019. Learned AAG was confronted with the question as to why this point had not been raised at appropriate time after the said judgement and now being raised after three years? He simply replied that the respondents were obligated to implement the judgement, however, sometimes certain legal issues were involved due to which such requests were posed before the Honourable court i.e. Service Tribunal. He stated at the Bar and committed to submit/file objection petition within the requested time i.e. within 2 weeks. The Bench considering the commitment/submission of learned AAG at the Bar and interest of justice allows the respondents to submit objection petition within 02 weeks positively. Adjourned. To come up for further proceedings before the S.B 25.07.2022 at Camp Court D.I.Khan.

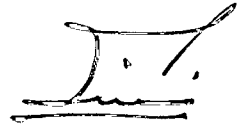


(Kalim Arshad Khan )  
Chairman  
Camp Court, D.I.Khan

26.05.2022

Petitioner alongwith his counsel present. Mr. Qayum Khan, Senior Clerk as representative for respondents present.

Representative of the respondents stated at the bar that process for implementation of the judgment has been initiated and will soon be finalized. The Execution Petition in hand is pending since 2019 and implementation report has not been produced before the Tribunal. Respondents are directed to ensure the implementation of the judgment under execution without further delay, failing which coercive measures shall be taken against them in accordance with law. To come up for implementation report on 28.06.2022 before the S.B at Camp Court D.I.Khan.



(Salah-Ud-Din)  
Member (J)  
Camp Court D.I.Khan

16.12.2021

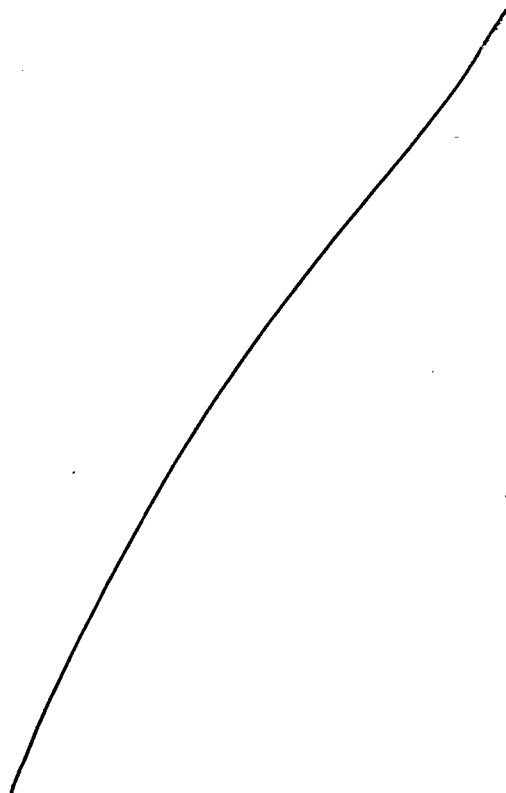
Petitioner alongwith counsel and Mr. Muhammad Adeel Butt, Addl. AG alongwith Muhammad Khalil, S.I (Legal) for the respondents present.

Representative of respondents seeks further time to submit implementation report. Respondents are directed to implement the judgment under execution and subsequent order dated 23.11.2021 in letter and spirit and submit compliance report on 27.01.2022 before S.B at camp court, D.I.Khan.

  
Chairman  
Camp Court, D.I.Khan.

27.01.2022

Order is cancelled, therefore,  
case is adjourned to  
for the same  
as before. 26.5.22  
Reader.



**EP 223/2019 Minhaj Sikandar**

23.11.2021

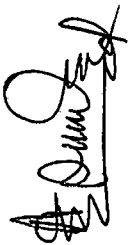
The petitioner alongwith his counsel and Mr. Muhammad Rasheed, DDA alongwith Muhammad Khalil, S.I (Legal) for the respondents are present.

The learned Deputy District Attorney produced copy of letter No. 5051/ES, dated 20.11.2021 addressed to the Additional Advocate General Khyber Pakhtunkhwa Service Tribunal, Peshawar with reference to his letter dated 17.11.2021 on the subject of Execution Petition No. 229/2019. As ascertained from the information contained in the said letter and from its annexure i.e. minutes of the meeting of Regional Departmental Committee (RDC) held on 11.02.2020, the said committee was constituted at regional level in pursuance to a decision of Departmental Selection Committee (DSC) as constituted by the Inspector General of Police in aftermath of the judgment at credit of petitioner. On reference of DSC, the RDC discussed the direction given in the judgment of this Tribunal as reflected in the minutes of its meeting regarding assignment of seniority to the appellant/petitioner from "due date". The RDC unanimously agreed to revise the seniority list of 2014 in accordance with the rules, judgment of Service Tribunal dated 26.03.2019 as well as directions of IGP Khyber Pakhtunkhwa Peshawar vide letter dated 02.12.2019. It is mentioned in the minutes of RDC that the seniority list was revised by it and new/fresh seniority list "E" 2014 has been issued, wherein the name of petitioner has been placed at Serial No. 52 above the name of OSI Ebad Wazir, 89/D and below the name of OSI Saleem Pervez, 87/D. Formal order dated 19.02.2020 as annexed with the letter to AAG was issued in furtherance of the minutes of meeting to comply with judgment of the Tribunal dated 26.03.2019. Evidently, on acceptance of petitioner's appeal, the impugned seniority list dated 12.03.2014 was set aside followed by direction to respondents to assign seniority to him from the due date. However, it is not deducible from the minutes discussed above that what meaning was assigned to the expression "due date" as used in the operative part of judgment under execution, as far as revision of

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seniority list is concerned. Therefore, it has become expedient to draw parameters for the expression "due date" as used in operative part of the judgment dated 26.03.2019 for its execution in letter and spirit.

It is a matter of rule that the confirmation of the petitioner on the post of A.S.I of police being direct appointee was to be reckoned from the date of his appointment made on 19.02.2009, on completion of prescribed probation period; but due to its having been reckoned otherwise with adverse effect on appellant's seniority, service dispute arose compelling him to invoke the jurisdiction of this Tribunal. The direction given in the judgment under execution to assign seniority to the petitioner from due date is not divertible to reckon any other date of his confirmation than the date of appointment after completion of probation period as PASI. The mode and manner for determination of date of confirmation of PASI is not similar to that of Executive cadre of the police officers. To make the said proposition understandable, reference to Chapter XII of the Police Rules, 1934 is necessary, which deals with appointments and enrolments of police officers. Irrespective of the appointment being one made by promotion or direct recruitment, all appointments of enrolled police officers, within meaning of Sub Rule (3) of Rule 12.2 of the Police Rules, 1934 are considered on probation. According to Rule 12.8, Inspectors, Sergeants, Sub Inspectors and Assistant Sub Inspectors who are directly appointed will be considered to be on probation for three years and are liable to be discharged at any time within the period of their probation. The same Rule i.e. 12.2(3) provides that seniority, in the case of upper subordinates, will be reckoned in the first instance from date of first appointment. Seniority shall, however be finally settled by date of confirmation, the seniority *inter se* of several officers confirmed on the same date being that allotted to them on first appointment remains the same. It is also provided in Rule 12.2(3) that the seniority of lower subordinates shall be reckoned from dates of appointment, subject to the conditions of rule 12.24 and provided that a promoted officer shall rank senior to an officer appointed direct to the same rank on the same date. Chapter XXIII of Volume-II of Police Rules, 1934 contains the provisions describing mode and manner of promotions for the ranks comprising Constable, Head Constable (HC), Assistant Sub Inspector (ASI), and



Sub Inspector (SI) of Police. Sub Rule (3) of Rule 13.1 provides that for the purposes of regulating promotion amongst enrolled police officers, six promotion lists A, B, C, D, E and F will be maintained. It is further provided thereby that lists A, B, C, D shall be maintained in each district as prescribed in rules 13.6, 13.7, 13.8, and 13.9 respectively. Rule 13.10 of the ibid rules provides for maintaining of List "E" at regional level and Rule 13.15 for maintaining of List "F" at provincial level. According to scheme of the said lists, they are meant for the ranks of Constable, HC, ASI, and SI of Police to maintain their seniority for the purpose of promotion. Among the said ranks, appointment to the post of ASI and SI besides by way of promotion from the lower ranks is also made through direct recruitment. List "D" is maintained for the rank of HC for their promotion to the rank of ASI while list "E" is maintained for the rank of ASI for their promotion to the rank of SI and List "F" for the rank of SI for their promotion to the rank of Inspector. Undeniably, there are two categories of officers whose names are enlisted in List "E" and "F". One category comprises the officers who in common parlance are called rankers and are brought forward from list "D" to List "E" in case of ASI and from List "E" to list "F" in case of SIs. The other category comprises directly recruited ASIs and SIs who in common parlance are called probationers. Section 13 of the Khyber Pakhtunkhwa Act, 2017 envisages the organization of police establishment on functional basis. Legal Affairs Branch has been individualized among the functional branches enumerated under sub section (3) of Section 13 ibid. Thus, the probationers of the Legal Affairs Branch in terms of their functional duty are distinguishable from holders of executive posts in the branches of police responsible for general policing functions. PASI or Sub Inspector (Legal) make part of the Legal Affairs Branch of police and they are not liable to meet the requirements for confirmation as provided for ASI/SI in executive cadre who despite their enlistment in List "D" and "E" remain officiating until they mete out the prescribed criteria for their confirmation in addition to satisfactory completion of probation period on appointment either made by direct recruitment or by promotion. On the other hand, there is no such additional criteria for PASIs or SIs (Legal) except their automatic confirmation on completion of prescribed probation period. I have no hesitation to hold that a PASI



appointed by direct recruitment becomes entitled for confirmation from the date of his appointment on automatic confirmation after satisfactory completion of prescribed probation period and in turn, for his enlistment in List "E" from the date of confirmation which remains the same as his date of appointment. Consequently, his seniority in list "E" is supposed be treated accordingly. The SI (Legal) appointed either by direct recruitment or by promotion becomes entitled for confirmation from the date of his appointment after satisfactory completion of the probation period, and in turn for direct enlistment in list "F" prescribed to maintain seniority for the post of Inspector. The forgoing guidelines have been laid down with reference to the law on the subject for convenience of the respondents to revise the seniority of petitioner within parameters of expression "due date" as drawn herein-before to delineate the spirit of the judgment at credit of petitioner. The respondents are directed to actualize the seniority of the petitioner in letter and spirit of the judgment of this Tribunal to ensure its implementation without further delay. To come up for implementation report on 16.12.2021.



Chairman  
Camp Court, D.I.Khan

E.P No. 223/2019

28.09.2021

Petitioner alongwith his counsel present. Mr. Rehmatullah, Superintendent alongwith Mr. Usman Ghani, District Attorney for the respondents present and stated that time may be granted to them for submission of reply of objections filed by the petitioner. Adjourned. To come up for reply of objections as well as further proceedings before the S.B at Camp Court D.I.Khan on 23.11.2021.



(SALAH-UD-DIN)  
MEMBER (JUDICIAL)  
CAMP COURT D.I.KHAN

24.02.2021

Learned counsel for the petitioner present.

Mr. Riaz Khan Paindakhel learned Asst. AG alongwith Zia Ullah H.C for respondents present.

Representative of respondents produced letter addressed to Provincial Police Officer requesting for permission to conditionally implement the judgment of this Tribunal till the outcome of CPLA. It was noted that the instant execution petition was instituted on 27.05.2019 and till date respondents have not implemented the judgment of this Tribunal which, however was required to be implemented. The respondents are putting forth lame excuses under one pretext or the other. However, it is very clear from minutes of the DSC meeting held on 24.09.2019 that the committee recommended that judgment of this Tribunal be sent to RPO D.I Khan for further necessary action as issue of seniority in list E is the legal mandate of Regional office D.I Khan. In such a decision, the RPO D.I Khan is directed to decide the case within a week. In view of the clear instructions in minutes of the said meeting asking PPO ~~action~~ for permission makes no sense.

In a situation DIG D.I Khan Range be put on notice for 25.05.2021 to depute a responsible officer to apprise <sup>the</sup> Tribunal <sup>the</sup> in respect of Implementation of the judgment before S.B at Camp Court, D.I Khan.

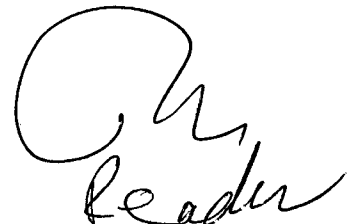


(Atiq Ur Rehman Wazir)

Member (E)

Camp Court, D.I Khan

Due to covid,19 therefore to  
come up for the same on 28/9/21



Reader

23.02.2021

Petitioner with counsel present.

Riaz Khan Paindakhel learned Assistant AG alongwith Mr. Khalil SI for respondents present.

Implementation/progress report not submitted. Representative of respondents seeks time to submit implementation/progress report. Time was sought. To come up for implementation/progress report on 24.02.2021 before S.B at Camp Court, D.I Khan.



(Atiq ur Rehman Wazir)  
Member (E)  
Camp Court, D.I Khan

24.11.2020

Petitioner with counsel and Muhammad Jan, learned DDA alongwith Khalid Nawaz Inspector for respondents present.

Counsel for petitioner seeks adjournment. Adjourned to 25.11.2020 before S.B at Camp Court, D.I. Khan.



(Atiq-Ur-Rehman Wazir )  
Member (E)  
Camp Court, D.I. Khan

25.11.2020

Petitioner with counsel and Mr. Muhammad Jan, learned DDA alongwith Khalid Nawaz, SI for respondents present.

Representative of respondents produced an order dated 08.09.2020, whereby a Regional Departmental Scrutiny Committee is constituted to consider the various case of affected officers in seniority/promotion. Another order dated 08.09.2020 is also provided, whereby the Superintendent of Police Investigation Unit Tank was intimated that the present petitioner has preferred his application for rectification/ revision of his confirmation/admission to list E. He was directed to place his case before the committee.

The representative of respondents stated at the bar that the issue of present petitioner will be discussed in the committee and progress report will be submitted after the committee held its meeting. The respondents are directed to submit progress report for the date fixed. To come up for implementation/progress report on 23.12.2020 before S.B at Camp Court, D.I Khan.



(Atiq-Ur-Rehman Wazir)  
Member (E)  
Camp Court, D.I.Khan

23.12.2020

Due to Covid-19 case is  
adjourned to 23.02.2021 for  
the same as before




28.10.2020

Petitioner is present in person. Mr. Usman Ghani, District Attorney and Mr. Khalid Nawaz, Inspector (Legal), for the respondents are also present.

2. AIG (Legal) has not forth come despite directing him on the previous date of hearing to appear before the Tribunal. According to the learned District Attorney he has proceeded to the august Supreme Court of Pakistan vide the notice issued by the august court, copy of which has been produced and placed on record. As regards the attendance of AIG (Legal), learned District Attorney submitted that the current issue is a Regional, therefore, his attendance in the instant petition would be unnecessary, the plea so submitted is appropriate, however, Khalid Nawaz, Inspector (Legal), has to attend the proceedings before the Tribunal regularly.

3. Petitioner has submitted written objections on the implementation report of the judgment of this august Tribunal dated 26.03.2019, the copy of objections was handed over to learned District Attorney who is seeking time for putting forth his submission. Time given. To come up for arguments on the issue on 24.11.2020 before S.B at Camp Court, D.I.Khan. ✓

  
(MUHAMMAD JAMAL KHAN)  
MEMBER  
CAMP COURT D.I.KHAN

23.09.2020

Petitioner alongwith his counsel present.

Mr. Usman Ghani, learned District Attorney alongwith Muhammad Khalil S.I (Legal) for respondents present and submitted a report dated 11.02.2020 which will be discussed on the next date in presence of AIG (Legal).

It was on 25.02.2020 when DSP (Legal) District D.I Khan was directed to appear in person alongwith implementation report but today S.I (Legal) is present in court and is unable to apprise the Tribunal in respect of implementation of the judgment of this Tribunal. Reportedly, post of DSP (Legal) D.I.Khan is vacant, therefore, AIG (Legal) being put on notice for 28.10.2020 to attend this Tribunal in person and to apprise the Tribunal in respect of implementation of the judgment, before S.B at Camp Court D.I.Khan.



(Rozina Rehman)  
Member (J)  
Camp Court, D.I Khan

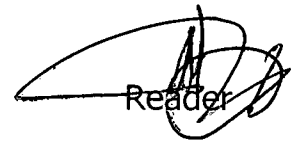
26/3/2020

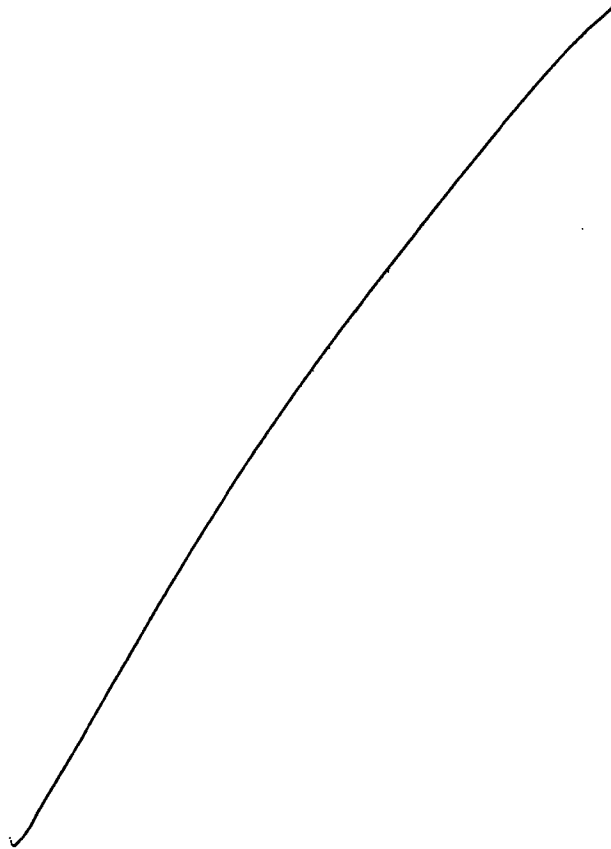
Due to COVID-19 the case is adjourned. To come up for the same 22/4/2020 at Camp Court, D.I Khan

  
Reader

22/4/2020

Due to COVID-19 the case is adjourned. To come up for the same 23/9/2020 at Camp Court, D.I Khan

  
Reader





Minhaj Sikandar

25.02.2020

Petitioner in person and Mr. Usman Ghani, District Attorney alongwith Mr. Khalilullah, S.I (legal) for the respondents present.

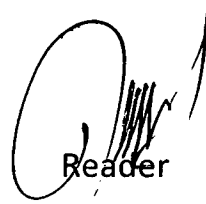
Representative of the department stated that the implementation report is in process and requested for adjournment. Last chance is given to the respondents for filing of implementation report.

DSP (Legal) of District D.I.Khan is also directed to appear personally on the next date alongwith Implementation report. To come up for attendance of DSP (Legal) District D.I.Khan and implementation report on 26.03.2020 before S.B at Camp Court D.I.Khan.




(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

23/10/2019 Since tour to D.I.Khan has been cancelled .To come for the same on 26/11/2019.




Reader

26.11.2019 Petitioner in person and Mr. Ziaullah Deputy District Attorney alongwith Mr. Khalid Nawaz, Inspector (Legal) for the respondents present. Implementation report not submitted. Representative of the department requested for adjournment. Adjourned to 28.01.2020 for implementation report before S.B at Camp Court D.I.Khan.



(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan


28.01.2020 Petitioner in person and Mr. Usman Ghani, District Attorney alongwith Mr. Muhammad Khalil, S.I (Legal) for the respondents present. Representative of the department stated at the Bar that the implementation report is under process and requested for further time for filing of implementation report. Adjourned to 25.02.2020 for implementation report before S.B at Camp Court D.I.Khan.



(M. Amin Khan Kundi)  
Member  
Camp Court D.I.Khan


26.06.2019

Petitioner alongwith his counsel and Mr. Tariq Aziz, District Attorney alongwith Mr. Attaullah, S.I (Legal) for the respondents present. Implementation report not submitted. Representative of the department requested for adjournment. Adjourned to 26.08.2019 for implementation report before S.B.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan


26.08.2019

None present on behalf of the petitioner. Mr. Tariq Aziz, District Attorney alongwith Mr. Khalil Ahmad, S.I (Legal) for the respondents present. Implementation report not submitted. Representative of the department requested for further adjournment. Last chance is granted to the respondents for filing of implementation report. Adjourned to 24.09.2019 for implementation report before S.B at Camp Court D.I.Khan.

  
(Muhammad Amin Khan Kundi)  
Member  
Camp Court D.I.Khan

24.09.2019




Learned counsel for the petitioner present. Khalil Ahmad ASI representative of the respondent department present and stated that implementation of judgment in question is in process and to this effect, submitted office letter dated 13.09.2019. Adjournment requested. Adjourn. To come up for further proceedings on 23.10.2019 before S.B at Camp Court, D.I.Khan.

  
Member  
Camp Court, D.I.Khan

Form- A  
FORM OF ORDER SHEET

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

Execution Petition No. 223/2019

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1	27.5.2019	<p>The execution petition of Mr. Minhaj Sikandar submitted today by Mr. Muhammad Abdullah Baloch Advocate may be entered in the relevant register and put up to the Court for proper order please.</p> <p style="text-align: right;"> REGISTRAR 27/5/19</p>
2-		<p>This execution petition be put up before S. Bench on <u>27/5/2019</u>.</p> <p style="text-align: right;"> CHAIRMAN</p>
	27.05.2019	<p>Petitioner in person present.</p> <p>The respondents shall be given notice for submission of implementation report before S.B at camp court, D.I.Khan on 26.06.2019.</p> <p style="text-align: right;"> Chairman</p>

Lanyer's Copy

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Implementation/Execution petition No. \_\_\_\_\_ of 2019

**Minhaj Sikander**

**VS**

**IGP etc**

**I N D E X**

<b>S. No</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Page Numbers</b>
1.	Implementation/execution petition	-----	1-2
2.	Memo of appeal and application	A & B	3-8
3.	Judgment dated: 26-03-2019	C	9-13
4.	Application to the Respondent	D	14-15
5.	Minutes of Meeting dated 24/04/2019	E	16-17
5.	Wakalat Nama	F	18

**Yours Humble Appellant**



**Minhaj Sikander**  
(Through Counsel)

Dated: 27/05/2019



**Mohammad Abdullah Baloch**  
(Advocate High Court)

75

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Implementation /Execution petition No. \_\_\_\_\_ of 2019

Minhaj Sikander Yar Khan (9/D) S/O Sikander Yar Khan, Cast Baloch, R/O  
Yar House, Yar Street, Bannu Road, Dera Ismail Khan City.

**Petitioner**

VERSUES

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, DIKhan Range, Dera Ismail Khan.
3. District Police Officer, Dera Ismail Khan.

**Respondents**

**IMPLEMENTATION PETITION/EXECUTION OF THE JUDGMENT**

**DATED: 26-03-2019 REGARDING SENIORITY OF PETITIONER**

**Brief facts of the case are that;**

- M. Acharya*
1. That the Applicant was appointed as Assistant Sub Inspector in Police Department through Public Service Commission on merit and gradually promoted to the rank of Inspector currently posted as Group Officer, Special Branch, Gomal University, D.I.Khan.
  2. That a departmental Seniority 'E' List for the purpose of the promotion was prepared by the worthy Regional Police Officer, DIKhan Range vide his Office Endst; No. 883-89 dated 12/03/2014. The applicant being aggrieved from the tentative seniority list submitted objection petition to the competent authority which was not acceded and turned down.
  3. That the appellant being dissatisfied from the order preferred a Departmental Appeal to the Appellate Authority, however, the same did not decide representation regarding grievances within the stipulated statutory period. The Appellant, in exercise of his right, having no other option filed a Service Appeal No 1187/2014 before KP Service Tribunal, Peshawar.
  4. That the Hon'ble KP Service Tribunal, Peshawar decided the Service Appeal in favour of the Appellant on dated 26/03/2019 at Camp Court, Dera Ismail Khan and accepted the appeal by set aside the impugned Seniority list.(Attested Copy of the Appeal and Order/Judgment is enclosed for favour of perusal and ready reference please).
  5. That the applicant has filed an application to the respondent No. 1 through proper channel for implementation of the aforesaid order but the same was filed in light of the decision of the Scrutiny Committee of Law Department wherein the Case of Petitioner was approved for lodging CPLA in the August Supreme Court of Pakistan. The Copy of Application and minutes are attached.

- 6. That after the lapse of considerable time the department has not succeeded to suspend or set aside the Order of this Tribunal in the filed CPLA from the August Supreme Court of Pakistan till date and is hesitating to assign revised seniority to the petitioner at the proper place at promotion seniority list (F) stood on 26-02-2019 at serial No. 295 and amend the impugned notification of the respondent No. 2 with subject recommendation to list (F) issued vide letter No. 642/ES dated: 25-02-2015 according to judgment of Honorable Service Tribunal dated: 26-03-2019 in service appeal No. 1187/2014 so petitioner has no other remedy but to file implementation petition.
- 7. That the Respondents are legally bound to issue the revised order of petitioner but they are hesitating to implement the judgment of this Honorable Court even conditionally/provisionally subject to the out-come of the decision of Supreme Court of Pakistan.

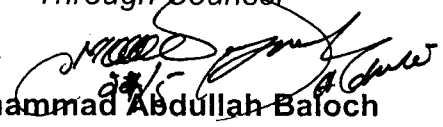
In view of the above, it is, therefore, most respectfully prayed that on acceptance of this petition, the judgment dated: 26-03-2019 announced in Service Appeal No. 1187/2014 may kindly be implemented. Any other appropriate relief this Honorable Court may deem fit in the best interest of justice may also be granted to the appellants.

Yours Humble Petitioner



**Minhaj Sikander**  
Through Counsel

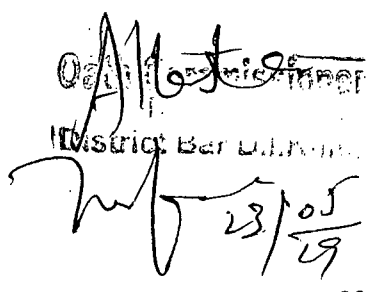
Dated: 27/05/2019



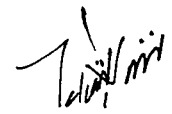
**Mohammad Abdullah Baloch**  
(Advocate High Court, D.I.Khan)

AFFIDAVIT

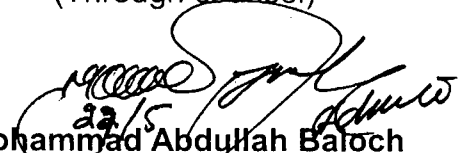
I, Minhaj Sikander, Petitioner, do hereby solemnly affirm and declare on oath that all the contents of above Implementation Petition are true & correct to the best of my knowledge, belief and information and nothing has been deliberated concealed from this Hon'ble Service Tribunal.



District Bar D.I.Khan  
23/05/19



**Deponent**  
**Minhaj Sikander**  
(Through counsel)



**Mohammad Abdullah Baloch**  
(Advocate High Court, D.I.Khan)

**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,**  
**PESHAWAR**

Implementation/Execution petition No. 223 of 2019

**Minhaj Sikander**

**VS**

**IGP etc**

**I N D E X**

<b>S. No</b>	<b>Description of Documents</b>	<b>Annexure</b>	<b>Page Numbers</b>
1.	Implementation/execution petition	-----	1-2
2.	Memo of appeal and application	A & B	3-8
3.	Judgment dated: 26-03-2019	C	9-13
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5.	Minutes of Meeting dated 24/04/2019	E	16-17
5.	Wakalat Nama	F	18

**Yours Humble Appellant**



**Minhaj Sikander**  
(Through Counsel)

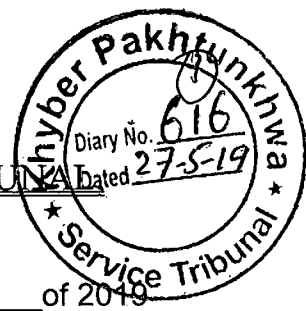
Dated: 27/05/2019



**Mohammad Abdullah Baloch**  
(Advocate High Court)



**BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL**  
**PESHAWAR**



Implementation /Execution petition No. 223 of 2019

Minhaj Sikander Yar Khan (9/D) S/O Sikander Yar Khan, Cast Baloch, R/O Yar House, Yar Street, Bannu Road, Dera Ismail Khan City.

**Petitioner**

VERSUES

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, DIKhan Range, Dera Ismail Khan.
3. District Police Officer, Dera Ismail Khan.

**Respondents**

**IMPLEMENTATION PETITION/EXECUTION OF THE JUDGMENT**

**DATED: 26-03-2019 REGARDING SENIORITY OF PETITIONER**

**Brief facts of the case are that;**

1. That the Applicant was appointed as Assistant Sub Inspector in Police Department through Public Service Commission on merit and gradually promoted to the rank of Inspector currently posted as Group Officer, Special Branch, Gomal University, D.I.Khan.
2. That a departmental Seniority 'E' List for the purpose of the promotion was prepared by the worthy Regional Police Officer, DIKhan Range vide his Office Endst; No. 883-89 dated 12/03/2014. The applicant being aggrieved from the tentative seniority list submitted objection petition to the competent authority which was not acceded and turned down.
3. That the appellant being dissatisfied from the order preferred a Departmental Appeal to the Appellate Authority, however, the same did not decide representation regarding grievances within the stipulated statutory period. The Appellant, in exercise of his right, having no other option filed a Service Appeal No 1187/2014 before KP Service Tribunal, Peshawar.
4. That the Hon'ble KP Service Tribunal, Peshawar decided the Service Appeal in favour of the Appellant on dated 26/03/2019 at Camp Court, Dera Ismail Khan and accepted the appeal by set aside the impugned Seniority list.(Attested Copy of the Appeal and Order/Judgment is enclosed for favour of perusal and ready reference please).
5. That the applicant has filed an application to the respondent No. 1 through proper channel for implementation of the aforesaid order but the same was filed in light of the decision of the Scrutiny Committee of Law Department wherein the Case of Petitioner was approved for lodging CPLA in the August Supreme Court of Pakistan. The Copy of Application and minutes are attached.

*Minhaj*

- 6. That after the lapse of considerable time the department has not succeeded to suspend or set aside the Order of this Tribunal in the filed CPLA from the August Supreme Court of Pakistan till date and is hesitating to assign revised seniority to the petitioner at the proper place at promotion seniority list (F) stood on 26-02-2019 at serial No. 295 and amend the impugned notification of the respondent No. 2 with subject recommendation to list (F) issued vide letter No. 642/ES dated: 25-02-2015 according to judgment of Honorable Service Tribunal dated: 26-03-2019 in service appeal No. 1187/2014 so petitioner has no other remedy but to file implementation petition.
- 7. That the Respondents are legally bound to issue the revised order of petitioner but they are hesitating to implement the judgment of this Honorable Court even conditionally/provisionally subject to the out-come of the decision of Supreme Court of Pakistan.

In view of the above, it is, therefore, most respectfully prayed that on acceptance of this petition, the judgment dated: 26-03-2019 announced in Service Appeal No. 1187/2014 may kindly be implemented. Any other appropriate relief this Honorable Court may deem fit in the best interest of justice may also be granted to the appellant.

Yours Humble Petitioner



**Minhaj Sikander**  
Through Counsel

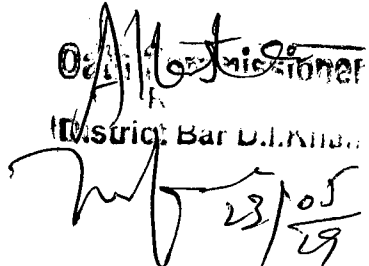
Dated: 27/05/2019



**Mohammad Abdullah Baloch**  
(Advocate High Court, D.I.Khan)

AFFIDAVIT

I, Minhaj Sikander, Petitioner, do hereby solemnly affirm and declare on oath that all the contents of above Implementation Petition are true & correct to the best of my knowledge, belief and information and nothing has been deliberator concealed from this Hon'ble Service Tribunal.



**Minhaj Sikander**  
District Bar D.I.Khan



**Deponent**  
**Minhaj Sikander**  
(Through counsel)



**Mohammad Abdullah Baloch**  
(Advocate High Court, D.I.Khan)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL,  
PESHAWAR

SERVICE APPEAL NO. 1187 2014

**Minhaj Sikander**

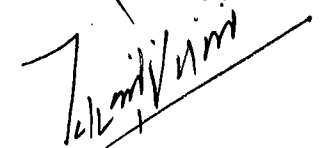
**VS.**

**IGP etc**

I N D E X

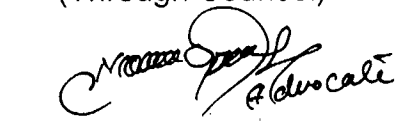
S. No	Description of Documents	Annexure	Page Numbers
1.	Grounds of Service Appeal along with Affidavit	-----	1-4
2.	Copy of Seniority List dated 12/03/2014	A	5-7
3.	Copy of Objection Petition dated 04/04/2014	B	8
4.	Copy of Order dated 30/04/2014	C	9
5.	Copy of Departmental Appeal dated 27/05/2014	D	10
6.	Copies of Confirmation Orders	E & F	11-12
7.	Copies of Confirmation Orders of Respondents	G & H	13-14
8.	Wakalat Nama	-----	15

Yours Humble Appellant



**Minhaj Sikander**  
(Through Counsel)

Dated: 19/09/2014



**M. Abdullah Baloch**  
(Advocate High Court)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
PESHAWAR

SERVICE APPEAL NO. 1187 2014

Minhaj Sikander Yar Khan (OSI No 88/D) S/O Sikander Yar Khan, Cast Baloch, R/O Yar House, Yar Street, Bannu Road, Dera Ismail Khan City.

Appellant

VERSUES

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Deputy Inspector General of Police, DIKhan Range, Dera Ismail Khan.
3. District Police Officer, Dera Ismail Khan.
4. Mir Ajab 23/D (OSI), C/O DPO, Tank.
5. Alla uddin 29/D (OSI), C/O DPO, Dera Ismail Khan.
6. Sajawal Khan 60/D (OSI), C/O DPO, Dera Ismail Khan.
7. Fazal Hussan Shah 66/D (OSI), C/O DPO, Dera Ismail Khan.
8. Saad ullah Khan 96/D (OSI), C/O DPO, Dera Ismail Khan.
9. Mir Aslam 100/D (OSI), C/O DPO, Tank.
10. Allah Dad 97/D (OSI), C/O DPO, Dera Ismail Khan.
11. Muhammad Nawaz 99/D (OSI), C/O DPO, Dera Ismail Khan.
12. Fazal Raheem 33/D (OSI), C/O DPO, Dera Ismail Khan.
13. Mumtaz Khan 104/D (OSI), C/O DPO, Dera Ismail Khan.
14. Abdullah Khan 6/D (OSI), C/O DPO, Dera Ismail Khan.
15. Allah Nawaz 7/D (OSI), C/O DPO, Dera Ismail Khan.
16. Liaqat Ali 50/D (OSI), C/O DPO, Tank.
17. Pervaiz Hussain 69/D (OSI), C/O DPO, Dera Ismail Khan.
18. Adam Khan 78/D (OSI), C/O DPO, Tank.
19. Inam ullah 98/D (OSI), C/O DPO, Dera Ismail Khan.
20. Abdul Ghani 107/D (OSI), C/O DPO, Dera Ismail Khan.
21. Ghulam Fareed 109/D (OSI), C/O DPO, Dera Ismail Khan.
22. Shah Nadir 110/D (OSI), C/O DPO, Dera Ismail Khan.
23. Mohammad Yaqoob 111/D (OSI), C/O DPO, Dera Ismail Khan.
24. Mohammad Ashraf 112/D (OSI), C/O DPO, Dera Ismail Khan.

EX-PARTEE  
23/2/16

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22-1-19

EX-PARTEE  
23-2-16

Restore on  
24-1-2018  
Resp-no (9)

23/9/14

Respondents

SERVICE APPEAL UNDER SECTION 4 OF SERVICE TRIBUNAL ACT, 1974  
AGAINST THE ORDER OF RESPONDENT NO 2 ISSUED VIDE OFFICE  
ENDST; NO 883/89 DATED 12/03/2014 AND REJECTION OF OBJECTION  
PETITION VIDE ORDER NO 1545/ES DATED 30/04/2014, WHEREIN THE  
APPELLANT HAS BEEN SHOWN JUNIOR TO THE RESPONDENT NO 4 TO  
24 WHICH IS AGAINST THE POLICE RULES, STATUTORY PROVISIONS  
AND HAVING NO BINDING EFFECT UPON RIGHTS OF THE APPELLANT  
BESIDES OMISSION ON PART OF RESPONDENT NO 1 FOR INDECISION  
OF DEPARTMENTAL REPRESENTATION DATED 27/05/2014.

Respected Sir;

1. That the Appellant was appointed as Assistant Sub Inspector in Police Department on the recommendation of Public Service Commission and

ATTESTED

*[Signature]*  
Secretary  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

*[Signature]*  
Advocate

23/9/14

currently posted as Station House officer (SHO) at Police Station, Cantt, DIKhan.

2. That a Departmental Seniority List E of Offg: Sub Inspectors has been prepared for the purpose of promotion by the Respondent No 2 vide notification No 883-889 dated 12/03/2014 wherein the Appellant has been placed at Serial No. 70. **(Annexure A)**
3. That the Appellant being aggrieved of the impugned Seniority List preferred a Objection Petition to Respondent No 2 on 04/04/2014 being competent authority to entertain the same. **(Annexure B)**
4. That the Respondent No 2 rejected the Appeal vide Oder No 1545/ES dated 30/04/2014. **(Annexure C)**
5. That the Appellant being aggrieved person filed a Departmental Appeal/ Representation to Respondent No. 1 on 27/05/2014 being Appellant authority. **(Annexure D)**
6. The Appellate Authority has not decided representation of the appellant regarding grievances as yet, hence, the appellant has a right and cause of action to file this instant service appeal before this Hon'ble Service Tribunal being an aggrieved person, inter alia on the following grounds.

**GROUND**

1. That the impugned seniority list is against the settled laws and rules of promotion in service and have no legal footings hence ineffective upon the rights of appellant.
2. That as per Police Rules, the seniority among the ASIs is required to be fixed from the date of confirmation in the said rank while in the impugned Seniority list officer placed at serial numbers 42 to 68 (Excluding 50 to 54 & 57) are junior to the appellant as the date of confirmation of the appellant is much earlier than them.
3. That the Appellant after completion of three year successful probation period was confirmed along with his colleagues vide order no 911/ES dated 22/03/2012 from the date of his appointment i.e 07/03/2009 revised as 19/02/2009 vide order no 849/ES dated 11/03/2014. **(Annexure E & F)**
4. That the date of confirmation of the Respondent No 4 to 11 is 01/07/2009, date of confirmation of the Respondent No 12 & 13 is 15/03/2010 & 20/07/2010 and date of confirmation of Respondent No 14 to 24 is 09/06/2011. **(Annexure G & H)**
5. That although all the respondents 4 to 24 who were placed senior from the appellant in the impugned seniority list, the length of service may be

*Shri. Anand K. Sharma  
Advocate*

**ATTESTED**

*[Signature]*  
K. S. ...  
Secretary  
...

long than the appellant, but they were confirmed later in time from the appellant as ASI.

- 6. That for the purpose of promotion inter se seniority list among the ASIs should be prepared from the date of their confirmation not from the length of service in Police Department; hence, the appellant has been wrongly placed in the impugned seniority list.
- 7. That in the identical situation in Abbottabad Range & Bannu Range, the Seniority lists are prepared from the date of confirmation not from the length of service.
- 8. That the impugned seniority list is in violation of Police rules and statutory provisions as well as the dicta of superior courts pronounced in a number of judgments, hence the same needs to be corrected.
- 9. That the counsel for Petitioner/ Appellant may be allowed to argue additional grounds at the time of arguments.

It is, therefore, humbly prayed that on acceptance of the present Service Appeal, the impugned Seniority list vide notification No 883-889 dated 12/03/2014 may please be set aside and the appellant may be declared and placed as senior to the Respondents No 4 to 24 with all back benefits since the date of confirmation Or any other appropriate relief which this Hon'ble tribunal in the given circumstance may deem appropriate in the best interest of Justice may also be granted in the favour of appellants.

Yours Humble Appellant

**Minhaj Sikander**  
Through Counsel

Dated: 19/09/2014

Copy  
Original  
Subscribed  
Sealed  
Witnessed

**M. Abdullah Baloch**  
(Advocate High Court, D.I.Khan)

Date of Preparation ..... 10-4-19

Number of Pages ..... 2320

Copying Fee ..... 12-00

Urgent ..... 2-00

Total ..... 14-00

Name of the .....

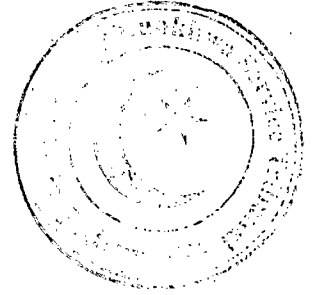
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**BEFORE THE HONOURABLE SERVICE TRIBUNAL**  
**CAMP DIKHAN.**

C.M No. \_\_\_\_\_/2015

In Service Appeal No.1156/2013



**Minhaj Sikandar**  
**(Applicant/Appellant)**

**Versus**

**IGP, etc**  
**(Respondents)**

**AN APPLICATION FOR INTERIM RELIEF**

**Respectfully Sheweth;**

1. That contents of the main appeal may please be read as an integral part of this application.
2. That the above mentioned service appeal has been admitted for regular hearing and is fixed for reply from respondents on 26/05/2015.
3. That in the instant appeal, the appellant has challenged seniority list "E" on the ground that he is senior from private respondents in terms of confirmation as ASI. The said list was issued by respondent No.2 vide notification No. 883-889 dated 12.03.2014.
4. That appellant was confirmed ASI from the date of his appointment i.e 07.03.2009 but the appellant was brought to the seniority list "E" with effect from 27.03.2012, which dispute is the subject matter of the instant appeal.

**ATTESTED**

Minhaj Sikandar  
Applicant/Appellant

- 7. That respondent No.2 issued letter No. 642/ES dated 25.02.2015 and recommended sub-inspectors for List "F" 2015. Respondent No. 2 is within Knowledge that seniority list "E" has already been challenged by the appellant and if the operation of the above mentioned letter is not suspended, the appellant would suffer irreparable loss. Moreover, operation of the ibid letter would creat numerous complications. Copy attched.
- 8. That appellant have got a strong case both in law and on merits as well.
- 9. That the balance of inconvenience tilts in favour of issuance of interim relief.

It is thus prayed that on acceptance of this application, the operation of the **letter No. 642/ES dated 25.02.2015** may please be suspende till final adjudication of the main appeal.

28.04.2015

Your humble applicant

Minhaj Sikandar Yar

*Signature*  
Through counsel:-

*Signature*  
Certified true copy  
Muhammad Abdullah Baloch

Muhammad Abdullah Baloch



8

FAX NO. : 0966 9280290

27 Apr. 2015 11:06AM P1

From The Dy: Inspector General of Police,  
DIKhan Region, DIKhan

To The Provincial Police Officer,  
Khyber Pakhtunkhwa Peshawar


No. 642 /ES Dated D.I.Khan the 25/02/2015

Subject RECOMENDATION TO LIST "F" 2015  
Memo:

Kindly refer to your good office letter No. 414-20/E-III dated  
12.02.2015.

The recommendation rolls on the prescribed form 13-15(1) of the  
following confirmed Sub Inspectors of DIKhan Region has already been submitted to  
your office vide this office memo: No. 509/ES dated 12.02.2015.

1. SI Saif-ur-Rehman, D/22
2. SI Muhammad Imran, D/23
- ✓ 3. SI Fazal Rahim, D/24
- ✓ 4. SI Mumtaz Khan, D/25
5. SI Syed Sagheer Abbas Shah, D/26

  
(ABDUL GHAFOOR AFRIDI)  
PSP, PPM

Deputy Inspector General of Police,  
Dera Ismail Khan Region

24/2

R13

Annexure - III (C) (9)

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL  
CAMP COURT D.I.KHAN.



Appeal No. 1187/2014

Date of Institution ... 23.09.2014

Date of Decision ... 26.03.2019

Minhaj Sikander Yar Khan (OSI no. 88/D) S/O Sikander Yar Khan. Cast Baloch,  
R/o Yar House, Yar Street, Bannu Road, Dera Ismail Khan City. ... (Appellant)

VERSUS

Inspector General Of Police, Khyber Pakhtunkhwa, Peshawar and twenty three  
others. ... (Respondents)

MR. ABDULLAH BALOCH,  
Advocate

For appellant.

MR. TARIQ AZIZ,  
District Attorney

For official respondents.

MR. IHSANUL HAQ,  
Advocate

For Private respondents  
no.12 & 13.

MR. SADIQUE ULLAH KUNDI,  
Advocate

For Private respondent  
no.19.

MR. AHMAD HASSAN,  
MR. HAMID FAROOQ DURRANI

MEMBER(Executive)  
CHAIRMAN

JUDGMENT

AHMAD HASSAN, MEMBER:- Arguments of the learned counsel for the

parties heard and record perused.

**ATTESTED**

ARGUMENTS

2. Learned counsel for the appellant argued that on the recommendations of  
Khyber Pakhtunkhwa, Public Service Commission, he joined the Police Department  
as ASI and presently discharging duties as SHO Police Station, Cantt. The

**EXAMINER**  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

respondents prepared seniority list 'E' of officiating S.I for the purpose of promotion and notified it vide order dated 12.03.2014. The name of the appellant was reflected at sr. no. 70. Feeling aggrieved, he filed written objections on 04.04.2014 and his request was rejected vide order dated 30.04.2014. Thereafter he filed departmental appeal before respondent no.1 on 27.5.2014, which failed to evoke any response, hence, the present service appeal. He further argued that according to the relevant provision of the Police Rules, seniority of ASIs was required to be fixed from the date of confirmation in the said rank. On the other hand in the impugned seniority list officers placed at sr. 42-68 (excluding 50,51,52,53,54 and 57) were junior to him, as was evident from their date of confirmation. After successful completion of probation period he was confirmed alongwith other colleagues from the date of appointment i.e 07.03.2009 later on revised as 14.02.2009 vide order dated 22.03.2012 and 11.03.2014 respectively. Private respondents being junior were confirmed subsequently. Length of service is not the sole criteria for determination of seniority. Reliance was placed on case law reported as 2014 SCMR 1289, 2011 SCMR 408, 2009 SCMR 01, 2005 SCMR 499, 1996 SCMR 1185 and 1999 PLC (C.S) 349, 2014 SCMR 1289, judgments of Service Tribunal dated 18.03.2019, 15.03.2019, 07.12.2017, 08.03.2017, 01.03.2011, 12.01.2012, 09.11.2013 and 20.01.2004 passed in service appeal no. 800/2018, 760/2011, 573/2016, 1504/2013, 1846/2009, 1361/2011, 1256/2012 and 2537/2000 respectively.

**ATTESTED**

In rebuttal learned counsel for private respondents no. 12,13 and 19 argued that he was inducted in the Police Department as Constable on 26.12.1987. He passed Lower Course in 1993-94 Intermediate in 2001-2002 and Upper Course in 2010-2011. He was enlisted in list 'E' on 20.07.2010 and promoted as officiating S.I on 14.12.2012, whereas name of the appellant was brought on list

Attested  
 Khushal Khan  
 Service Tribunal,  
 Peshawar

'E' on 20.02.2012. He was promoted as officiating S.I on 22.05.2013. It vividly indicated that the appellant was junior to the answering respondents. Seniority according to the Police Rules is counted from the date of confirmation and not from the date of appointment. Seniority list was correctly firmed up in accordance with the spirit of Police Rules 1934.

4. Learned District Attorney argued that objections raised by the appellant on the impugned seniority list were placed before a high level committee constituted for the purpose. The committee in its meeting held on 08.07.2013 decided that contention of PASIs for bringing their name on promotion list 'E' with retrospective effect was not justified. Private respondents were senior to the appellant as their names were brought on list 'E' much earlier than that of the appellant. Seniority list dated 31.12.2013 was prepared in accordance with the invogue law and rules.

#### CONCLUSION.

5. On the recommendations of the Khyber Pakhtunkhwa Public Service Commission, the appellant was inducted as ASI in the Police Department on 19.02.2009 and elevated to the rank of Sub-Inspector on 22.05.2014. Initially he was confirmed as ASI vide order no. 911/ES dated 22.03.2012 w.e.f. 07.03.2009. Subsequently, through revised order dated 11.03.2014, he was confirmed w.e.f 19.02.2009 (date of appointment) instead of 07.03.2009. Respondent no. 2 notified a seniority list of officiating Sub-Inspectors as stood 31.12.2013 vide endorsement dated 12.03.2014, wherein his name was placed at sr. no.70. Despite clear provisions in the rules that seniority be fixed from the date of confirmation, juniors were placed senior to the appellant. It is pertinent to mention here that they were confirmed in 2010 and 2011. Name of the appellant was required to be placed at sr. no. 41. Feeling aggrieved, he filed departmental appeal before respondent no. 1 for

**ATTESTED**

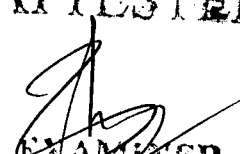
K.P.S. [Signature]

correction of list 'E'/seniority list; which was dismissed vide order dated 30.04.2014. Para-2 of the rejection order is worth perusal. The matter was deliberated in the meeting of high level committee held on 08.07.2013 and not found worth consideration. The committee was required to quote rules under which his request was not covered. It could not be termed as just and fair decision. It is a paradoxical situation, where according to rules, he was confirmed from the date of appointment i.e, 19.02.2009( revised order), but seniority assignment from the date of entry in list 'E' i.e 27.03.2012. This decision goes against the spirit of Rule 12.2(3) of Police Rules, hence lacks legal backing. Had his case not been on solid footings/backed by rules, the respondents would not given him confirmation from date of appointment. It further augments the stance of the appellant.

6. It merits to mention here that according to Rule-13.8 of Police Rules, wherein it is laid down that all police officers promoted in rank shall be on probation for two years, provided that the appointing authority may, by a special order in each case, permit periods of officiating service to count towards a 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.

7. On the other hand private respondents no. 12,13 and 19 joined the Police Department as Constable on 02.03.1998, 26.12.1987 respectively. Their names were brought on 'E' on 20.07.2010 and promoted as Officiating Sub-Inspector on 14.12.2014, while the appellant was enlisted in List 'E' on 20.02.2012 and promoted as officiating S.I on 22.05.2014, therefore, was junior. To illustrate the issue in its true perspective, we would like to seek guidance from Rule 12.2 (3) of Police Rules, reproduced below for ready reference:

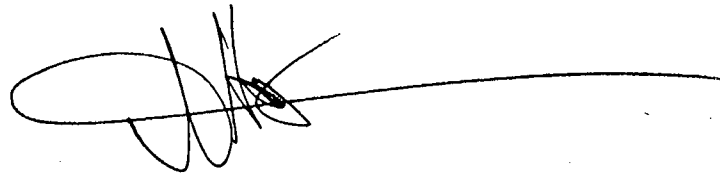
**ATTESTED**

  
**EXAMINER**  
 Khyber Pakhtunkhwa  
 Service Tribunal,  
 Peshawar

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

8. A plain reading of the said rule would help resolve the controversy deliberately created by the respondents. Similar point was also decided by this Tribunal in judgment dated 07.12.2017 rendered in service appeal no. 573/2016. Despite knowledge rules were misinterpreted with mal intent just to deprive the appellant of his due right. According to this yardstick date of confirmation of the appellant was 19.02.2009, while that of private respondents 20.07.2010 and 2011. For all intents and purposes, they were junior to the appellant. Presumably, private respondents were backing on length of service, which was not the criteria for determination of seniority. The appellant has succeeded in making out a strong case of discriminatory treatment received by him from the respondents, in violation of Article-25 of the Constitution. Similar point was decided by the Supreme Court (A.J&K) through 1999 PLC (C.S) 349 and 1996 SCMR 1185.

9. As a sequel to above, the appeal is accepted and impugned seniority list dated 12.03.2014 is set aside. Respondents are directed to assign seniority to the appellant from the due date. Parties are left to bear their own costs. File be consigned to the record room.



(AHMAD HASSAN)  
MEMBER  
CAMP COURT D.I.KHAN



(HAMID FAROOQ DURRANI)  
CHAIRMAN

ANNOUNCED  
26.03.2019

**Certified to be true copy**  
MEMBER  
Khyber Pakhtunkhwa  
Service Tribunal,  
Peshawar

Date of Presentation of Application 03-04-19  
Number of Pages 2020  
Cost of Copy 12-00  
Urdu 2-00  
Total 14-00  
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Date of Completion of Copy 03-04-19  
Date of Delivery of Copy 03-04-19

ANNEXURE - D

To,

The Senior Superintendent of Police (Admn),  
Special Branch, Khyber Pakhtunkhwa,  
Peshawar.

Subject: IMPLEMENTATION OF ORDER/JUDGMENT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL QUA SERVICE APPEAL NO 1187/2014 TITLED MINHAJ SIKANDER YAR KHAN VS PPO & OTHERS DECIDED ON 26/03/2019 AT CAMP COURT DERA ISMAIL KHAN

Respected Sir,

It is most respectfully submitted that the Applicant's Service Appeal No 1187/2014 dated 23/09/2014 was decided by the Hon'ble Khyber Pakhtun khwa Service Tribunal, Peshawar on 26/03/2019 at Camp Court Dera Ismail Khan after full scale contest from the representatives of the official as well as private Respondents in favour of the undersigned. **(Attested Copy of the Appeal and Order is enclosed for favour of perusal please)**

In the context of the said decision, it is humbly requested that the attached application may kindly be forwarded to the worthy Provincial Police Office, Khyber Pakhtun Khwa, Peshawar, for assigning seniority to the undersigned by placing at proper place i.e Serial No 295 instead of Serial no 604 on the promotion Seniority List 'F' so as to execute and implement the Judgment/order of the Khyber Pakhtunkhwa Service Tribunal, Peshawar.

Dated 05/04/2019

Yours obediently,

(MINHAJ SIKANDER YAR KHAN)  
Inspector D-9/ Group Officer  
Gomal University, Dera Ismail Khan.

Attested to be true  
copy. 23/5

The Worthy Provincial Police Officer,  
Government of Khyber Pakhtun Khawa,  
Peshawar.

15

Through: Proper Channel

Subject: IMPLEMENTATION OF ORDER/JUDGMENT OF KHYBER PAKHTUNKHWA SERVICE TRIBUNAL QUA SERVICE APPEAL NO 1187/2014 TITLED MINHAJ SIKANDER YAR KHAN VS PPO & OTHERS DECIDED ON 26/03/2019 AT CAMP COURT D I KHAN

Respected Sir,

With profound respect, the Applicant makes following submissions for your kind perusal and gracious consideration as per under;

1. That the Applicant was appointed as Assistant Sub Inspector in Police Department through Public Service Commission on merit and subsequently promoted to the rank of Inspector currently posted as Group Officer, Special Branch, Gomal University, D.I.Khan.
2. That a departmental Seniority 'E' List for the purpose of the promotion was prepared by the worthy Regional Police Officer, DIKhan Range vide his Office Endst; No. 883-89 dated 12/03/2014. The applicant being aggrieved from the tentative seniority list submitted objection petition to the competent authority which was not acceded and turned down.
3. That the appellant being dissatisfied from the order preferred a Departmental Appeal to the Appellate Authority, however, the same did not decide representation regarding grievances within the stipulated statutory period. The Appellant, in exercise of his right, having no other option filed a Service Appeal No 1187/2014 before KP Service Tribunal, Peshawar.
4. That the Hon'ble KP Service Tribunal, Peshawar decided the Service Appeal in favour of the Appellant on dated 26/03/2019 at Camp Court, Dera Ismail Khan and accepted the appeal by set aside the impugned Seniority list. (Attested Copy of the Appeal and Order/Judgment is enclosed for favour of perusal and ready reference please).

In pretext of the said decision and afore mentioned facts, it is humbly requested that;

- I. Instructions may be issued Regional Police Officer, DIKhan Range, DIKhan to implement the subject order by amending the notification with subject "Recommendation to List 'F'" vide letter No 642/ES dated 25/02/2015 by placing the name of the Applicant at Serial No 3 below the name of Inspector Mohammad Imran D/23 and above the name of Inspector Fazal Rahim D/24 and;
- II. Directions may be issued to the Establishment Branch of the Central Police Office, Peshawar to take up the matter with Worthy Regional Police Officer, DIKhan Range and afterwards issue revise Seniority of the Applicant by placing the name at the proper place at Serial No 295 in the promotion Seniority list 'F' issued on 26/02/2019 above the name of Inspector Fazal Rahim D/24, so as to execute and implement the Judgment/order of the Hon'ble KP Service Tribunal, Peshawar at your earliest convenience please.

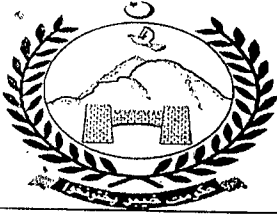
Dated 05/04/2019

*Minhaj SIKANDER YAR KHAN*  
2019

Yours obediently,

*Minhaj SIKANDER YAR KHAN*  
(MINHAJ SIKANDER YAR KHAN)  
Inspector D-9/ Group Officer  
Gomal University, Dera Ismail Khan.





GOVERNMENT OF KHYBER PAKHTUNKHWA  
LAW, PARLIAMENTARY AFFAIRS AND  
HUMAN RIGHTS DEPARTMENT

ANNEXURE - E (16)

No.SO(Lit)/LD/9-13(36)Home/2019/\_\_\_\_  
Dated Peshawar the \_\_\_\_/\_\_\_\_/2019

To

1. The Advocate General,  
Khyber Pakhtunkhwa, Peshawar.
2. The Secretary to Govt. of Khyber Pakhtunkhwa,  
Home & Tribal Affairs Department.

Subject: Service Appeal No.1187/2018 titled Minhaj Sikandar Yar Khan Vs  
Regional Police Officer Kohat region and others.

Dear Sir,

I am directed to refer to Inspector General of Police Khyber Pakhtunkhwa, Peshawar letter No.1969/Legal, dated 09/04/2019 on the subject noted above and to forward herewith minutes of the meeting held on 24-04-2019 in Law Department (which are self explanatory) for perusal and further necessary action, please.

Yours faithfully,

  
SECTION OFFICER (Lit)

Endst: No.& Date Even.

Copy alongwith copy of minutes is forwarded to the:

1. Inspector General of Prisons Khyber Pakhtunkhwa, Peshawar.
2. PS to Secretary Law Department Khyber Pakhtunkhwa.
3. PA to Deputy Solicitor Law.

  
SECTION OFFICER (Lit)

*Amirul  
see  
Kohat  
2015*



MINUTES OF THE SCRUTINY COMMITTEE MEETING.

(AGENDA ITEM NO. 1)

SERVICE APPEAL NO. 1187/2014 TITLED MINHAJ SIKANDER YAR KHAN VS INSPECTOR GENERAL OF POLICE AND OTHERS.

A meeting of the Scrutiny Committee was held on **24.04.2019 at 12:00 hours** in the office of Secretary Law, Parliamentary Affairs & Human Rights Department under his Chairmanship to determine the fitness of the subject case for filing of Appeal / CPLA in the Supreme Court of Pakistan. AAG (Mr. Wilayat Ali Shah) was also present during the meeting being representative of Advocate General Khyber Pakhtunkhwa.

2. The Chairman of the Committee invited the representatives of **Home Department / Police Department Mr. Imtiaz Ali, AIG Legal** to apprise the Committee about the background of the case which he did accordingly and stated that the appellant filed the subject service appeal against the seniority list prepared for the purpose of promotion notified vide order dated: 12.03.2014. The Khyber Pakhtunkhwa Service Tribunal accepted the appeal, set aside the seniority list dated: 12.03.2014 and directed the respondents to assign seniority to the appellant from the due date vide order dated: 26.03.2019. Now, the Department intended to file CPLA against the judgment on the following grounds:

GROUND:

3. The grounds as proffered by the representative of the Department were that the Court has ignored the record placed before it. He further added that according to the relevant provision of the Police Rules, seniority of ASIs was required to be fixed from the date of confirmation in the said rank and private respondents were senior to the appellant as their names were brought on List "E" much earlier than that of appellant. He further added that the seniority list dated: 31.12.2013 was prepared in accordance with invogue law and rules. The representative requested to declare the case fit for filing CPLA in the Supreme Court of Pakistan on the analogy and grounds of identical cases.

DECISION:

4. Hence in view of above it was decided with consensus by the Scrutiny Committee that the subject case was a fit case for filing of Appeal / CPLA in the Supreme Court of Pakistan on the analogy and grounds of the identical cases.

5. The representative of **Home Department/Police Department** was advised to approach the office of Advocate General alongwith complete record of the case for doing the needful within the period of limitation under intimation to this Department.

  
ABID JAMAL  
DEPUTY SOLICITOR

*After read  
the  
28/5*



N.W.F.P. BAR COUNCIL

# وکالت نامہ



کورٹ  
فیس

Before the Honourable K.P.C Service Tribunal,

Petitioner Minhaj Sikandar vs IGP etc Respondent

Implementation / Execution Petition

باعث تحریر نامہ

D.I. Khan MUHAMMAD ABDULLAH BALOCH AHC

مقدمہ مندرجہ بالا عنوان میں اپنی طرف واسطے بیرونی وجوہ دی برائے پیشی یا تصفیہ مقدمہ بنام

کو حسب ذیل شرائط پر وکیل مقرر کیا ہے کہ میں پیشی پر خود یا بذریعہ رو برو عدالت حاضر ہوں گا اور ہر وقت یکارت جانے مقدمہ وکیل صاحب موصوف کو اطلاع دے کر حاضر عدالت کروں گا اگر پیشی پر مظہر حاضر نہ ہو اور مقدمہ میری غیر حاضری کی وجہ سے کسی طور میرے خلاف ہو گیا تو صاحب موصوف اس کے کسی طرح ذمہ دار نہ ہوں گے نیز وکیل صاحب موصوف صدر مقام بکھری کے علاوہ یا بکھری کے اوقات سے پہلے یا بیچے یا بروز تعطیل بیرونی کرنے کے ذمہ دار نہ ہوں گے اور مقدمہ صدر بکھری کے علاوہ اور جگہ سماعت ہونے یا بروز تعطیل یا بکھری کے اوقات کے آگے یا بیچے پیش ہونے پر مظہر کوئی نقصان پہنچے تو اس کے ذمہ دار یا اسکے واسطے کسی معاوضہ کے ادا کرنے یا عمت نہ واپس کرنے کے بھی صاحب موصوف ذمہ دار نہ ہوں گے۔

مجھ کو کل ساختہ پر داخستہ صاحب موصوف مثل کردہ ذات خود منظور قبول ہو گا اور صاحب موصوف کو عرض دعوی یا جواب دعوی یا درخواست اجراء اسمائے ذگری نظر ثانی اپیل نگرانی و ہر قسم درخواست ہر قسم کے بیان دینے اور پر تالی یا راشی نامہ و فیصلہ برحلف کرنے اقبال دعوی کا بھی اختیار ہو گا اور بصورت مقرر ہونے تاریخ پیشی مقدمہ مزکور بیرون از بکھری صدر بیرونی مقدمہ مزکور نظر ثانی اپیل و نگرانی و ہر قسم اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ یا گرفتاری قبل از فیصلہ اجراء ذگری بھی صاحب موصوف کو بشرط ادائیگی علیحدہ محتاج بیرونی کا اختیار ہو گا اور تمام ساختہ پر داخستہ صاحب موصوف مثل کردہ از خود منظور قبول ہو گا اور بصورت ضرورت صاحب موصوف کو یہ بھی اختیار ہو گا کہ مقدمہ مزکورہ یا اس کے کسی جزو کی کارروائی یا بصورت ضرورت نگرانی اپیل نگرانی یا دیگر معاملہ و مقدمہ مذکورہ کسی دوسرے وکیل یا بیر منر کو اپنے بجائے یا اپنے ہمراہ مقرر کریں اور ایسے مشیر قانون کو جس پر امر میں وہی اور ایسے اختیارات حاصل ہوں گے جیسے صاحب موصوف کو حاصل ہیں اور دوران مقدمہ میں جو کچھ ہر جہت التواء پڑے گا وہ صاحب موصوف کا حق ہو گا اور صاحب موصوف کو پوری فیس تاریخ پیشی سے پہلے ادا نہ کروں گا تو صاحب موصوف کو پورا اختیار ہو گا کہ مقدمہ کی پروا نہ کریں اور اپنی صورت میں میرا کوئی مطالبہ کسی قسم کا صاحب موصوف کے برخلاف نہیں ہوگا

لہذا وکالت نامہ لکھ دیا ہے تاکہ سند رہے

05 27 مورخہ

مضمون وکالت نامہ سن لیا ہے اور اچھی طرح سمجھ لیا ہے اور منظور ہے۔

*Accepted*  
*Muhammad Abdullah Baloch*

Muhammad Abdullah Baloch  
AHC D.I. Khan  
0314-6932557

*Minhaj Sikandar*

**"B"**

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

No.

*E. P. No. 223/19* *TB*

Appeal No. .... of 20 .....

*Misbah Sikander Jar Khan* Appellant/Petitioner

Versus

*197/19 Pk Pk Pk* Respondent

Respondent No. 2

Notice to: —

*Deputy Inspector General of Police  
 Range Dera Ismail Khan*

WHEREAS an appeal/petition under the provision of the North-West Frontier 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 26-5-2019 at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be 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 No. .... dated .....

Given under my hand and the seal of this Court, at Peshawar this..... *27/5*

Day of *May* ..... 20 *19*

*at Camp Court of D.I. Khan*

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.

**"B"**

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

No.

*115*  
*CP No. 223/19*  
Appeal No..... of 20

*Mirwaiz Sibtain* Appellant/Petitioner  
Versus

*CP No. 19/15* Respondent  
Respondent No..... *3*

Notice to: -

*Distt. Police office, D.I. Khan*

WHEREAS an appeal/petition under the provision of the North-West Frontier 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 *26-6-2019* at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be 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~~ *IRV* is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....*27/6*.....

Day of.....*27/6*.....20*19*

*at compliance of D.I. Khan*

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.

**"B"**

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

No.

Appeal No.: ..... 223 ..... of 20 ..

Munhaj Sikander Yar ..... Appellant/Petitioner  
Versus

15/7/19, 15/7/19 Pesh. .... Respondent

Respondent No. ....

Notice to: - Inspector General of Police  
15/7/19 Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier 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..... at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be 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 DR is attached. Copy of appeal has already been sent to you vide this office Notice No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....20

*may 19*  
*Camp (over to D. 1) Peshawar*  
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.

KHYBER PAKHTUNKWA SERVICE TRIBUNAL, PESHAWAR

No. 509 /ST

Dated 03-03-2020

To


The Deputy Superintendent of Police (Legal),  
Government of Khyber Pakhtunkhwa,  
D.I.Khan.

Subject: -

ORDER IN EXECUTION PETITION NO. 223/2019, MR. MINHAJ SIKANDAR.

I am directed to forward herewith a certified copy of order dated 25.02.2020  
passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.



OFFICE OF THE  
DISTRICT POLICE OFFICER,  
DERA ISMAIL KHAN

Phone No. 0966-9280297  
Fax No. 0966-9280293

No.

1323 LB

Dated DIKhan the

13-09 /2019

To: The Provincial Police Officer,  
Khyber Pakhtunkhwa Peshawar

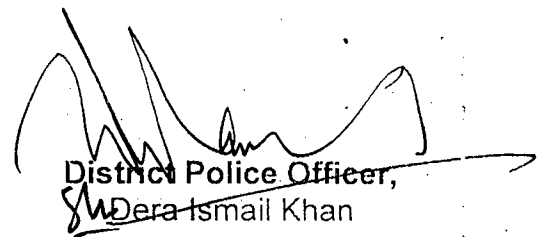
Subject: IMPLEMENTATION/ EXECUTION OF JUDGMENT DATED 26.03.2019  
REGARDING SENIORITY OF PETITIONER

Kindly refer to this office Endst: No. 951/LB, dated 03.07.2019. (Copy enclosed).

It is submitted that Service Tribunal Khyber Pakhtunkhwa Peshawar Camp court DIKhan announced the following orders during the judgement dated 26.08.2019.

"None present on behalf of the petitioner Mr.Tariq Aziz, District Attorney alongwith Mr.Khalil Ahmed, SI (Legal) for the respondents present. Implementation report not submitted. Represented of the department requested for further adjournment. Last chance is granted to the respondents for filling of implementation report. Adjourned to 24.09.2019 for imp ementation report before S.B at Camp Court DIKhan".

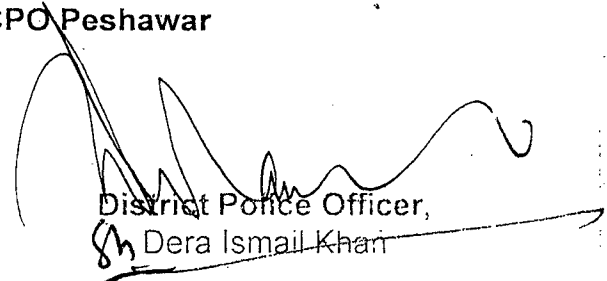
Submitted for kind perusal and further guidance please.

  
District Police Officer,  
Dera Ismail Khan

No. 1324-25 LB

For information:-

1. Regional Police Officer DIKhan
2. Assistant Inspector General of Police, Legal CPO Peshawar

  
District Police Officer,  
Dera Ismail Khan





OFFICE OF THE  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
REGION

No. 588 /ES, Dated DI Khan the 11 /02/2020

ORDER

A committee is hereby constituted to finalize the seniority case of Inspector Minhaj Sikandar as per direction of CPO Peshawar issued vide letter No. CPO/CPB/366 dated 02.12.2019 with immediate effect.

Office of the DPO/D.I.Khan  
Dy. 339 /EC  
DL 11-09 /2020

1. Mr. Wahid Mehmood, DPO DIKhan
2. Mr. Muhammad Arif, DPO Tank
3. Mr. Amar Ullah Khan, SP Investigation DIKhan as head of the committee.

*Minhaj Sikandar*  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

No. 589-93 /ES

Copy of above is submitted for information & necessary action to the:

1. Inspector General of Police, Khyber Pakhtunkhwa with reference to his office letter No. CPO/CPB/366 dated 02.12.2019, please.
2. Superintendent of Police, Investigation DIKhan.
3. All committee members.

*Minhaj Sikandar*  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

*Seen / EC*  
*DPO DIK*  
*11/2*



OFFICE OF THE  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
REGION

No 732 /ES,

Dated \_\_\_\_\_ DI Khan the

19 /02/2020

ORDER

In compliance of Judgment of Khyber Pakhtunkhwa Service Tribunal Peshawar dated 26.03.2019 and Inspector General of Police KP Peshawar letter No. CPO/CPB/366 dated 02.12.2019, as well as minutes of Regional Departmental Committee dated 11.02.2020, the seniority list of Offg: Sub Inspectors/Confirmed Asstt: Sub Inspectors on list 'E' of DIKhan Region as it stood on 31.12.2014 vide this office notification No. 1102/ES dated 30.03.2015 is hereby revised.

The name of Mr. Minhaj Sikandar, Petitioner is placed at S#52 below the name of OSI Saleem Pervez and above the name of OSI Ebad Wazir.

Office of the DPO/D.I.Khan  
No. 416 /EC,  
Dt. 20-2 /2020

*[Signature]*  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

No. 733-39 /ES

dated DI Khan the

19 /02/2020

Copy of above with reference to this office Endst: No. 1103-9/ES dated 30.03.2015 is forwarded for information & necessary action to:-

*OB 515*  
*DT 20-2-20*

1. The Additional Inspector General of Police, Investigation, Khyber Pakhtunkhwa, Peshawar. Two spare copies of the notification are enclosed for publication.
2. The Deputy Inspector General of Police, CTD Khyber Pakhtunkhwa Peshawar.
3. The Capital City Police Officer, Peshawar.
- 4-5. The District Police Officers, DIKhan & Tank.
- 6-7. The Superintendent of Police, Investigation, DIKhan & Tank

*OBJEC*  
*for n/actua*  
*and for making necessary*  
*entries in the list.*

*[Signature]*  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

*[Signature]*  
DPO/D.I.Khan  
20/2/20



OFFICE OF THE  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
REGION

MINUTES OF THE REGIONAL DEPARTMENTAL COMMITTEE MEETING HELD IN REGIONAL  
POLICE OFFICE DI KHAN ON 11.02.2020

In the light of court judgment and minutes of meeting of Departmental Selection committee CPO Peshawar dated 24.09.2019, a meeting of Regional Departmental Committee was held on 11.02.2020 at 10:00 hours in the office of the Regional Police Officer DIKhan under the Chairmanship of the undersigned to examine the seniority case of Inspector Minhaj Sikandar Yar Khan, D/09.

The following officers attended the meeting as its members:-

1. Mr. Wahid Mehmood, District Police Officer, DI Khan.
2. Mr. Muhammad Arif, District Police Officer, Tank.
3. Mr. Aman Ullah, SP Investigation, DIKhan.

Office of the DPO/DI Khan  
By 438 IES,  
Dt. 24/02 2020

The committee thoroughly perused the relevant record i.e. appointment confirmation and promotion list 'E' of the PASIs as well as promotees according to Police Rules. Relevant rule 12.2 para 3 is reproduced below:-

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

The petitioner was enlisted in Police Department as Pasi on 14.04.2009. After completion of his probation period, he was confirmed in his substantive rank from the date of his appointment i.e. 14.04.2009 and brought on promotion list 'E' 15.04.2012 and placed at Sil 70 in the seniority list 'E' stood on 31.12.2013 issued vide this office Notification No. 882/ES dated 12.03.2014. He preferred representation against the Seniority list 'E' of 2013 which was rejected by the then RPO DIKhan vide this office Endst: No. 1545/ES dated 30.04.2014.

It is worth to mention that confirmation and promotion list 'E' are two different aspects. His name was brought on list 'E' on 15.04.2012 and from that date, the seniority of the inspector was counted.

He preferred appeal to the Inspector General of Police, Khyber Pakhtunkhwa Peshawar against the order issued vide this office Endst: No. 1545/ES dated 30.04.2014 which was also rejected by the competent authority vide CPO Peshawar letter No. 1420/E-III dated 27.05.2015.

He then lodged appeal No. 1187 of 2014 before the Khyber Pakhtunkhwa Service Tribunal Peshawar. The Khyber Pakhtunkhwa Service Tribunal Peshawar vide Judgment dated 26.03.2019 set aside the seniority list 'E' 2014 and directed to assign seniority to the appellant from the due date.

In compliance of Court Judgment, the Inspector General of Police, Khyber Pakhtunkhwa Peshawar constituted a Departmental Selection Committee and the steps taken by the DSC have been endorsed to this office vide CPO Peshawar letter No. CPO/CPB/366 dated 02.12.2019 which is reproduced below:

"The DSC examined his case and recommended that the judgment of Khyber Pakhtunkhwa Service Tribunal may be sent to RPO DIKhan for further necessary action in accordance with the law/rules because the issue of seniority in list 'E' is the legal mandate of the DIG DIKhan. The RPO may decide the case as per facts and law within one week. Once this issue is settled by RPO DIKhan, the seniority in list F shall be rectified by the Departmental Selection Committee".

In the light of minutes of DSC meeting of CPO Peshawar dated 24.09.2019, the department has filed appeal/CPLA in the Supreme Court of Pakistan well in time i.e. 13.06.2019 which has been accepted.

Keeping in view the position explained above, the committee unanimously agreed to revise the seniority list 'E' 2014 in accordance with the rules, judgment of Service Tribunal dated 26.03.2019 as well as directions of IGP KP Peshawar letter No. CPO/CPB/366 dated 02.12.2019. The seniority list was revised by the committee. Seniority list was revisited one by one. New/fresh Seniority List 'E' 2014 has been issued. The name of petitioner has been placed at S# 52 above the name of OSI Ebad Wazir, 89/D and below the name of OSI Saleem Pervez, 87/D.

(Capt.® WAHID MEHMOOD) PSP  
District Police Officer  
Dera Ismail Khan  
(Member)

(MUHAMMAD ARIF)  
District Police Officer  
Tank  
(Member)

(AMAN ULLAH)  
SP Investigation  
DIKhan  
(Member)

(Ft: (Lt)® MOHAMMAD IMTIAZ SHAH)  
PSP, QPM  
Regional Police Officer  
Dera Ismail Khan  
(Chairman)

**OFFICE OF THE REGIONAL POLICE OFFICER, DERA ISMAIL KHAN REGION**

No. 730-32 /ES Dated DI Khan the 19/02/2020

Copy of above for favour of information is submitted to the:

1. Inspector General of Police, Khyber Pakhtunkhwa Peshawar.
2. District Police Officers DI Khan & Tank.

(Ft: (Lt)® MOHAMMAD IMTIAZ SHAH)  
PSP, QPM

Regional Police Officer  
Dera Ismail Khan

“B”

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

No.

75

Appeal No.....273..... of 20 19

.....Mirraj Sidiq.....Yas. Khan Appellant/Petitioner

Versus

.....P. Sidi..... Respondent

Respondent No.....A167.....

Notice to:

- A167, (Legal) Govt. of KP & Peshawar

WHEREAS an appeal/petition under the provision of the North-West Frontier 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.....28.10.2019.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

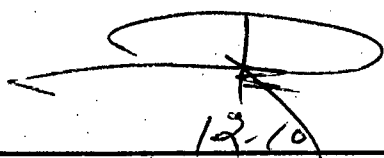
Notice of any alteration in the date fixed for hearing of this appeal/petition will be given to you by registered post. You should inform the Registrar of any change in your address. If you fail to furnish such address your address contained in this notice which the address given in the appeal/petition 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 No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....5/11/19.....

Day of.....11/11.....20 19

at Camp Court D-1 Peshawar



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.

**"B"**

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

No.

*E.P. NO. 223/19* 123

Appeal No..... of 20

*Munhaj S. Kamdar*.....Appellant/Petitioner

Versus

*P.P.O. KPSC Peshawar*.....Respondent

Respondent No..... *AIG, Legal*

Notice to:

*AIG, Legal Govt. of KPSC Peshawar*

WHEREAS an appeal/petition under the provision of the North-West Frontier 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.....at 8.00 A.M. If you wish to urge anything against the appellant/petitioner you are at liberty to do so on the date fixed, or any other day to which the case may be postponed either in person or by authorised representative or by any Advocate, duly supported by your power of Attorney. You are, therefore, required to file in this Court at least seven days before the date of hearing 4 copies of written statement alongwith any other documents upon which you rely. Please also take notice that in default of your appearance on the date fixed and in the manner aforementioned, the appeal/petition will be heard and decided in your absence.

Notice of any alteration in the date fixed for hearing of this appeal/petition will be 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 No.....dated.....

Given under my hand and the seal of this Court, at Peshawar this.....

Day of.....*oct*.....20*20*

*at Camp Court D.I. Khan*

*20910/28 sent to AIG Legal*

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.

**KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR**

No. 468 /ST

Dated 03 / 03 / 2021


To

The Deputy Inspector General of Police, D.I. Khan Range,  
Government of Khyber Pakhtunkhwa,  
D.I. Khan.

SUBJECT: - **ORDER IN EXECUTION PETITION NO. 223/2019, MR. MINHAJ SIKANDAR.**

I am directed to forward herewith a certified copy of order dated 24.02.2021 passed by this Tribunal on the above subject for strict compliance.

Encl: As above

  
REGISTRAR  
KHYBER PAKHTUNKHWA  
SERVICE TRIBUNAL  
PESHAWAR.

# سپریم کورٹ آف پاکستان، اسلام آباد

قدمات کی تاریخ سماعت اور دیگر تفصیلات جاننے کے لیے دیکھیے [www.supremecourt.gov.pk](http://www.supremecourt.gov.pk)

## نوٹس برائے سماعت مقدمہ

C.A.824/2014

میونسپل کارپوریشن پشاور بلدیہ ایڈمنسٹریٹو وغیرہ بنام حاجی غلام رسول وغیرہ

- ۱۔ آپ کو بذریعہ نوٹس ہذا اطلاع دی جاتی ہے کہ درج بالا مقدمہ کی سماعت سپریم کورٹ آف پاکستان، اسلام آباد میں مورخہ 29-10-2020 کو صبح ۹ بجے یا عدالت کی سہولت کے مطابق بعد میں کسی بھی وقت ہوگی۔
- ۲۔ مقررہ تاریخ کو اسلام آباد آنے سے پہلے مندرجہ بالا دیوب سائٹ سے فائل کا رزلٹ میں اپنے کیس کے گنتے کی تصدیق کر لیں۔
- ۳۔ آپ کو مزید آگاہ کیا جاتا ہے کہ آپ اپنا اصل تو می شناختی کارڈ عدالت کے احاطہ میں داخلہ اور شناخت کے لئے ہمراہ لائیں۔
- ۴۔ بوجہ کرنا دائرہ صرف (الک) معزز وکلا (پ) فریقین مقدمہ اور (پ) وہ افراد جنہیں عدالت عظمیٰ نے طلب کیا ہو، عدالت میں پیش ہوں۔ باقی تمام غیر متعلقہ افراد کو تلقین کی جاتی ہے کہ وہ عدالت عظمیٰ آنے سے گریز کریں اور دلچسپی رکھنے والے افراد کسی مقدمہ سے متعلقہ معلومات عدالت عظمیٰ کی ہیلپ لائن 1818 سے حاصل کر سکتے ہیں۔
- ۵۔ مزید برآں (جنگم عدالت) اگر نوٹس کی تعمیل یا وصولی بذریعہ مختار عام یا خاص ہو تو رپورٹ بمعہ مختار نامہ کی نقل ارسال کریں تاکہ ریکارڈ کا حصہ رہے۔

اسسٹنٹ رجسٹرار  
(فکسچر)

اسلام آباد 21-10-2020

بنام:-

- ۱۔ حکومت خیبر پختونخواہ بذریعہ سیکرٹری پشاور
- ۲۔ سیکرٹری ٹرانسپورٹ حکومت خیبر پختونخواہ پشاور
- ۳۔ سیکرٹری ریجنل ٹرانسپورٹ اتھارٹی بینولنٹ فنڈ بلڈنگ پشاور
- ۴۔ ڈسٹرکٹ کوآرڈینیشن آفیسر پشاور
- ۵۔ کمشنر پشاور ڈویژن پشاور
- ۶۔ چیف کیپٹل سٹی پولیس آفیسر
- ۷۔ سیکرٹری پروویژنل ٹرانسپورٹ اتھارٹی بینولنٹ فنڈ بلڈنگ پشاور
- ۸۔ ڈائریکٹر کوآرڈینیشن سٹی ڈسٹرکٹ گورنمنٹ پشاور
- ۹۔ انسپکٹر جنرل آف پولیس خیبر پختونخواہ پشاور
- ۱۰۔ حاجی محمد ظاہر شاہ اے او آر معرفت اسسٹنٹ رجسٹرار پشاور
- ۱۱۔ ایم ایس ٹیک، اے او آر

1347

معارف

26/7

اسسٹنٹ رجسٹرار  
21/10/2020





OFFICE OF THE  
REGIONAL POLICE OFFICER,  
DERA ISMAIL KHAN

Court Matter

No. 839 IES

Dated DIKhan the

23 / 02 / 2021

To: The Provincial Police Officer  
Khyber Pakhtunkhwa, Peshawar.

Subject: **EXECTION PETITION NO. 223/2019 IN SERVICE APPEAL  
NO. 1187/2014 TITLED MINHAJ SIKANDAR V S PPO ETC**

Memo:

Enclose please find herewith a letter No. 181/Legal, dated 23.02.2021 received from District Police Officer, D.I.Khan in the subject case.

It is requested that Permission for Conditional Implementation may kindly be allowed subject to outcome of CPLA, please.

  
Regional Police Officer,  
Dera Ismail Khan

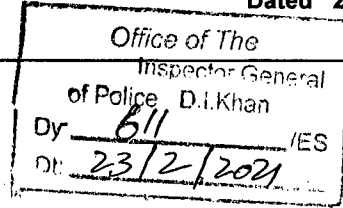


☎ 0966-9280297  
Fax#. 0966-9280293  
legalbranchdik@gmail.com

**OFFICE OF THE  
DISTRICT POLICE OFFICER,  
DERA ISMAIL KHAN**

No: 181 /Legal  
Dated 23 / 02 /2021

To: The Regional Police Officer  
Dera Ismail Khan



Subject: **EXECTION PETITION NO. 223/2019 IN SERVICE APPEAL NO.  
1187/2014 TITLED MINHAI SIKANDAR V S PPO ETC**

Memo:

It is submitted that above cited execution petition was fixed before camp court service tribunal at DIKhan today on 23.02.2021. The tribunal has directed to produce the implementation report on 24.02.2021.

It is requested that as CPLA is pending in the august supreme court of Pakistan, therefor CPO Peshawar may kindly be approached to grant permission for conditional implementation subject to outcome of CPLA please.

  
**District Police Officer,  
Dera Ismail Khan**



OFFICE OF THE  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
REGION

No. 8617 /ES,

Dated

DI Khan the

08/09/2020

**ORDER**

A Regional departmental scrutiny committee constituted to consider the various cases of affected officers/officials in seniority/promotion vide this office Order No.3057/ES dated 30.07.2020.

Consequent upon the selection of SP Investigation DI Khan to join 6<sup>th</sup> Junior Command Course at Peshawar, **Mr. Taj Malook Khan SP Investigation Tank**, is hereby nominated to head the scrutiny committee and submit report within 07-days.

  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

No. 8618-24/ES

Copy of above is sent for information & necessary action to the:-

1. District Police Officer, DI Khan & Tank
2. SP Investigation Tank
3. SP Investigation DI Khan, with the directions to send the cases of affected officers/officials to SP Investigation Tank immediately, under intimation to this office.
4. All Committee members

  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
7/9



OFFICE OF THE  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
REGION

No. 8628 /ES,

Dated

DI Khan the 08/09/2020

To The Superintendent of Police,  
Investigation unit Tank

Subject ORDER

Memo:

Reference this office Order No.8617/ES dated 08.09.2020 and  
No.3057/ES dated 30.07.2020.

It is intimated that the following Police Officers have preferred their  
applications requesting therein for rectification/revision of their confirmation/admission  
to seniority list "E".

- 1) Inspector Sadique Ullah No.21/D
- 2) Inspector Minhaj Sikandar Yar Khan No.D/9

You are, therefore, directed to place their cases of seniority before  
the committee already constituted for the purpose and report thereof be sent to the  
undersigned, please.

  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

8/9



OFFICE OF THE  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
REGION

No. 3057 /ES, Dated \_\_\_\_\_ DI Khan the 30/07/2020

**ORDER**

A Regional departmental scrutiny committee comprising of the following Officers is hereby constituted to consider the various cases of affected officers/officials in seniority/promotion:-

1. Superintendent of Police, Investigation DI Khan
2. DSP/ Headquarters, DI Khan
3. DSP/ Headquarters, Tank
4. SI/Legal, DI Khan

The committee will work-out of the following cases of seniority and submit its report to the undersigned within the stipulated period:-

- 1) Revised confirmation/admission to list "E"
- 2) Cases of PASIs appointed against 5% Shuhada quota for rectification in date of adjustment against regular post.
- 3) Confirmation/Admission to list "E". PASIs direct recruited through KPPSC
- 4) Rectification of seniority case of Inspector Abid Iqbal, D/56
- 5) Promotion case of District ASI Haqnawaz, MT Staff DI Khan
- 6) Case of PASI Inam Ullah of District Tank for grant of full pay
- 7) Seniority issue of ASI Anaq Ahmed No.173 of District Tank
- 8) Seniority issue of ASI Ghulam Sadiq No.805 of District DI Khan

  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN

No. 3058-64/ES

Copies to:

1. The Inspector General of Police, Khyber Pakhtunkhwa Peshawar with reference to his office letter No. CPO/CPB/97 dated 15.04.2020.
2. The District Police Officers DI Khan and Tank.
3. All Committee Members

  
REGIONAL POLICE OFFICER  
DERA ISMAIL KHAN  
30/7



OFFICE OF THE  
SUPERINTENDENT OF POLICE  
INVESTIGATION DISTRICT TANK  
Ph. No. 0993-511730.  
Fax. No. 0993-511257  
Email address: [spitank@khyber.gov.pk](mailto:spitank@khyber.gov.pk)

No. 1450/20/Inv. Dated Tank the 11/09/2020

- To:
1. The Addl. Inspector General of Police,  
Special Branch Khyber Pakhtunkhwa,  
Peshawar.
  2. The Director,  
Anti Corruption Khyber Pakhtunkhwa,  
Peshawar.
  3. The District Police Officer,  
Bannu.


Subject: REGIONAL DEPARTMENTAL SCRUTINY COMMITTEE.

Kindly refer to Worthy RPO/DIKhan Order Endat: No. 8018/24/ES Dated (08/09/2020, on the subject cited above.

It is submitted that as per directions of Worthy RPO/DIKhan the meeting of Departmental Scrutiny Committee is scheduled to be held in the office of the undersigned on 15.09.2020 at 11.00 Hrs.

It is therefore, requested that following Officers performing their duties under your kind command may kindly be informed to appear before the committee on due date & time positively,

1. DSP. Abdul Hayee Khan presently posted at AD Crime:ACE DIKhan.
2. Inspector Saif-Ur-Rahman No. D/22. (SDPO Bannu Cantt.)
3. Inspector Saif Hussain No. D/51 (Bannu)
4. Inspector Abid Iqbal No. D/56 (Special Branch Peshawar)
5. Inspector Minhaj Sikandar No. D/18 (Special Branch DIK)
6. Inspector Saadq Ullah No. 21/D (ACE:DIKhan)

  
Superintendent of Police,  
Investigation Tank

NO. 1461/20/Inv. Copy of above is submitted to:-

1. The Regional Police Officer, Dera Ismail Khan for favour of kind information.
2. The District Police Officer, Tank.
3. Members of Departmental Scrutiny Committee for information and further necessary action.

  
Superintendent of Police,  
Investigation Tank

*Pl. put in the relevant notification.*  
*JSR*  
*11/9*

REGIONAL DEPARTMENTAL SCRUTINY COMMITTEE.

ذاتی دستخط ہوتے

تاریخ

سفارشات کمیٹی	نام معہ عہدہ affected آفیسر	نمبر شمار
<p>1. DSP عبداللہی خان نے مورخہ 01.02.1995 پبلک سروس کمیشن کا امتحان پاس کیا اور PASI بھرتی ہوا۔ جو کہ سرتب شدہ لسٹ پبلک سروس کمیشن ڈیرہ اسماعیل خان ریجن میں سرفہرست تھا۔ جسکو بندہ بحوالہ آرڈر انڈر سنٹ نمبر ES/315.17 مورخہ 09.03.1998، ASI کنفرم کیا گیا تاہم مذکورہ کو بغیر کسی وجہ کے کنفرم شدہ سرتب شدہ لسٹ کے سیریل نمبر 4 پر لایا گیا۔ حالانکہ PSC کی سرتب شدہ لسٹ پر مذکورہ سیریل نمبر اپر تھا۔</p> <p>2. علاوہ ازیں مورخہ 22.01.2002 کو بحوالہ انڈر سنٹ نمبر ES/153.54 مورخہ 22.01.2002، بجاریہ جاب W/RPO صاحب ڈیرہ اسماعیل خان Officiating Sub Inspector پر دعوٹ ہو کر مورخہ 19.05.2006 کو بحوالہ آرڈر نمبر ES/628 مورخہ 20.05.2006 بجاریہ جاب W/RPO ڈیرہ اسماعیل خان کنفرم ہوا۔ جو کہ تقریباً ساڑھے چار سال تک پریشین پیڈ پڑ رہنے کی وجہ سے اسکی سینیاریٹی متاثر ہوئی۔</p> <p>اس سلسلے میں Departmental Scrutiny Committee میں تفصیلی ڈسکس کی گئی۔ DSP عبداللہی خان کو طلب کیا جا کر سنایا گیا۔</p> <p>1۔ تمام نمائندگان اس بات پر متفق تھے کہ DSP عبداللہی خان جو کہ پبلک سروس کمیشن کی جاری کردہ لسٹ میں "1" پوزیشن پر سرتب شدہ لسٹ پر لائے وقت پولیس رولز (3) 12.2 کو follow کیا جا کر بمطابق Age سینیاریٹی لسٹ سرتب کی گئی ہے۔ جو کہ درست ہے۔</p> <p>2۔ تمام نمائندگان Scrutiny کمیٹی کا اس بات پر اتفاق ہوا کہ تاریخ بھرتی کے بعد DSP عبداللہی خان کو تقریباً ساڑھے چار سال بعد کنفرم کیا گیا ہے۔ جسکی وجہ سے مذکورہ کی سینیاریٹی واقعی متاثر ہوئی ہے۔ جسکو Revised کیے جانے کی ضرورت ہے۔ اس سلسلے میں عالیہ چٹاوردہ کی کورٹ کی Judgment کی روشنی میں Capital City Police Officer, Peshawar نے بحوالہ نوٹیفیکیشن نمبر 1-9097 مورخہ 01.07.2020 کو سینیاریٹی لسٹ T-آف PASI کو Revised کیا ہے۔ اسی طرح جاب RPO صاحب مالاندر ریجن نے بھی PASI کی سینیاریٹی لسٹ کو بحوالہ نوٹیفیکیشن نمبر 1-11644 مورخہ 30.10.2019 کو Revised کیا ہے۔ (30) قابل امور اور جنکشن ممبران بعد</p>	DSP عبداللہی خان	1

انسپیکٹر سیف الرحمان نمبر D/22  
انسپیکٹر صابر حسین نمبر D/15

1. انسپیکٹر سیف الرحمان نمبر D/22 کے مطابق درج ذیل مورخہ 28.12.2006 کو پبلک سروس کمیشن کے تحت PASI سلیکٹ ہو کر بھرتی ہوا۔ جسکو بعدہ پروموشن پیڑڈ گزارنے کے بعد مورخہ 02.01.2010 کو کنٹریشن لسٹ E پر لایا گیا۔ حالانکہ مذکورہ کو تاریخ بھرتی از مورخہ 28.12.2006 سے کنٹریشن لسٹ E پر لانا تھا۔ جس سے اسکی سینیاری متاثر ہوئی ہے۔
2. انسپیکٹر صابر حسین نمبر D/15 کے مطابق درج ذیل مورخہ 07.03.2010 کو پبلک سروس کمیشن کے تحت PASI سلیکٹ ہو کر بھرتی ہوا۔ جسکو بعدہ پروموشن پیڑڈ گزارنے کے بعد مورخہ 17.03.2013 کو کنٹریشن لسٹ A پر لایا گیا۔ اور ایک سال بعد لسٹ E پر لایا گیا۔ جس سے اسکی سینیاری متاثر ہوئی ہے۔

اس سلسلے میں Departmental Scrutiny Committee میں تفصیلی ڈسکس کی گئی۔ انسپیکٹر سیف الرحمان نمبر D/22 کو طلب کیا جا کر سنا گیا۔

تمام نمائندگان Scrutiny کمیٹی کا اس بات پر اتفاق ہوا کہ مذکورین کی سینیاری واقعی متاثر ہوئی ہے۔ اس سلسلے میں حالیہ پٹا درہانی کورٹ کی Judgment کی روشنی میں Capital City Police Officer, Peshawar نے بحوالہ نوٹیفیکیشن نمبر EC-9097/09

1 مورخہ 01.07.2020 کو سینیاری لسٹ E آف PASIs کو Revised کیا گیا ہے۔

اسی طرح جناب RPO صاحب مالاکنڈ رینج نے بھی PASI کی سینیاری کو بحوالہ نوٹیفیکیشن نمبر E/1644 مورخہ 30.10.2019 کو Revised کیا ہے۔ (کاپی نقول آرڈرز/نوٹیفیکیشن ہمراہ لف ہے)۔

تمام نمائندگان اس بات پر متفق ٹھہرے کہ انسپیکٹر سیف الرحمان نمبر D/22، انسپیکٹر صابر حسین نمبر D/15 کی سینیاری متاثر ہوئی ہے۔

مذکورہ سینیاری لسٹ PASIs کو Revised کئے جانے کی ضرورت ہے۔ تاکہ متاثرہ آفسران کی حق رسی ہو سکے۔



3	انپیکٹر عابد اقبال نمبر D/56	<p>1۔ انپیکٹر عابد اقبال نمبر D/56، مورخہ 01.02.2011 کو PSC سے ASI بھرتی ہوا۔ جو کہ پرومیشن پیڑڈ گزرنے کے بعد مورخہ 05.01.2014 کو ASI کنفرم ہوا۔ بعد مورخہ 28.02.2017 کو SI کنفرم ہوا۔ تاہم اس سے جو نیوزر SIS سلیم اللہ، عظیم اللہ، جمال الدین، امیر بادشاہ مورخہ 05.12.2016 کو SI کنفرم کئے گئے۔ جس سے اسکی سینیاری پر کافی اثر پڑا ہے۔</p> <p>اس سلسلے میں Departmental Scrutiny Committee میں تفصیلی ڈیکس کی گئی۔ انپیکٹر عابد اقبال نمبر D/56 کو طلب کیا جا کوسنا گیا۔ تمام نمائندگان Scrutiny کمیٹی کا اس بات پر اتفاق ہوا کہ مذکورہ کی سینیاری واقعی متاثر ہوئی ہے۔ اور بغیر کسی وجہ کے جو نیوزر SIS اس سے پہلے SI کنفرم ہو چکے ہیں</p> <p>تمام نمائندگان اس بات پر متفق ٹھہرے کہ انپیکٹر عابد اقبال نمبر D/56 کی سینیاری متاثر ہوئی ہے۔ اور مذکورہ کو اسکے Colleagues کے ساتھ SI کنفرم کیا جائے۔ تاکہ متاثرہ آفیسر کی حق رسی ہو سکے۔</p> <p>نوٹ:- یہاں پر یہ بات قابل ذکر ہے کہ انپیکٹر عابد اقبال نمبر D/56 کے خلاف انکو آری پیڈنگ چلی آ رہی ہے۔ تا تصفیہ انکو آری خواست کو پیڈنگ رکھنے کی سفارش کی جاتی ہے۔</p>
4	انپیکٹر منہاج سکندر یار خان نمبر D/9 انپیکٹر صدیق اللہ نمبر 21/D	<p>1۔ انپیکٹر منہاج سکندر یار خان نمبر D/9 کے مطابق وہ مورخہ 12.02.2009 کو پبلک سروس کمیشن کے تحت PASI سلیکٹ ہو کر بھرتی ہوا۔ جسکو بعد پرومیشن پیڑڈ گزرنے کے بعد مورخہ 22.03.2012 کو کنفرمیشن لسٹ E پر لایا گیا۔ حالانکہ مذکورہ کو تاریخ بھرتی از مورخہ 12.02.2009 سے کنفرم کر کے لسٹ E پر لانا تھا۔ جسکی وجہ سے اسکی سینیاری متاثر ہوئی ہے۔</p> <p>2۔ انپیکٹر صدیق اللہ نمبر D/21 کے مطابق وہ مورخہ 28.12.2006 کو پبلک سروس کمیشن کے تحت PASI سلیکٹ ہو کر بھرتی ہوا۔ جسکو بعد پرومیشن پیڑڈ گزرنے کے بعد مورخہ 01.02.2010 کو ASI کنفرم کیا گیا۔ حالانکہ مذکورہ کو تاریخ بھرتی از مورخہ 28.12.2006 سے لسٹ E پر لانا تھا۔ جس سے اسکی سینیاری متاثر ہوئی ہے۔</p> <p>اس سلسلے میں Departmental Scrutiny Committee میں تفصیلی ڈیکس کی گئی۔ انپیکٹر منہاج سکندر یار خان نمبر D/9 اور</p>

انسپیکٹر صدیق اللہ نمبر D/21 کو طلب کیا جا رہا تھا۔

تمام نمائندگان Scrutiny کمیٹی کا اس بات پر اتفاق ہوا کہ مذکورین کی سینیاری واقعی متاثر ہوئی ہے۔ اس سلسلے میں حالیہ پشاور ہائی کورٹ کی Judgment روشنی میں Capital City Police Officer, Peshawar نے بحوالہ نوٹیفیکیشن نمبر EC-1/9097 مورخہ 01.07.2020 کو سینیاری لسٹ E آف PASIs کو Revised کیا گیا ہے۔

اسی طرح جناب RPO لاکھنؤ نے بھی PASI کی سینیاری کو بحوالہ نوٹیفیکیشن نمبر E/11644 مورخہ 30.10.2019 کو Revised کیا ہے (کاپی منقول آرڈرز/نوٹیفیکیشن ہمراہ لگے ہیں)۔

تمام نمائندگان اس بات پر متفق تھے کہ انسپیکٹر منہاج سکندر یار خان نمبر D/9، انسپیکٹر صدیق اللہ نمبر D/21 کی سینیاری متاثر ہوئی ہے مذکورہ سینیاری لسٹ PASIs کو Revised کئے جانے کی ضرورت ہے۔ تاکہ متاثرہ آفسران کی حق رسی ہو سکے۔

IASI اسحاق احمد نمبر 173

IASI اسحاق احمد نمبر 173 کو بحوالہ OB نمبر 147 مورخہ 07.03.2016، ان الزامات پر محکمہ پولیس سے برطرف کیا گیا۔ کہ اس کے سامنے کنستبل طارق متعینہ PP لطیف شہید کو مجرم اشتہاری شاہد اللہ عرف شاہد کی سکنہ گره پتھر نے گولی مار کر شہید کر دیا۔ اور مذکورہ ASI نے مجرم اشتہاری کی گرفتاری کو سہل بنانے کی کوشش نہیں کی اور نہ ہی کسی قسم کی مزید کارروائی عمل میں لائی۔ جس نے بعدہ اپیل ہائے جناب W/RPO صاحب ڈیرہ اسماعیل خان اور W/PPO خیبر پختونخواہ پشاور کو گزاریں۔ جس پر Review Board نے مذکورہ کو محکمہ سے جبری ریٹائرڈ کرنے کا حکم دیا۔ جس نے مذکورہ آرڈر کے خلاف سردس ٹرائیوئل پشاور میں اپیل دائر کی جس پر تاریخ Dismissal سے بحال ہو کر Denove ایکوآزی کا حکم دیا گیا۔ Denove ایکوآزی کے فائل ہونے پر ایکوآزی آفیسر کی Recommendations پر مذکورہ کو all back benefits کے ساتھ بحال کیا گیا۔

اس سلسلے میں Departmental Scrutiny Committee میں تفصیلی ڈیکس کی کمیٹی - IASI اسحاق احمد کو طلب کیا جا کر سنا گیا۔ تمام نمائندگان Scrutiny کمیٹی کا اس بات پر اتفاق ہوا کہ IASI اسحاق احمد کی سینیاری واقعی متاثر ہوئی ہے۔ اور چونکہ مذکورہ کو تاریخ Dismissal سے تمام Back Benefits کے ساتھ بحال کیا گیا ہے۔ اسلئے مذکورہ کو اسکے Colleagues کے ساتھ سینیاری دینے جانے کی سفارش کی جاتی ہے۔ تاکہ متاثرہ آفیسر کی حق رسی ہو سکے۔

مذکورہ PASIs شہداء کوٹھ پر ابتداء میں مورخہ 13.01.2016 کو Supernumerary و کنسیوں پر بھرتی ہوئے۔ جنکو بعد مورخہ 16.06.2017 کو Adjust کیا گیا۔ جنھوں نے Date of Appointment سے officiating period شروع کرنے سے متعلق درخواست گزاری ہے۔

اس سلسلے میں Departmental Scrutiny Committee میں تفصیلی ڈسکس کی گئی۔ تمام PASIs کو طلب لیا جا کر سنا گیا۔ اس سلسلے میں Scrutiny کمیٹی نے اس بات پر اتفاق کیا کہ چونکہ اولاً Supernumerary پوسٹس پر مذکورین کو بھرتی کیا گیا۔ جس سے متعلق AIG لیگل خیر پختونخواہ پشاور نے لیٹر انگریزی نمبر 149/Legal مورخہ 06.03.2020، جاری کرتے ہوئے واضح کیا کہ مذکورہ پوسٹس کو ریگولر شمار کرتے ہوئے لسٹ E پر لایا جائے۔ کیونکہ اس بات پر شمسٹا پر دوشن کمیٹی میٹنگ میں متفقہ طور پر فیصلہ ہو چکا ہے کہ مذکورہ Supernumerary پوسٹس پر بھرتی شدہ پاسیوں کو برطانیہ رولز لسٹ E پر لایا جائے۔ جس پر کمیٹی کی طرف سے مذکورین کا Officiating پیریڈ Date of Appointment سے شروع کئے جانے کی سفارش کی جاتی ہے۔

- PASI-1 حبیب الرحمان نمبر 123/D
- PASI-2 محمد رفیع نمبر 124/D
- PASI-3 محمد ارسلان نمبر 125/D
- PASI-4 سلیم عباس نمبر 126/D
- PASI-5 محمد ساجد نمبر 128/D
- PASI-6 زاہد خان نمبر 129/D
- PASI-7 عرفان راق نمبر 130/D

مذکورہ PASIs کے مطابق چونکہ انکا officiating پیریڈ برطانیہ پوسٹس رولز 12.8 مکمل ہو چکا ہے۔ اسلئے انھیں لسٹ E پر لایا جائے۔

اس سلسلے میں Departmental Scrutiny Committee میں تفصیلی ڈسکس کی گئی۔ مذکورہ PASIs کو طلب کر کے سنا گیا۔

تمام نمائندگان Scrutiny کمیٹی کا اس بات پر اتفاق ہوا کہ چونکہ مذکورین کا Probation پیریڈ برطانیہ پوسٹس رولز 12.8 مکمل ہو چکا ہے۔ تاہم مذکورین نے برطانیہ سٹینڈنگ آرڈر نمبر 10/2014، Mandatory Elite Training نہیں کی ہے۔ جس میں انکا کوئی تصور نہیں ہے۔ کمیٹی کے نمائندگان نے اس بات پر اتفاق کیا کہ چونکہ مذکورین کا Probation پیریڈ مکمل ہو چکا ہے بدینہ وجہ انھیں لسٹ E پر لانے کی سفارش کی جاتی ہے۔

- PASI-1 محمد عمران نمبر 113/D
- PASI-2 محمد خباب ولی نمبر 114/D
- PASI-3 محمد شاہ ذیشان اقبال نمبر 115/D
- PASI-4 شاہ اللہ نمبر 117/D
- PASI-5 نسیم عباس نمبر 118/D
- PASI-6 نجیب اللہ خان نمبر 119/D
- PASI-7 عابد اللہ نمبر 120/D
- PASI-8 محمد آفتاب عالم نمبر 121/D

<p>ASI حقتواز جو کہ ڈیرہ اسماعیل خان آپریشنل سٹاف میں بلور MTO تعینات ہے نے درخواست گزاری ہے کہ چونکہ MT سٹاف میں SI کی دیکھنی خالی پڑی ہے۔ بدیں وجہ سینیاری کی بنیاد پر اسے پروموٹ کیا جائے۔ اس سلسلے میں مذکورہ کو طلب کر کے سنا گیا۔ برطابق ریکارڈ مذکورہ 2/3 ماہ قبل ASI پروموٹ ہوا ہے۔</p> <p>تمام نمائندگان Scrutiny کمیٹی اس بات پر متفق ٹھہرے کہ چونکہ برطابق پولیس رولز 13.18 پر موشن کے بعد 02 سال تک Officiating پیریڈ ہوتا ہے۔ جبکہ مذکورہ کو ASI پروموٹ ہونے ابھی 2/3 ماہ کا عرصہ ہوتا ہے۔ بدیں وجہ برطابق پولیس رولز 13.18، ASI حقتواز SI پروموٹ ہونے کا اہل نہیں ہے۔</p>	<p>ASI حقتواز MTO ڈسٹرکٹ ڈیرہ اسماعیل خان</p>
<p>ASI محمد صادق نمبر 805 کو بحوالہ مقدمہ عدالت نمبر 135 مورخہ 24.07.2016 بجرائم PPC 302/34 تھانہ دارین ڈیرہ اسماعیل خان میں ناقص تفتیش کرنے پر جناب DPO ڈیرہ اسماعیل خان نے ASI سے HC کے ریکرڈ پر تنزیلی کانسرواڑ کیا۔ جسکے خلاف ASI مذکورہ نے سروس ٹریبونل پشاور میں اپیل گزاری۔ جسکو سروس ٹریبونل پشاور نے بحال کرتے ہوئے Denva انکو اٹری کا حکم دیا۔ بعدہ Denva انکو اٹری میں مذکورہ کا ایک انکریمنٹ حذف کر دیا گیا۔ تاہم برطابق ریکارڈ ASI محمد صادق نمبر 805 تاحال HC چلا آرہا ہے۔ اس سلسلے میں مذکورہ ASI کو طلب کر کے سنا گیا۔ تمام نمائندگان کمیٹی اس بات پر متفق ٹھہرے کہ چونکہ مذکورہ کو سروس ٹریبونل پشاور نے ASI بحال کیا ہے۔ اور مذکورہ سے ایک انکریمنٹ بھی Denva انکو اٹری کے نتیجے میں حذف کیا گیا ہے۔ لہذا مذکورہ کو اسکے ASI ریکرڈ پر بحال کئے جانے اور سینیاری دینے جانے کی سفارش کی جاتی ہے۔</p>	<p>ASI محمد صادق نمبر 805</p>
<p>PASI انعام اللہ نمبر 116/D، مورخہ 18.08.2009 کو پبلک سروس کمیشن سے PASI بھرتی ہوا۔ مذکورہ بغیر کوئی وجہ بتلائے اپنی ڈیوٹی سے غیر حاضر ہوا۔ جسکو مورخہ 02.12.2013 کو محکمہ سے ڈسچارج کیا گیا۔ جس نے بعدہ سروس ٹریبونل پشاور کو اپیل گزاری۔ سروس ٹریبونل پشاور نے مذکورہ کو بحال کرتے ہوئے۔ اسکی غیر حاضری کو Leave of kind duc میں شمار کرنے اور مذکورہ کو بحال کرنے کا حکم صادر فرمایا۔</p>	<p>PASI انعام اللہ نمبر 116/D</p>

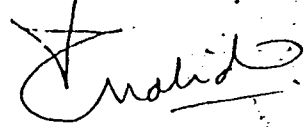
اس سلسلے میں مذکورہ PASI کو طلب کر کے سنا گیا۔ تمام نمائندگان کینیسی اس بات پر متفق ٹھہرے کہ چونکہ مذکورہ کی Leave of kind due نوٹس 564 یوم بنتی ہے۔ جبکہ اسکی غیر حاضری نوٹس 1418 یوم ہے۔ بدینہ 564 یوم Leave of kind due میں شمار کرنے اور بقایا غیر حاضری 854 یوم باا ستخواہ کئے جانے کی سفارش کی جاتی ہے۔

اس سلسلے میں بھی تفصیلی ڈسکس کی گئی۔ اور Scrutiny Committee کا اس بات پر اتفاق ہوا کہ 1995 سے لیکر اب تک جتنے بھی PASIs بھرتی ہوئے ہیں انکی سنیاریٹی کو Revised کیا جا کر Date of Appointment سے لست ڈال دیا جائے اس سلسلے میں حالیہ پشاور ہائی کورٹ کی Judgment کی روشنی میں Capital City Police Officer, Peshawar نے بحوالہ نوٹیفکیشن نمبر 9097/EC-1 مورخہ 01.07.2020 کو سنیاریٹی لست E آف PASIs کو Revised کیا ہے۔ اسی طرح جناب RPC صاحب بالا کنڈ رج نے بھی PASI کی سنیاریٹی لست کو بحوالہ نوٹیفکیشن نمبر 11644/E مورخہ 30.10.2019 کو Revised کیا ہے (کاپی نقول آرڈرز/نوٹیفکیشن ہمراہ لف ہے)۔

Revised Confirmation/Admission to List

(خالد نواز)

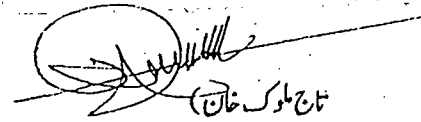
ایگزیکٹو ایڈمنسٹریٹو آفیسر برائے ڈیڑہ اسماعیل خان



(ظہور الدین خان)

ڈپٹی سپرینٹنڈنٹ آف پولیس

ایڈ کوارٹر ڈیڑہ اسماعیل خان



تاج مالوک خان  
سپرینٹنڈنٹ آف پولیس، انوسٹی گیشن ٹانک