

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

SCANNED
KPST
Peshawar

Service Appeal No.9270/2020

Date of Institution ... 12.08.2020

Date of Decision ... 22.07.2022

Mr. Khyal Badshah Sub-Inspector No.933/p Special Branch Peshawar.

... (Appellant)

VERSUS

The Inspector General of Police Khyber Pakhtunkhwa, Peshawar and two others.

... (Respondents)

Syed Noman Ali Bukhari,
Advocate

... For appellant.

Riaz Khan Paindakheil,
Assistant Advocate General

... For respondents.

Mrs. Rozina Rehman

... Member (J)

Miss. Fareeha Paul

... Member (E)

JUDGMENT

ROZINA REHMAN, MEMBER: The appellant has invoked the jurisdiction of this Tribunal through above titled appeal with the prayer as copied below:

“On acceptance of this appeal, the respondents may be directed to consider the appellant for confirmation against the post/rank of Sub-Inspector from his due date with his batch-mates/from the date when junior was promoted with all back and consequential benefits.”

2. Brief facts of the case are that appellant was appointed as Constable in the year 1986 and promoted to the post of SI on 27.09.2011. He completed all the requisite and mandatory professional trainings and courses including Upper

Course and was on the top of the seniority list. It was in the year 2018 when the respondents conducted the DPC Meeting on 18.04.2018 wherein the colleagues of the appellant were confirmed as SI on 24.04.2018 but appellant was ignored. New amendment was introduced on 14.09.2017, wherein, for confirmation as SI, the period of one year shall be spent in any other unit including Traffic police. Another DPC meeting was conducted on 03.03.2020 and again appellant was not considered without any reason. He, therefore, filed departmental appeal which was rejected, hence the present service appeal.

3. We have heard Syed Noman Ali Bukhari, Advocate learned counsel for the appellant and Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents and have gone through the record and the proceedings of the case in minute particulars.

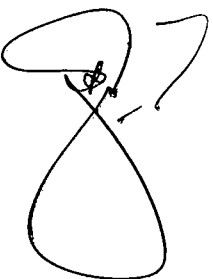
4. Syed Noman Ali Bukhari Advocate, learned counsel for appellant argued that not considering the appellant for confirmation as SI and the rejection order is against law, facts and norms of justice, therefore, liable to be set aside. That the appellant was deprived from his right of promotion in an arbitrary manner which is the violation of Articles-2, 4 & 25 of the Constitution of Islamic Republic of Pakistan, 1973. It was further argued that the appellant spent period in Traffic police, therefore, he shall be deemed eligible for promotion. He, therefore, requested for acceptance of the instant service appeal.

5. Conversely, learned AAG argued that confirmation in the rank of SI requires completion of eligibility criteria under Rule-13.10(2) of Police Rules, 1934 as amended in 2017 which provides that no Sub Inspector shall be confirmed in a substantive vacancy unless he has been tested for at least a year as an Officiating SI in independent Incharge of PS, a notified post or as Incharge

Investigation of a PS or CTD and that confirmation in the rank of SI is not made on the basis of seniority rather it is done subject to fulfillment of laid down criteria. Lastly, he submitted that appellant was never deprived of his due right nor was treated with discrimination and that respondents are duty bound to follow law.

6. From the record it is evident that vide Notification dated 27.09.2011 appellant alongwith 140 others, being on Acting Charge Basis of Capital City Police, Peshawar on Promotion List-E were promoted to the rank of Officiating SIs. Appellant stood at Serial No.125 of the above mentioned notification. It was on 24.04.2018 when on the recommendation of the Departmental Promotion Committee meeting held on 18.04.2018, colleagues of the present appellant were confirmed in the rank of SI. Confirmation in the rank of SI requires completion of eligibility criteria under Rule-13.10(2) of Police Rules, 1934 Amended 2017 which provides that:

“No sub inspector shall be confirmed in a substantive vacancy unless he has been tested for at least a year as an Officiating SI in independent Incharge of Police Station, a notified, or as Incharge Investigation of a Police Station of CTD”



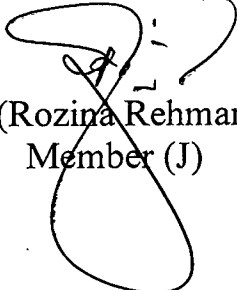
In the instant case, appellant was appointed as Constable in 1986 and promoted as ASI in the year 2008 and further promoted to the post of SI in 2011. He has completed all the requisite and professional trainings and courses including upper course in the year 2014. He also completed tenure period at Special Branch and he was also on the top of seniority list. His colleagues were confirmed as SI vide Notification dated 24.04.2018. New amendment was introduced in rules on 14.09.2017 which was given effect from 30.06.2018

wherein provided that for confirmation as SI, the period of one year shall be spent in any other unit wherein also include Traffic police Khyber Pakhtunkhwa and such period was already spent by the appellant. The next DPC meeting was conducted on 03.03.2020 and once again he was not considered for promotion. He is in Special Branch from 23.09.2015 till date and he spent five years in Traffic Police Khyber Pakhtunkhwa and he was not considered for promotion on the analogy that new policy was introduced on 30.06.2018 and that he served in Traffic before 30.06.2018. So far as the period of one year as an Officiating SI in independent Incharge of PS, a notified or as Incharge Investigation of a PS or CTD is concerned that also holds no ground because it was for the authority to give the appellant assignment of such post being a disciplined force and that the appellant could not post himself as an independent Incharge to meet the requirement. Juniors to the appellant have become seniors to him and the appellant has been discriminated which is evident from the record. Vide notification dated 27.09.2011 vide which appellant alongwith others were promoted to the rank of Officiating Sub Inspectors is available on file, wherein, the name of the present appellant is available at Serial No.125 while Waheed Shah at Serial No.128, Muhammad Tahir at Serial No.134 and Anwar Shah at Serial No.138. Another Notification in respect of confirmation in the rank of Sub Inspectors is also available on file vide which Waheed Shah and Muhammad Tahir who were juniors to appellant were promoted and the appellant was discriminated. Another Notification dated 11.03.2020 is available on file vide which Anwar Shah junior to appellant was confirmed in rank of SI.

7. In view of the above discussion, instant service appeal is accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
22.07.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

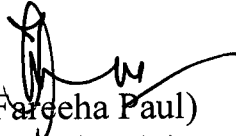
ORDER
22.07.2022

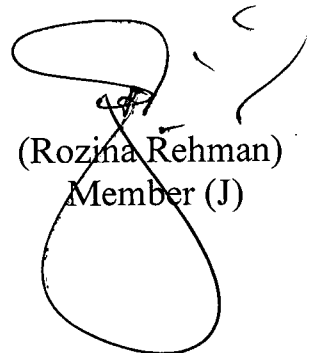
Appellant present through counsel.

Muhammad Riaz Khan Paindakheil, learned Assistant Advocate General for respondents present. Arguments heard. Record perused.

Vide our detailed judgment of today of this Tribunal placed on file, instant service is accepted as prayed for. Parties are left to bear their own costs. File be consigned to the record room.

ANNOUNCED.
22.07.2022


(Fareeha Paul)
Member (E)


(Rozina Rehman)
Member (J)

P

22.11.2021

Proper D.B is not available, therefore, case is adjourned to 9.2.2022 for the same.


READER

9-10/2022

Due to retirement of the Honorable Chairman the case is adjourned to come up for the same as before on 10-05-2022


Reader.

10th May, 2022

Appellant in person present. Mr. Naseer ud-din Shan, Asstt. AG for the respondents present.

Appellant requested for adjournment as his counsel is not available today. Last opportunity is granted.

To come up for arguments on 22.07.2022 before the D.B.



(Fareeha Paul)
Member(E)



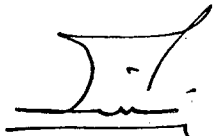
Chairman

14.09.2021

Appellant alongwith clerk of his counsel present. Mr. Riaz Ahmed Paindakhel, Assistant Advocate General for the respondents present.

Comments of the respondents have already been submitted. To come up for rejoinder, if any, as well as arguments before the D.B on 22.11.2021.


(ATIQ-UR-REHMAN WAZIR)
MEMBER (EXECUTIVE)


(SALAH-UD-DIN)
MEMBER (JUDICIAL)

P

21.01.2021 Junior counsel for appellant present.

Noor Zaman Khattak learned District Attorney alongwith Abdul Raziq Reader for respondents present.

Written reply was not submitted. Representative of respondents made a request for time to furnish reply/comments; granted. To come up for written reply/comments on 17.03.2021 before S.B.


(Rozina Rehman)
Member (J)

17.03.2021

Due to tour of Camp Court Abbottabad and shortage of Members at Principal Bench Peshawar, the case is adjourned to 26.05.2021 before S.B.


Reader

26.05.2021

Appellant in person and Mr. Kabirullah Khattak, Addl. AG alongwith Abdur Raziq, H.C for the respondents present.

stipulated time has passed and reply has not been submitted.

Representative of the respondents requests for further time to submit Written reply/comments. Respondents are directed to submit written reply/comments in office within 10 days, positively. If the written reply/ comments are not submitted within the stipulated time, the office is required to submit the file with a report of non-compliance. File to come up for arguments on 14.09.2021 before the D.B.


Chairman

P.S

08.06.2021

Learned Addl. A.G be reminded about the omission and for submission of reply within extended time of 10 days.


Chairman

*Depy
S.B.*

02.10.2020

Counsel for the appellant present.

Grievance of the appellant is that despite having requisite professional training and completion of necessary ^{courses} ~~posting~~, he was not considered for promotion in the notification dated 11.03.2020. Similarly, the reply of departmental appeal dated 16.07.2020 did not provide any good reason for the ^{rejection.} ~~purpose.~~

Subject to all just exceptions, instant appeal is admitted to regular hearing. The appellant is directed to deposit security and process fee within 10 days. Thereafter, notices be issued to the respondents. To come up for written reply/comments on 30.11.2020 before S.B.

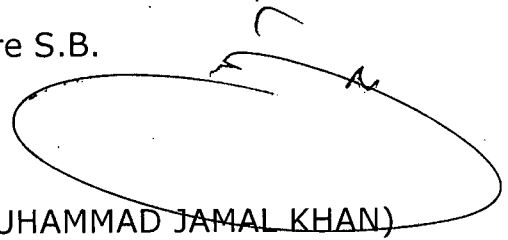
Appellant Deposited
Security & Process Fee


Chairman

30.11.2020

Junior counsel for appellant is present. Mr. Kabirullah Khattak, Additional Advocate General and Mr. Muhammad Raziq, Reader, for the respondents are also present.

Written reply on behalf of respondents not submitted. Representative of the department seeks time for submission of written reply/comments. Time given. File to come up for written reply/comments on 21.01.2021 before S.B.




(MUHAMMAD JAMAL KHAN)
MEMBER (JUDICIAL)

Form- A

FORM OF ORDER SHEET

Court of _____

Case No.- _____ 9270/2020 _____

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	12/08/2020	<p>The appeal of Mr. Khyal Badshah presented today by Syed Noman Ali Bukhari Advocate may be entered in the Institution Register and put up to the Worthy Chairman for proper order please.</p> <p style="text-align: right;"> REGISTRAR</p> <p>This case is entrusted to S. Bench for preliminary hearing to be put up there on <u>02/10/2020</u></p> <p style="text-align: right;"> CHAIRMAN</p>
2-		

BEFORE THE KHYBER PAKHTUNKHWA SERVICE -
TRIBUNAL, PESHAWAR.

Appeal No. 9270 /2020


Mr. Khayal Badshah

V/S


Police Deptt.

INDEX

S.No.	Documents	Annexure	P. No.
1.	Memo of Appeal	-----	01-03
2.	Copy of promotion order	-A-	04-06
3.	Copy of certificates	-B-	7-14
4.	Copy of transfer order	-C-	15
5.	Copy of DPC order	-D-	16-19
6.	Copy of rule	-E-	20
7.	Copy of order dated 11.03.2020	-F-	21-22
8.	Copy of departmental appeal	-G-	23-24
9.	Copy of rejection order dated	-H-	25
10.	Copy of judgment	-I-	26-29
11.	Vakalat Nama	-----	30


APPELLANT
Khayal Badshah

THROUGH:


(M. ASIF YOUSAFZAI)
ADVOCATE SUPREME COURT

 &
(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT
PESHAWAR.

BEFORE THE KPK, SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 9270 /2020

Khyber Pakhtunkhwa
Service Tribunal

Diary No. 8750

Dated 12/8/2020

Mr. Khayal Badshah Sub-Inspector no. 933/p
Special Branch Peshawar.

APPELLANT

VERSUS

1. The Inspector General of Police: KP Peshawar.
2. The Capital City Police Officer KP, Peshawar.
3. The Deputy Inspector General of Police: KP Peshawar.

RESPONDENTS

.....

APPEAL UNDER SECTION-4 OF THE KHYBER
PAKHTUNKHWA, SERVICE TRIBUNALS ACT,
AGAINST ORDER DATED 11.03.2020 WHERE IN
THE APPELLANT WAS NOT CONSIDER FOR
CONFIRMATION AS SI AND AGAINST
REJECTION ORDER DATED 16-07-2020 WHEREBY
THE DEPARTMENTAL APPEAL OF THE
APPELLANT WAS REJECTED FOR NO GOOD
GROUNDS.

Filed to-day

12/8/2020

PRAYER:

.....

THAT ON ACCEPTANCE OF THIS APPEAL, THE
RESPONDENTS MAY BE DIRECTED TO CONSIDER
THE APPELLANT FOR CONFIRMATION AGAINST
THE POST/RANK OF SUB-INSPECTOR FROM HIS
DUE DATE WITH HIS BATCH MATES/ FROM THE
DATE WHEN JUNIOR WAS PROMOTED WITH ALL
BACK AND CONSEQUENTIAL BENEFITS. ANY
OTHER REMEDY, WHICH THIS TRIBUNAL DEEMS
FIT AND APPROPRIATE THAT, MAY ALSO BE
AWARDED IN FAVOUR OF APPELLANT.

RESPECTFULLY SHEWETH:

2

FACTS

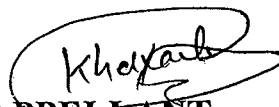
1. That the appellant was appointed as constable in year 1986 and promoted as ASI in the year 2008 and then further promoted to the post of SI on 27.09.2011 and hence he performed his duty up to entire satisfaction of his superiors and no complaint has been filed against him. **Copy of promotion order is attached as annexure-A.**
2. That the appellant has completed all the requisite/mandatory and professional training and courses including upper course in year 2014 and also completed tenure period at special branch, it is pertinent to mentioned here that the undersigned was also on the top of seniority list. **Copy of the courses certificate and transfer order is attached as annexure-B & C**
3. That in the year 2008 the department conducted the DPC meeting on 18.04.2018 wherein the colleagues of the undersigned was confirmed as SI vide notification dated 24.04.2018 but the appellant was totally ignored/not considered. **copy of the DPC meeting is attached as annexure-D.**
4. That thereafter new amendment was introduced in rule on 14.09.2017 given effect from the 30.06.2018. wherein provided that for confirmation as SI the period of one year shall be spent in any other unit wherein also include traffic Police KP which was already spent by the appellant. **Copy of amended rule is attached as annexure-E.**
5. That there after another DPC meeting dated 03.03.2020 was conducted wherein once again appellant was not considered and passed the impugned order dated 11.03.2020, without any reason the appellant was ignored. **Copy of impugned order is attached as annexure-F.**
6. That the appellant filed departmental appeal for confirmation as SI But the same was rejected vide order dated 16.07.2020 without showing any reason. **Copy of the departmental appeal and rejection order is attached as annexure-G & H.**
7. That now the appellant come to this Hon'ble Tribunal for his claim on the following grounds amongst others.

GROUND:

- A) That not considering the appellant for confirmation as SI and rejection order is against the facts, law, rules, norms of Justice and fair Play therefore liable to be set aside.

- 3
- B) That the appellant was deprived from his rights of promotion in an arbitrary manner which is the violation of Article-2,4 and 25 of the Constitution of Pakistan.
- C) That the appellant was entitled for confirmation w.e.f from his batchmates / juniors were promoted but he was deprived from his legal and constitutional right for the fault of others.
- D) That the appellant has completed all the requisite/mandatory and professional training and courses on the instruction That according to rules for confirmation as SI, in new rules its clearly mention that SI spent period in traffic shall be deemed eligible for promotion. so the appellant already spent period in traffic police. So there was no fault on the part of the appellant. So the appellant is legally entitled for confirmation as SI.
- E) That posting is the duty of the Deptt and responsible for the same for not posting the appellant for completing his mandatory period if any remained which is necessary for confirmation, but the deptt junior of the appellant was posted and promoted which is great injustice with the appellant and against the norms of justice. **copy of judgment is attached as annexure-I.**
- F) That according to rule deptt is bound to consider the appellant for confirmation being senior most and eligible if there is any deficiency exist so the deptt deferred the appellant with reasons but the deptt failed to adopt proper law and procedure.
- G) That the appellant was not treated according to the law and rules and deprive from the legal right of the promotion.
- H) That the appellant seeks permission to advance others grounds and proofs at the time of hearing.

It is, therefore, most humbly prayed that the appeal of the appellant maybe accepted as prayed for.


APPELLANT
Khayal Badshah

THROUGH:


(SYED NOMAN ALI BUKHARI)
ADVOCATE HIGH COURT

POLICE DEPARTMENT

CAPITAL CITY POLICE PESHAWAR

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA POLICE GAZETTE
PART-II ORDER BY THE CAPITAL CITY POLICE OFFICER PESHAWAR

NOTIFICATION

No. 1527/ EC-I, Promotion to the rank of Offg: SI In the light of recommendations submitted by Departmental Promotion Committee held on 15th, 16th & 17th September, 2011, the following confirmed ASIs/SIs on acting charge basis of Capital City Police Peshawar on promotion list "E" are hereby promoted to the rank of Offg: SIs with immediate effect:-

S.No.	Name number & Rank	CCP No.	Present Posting
1	Mukamil Shah (SI ACB)	809/P	CCP Peshawar
2	Inzar Gul (SI ACB)	810/P	Charsadda
3	Farhad Ali (SI ACB)	811/P	Charsadda
4	Shamshad (SI ACB)	812/P	Nowshera
5	Hazrat Ali ASI	813/P	Motor Way
6	Sanobar Shah ASI	814/P	Traffic
7	Fateh Roze (SI ACB)	815/P	Traffic
8	Liaqat Ali (SI ACB)	816/P	Nowshera PRC (Hangu)
9	Qazi Aslam (SI ACB)	817/P	ACE Charsadda
10	Siraj Rehman (SI ACB)	818/P	CCP Peshawar
11	Ilyas Khan (SI ACB)	819/P	CCP Peshawar
12	Inayat Ullah (SI ACB)	820/P	Traffic
13	Munir Khan (SI ACB)	821/P	CCP Peshawar
14	M. Jamal (SI ACB)	822/P	Nowshera
15	Muhammad Tufail (SI ACB)	823/P	Traffic
16	Khushdil Khan (SI ACB)	824/P	CCP Peshawar
17	Atlas Khan (SI ACB)	825/P	Special Branch
18	Zafar Ali (SI ACB)	826/P	Traffic
19	Nazeef ur Rehman (SI ACB)	827/P	CCP Peshawar
20	Muqarab Khan (SI ACB)	828/P	CCP Peshawar
21	Khalil ur Rehman (SI ACB)	829/P	Traffic
22	Shafi Ullah (SI ACB)	830/P	CCP Peshawar
23	Wajid Ali (SI ACB)	831/P	Traffic KPK
24	Mukhtiar Ahmed (SI ACB)	832/P	CCP Peshawar
25	Khan Sahib (SI ACB)	833/P	CCP Peshawar
26	Nadir Shah (SI ACB)	834/P	Traffic
27	Jehangir (SI ACB)	835/P	CCP Peshawar
28	Shahzada Khan (SI ACB)	836/P	CCP Peshawar
29	Noor Usman (SI ACB)	837/P	Traffic
30	Abur Rashid (SI ACB)	838/P	Special Branch
31	Ghaffar Ali (SI ACB)	839/P	CCP Peshawar
32	Pervez Khan (SI ACB)	840/P	CCP Peshawar
33	Nandor Khan (SI ACB)	841/P	CCP Peshawar
34	Mushtaq Ali (SI ACB)	842/P	CCP Peshawar
35	Shahjehan (SI ACB)	843/P	CCP Peshawar
36	Israr Muhammad (SI ACB)	844/P	CCP Peshawar
37	Zawar Shah (SI ACB)	845/P	Traffic
38	Khan Ghalib (SI ACB)	846/P	CCP Peshawar
39	Azeem Khan (SI ACB)	847/P	Traffic
40	Sazwali (SI ACB)	848/P	Traffic
41	S. Farid Shah (SI ACB)	849/P	CCP Peshawar
42	Hanif Ullah (SI ACB)	850/P	Campus
43	Shér Malik (SI ACB)	851/P	CCP Peshawar
44	Naseem Khan (SI ACB)	852/P	Traffic
45	Jan Alam (SI ACB)	853/P	CCP Peshawar
46	Shams-ul Hadi (SI ACB)	854/P	Traffic
47	Waris Khan (SI ACB)	855/P	CCP Peshawar
48	Imdad Ullah (SI ACB)	856/P	CCP Peshawar
49	Jehanzeb (SI ACB)	857/P	PS Traffic
50	Muhammad Shahid (SI ACB)	858/P	Traffic

51	Sardar Ali	(SI ACB)	859/P	RTC Attock
52	Muhammad Arif	(SI ACB)	860/P	CCP Peshawar
53	Abdul Qayyum	(SI ACB)	861/P	CCP Peshawar
54	Misbah ud Din	(SI ACB)	862/P	Traffic
55	Inayat Ur Rehman	(SI ACB)	863/P	Governor House
56	Tajbar Khan	(SI ACB)	864/P	CCP Peshawar
57	Ashfaq Alam	(SI ACB)	865/P	Traffic
58	Aziz ullah	(SI ACB)	866/P	Traffic
59	Muhammad Naseem	(SI ACB)	867/P	Nowshera
60	Fazal Dad	(SI ACB)	868/P	Traffic
61	Nasrat Ali	(SI ACB)	869/P	CCP Peshawar
62	Gul Rehman	(SI ACB)	870/P	Traffic
63	Muhammad Azeem	(SI ACB)	871/P	Traffic
64	Ihsan ur Rehman	(SI ACB)	872/P	Nowerha
65	Shamroz Khan	(SI ACB)	873/P	Traffic
66	Aziz ur Rehman	(SI ACB)	874/P	Traffic
67	Madad Khan	(SI ACB)	875/P	Nowshera
68	Abdul Ghafoor	(SI ACB)	876/P	Nowshera
69	Fazal Subhan	(SI ACB)	877/P	Traffic
70	Bakht Zaii	(SI ACB)	878/P	Traffic
71	Musa Khan	(SI ACB)	879/P	Traffic
72	Zakir Ullah	(SI ACB)	880/P	Traffic
73	Islah ud Din	(SI ACB)	881/P	Traffic
74	Muhammad Shaheen Shah	(SI ACB)	882/P	Special Branch
75	Mudassir Shah	(SI ACB)	4/P	CCP Peshawar
76	Amir Siaz	(SI ACB)	883/P	CCP Peshawar
77	Aman Ullah	(SI ACB)	884/P	Traffic
78	Lal Zada	(SI ACB)	885/P	Traffic
79	Muhammad Fazil	(SI ACB)	886/P	Charsadda
80	Fazal Rehman	(SI ACB)	887/P	CCP Peshawar
81	Behroz Khan	(SI ACB)	888/P	Nowshera
82	Zafar Ali	(SI ACB)	889/P	Traffic
83	Tajuddin	(SI ACB)	890/P	CPO
84	Khial Wali	(SI ACB)	891/P	Traffic
85	Bashir Gul	(SI ACB)	892/P	Traffic
86	Muhammad Younas	(SI ACB)	893/P	Charsadda
87	Jehangi Khan	(SI ACB)	894/P	CCP Peshawar
88	Qaimat Bali	(SI ACB)	895/P	Nowshera
89	Gul Nawaz	(SI ACB)	896/P	Traffic
90	Aman ullah	(SI ACB)	897/P	Traffic
91	Tilawat Shah	(SI ACB)	898/P	Traffic
92	Muhammad Azam	(SI ACB)	899/P	CCP Peshawar
93	Noor Ullah Jan	(SI ACB)	900/P	CID
94	Khial Nawaz	(SI ACB)	901/P	Nowshera
95	Mushtaq Ali	ASI	902/P	Charsadda
96	Anwar Khan 694	(SI ACB)	903/P	Charsadda
97	Sher Alam	(SI ACB)	904/P	Special Branch
98	Muhammad Qayyum	ASI	905/P	Nowshera
99	Malang Jan	(SI ACB)	906/P	CCP Peshawar
100	Alam Sher	(SI ACB)	907/P	Traffic
101	Masat Khan	(SI ACB)	908/P	Traffic
102	Amir Muhammad	(SI ACB)	909/P	Traffic
103	Farman Ullah	(SI ACB)	910/P	CCP Peshawar
104	Hamid Ali	(SI ACB)	911/P	Traffic
105	Mir Hassan	(SI ACB)	912/P	Nowshera
106	Jamshed Khan	(SI ACB)	913/P	Traffic
107	Hazrat Ali	(SI ACB)	914/P	Nowshera
108	Ghaffar Ali	(SI ACB)	915/P	CCP Peshawar
109	Arshullah	(SI ACB)	916/P	Traffic
110	Abdur Rauf	(SI ACB)	917/P	ATS/Traffic
111	Sardar Hussain	(SI ACB)	918/P	Charsadda
112	Kiramal Shah	(SI ACB)	919/P	Charsadda

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113	Qaiser Khan	(SI ACB)	920/P	Charsadda
114	Dad Muhammad	(SI ACB)	921/P	CCP Peshawar
115	Muhammad Diyar	(SI ACB)	922/P	CCP Peshawar
116	Inayat ur Rehman	(SI ACB)	923/P	CCP Peshawar
117	Muhammad Iqbal	(SI ACB)	924/P	CCP Peshawar
118	Umer Sher	(SI ACB)	925/P	CCP Peshawar
119	Ghani ur Rehman	(SI ACB)	927/P	CCP Peshawar
120	Bakht Munir	(SI ACB)	928/P	CCP Peshawar
121	Abid Saeed	(SI ACB)	929/P	CCP Peshawar
122	Sher Muhammad	(SI ACB)	930/P	Special Branch
123	Akhtar Gul	(SI ACB)	931/P	CCP Peshawar
124	Fazal Karim	(SI ACB)	932/P	CCP Peshawar
125	Khial Badshah	(SI ACB)	933/P	Traffic
126	Hassan ul Wahab	(SI ACB)	934/P	Inv: CPO
127	Ibrahim Khan	(SI ACB)	935/P	CCP Peshawar
128	Waheed Shah	(SI ACB)	936/P	CCP Peshawar
129	Niamat Gul	ASI	937/P	Traffic
130	Noor Gul	(SI ACB)	938/P	Traffic
131	Sher Azam	ASI	939/P	Traffic
132	Muhammad Ghani	(SI ACB)	940/P	CCP Peshawar
133	Zakir Ullah	(SI ACB)	941/P	Traffic
134	Muhammad Tahir	(SI ACB)	942/P	CCP Peshawar
135	Sardar Ali	(SI ACB)	943/P	Traffic
136	Imtiaz Ahmed	(SI ACB)	944/P	CCP Peshawar
137	Istidar Khan	(SI ACB)	945/P	CCP Peshawar
138	Anwar Shah	ASI	946/P	CCP Peshawar
139	Safdar Khan	ASI	947/P	CCP Peshawar
140	Inam ullah	ASI	948/P	CCP Peshawar
141	Dost Muhammad	ASI	949/P	CCP Peshawar

ASIs at serial No. 4,7,8,9,10,15,20,21,27,29,31,32,33,35,43,47, 48,53,54,56,58,59,60,64,67,68,73,76,84,87,91,92,100,101,104,107,120 and 138 are promoted conditionally subject to the provision of their incomplete ACRs within 30-days otherwise they will be reverted to their substantive rank of ASI.

CAPITAL CITY POLICE OFFICER
PESHAWAR

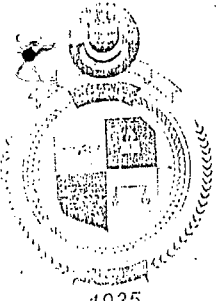
No. 15272-91 /EC-I, dated Peshawar the 27/09/2011.

Copy of above is forwarded for information and necessary action to:-

1. The Provincial Police Officer, Khyber Pakhtunkhwa Peshawar.
2. The Inspector General of Police, NH & Motor Way Police, Islamabad.
3. The Additional Inspector General of Police, Investigation, KPK Peshawar with 02- spare copies of the Notification for publication in KPK Police Gazette Part-II.
4. The Additional Inspector General of Police, Special Branch KPK Peshawar.
5. The Additional Inspector General of Police/Commandant PTC Hangu.
6. The Deputy Inspector General of Police, SB/DCT, Peshawar.
7. The Assistant Inspector General of Police, Traffic KPK Peshawar.
8. The Commandant Campus Peace Crops Peshawar.
9. Sr: Superintendent of Police, Operation, Investigation & Traffic Peshawar.
10. District Police Officers, Nowshera & Charsadda.
11. SsP City, Cantt: Rural, HQrs: & Security CCP Peshawar.
12. The Director ACE Charsadda.
13. EC-II CCP Peshawar.
14. Assistant Secret CCP Peshawar with the direction to inform this office about the "C" reports / incomplete ACRs of the conditionally Offg: promoted SIs, On the expiry of stipulated period.

9

NOTED



1935
To:

Office of the

Phone # 0925-621886
Fax # 0925-623236

B (7)

College, Hangu.

1. The Provincial Police
2. The Addl. IGP Training
3. The Capital City Police
4. The DIG Training, Khyber Pakhtunkhwa, Peshawar.
4. The DIG.s of Police Hazara, Bannu, Malakand, D.I.Khan, Kohat and Mardan Regions.
5. The DPOs, Abbottabad, Bannu, Battagram, Buner, Charsadda, Chitral, D.I.Khan, Dir Upper, Dir Lower, Hangu, Haripur, Kohat, Karak, Kohistan, Lakki Marwat, Manshra, Mardan, Nowshera, Shangla, Swat, Swabi & Tank

No. 1999-2029 /S, dated Hangu the 18.11.2014.
Subject: DMC/HISTORY SHEETS UPPER COLLEGE COURSE TERM ENDING 20.09.2014.

Memorandum: The Original Performance Report of the Following Candidates who have Passed in the Upper College Course in the term ending 20.09.2014, are sent herewith for necessary action. The receipt may be acknowledged please.

Result of Upper College Course, term ending 20.09.2014.

Sll.	Comp #	Name	Belt#	District/Unit	Remarks
1	U-644	Ghulam Murtaza	245	Abbottabad	Passed
2	U-641	Muhammad Riaz	87	Bannu	Passed
3	U-650	Arshad Ullah Khan	83	Bannu	Passed
4	U-666	M. Sadiq Shah	123	Battagram	Passed
5	U-648	Syed Noor Shah	351	Buner	Passed
6	U-609	Muhammad Ali	45	Buner	Passed
7	U-611	Muhammad Saeed	47	Buner	Passed
8	U-635	Gul Sher	971	CCP Pesh:	Passed
9	U-631	Mushtaq Ali	842	CCP Pesh:	Passed
10	U-643	Umar Sher	925	CCP Pesh:	Passed
11	U-673	Muhammad Iqbal	924	CCP Pesh:	Passed
12	U-670	Kheyal Wali	391	CCP Pesh:	Passed
13	U-669	Roman Shah	951	CCP Pesh:	Passed
14	U-645	Sardar Ali Khan	943	CCP Pesh:	Passed
15	U-672	Kheyal Badshah	933	CCP Pesh:	Passed
16	U-621	Namdar Khan	841	CCP Pesh:	Passed
17	U-538	Zafar Ali	997	CCP Pesh:	Passed
18	U-537	Sard Malik	1018	CCP Pesh:	Passed
19	U-661	Zafar Ali	889	Charsadda	Passed

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Comp #	Name	Roll#	District/Unit	Remarks
20	U-626 Ashraf	628	Chitral	Passed
21	U-627 Sabir Hussain	102	D.I.Khan	Passed
22	U-638 Zewar Khan	66	Dir Lower	Passed
23	U-612 Muhammad Islam	116	Dir Upper	Passed
24	U-622 Sher Bahadar	462	Dir Upper	Passed
25	U-614 Gul Shabraz	162	Hangu	Passed
26	U-664 Hajj Ur Rehman	14	Karal	Passed
27	U-638 Shams Ul Qamar	239	Kohistan	Passed
28	U-630 Saeed	3	Kohistan	Passed
29	U-634 Sarwaiz Khan	255	Mamchra	Passed
30	U-604 Zahir Shah	121	Mardan	Passed
31	U-536 Ajab Khan	112	Mardan	Passed
32	U-647 Sar Zameen Shah	459	Shangla	Passed
33	U-677 Fazal Amin	240	Swabi	Passed
34	U-654 Namir Khan	195	Swabi	Passed
35	U-606 Ahmad Ali	5	Swabi	Passed
36	U-605 Muhammad Akbar	178	Swabi	Passed
37	U-616 Tajbar Khan	17	Swat	Passed
38	U-607 Alamzeb Khan	469	Swat	Passed
39	U-633 Shah Muhammad	103	Tank	Passed

Awarded Grace Marks Declared Passed Candidates

40	U-653 Jehanzaib Khan	51	Abbottabad	Passed
41	U-660 Muhammad Asad Yousaf	108	Abbottabad	Passed
42	U-649 Raza Ullah Khan	69	Bannu	Passed
43	U-636 Nisar Ahmad	241	Batagram	Passed
44	U-613 Malik Ahmad	969	CCP Pesh:	Passed
45	U-675 Inayat Ullah	980	CCP Pesh:	Passed
46	U-657 Sher Malik	854	CCP Pesh:	Passed
47	U-655 Taj Ud Din	890	CCP Pesh:	Passed
48	U-627 Saifdar Khan	947	CCP Pesh:	Passed
49	U-629 Khushdil	874	CCP Pesh:	Passed
50	U-615 Abdul Ghafoor	876	CCP Pesh:	Passed
51	U-662 Hassan Ul Wahab	934	CCP Pesh:	Passed
52	U-646 Sabaz Ali	544	CCP Pesh:	Passed
53	U-668 Jhangir Khan	835	CCP Pesh:	Passed
54	U-657 Inayat Ullah	820	CCP Pesh:	Passed
55	U-618 Zafir Ullah	880	CCP Pesh:	Passed
56	U-674 Muhammad Shahid	858	CCP Pesh:	Passed
57	U-565 Abdur Rasheed	838	CCP Pesh:	Passed
58	U-671 Rehmat Ayub Khan	9	Chitral	Passed
59	U-624 Sher Wazir Khan	134	Chitral	Passed
60	U-603 Abdul Wahid	465	Chitral	Passed
61	U-656 Sultan Khan	37	Chitral	Passed
62	U-617 Zafir Ali Shah	13	D.I.Khan	Passed
63	U-620 Muhib Ullah	472	Dir Lower	Passed
64	U-610 Kriman Ali	156	Hangu	Passed
65	U-651 Muhammad Sarwar	110	Haripur	Passed
66	U-663 Muhammad Nazak	237	Haripur	Passed
67	U-659 Abdur Rehman	149	Kohat	Passed

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Srl.	Comp #	Name	Belt#	District/Unit	Res
68	U-587	Azad Khan	7	Lakki Marwat	Pres
69	U-623	Shad Ali	52	Nowshera	Pres
70	U-628	Alam Shah	41	Swabi	Pres
71	U-676	Ajmal Hayat	308	Swabi	Pres
72	U-632	Sher Muhammad	475	Swat	Pres

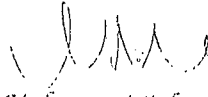
Failed Candidates at the term ending 20.09.2014.

S.No.	Comp#	Name	Belt No.	District	Failed Sub
73	U-637	Khangul Khan	952	CCP Pesh:	PPWP
74	U-667	Muhammad Azam	899	CCP Pesh:	QS
75	U-625	Muhammad Ahmad Khan	99	Dir Lower	PR, QS
76	U-665	Abdullah	318	Mardan	PPWP, C
77	U-608	Noor Ul Amin	79	Swabi	PPWT, C
78	U-619	Salih Muhammad	116	Swabi	PR, SA
79	U-602	Aurangzaib	155	Swat	PR, SA



Prepared by In-charge Secrecy,

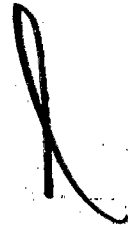
Checked and found correct.


Controller of Examinations,


Muhammad Ashraf

Commandant
Police Training College







POLICE SCHOOL OF INTELLIGENCE ABBOTTABAD



This is to Certify that

Mr. SI Khial Badshah No. 933/P District SB Peshawar

has participated and Successfully Completed

BASIC INTELLIGENCE COURSE-40

held at Police School of Intelligence Abbottabad

From 25.06.2018 To 20.07.2018




Col (Retd) Ch Ishtiaq Sohail Warraich, SI(M)
Director
Police School of Intelligence
Abbottabad



POLICE SCHOOL OF INTELLIGENCE ABBOTTABAD



This is to Certify that

Mr. SI Khial Badshah No. 933/P District SB Peshawar

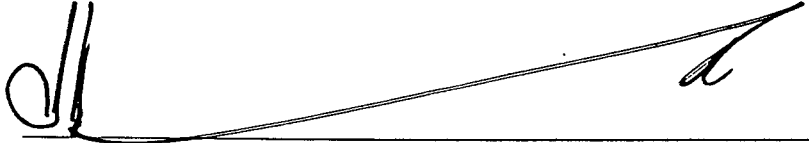
has participated and Successfully Completed

TECHNICAL INTELLIGENCE COURSE - 11

held at Police School of Intelligence Abbottabad

From 08.10.2018 to 19.10.2018





Col (Retd) Ch Ishtiaq Sohail Warraich, SI(M)
Director
Police School of Intelligence
Abbottabad



POLICE SCHOOL OF INTELLIGENCE ⁽¹²⁾ ABBOTTABAD



This is to Certify that

Mr. SI Khial Badshah No. 933/P District SB Peshawar

has participated and Successfully Completed

BASIC INTERROGATION COURSE-9

held at Police School of Intelligence Abbottabad

From 05.11.2018 to 16.11.2018



Col (Retd) Ch Ishtiaq Sohail Warraich, SI(M)
Director
Police School of Intelligence
Abbottabad



CERTIFICATE

13

No: 5/2019



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This is to certify that

SI Khial Badshah Distt: Peshawar

has participated and successfully completed 10 Days

"Target Hardening & Tactical Planning Course for Field Commanders"

held at Police School of Tactics Hayatabad Peshawar.

From 07.01.2019 to 18.01.2019

Fazimuddin
Deputy Inspector General of Police,
Training,
Khyber Pakhtunkhwa, Peshawar

[Signature]
Director
Police School of Tactics,
Hayatabad Peshawar.



CERTIFICATE

124



This is to certify that

Mr. KHAIAL BADSHAH Rank SI District S-B

has participated and successfully completed One Week "Mid Level Management Course" No. 34 held

at Police School of Public Disorder & Riot Management Mardan from 11th FEB 2019.

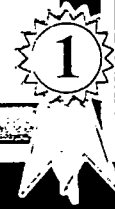
to 15th FEB 2019

[Signature]

Deputy Inspector General of Police,
Training
Khyber Pakhtunkhwa, Peshawar.

[Signature]

Director
Police School of Public Disorder
& Riot Management Mardan.



RECEIVED

DY NO 15224
23/9/15

C/S
SC
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OFFICE OF THE
INSPECTOR GENERAL OF POLICE
KHYBER PAKHTUNKHWA
Central Police Office, Peshawar

ORDER.

Sub-Inspector Khiyal Badshah No. 933/P of Traffic Police Peshawar is hereby transferred and posted to Special Branch Khyber Pakhtunkhwa Peshawar with immediate effect.

OFFICE OF THE
SSP TRAFFIC PESH.
Diary No. 4337
Date 05/10/2015

(MUHAMMAD ALAM SHINWARI) PSP
DIG/HQrs:
For Inspector General of Police,
Khyber Pakhtunkhwa, Peshawar

No. 2840-43 /E-III. Dated Peshawar, the 23 / 09 /2015.

Copy of above is forwarded for information and necessary action to the:-

1. Addl: IGP/HQrs: Khyber Pakhtunkhwa Peshawar.
2. Addl: IGP/Special Branch Khyber Pakhtunkhwa Peshawar w/r to his letter No.5324/EB, dated 15.09.2015.
3. Capital City Police Officer Peshawar w/r to his office Memo: No. 16161/EC-I, dated 28.08.2015.
4. Incharge Central Registry Branch CPO Peshawar.

Shahzad
Handwritten notes in Urdu

OFFICE OF THE CAPITAL CITY POLICE OFFICER, PESHAWAR.
No. 11937-38/EC-I dated Peshawar the 5 / 10 /2015.

Copy of above is forwarded SSP/Trffic, Peshawar for information and necessary action w/r to his memo: No. 3303/EC, dated 20-08-2015. The officer concerned may be relieved to report at Special Branch KPK, Peshawar for completion of his mandatory period for confirmation and further promotion.

2. Asstt: Secret.

Handwritten signatures and notes in Urdu

For Capital City Police Officer,
Peshawar.

POLICE DEPTT:

CCP, PESHAWAR.

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA, POLICE GAZETTE PART-II.
ORDERS BY THE CAPITAL CITY POLICE OFFICER KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION.

Dated 24/04/2018.

No. 8329/EC-I, CONFIRMATION IN THE RANK OF SIs:- As per recommendation of Departmental Promotion Committee meeting held on 18-04-2018, the following Offg: SIs of Capital City Police Peshawar is hereby confirmed in rank of SI with immediate effect.

On confirmation they are allotted new Capital City Police Peshawar number as noted against each:-

S#	Rank, Name & No	Present Posting	New CCP, No.	Remarks
1.	Off: SI Taza Gul No. 369/P	NAB	P/27	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 04 more points.
2.	Off: SI Mumtaz Ali No. 410/P	Traffic	P/71	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 05 more points.
3.	Off: SI Ijaz Hussain No. 463/P	Traffic	P/72	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 07 more points.
4.	Off: SI M. Zahir Shah No. 604/P	Inv: CCP, Peshawar	P/80	Confirmed.
5.	Off: SI Inam ul Haq No. 624/P	Inv: CCP, Peshawar	P/137	Confirmed.
6.	Off: SI Wisal Ahmad No. 650/P	Special Branch	P/138	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 03 more points.
7.	Off: SI Ahmad Jan No. 655/P	Special Branch	P/139	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 01 more point.
8.	Off: SI Ilyas Khan No. 819/P	Inv: CCP	P/140	Confirmed.
9.	Offg: SI Zafar Ali No. 826/P	Traffic	P/141	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 09 points.
10.	Off: SI Wajid Khan No. 831/P	Special Branch	P/142	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 01 more point.
11.	Offg: SI Shamsul Hadi No. 854/P	Traffic	P/143	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 09 points.
12.	Offg: SI Muhammad Israr No. 1326/P	EPTC NSR	P/145	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 01 point.
13.	Off: SI Taj-ud-Din No.890/P	Inv: CCP, Peshawar	P/146	Confirmed.

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15	Off: SI Waheed Shah No.936/P	TRAFFIC	P/148	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory training / course and will earn 09 more points.
16	Off: SI Muhammad Ayez No.1119/P	AGE CID	P/149	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory training / course and will earn 02 more points.
17	Off: SI Roman Shah No. 951/P	CID KPK	P/151	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory training / course and will earn 03 more points.
18	Off: SI Khan Gul No. 952/P	CID KPK	P/152	Confirmed.
19	Off: SI Zahar Ahmad No. 1129/P	CPR, Peshawar	P/153	Confirmed.
20	Off: SI Zia Ullah No.1133/P	Inv: CPR, Peshawar	P/155	Confirmed.
21	Off: SI Yousuf Khan No.989/P	CPR, Peshawar	P/156	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory training / course and will earn 06 more points.
22	Off: SI Faqir Hussain No.995/P	TRAFFIC	P/158	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory training / course and will earn 06 more points.
23	Off: SI Dilrara No.996/P	CID KPK	P/160	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory training / course and will earn 06 more points.
24	Off: SI Khalil-Ur-Rehman NO.1002/P	Inv: CPR, Peshawar	P/161	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory training / course and will earn 04 more points.
25	Off: SI Ar Babadar No.1005/P	CID KPK	P/162	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory training / course and will earn 02 more points.
26	Off: SI Muhammad Tahir No.1020/P	Inv: CPR, Peshawar	P/164	Confirmed.
27	Off: SI Mish Gul No.1022/P	TRAFFIC	P/166	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory training / course and will earn 04 more points.
28	Off: SI Shahid Hussain No.1011/P	NEWSRTR	P/167	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory training / course and will earn 06 more points.
29	Off: SI Khalid-Ur-Rehman No.1037/P	Inv: CPR, Peshawar	P/357	Confirmed.
30	Off: SI Muhammad Riaz No.1170/P	Inv: CPR, Peshawar	P/367	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory training / course and will earn 03 more points.
31	Off: SI Farshid Khan No.1163/P	EPIC NSR	P/408	Confirmed.
32	Off: SI Saieem Khan No.1178/P	NEWSRTR	P/409	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory training / course and will earn 04 more points.
33	Off: SI Shah Muhammad No.1059/P	Inv: CPR, Peshawar	P/410	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory training / course and will earn 09 points.
34	Off: SI Muhammad Aham No. 1181/P	EPIC NSR	P/411	Confirmed.

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35.	Off: SI Hidayat Ullah No.1070/P	Inv: CCP, Peshawar	P/417	Confirmed. However, according Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 0 more points.
36.	Off: SI Sadiq Shah No.1081/P	PIS Swabi	P/413	Confirmed. However, according Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 0 more points.
37.	Off: SI Fazal Bad Shah No. 1193/P	FRP	P/415	Confirmed.
38.	Off: SI M-Nageem Khan No. 1314/P	CCP, Peshawar	P/416	Confirmed.
39.	Off: SI Awaiz Shor Khan No. 578/P	CTD KPK	P/417	Confirmed.
40.	Off: SI Akbar Ali No. 582/P	CCP, Peshawar	P/418	Confirmed. However, according Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 0 more points.
41.	Off: SI Iqbal Khan No. 583/P	Elite Force	P/419	Confirmed. However, according Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 0 more points.
42.	Off: SI Akhtar Hussain No. 585/P	CCP, Peshawar	P/420	Confirmed. However, according Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 0 more points.
43.	Off: SI Asif Ullah No. 586/P	CCP, Peshawar	P/421	Confirmed. However, according Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 0 more points.
44.	Off: SI Syar Khan No. 587/P	Elite Force	P/422	Confirmed. However, according Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 0 more points.
45.	Off: SI Noor Muhammad No. 588/P	Inv: CCP, Peshawar	P/423	Confirmed. However, according Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 0 more points.
46.	Off: SI Waheed Ali No. 1189/P	CTD KPK	P/424	Confirmed. However, according Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 0 more points.
47.	Off: SI Masroor Jehan No. 1317/P	CCP, Peshawar	P/425	Confirmed. However, according Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 0 more points.
48.	Off: SI Anwar Jan No. 1200/P	CCP, Peshawar	P/426	Confirmed.
49.	Off: SI Hidayat Khan No. 1201/P	Inv: CCP, Peshawar	P/427	Confirmed.
50.	Off: SI Amir Muhammad No. 1203/P	CCP, Peshawar	P/428	Confirmed. However, according Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 0 more points.
51.	Off: SI Jannah ud Din No. 1204/P	Elite Force	P/429	Confirmed. However, according Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 0 more points.
52.	Off: SI Husein Gul No. 1205/P	Inv: CCP, Peshawar	P/430	Confirmed. However, according Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 0 more points.

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54.	Off: SI Sabir Ullah No. 1209/P	Inv: CCP, Peshawar	P/432	Training / course and will earn 01 more points. Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 01 more point.
55.	Off: SI M. Israr ud Din No. 1210/P	CCP, Peshawar	P/433	Confirmed.
56.	Off: SI Zahid Hussain No. 1212/P	CCP, Peshawar	P/434	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 06 more points.
57.	Off: SI Zahid Ullah No. 1216/P	CHD	P/435	Confirmed. However, according to Standing Order 03/2015 he will complete and qualify mandatory Training / course and will earn 06 more points.
58.	Off: SI Latif ur Rehman No. 1217/P	CTD KPK	P/436	Confirmed.

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The following Offg: SIs are deferred from confirmation in the rank of SI due to the reason noted against each:-

1.	Off: SI Fakhre Alam No. 629/P	CCP, Peshawar	Deferred from confirmation in the rank of SI due to non availability of ACRs 2013, 2014, 2015, 2016 & 2017 and also absent.
2.	Off: SI Shamshad Khan No. 812/P	FRP	Deferred from confirmation in the rank of SI due to non availability of ACRs 2017 and also absent.
3.	Off: SI Mohib Gul No. 982/P	Inv: CCP, Peshawar	Deferred from confirmation in the rank of SI due to non availability of ACRs 2013, 2014, 2015 & 2016.

Those SIs who's have not completed Mandatory Training/Courses under Standing order No. 3/2015 working under your command may be selected for the said courses on priority basis and will earn marks noted against each. After completion of their courses reports may be sent to this office for completion of record please.

FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No 8330-40 /EC-I,

Copy of above is forwarded for information and necessary action to the:-

1. Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. Addl: Inspector General of Police, Investigation Khyber Pakhtunkhwa, Peshawar, alongwith two spare copies for Publication, KPK, Gazette Notification part-II.
3. Addl: Inspectors General of Police, Special Branch & Elite Force, KPK, Peshawar.
4. Deputy Inspectors General of Police, CTD & Mardan Region.
5. Commandant, Frontier Reserve Police, KPK, Peshawar.
6. SSsP/Operation, Investigation & Traffic, Peshawar.
7. Directors, NAB & Anti Corruption Establishment KPK, Peshawar.
8. District Police Officer, Charsadda, Nowshera.
9. Principals, EPTC Nowshera & Swabi.
10. Asstt: Secret Branch, & EC-II, CCP, Peshawar.

ATTACHED



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

No. 799 / CPB, date Peshawar the 14 / 09 / 2017

To : All Heads of Police Offices in Khyber Pakhtunkhwa.

Subject: CONFIRMATION IN THE RANK OF SUB-INSPECTOR

Memo:-

In continuation of this office Memo: No. 670/CPB, dated 07.06.2017 on the subject noted above.

According to old criteria, the period required to be spent by Sub-Inspectors in different units under Standing Orders for purpose of confirmation as Sub-Inspector as substitute of the requirement of Rule 13-10(2) of Police Rules, 1934 was 03 years in Special Branch, 03 years in CTD, 02 years in Elite Force, 01 year as Officer Incharge Investigation, 02 years as Investigation Officer, & 03 years at PTC Hangu.

According to amendment in Police Rule-13.10(2) of Police Rule-1934, dated 16.03.2017, the new criteria for confirmation in the rank of Sub-Inspector will be as under:-

"No Sub-Inspector shall be confirmed in substantial vacancy unless he has been tested for a year of an officiating Sub-Inspector in independent charge of a Police Station, a notified Police Post, or as Incharge Investigation of a Police Station or in Counter Terrorism Department.

Provided further that he shall also have to spent one year in any other Unit excluding the period spent on long leave, deputation or promotion training course i.e. Upper College Course."

As per information ascertained from Regions, a number of Sub-Inspectors shall be affected by the amended Police Rules as they have already completed old criteria for confirmation in the rank of Sub-Inspector.

Keeping in view the request of Regional Police Officers as well as in the best interest of the force, new Policy for confirmation as Sub-Inspector, as per Police Rules 13.10(2) of 2017 will be effective w.e.f. 30.06.2018.

Furthermore, period spent by Sub-Inspectors as SHO/Incharge in notified Police Stations i.e. Anti Corruption Establishment, WAPDA, CTD, Investigation CPO and Traffic shall be deemed eligible for confirmation in the rank of Sub-Inspector as enunciated in Police Rules 13.10(2).

It may be ensured that on expiry of stipulated period i.e. 30.06.2018, no further extension/relaxation shall be given, therefore, all supervisory officers must provide equal opportunity to their subordinates to complete the requisite tenure of posting according to amended Police Rule-13.10 dated 16.03.2017.

(MUHAMMAD ALI KHAN) PSP

DIG/HQrs:

For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Endst: No. and dated even

Copy forwarded to the:-

- Addl: Inspector General of Police, HQrs: Khyber Pakhtunkhwa, Peshawar.
- Assistant Inspector General of Police, Establishment Khyber Pakhtunkhwa, Peshawar.
- PSO to Worthy Inspector General of Police Khyber Pakhtunkhwa, Peshawar.

مرکزیت پولیس بنگلہ پشاور

21



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

2844 (B)

No. CPO/CPB/ 129

Dated Peshawar 16 April, 2019

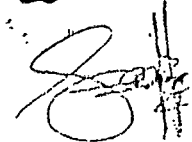
To: The Regional Police Officer,
Bannu Region.

Subject: SEEKING GUIDANCE/PROVISION OF LIST OF OTHER UNITS


Memo:-

Please refer to your office Memo; No. 1437/EC dated 28.03.2019 on noted above.

According to section (3) of Standing Order No. 02/2016, Other (1) Frontier Reserve Police, Elite Force, Central Police Office, Special Branch, Traffic Khyber Pa CPO Investigation, PQR, Training Schools and College, Traffic Wardens Peshawar, Swat, Ab


(SADIQ BALOCH) IS
AIG/Establishment
For Inspector General of
Khyber Pakhtunkh
Peshawar.

EC
JB
19/4.

EC
Seen.


24/4/2019.





OFFICE OF THE
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

Telephone No. 091-9210641 Fax No. 091-9212597.

POLICE DEPTT.

CCP, PESHAWAR.

FOR PUBLICATION IN THE KHYBER PAKHTUNKHWA, POLICE GAZETTE PART-II,
ORDERS BY THE CAPITAL CITY POLICE OFFICER, KHYBER PAKHTUNKHWA, PESHAWAR.

NOTIFICATION.

Dated 11/3/2020.

No. 5112 /EC-I, CONFIRMATION IN THE RANK OF SIs:- As per recommendation of Departmental Promotion Committee meeting held on 03-03-2020, the following Offg: SIs of Capital City Police Peshawar is hereby confirmed in rank of SI with immediate effect.

On confirmation they are allotted new Capital City Police Peshawar number as noted against each:-

S#	Rank, Name & No	Present Posting	New CCP, No.	Remarks
1.	Offg: SI Muhammad Iqbal No. 518/P	Elite Force	P/69	Recommended for confirmation in the rank of SI subject to ACR 2018 within 03 weeks.
2.	Offg: SI Gul Faraz No. 549/P	Special Branch	P/82	Recommended for confirmation in the rank of SI.
3.	Offg: SI Gohar Shah No. 636/P	CCP, Peshawar	P/84	Recommended for confirmation in the rank of SI subject to ACRs 2014, 2015, 2016, 2017 & 2018 within 03 weeks.
4.	Offg: SI Anwar Shah No. 946/P	Elite Force	P/88	Recommended for confirmation in the rank of SI subject to ACRs 2014, 2015, 2016, 2017 & 2018 within 03 weeks.
5.	Offg: SI Javed Khan No. 1125/P	CCP, Peshawar	P/138	Recommended for confirmation in the rank of SI.
6.	Offg: SI Fakhri Alam No. 1153/P	CTD KPK	P/139	Recommended for confirmation in the rank of SI.
7.	Offg: SI Ali Hussain No. 1013/P	Elite Force	P/150	Recommended for confirmation in the rank of SI.
8.	Offg: SI Sabir Ali No. 1045/P	CCP, Peshawar	P/159	Recommended for confirmation in the rank of SI.
9.	Offg: SI Gul Nawaz no. 1053/P	CTD KPK	P/165	Recommended for confirmation in the rank of SI.
10.	Offg: SI Iftikhar No. 1056/P	CCP, Peshawar	P/168	Recommended for confirmation in the rank of SI.
11.	Offg: SI Abdul Wali No. 1068/P	CCP, Peshawar	P/169	Recommended for confirmation in the rank of SI subject to ACR 2018 within 03 weeks.
12.	Offg: SI Murad Ali No. 1316/P	CCP, Peshawar	P/170	Recommended for confirmation in the rank of SI.
13.	Offg: SI Muhammad Ali No. 1079/P	Special Branch	P/171	Recommended for confirmation in the rank of SI.
14.	Offg: SI Sartaj No. 12/P	Special Branch	P/12	Recommended for confirmation in the rank of SI.
15.	Offg: SI Jawad Hussain No. 1240/P	CTD KPK	P/175	Recommended for confirmation in the rank of SI.
16.	Offg: L/SI Rizwana Hameed No. 33/P	Elite Force	P/176	Recommended for confirmation in the rank of SI.
17.	Offg: SI Ahmad Jan No. 112/P	CCP, Peshawar	P/177	Recommended for confirmation in the rank of SI.

The following Offg: SIs are deferred from confirmation in the rank of SI due to the reason noted against each:-

1.	Offg: SI Muhammad Ali No. 533/P	CTD KPK	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
2.	Offg: SI Biladar No.08/P	EPTC NSR	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
3.	Offg: SI Jafar Shah No.10/P	Elite Force	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
4.	Offg: SI Faheem Ullah No.1000/P	CTD KPK	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
5.	Offg: SI Said Malik NO.1018/P	CCP, Peshawar	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
6.	Offg: SI Anjad Ali No.1331/P	Elite Force	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
7.	Offg: SI Nasr Ullah No. 1058/P	CTD KPK	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
8.	Offg: SI Muhammad Riaz No.1072/P	CTD KPK	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
9.	Offg: SI Sabir Shah No.1081/P	CTD KPK	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
10.	Offg: SI Masood Jan No.584/P	CCP, Peshawar	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
11.	Offg: SI Waqif Khan No. 1214	Elite Force	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
12.	Offg: SI Sartaj Khan No. 1229/P	Special Branch	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
13.	Offg: SI Nowsherevan No. 1243/P	PTC Hangu	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
14.	Offg: SI Zahir Shah No. 1244/P	CTD KPK	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
15.	Offg: SI Khalid Khan No. 1261/P	CCP, Peshawar	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)
16.	Offg: SI Hashmat Khan No. 1265/P	Special Branch	Deferred from confirmation in the rank of SI due to incomplete period required under amended P.Rules 13.10(2)

Sd/-
CAPITAL CITY POLICE OFFICER,
PESHAWAR.

No. 5113-26/EC-1,

Copy of above is forwarded for information and necessary action to the:-

1. Inspector General of Police, Khyber Pakhtunkhwa, Peshawar.
2. Addl: Inspectors General of Police, Investigation, Special Branch & Elite Force, Khyber Pakhtunkhwa, Peshawar.
3. Deputy Inspectors General of Police, CTD KPK & Mardan.
4. Commandant, Police Training College Hangu.
5. SSSP/Operation, Investigation & Traffic, Peshawar.
6. Principals, EPTC Nowshera.
7. Asstt: Secret Branch, & EC-II, CCP, Peshawar.

(SSP COORDINATION)
FOR CAPITAL CITY POLICE OFFICER,
PESHAWAR.

ATTESTED

To

Inspector General of Police,
KPK Peshawar,

No-1254/PP0

Date- 9/06/20

Through Proper Channel:

Subject: Departmental Appeal against the confirmation order dated 11.03.2020. wherein the undersigned was not considered for confirmation as SI.

Prayer:

On acceptance of this departmental appeal the undersigned may be considered for confirmation from due date as SI being Eligible and senior most with all back and consequential benefits.

Respected Sir

FACTS:

- 1 That the undersigned was appointed as Constable in police department in 1986 and then promoted to the post of ASI in year 2008 and then further promoted to the post of SI 27.09.2011. Further the undersigned work with full zeal and zest till date.
- 2 That the undersigned done all the courses, including upper course in year 2014. And also complete tenure period at special branch, it is pertinent to mentioned here that the undersigned was also on the top of seniority list.
- 3 That in 2018 the department conducted the DPC meeting on 18.04.2018 wherein the colleagues of the undersigned was confirmed as SI vide notification dated 24.04.2018 but the undersigned was totally ignored/not considered.
- 4 That thereafter the new amendment was introduced in rule on 14.09.2017 given effect from the 30.06.2018. wherein provided that for confirmation as SI the period of one year shall be spent in any other unit but the undersigned was till date not posted in any other unit for the purpose of

ATTACHED

undersigned was confirmed as SI vide notification dated 11.03.2020 but the undersigned was again totally ignored/not considered. Which is great injustice with the undersigned.

- 6 That the undersigned has not be punished for the fault of deptt: and according to supreme court judgment the undersigned has been right to be confirmed as Si from due date because not confirmed due to the fault of deptt:.
- 7 That posting is duty of the deptt and responsible for the same for not posting the undersigned in other unit for complete the tenure for the purpose of promotion and junior to the undersigned had been posted and promoted. Which is great injustice, discrimination and violation of Article-4, 25 of the constitution of the Islamic republic of Pakistan.
- 8 That the deptt is bound to consider the undersigned for confirmation as being senior most and eligible if there is any deficiency, the department considered and deferred the undersigned with reason but the department failed to adopt proper law and rules.
- 9 That the undersigned is not treated according to law and rules.
- 10 That the undersigned is not considered for confirmation as SI due to which undersigned facing the great hardship and financial loss. Which is not warrant by law.
- 11 That it is also requested the undersigned may also be heard in person.

It is, therefore, most humbly prayed that the appeal of undersigned may kindly be accepted as prayed for.

APPELLANT

Khiyal Badshah (SI) 933/p
Special Branch Peshawar
Cell No. 03009393974





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

Handwritten initials 'AS' inside a circle.

No. CPO/CPB/ 165

Dated Peshawar 16 July, 2020

To: The Capital City Police Officer,
Peshawar.


Subject: APPLICATION

Memo:-

Please refer to your office Memo: No. 9497/EC-I, dated 08.07.2020 on the subject noted above.

Application of Sub-Inspector Khiyal Badshah No. P/933 regarding confirmation in the rank of Sub-Inspector was processed and filed by the Competent Authority in the light of CCPO/Peshawar reply vide his office Memo: No. quoted above.

The applicant may be informed accordingly.


(SYED ANIS-UL-HASSAN)
Registrar,
For Inspector General of Police,
Khyber Pakhtunkhwa,
Peshawar.

Handwritten initials 'AS' inside a circle.

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2002 P L C (C.S.) 1388

[Punjab Service Tribunal]

Justice (Retd.) Riaz Kayani, Chairman

MUHAMMAD HASNAIN SHAH

versus

INSPECTOR-GENERAL OF POLICE, MULTAN RANGE,
MULTAN and 27 others

Appeal No.3706 of 2000, decided on 4th December, 2001

(a) Civil Service----

----Promotion, confirmation and seniority---Civil servant was promoted to the rank of Officiating Sub-Inspector of Police, but was not confirmed on that post and was also placed below the co-civil servants in seniority list despite they were juniors to him ---Co-civil servants were confirmed and placed above civil servant in seniority list on ground that they had undergone upper class course earlier to the civil servant---Validity---Civil servant was punished for no fault of his own for not being nominated for upper class course alongwith co-civil servants---Civil servant had no adverse entry to his A.C.R. standing against him at relevant time---Representation and appeal filed by the civil servant against his grievance though were late, but in matters of promotion, pay and other emoluments, limitation would not foreclose his right accrued to him---Orders passed against the civil servant were set aside with direction to the Authority to confirm civil servant from the date when his juniors were so confirmed - and to grant ante-dated promotion to him.

(b) Limitation Act (IX of 1908)---

----Preamble---Limitation---Limitation Act, 1908 undoubtedly was penal in nature and rights accrued could not be taken away unless sufficient cause was shown---Technicalities of law, however, should not stand in the way of a person who had been singled out rather prosecuted without knowing as to crime or sin, he had committed.

Masud Ahmad Riaz for Appellant.

Khadim Hussain Sindhu, District Attorney for Respondents.

Date of hearing: 27th November, 2001.

JUDGMENT

Muhammad Hasnain Shah, Inspector, was appointed as A.S.-I. on 6-3-1982 and was confirmed in the said post on 12-8-1986 on which date he was also admitted to list 'E'. On 8-10-1986, Deputy Inspector-General of Police, Faisalabad Range, Faisalabad, terminated the probation of the appellant as A.S.-I. and also removed him from list 'E'. Inspector-General of Police, Punjab, took suo motu notice of the steps taken by Deputy Inspector-General of Police, Faisalabad, and directed maintaining status quo ante, with the result that appellant was confirmed as A.S.-I. w.e.f. 2-8-1986 as well as admitted to list 'E' and was also promoted the rank of officiating Sub-Inspector w.e.f. 8-8-1988. Simultaneously, appellant was transferred to Multan Range in the year 1988. A seniority list was issued in which appellant was shown at serial No. 143-A followed by another seniority list of Sub-Inspectors w.e.f. 1-1-1987 in which the name of the appellant did not figure, however, respondents Nos.4 to 9 were shown senior to the appellant having been admitted to list 'E' w.e.f. 9-9-1986, on a date after the admission of the appellant to the said list, as a result of which respondents Nos.4 to 9 were confirmed as Sub-Inspectors w.e.f. 7-2-1990 vide order dated 17-2-1990 passed by Deputy Inspector-General of Police, Multan Range, Multan. Appellant made representation to respondent No. 1 on 15-1-1998. In reply respondent No. 1 vide his letter dated 25-2-1998 informed the appellant that his case was examined for grant of ante-date confirmation as Sub-Inspector w.e.f. 7-2-1990 but the same could not be accorded as he was undergoing upper class course which was a pre-requisite qualification for confirmation as Sub-Inspector. Appellant mentioned in his appeal that respondents Nos.4 to 9 have been deputed for upper class course in March 1989 whereas appellant was sent to upper class course on 23-9-1989 and completed the course in March, 1990, while he was serving in Multan Range. Grievance of the appellant was that confirmation of respondents No.4 to 9 as Sub-Inspectors w.e.f. 7-2-1990, while he was left in lurch, the respondents were admitted to list 'F' and promoted as officiating Inspectors from various dates occurring in the years 1991 and 1995. Appellant admitted that he was transferred to Sargodha Range at his own request vide order dated 27-1-1991, he was placed at the bottom of officiating Sub-Inspectors on the list of Sargodha Range. Being junior to all officiating Sub-Inspectors in Sargodha Range, he was confirmed as Sub-Inspector w.e.f. 12-8-1992 and in the seniority list of confirmed Sub-Inspectors of Sargodha Range, his name figured at Serial No.60, though he was entitled to be placed below Serial No.24 and above Serial No.25 as these persons were confirmed from various dates ranging between 9-10-1990 to 12-8-1992. Appellant was admitted to list 'F' on 27-3-1999 and promoted as Inspector w.e.f. 19-4-1999 making him junior to respondents Nos.4 to 11 by 8 years. Appellant submitted his representation to respondent No.2 on 19-3-1998, which was rejected and communicated to him on 25-11-2000. Order of respondent No. 1 dated 25-2-1998 and that of respondent No.2 dated 25-11-2000 have been challenged in this appeal.

2. Learned counsel for the appellant contended that the injustice to the appellant commenced at the time when he was not considered alongwith his batchmates to undergo upper class course to which they were admitted in March, 1989 and this is the starting point of his miseries. Taking his arguments to their logical conclusion, learned counsel stated that the only ground for not sending the Police Officer for upper course is that when he has an adverse entry in his ACR, as mandated in the Police Rules, 1934. To the contrary, it was urged that appellant has in his whole career not earned even a single adverse entry, particularly, till March, 1989, when respondents Nos.4 to 11 were sent to undergo the upper class course and without any rhyme or reason, his entry in the institution to

27
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undergo upper class course was delayed till 23-8-1989, which he passed in March, 1990.

3. Learned counsel for the appellant referred to an unreported judgment of the Hon'ble Supreme Court in Civil Petitions Nos.766-L of 1995 and 790-L of 1995 which took into consideration identical question of law; Respondent and petitioner, in the referred to case, before the apex Court were Junior Instructors in Government College of Technology. Respondent being senior to the petitioner was not promoted to take the training course because the Principal was of the view that his class would be neglected without him. But on the other hand petitioner was allowed to proceed on training which made him qualified to be promoted in BS-17 on 18-6-1990. However, the case of the respondent was relegated on the ground that he did not complete the training which he did subsequently and obtained Diploma on 13-5-1991. Respondent claimed promotion and seniority asserting that if he had not been ignored earlier, without any fault of his, he would have also been promoted alongwith the petitioner. Punjab Service Tribunal who allowed the petition, observed as under:--

"There was no denying the fact that the appellant was senior to respondent No.3. He should have been deputed for the course by virtue of his seniority. It was not the respondent's case that his record was otherwise unsatisfactory rendering him unfit for getting the training. Conversely, when his record was clean and he was senior as well, he should have been given preference to all others for getting the training. He was detained by the Principal as he had none also to look after the relevant duties but this could not be a reason to traverse seniority of the appellant. Someone should have been brought in by transfer or by initial recruitment to fill the post temporarily. The reason for rendering his seniority ineffective was not sound. Late, however, he got the training and came eligible to be promoted. By virtue of seniority which was a vested right he had a genuine claim to be preferred to respondent No.3.

Accordingly, the appeal is allowed. The appellant is held entitled to be promoted as Inspector (BS-17) in preference to respondent No.3 even though the latter might have to be demoted."

Hon'ble Judges of the Supreme Court held that the respondent was handicapped to undergo the course/training because of refusal of - the Principal to allow him to proceed on such training but since he was entitled to undergo the training alongwith others, the Principal should have exercised the discretion in his favour and alternate arrangement should have been made. The appeal of the petitioner was dismissed and judgment of the Tribunal was upheld.

4. Another hurdle which has been created in the way of the appellant is that he got himself transferred to Sargodha and according to the policy of the Government, transfer with consent brings his seniority in his rank to the bottom. However, the mischief to the appellant was done before he opted for transfer to Sargodha in January, 1991 and events culminating in ignoring him for promotion as confirmed Sub-Inspector from 7-2-1990 would not stand in his way for seeking relief by his voluntary transfer to Sargodha Range. Appellant also quoted the case of Muhammad Sarwar v. Director Administration, FIA reported in 1998 SCMR 2409 a case more or less on the similar grounds. Learned District Attorney, raised a single objection about limitation and submitted that wrong was done to the appellant on 7-2-1990 according to his own showing but the representation which he made was in January, 1998 and according to the dictum of Hon'ble Supreme Court reported in 1998 SCMR 882, question of limitation could be seen by the appellate Court at any stage of the proceedings. It was

urged that although appellant may have a good case on merit but having kept mum for 7/8 years, he cannot be allowed condonation there being no sufficient ground in his favour.

5. I have attended to the arguments of the respective counsels and have also gone through the record. 29

6. Appellant admittedly was punished for no fault of his for not being nominated for upper class course in March, 1989 alongwith other respondents. He had no adverse entry in his ACR standing against him name at that period of time. Ruling of the Hon'ble apex Court upholding the judgment of this Tribunal in Appeal No. 634 of 1991 clinches the issue. Subsequent event of getting himself transferred to Sargodha and being placed at the bottom of officiating Sub-Inspectors list, would not stand in the way of the appellant as the mischief had completed itself in February, 1990 when juniors to the appellant were confirmed as Sub-Inspector.

7. Coming to the question of limitation, canvassed by the appellant, I am more prone in the instant case to do substantial justice, as head of the appellant was placed on the chopping block for no fault of his. Undoubtedly, Limitation Act is penal in nature and rights accrued cannot be taken away unless sufficient cause is shown. However, technicalities of law should not stand in the way of a person who has been singled out rather persecuted without knowing as to what crime or sin he has committed. Equities in his favour, far out-weight, his tardiness, to make representation against the injustice done to him. I am also fortified in my view by the judgment of the apex Court reported in PLD 1992 SC 825 that in matters of promotion, pay and other emoluments cause of action is recurring, limitation does not foreclose the right. Resultantly I accept the appeal, set aside the impugned orders and direct the respondents to confirm the appellant as Sub-inspector' w.e.f. 7-2-1990 when respondents; 14 to 11 his juniors were given the benefit of confirmation as Sub-Inspector. Respondent No.2 may consider granting ante-dated promotion to the appellant as officiating Inspector from the same dates as were allowed to the respondents alongwith consequential benefits flowing from the order to promotion.

H.B.T./64/PST

Appeal accepted.

ATTESTED

VAKALAT NAMA

NO. _____/20

IN THE COURT OF kl Service Tribunal, Peshawar

Khayal Badshah (Appellant)
(Petitioner)
(Plaintiff)

VERSUS

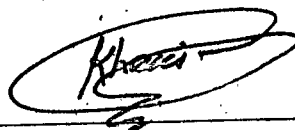
Police Deptt (Respondent)
(Defendant)

I/We Khayal Badshah

Do hereby appoint and constitute **M.Asif Yousafzai, Advocate, Peshawar**, to appear, plead, act, compromise, withdraw or refer to arbitration for me/us as my/our Counsel/Advocate in the above noted matter, without any liability for his default and with the authority to engage/appoint any other Advocate/Counsel on my/our costs.

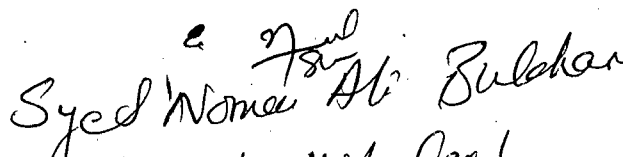
I/we authorize the said Advocate to deposit, withdraw and receive on my/our behalf all sums and amounts payable or deposited on my/our account in the above noted matter. The Advocate/Counsel is also at liberty to leave my/our case at any stage of the proceedings, if his any fee left unpaid or is outstanding against me/us.

Dated _____/20


(CLIENT)

ACCEPTED


M. ASIF YOUSAFZAI
Advocate


Advocate High Court

M. ASIF YOUSAFZAI
Advocate High Court,
Peshawar.

OFFICE:

Room No.1, Upper Floor,
Islamia Club Building,
Khyber Bazar Peshawar.
Ph.091-2211391-
0333-9103240

14/09

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.9270/2020.

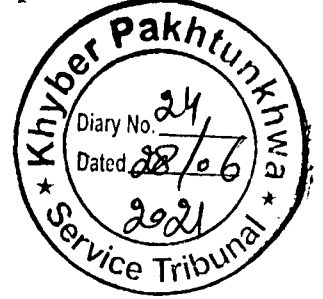
Khayal Badshah SI No. 933/P Special Branch Peshawar.....**Appellant.**

VERSUS

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

Reply on behalf of Respondents No. 1, 2, &3.

Respectfully Sheweth:-



PRELIMINARY OBJECTIONS:-

1. That the appeal is badly barred by law & limitation.
2. That the appeal is bad for mis-joinder and non joinder of necessary and proper parties.
3. That the appellant has not come to this Hon'able Tribunal with clean hands.
4. That the appellant has no cause of action and locus standi.
5. That the appellant is estopped by his own conduct to file the instant appeal.
6. That the appellant has concealed the material facts from this Honorable Tribunal.

FACTS:-

1. Para No.1 relates to record, however the appellant has personally admitted the facts that he was given promotion to the next higher rank on eligibility and own merit. It clearly reflects that no pick and choose formula was followed which speaks of a fair process on the part of respondents.
2. Incorrect and misleading. In fact confirmation in the rank of S.I requires completion of eligibility criteria under Rule 13-10 (2) of Police Rules 1934 amended 2017, which provides that "no sub inspector shall be confirmed in a substantive vacancy unless he has been tested for at least a year as an officiating S.I in independent Incharge of PS, a notified post, or as Incharge investigation of a PS or CTD". Furthermore, confirmation in the rank of S.Is is not made on the basis of seniority rather it is done subject to fulfillment of laid down criteria. (copy of rule is annexed as "A")
3. Incorrect and misleading. In fact, Colleagues of the appellant were confirmed in the Rank of SI after completion of their mandatory period. Confirmation in the rank of S.I requires completion of laid down criteria and those S.Is who fulfill the said qualification are confirmed first in the rank of S.I.
4. Incorrect. In fact Rules 13.10(2) of the Police Rules place certain embargo over confirmation in the rank of SI in pursuance of which appellant's confirmation cannot be considered.

5. Incorrect. As explained in the preceding paras. As the appellant did not fulfill the laid down criteria mandatory towards confirmation in the rank of SI hence he was deferred by the DPC. Actually only those Sub Inspectors are confirmed in the ranks who fulfill the laid down criteria and confirmation of no SIs considered without completion of requisite criteria.
6. Incorrect. The appellant filed departmental appeal which was thoroughly processed and turned down on sound and plausible grounds to avoid injustice.
7. Appeal of the appellant is not maintainable hence needs to be dismissed. Para wise reply on grounds is as under:-


REPLY ON GROUNDS:-


- A) Incorrect. Actually only those Sub Inspectors are confirmed in the ranks who fulfill the laid down criteria and confirmation of no SIs considered without completion of requisite criteria. Order issued by the competent authority is legal and needs to be upheld.
- B) Incorrect. The appellant has been treated as per law/rules and no Article of Constitution of Pakistan has been violated by the replying respondents. However it is worth to clarify that promotion and confirmation amongst employees of respondent department have been made in accordance with law/rules and no pick and choose formula is followed.
- C) Incorrect. Infact the appellant did not fulfill the laid down criteria mandatory towards confirmation in the rank of SI and those S.Is who fulfill the said qualification/criteria are confirmed in the rank of S.I.
- D) Incorrect. As explained above, appellant has to qualify the requisite laid down criteria for confirmation in the rank of SI. His request for confirmation as SI is devoid of merit. Infact under rule 13.10(2) of Police Rules, he is not entitled for confirmation as SI.
- E) Incorrect. Para already explained in detail in the above paras. Appellant has been treated strictly in accordance with law/rules and no legal right has ever been violated.
- F) Incorrect. Appellant has never been deprived of his due right nor treated with discrimination. Replying respondents are duty bound to follow law/rules and no right of the appellant has been violated.
- G) Incorrect. Appellant has been treated strictly in accordance with law/rules and no legal right has ever been violated.
- H) That the respondents may also be permitted to raise additional grounds at the time of arguments.

PRAYERS:-

It is therefore most humbly prayed that in light of above facts and submissions the appeal of the appellant being devoid of merits, legal footing may be dismissed with costs please.


Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.


Deputy Inspector General Police,
HQrs: Khyber Pakhtunkhwa,
Peshawar.


Capital City Police Officer,
Peshawar.

BEFORE THE SERVICE TRIBUNAL KHYBER PAKHTUNKHWA PESHAWAR.

Service Appeal No.9270/2020.

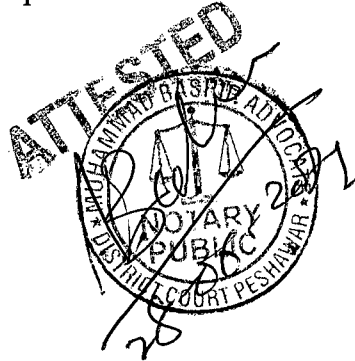
Khayal Badshah SI No. 933/P Special Branch Peshawar.....Appellant.


VERSUS

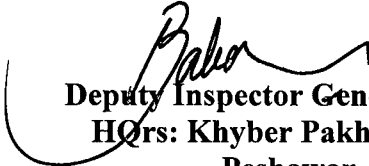
Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar and others.....Respondents.


AFFIDAVIT.

We respondents 1, 2 and 3 do hereby solemnly affirm and declare that the contents of the written reply are true and correct to the best of our knowledge and belief and nothing has concealed/kept secret from this Honorable Tribunal.




Provincial Police Officer,
Khyber Pakhtunkhwa,
Peshawar.


Deputy Inspector General Police,
HQrs: Khyber Pakhtunkhwa,
Peshawar.


Capital City Police Officer,
Peshawar.

10. In rule 13.10, for sub rule (2) the following shall be substituted namely:

“(2) No Sub-Inspector shall be confirmed in a substantive vacancy unless he has been tested for at least a year as an officiating Sub-Inspector in independent charge of a Police Station, a notified Police Post, or as in-charge Investigation of a Police Station or in Counter Terrorism Department:

Provided further that he shall also have to spend one year in any other Unit excluding the period spent on long leave, deputation or promotional training course i.e. upper college course”.

11. After rule 13.16, the following new rule shall be added, namely:

“13.16A. One year mandatory tenure for promotion to Deputy Superintendent of Police.---An Inspector shall be promoted to the post of Deputy Superintendent of Police after successful completion of mandatory training i.e. Advance Course and completion of one year tenure as Inspector in the Investigation Branch, or Counter Terrorism Department, or Special Branch, or any police training institution.”.

12. After Form No. 13.7, the following new Appendices shall be added, namely:

“Appendix 13.7A (I)
(See sub-rule (1) of rule 13.7A)

S.No	SUBJECTS	MARKS
1.	Approved Syllabus of Recruit Course	200
2.	Basic General Knowledge (General Knowledge regarding Pakistan & Khyber Pakhtunkhwa)	30
3.	English Communication	20

Appendix 13.7B (I)
(See sub-rule (2) of rule 13.7A)

S.No	SUBJECTS	MARKS
1.	LAWS i. Pakistan Penal Code ii. Criminal Procedure Code iii. Local and Special Laws iv. Qanoon-e- Shahdat v. Khyber Pakhtunkhwa Police Act, 2017 vi. Huddood Laws	60
2.	Police Rules, 1934	50
3.	English Translation	30
4.	General Knowledge	30
5.	Police Initiatives	30

Note: The subjects mentioned at serial No. 1 and 2 shall include selected portion of the relevant laws to be approved by the Provincial Police Officer.”.

13. In rule 19.2, after sub-clause (2), the following new sub-rule shall be added, namely:

“(3) Written examination of recruit course shall be conducted through an accredited testing agency approved by the Provincial Police Officer.”.

Confirmation
Security

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BL OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No.79/2019

Date of Institution: 24.12.2019

Date of Decision: 15.10.2020



Nazar Hussain, Inspector KBI, Kohat. ... (Appellant)

VERSUS

Provincial Police Officer, Khyber Pakhtunkhwa Peshawar and 2 others

... (Respondents)

M. Asif Yousafzai
Advocate

... For Appellant

Mr. Muhammad Jan
Deputy District Attorney.

... For Respondents

Mrs. ROZINA REHMAN
Mr. ATTIQ UR REHMAN

...
...

MEMBER (J)
MEMBER TESTED

JUDGEMENT: -

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Mr. ATTIQ UR REHMAN WAZIR: - Appellant Mr. Nazar Hussain, Inspector Kohat Police has assailed the order dated 27-11-2018, whereby the departmental appeal of the appellant for confirmation and placing his name with colleagues/ batch mates has been rejected.

2. Brief facts of the case are that the appellant initially appointed as ASI on 28-12-2006 and confirmed as ASI on 29-06-2010 from the date of appointment. His name brought on list E and further promoted to SI on officiating basis along with his colleagues dated 24-08-2010. In DPC

meeting held on 06-02-2013, the appellant deferred due to deficiency, while his other colleagues confirmed as SI vide order dated 24-08-2013. The appellant confirmed as SI in subsequent DPC w.e.f. 03-01-2014 instead of 06-02-2013, where his other colleagues were confirmed. That seniority list issued on 29-06-2018, where the appellant placed at Serial No 297, whereas his colleagues are at Serial No 90,91,92 and 93. Appellant filed departmental appeal dated 28-08-2018, rejected on 27-11-2018, hence the instant service appeal with prayers that the impugned order dated 27-11-2018 may be set aside and name of the appellant be placed in confirmation list with his colleagues/batch mates with all back benefits.

3. Written reply/comments were submitted by respondents.
4. Arguments heard and record perused.
5. Learned counsel for the appellant contended that the appellant initially appointed as ASI on 28-12-2006, subsequently confirmed on 29-06-2010 from the date of initial appointment. That the appellant promoted as officiating SI on 24-08-2010. That in a DPC meeting held on 06-02-2013, other colleagues of the appellant were confirmed as SI vide order dated 20-02-2013, whereas the case of appellant was deferred, being not completed PTC posting period. That appellant confirmed as SI in subsequent DPC w.e.f. 03-01-2014 instead of 06-02-2013, where his other colleagues were confirmed. The learned counsel argued that as per minutes of the same DPC dated 06-02-2013, at serial No 2, an officiating SI, Gharib Nawaz deferred in previous DPC dated 15-08-2012 for want of deficiency was confirmed with his colleagues confirmed earlier vide DPC dated 15-08-2012. That the case of the appellant being the same was not

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 29-06-2018
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considered by the subsequent DPC and the appellant confirmed with immediate effect inspite of the fact that he was deferred and not superseded. That in case of deferment the seniority is not affected after fulfillment of the deficiency. That it is the legal right of the appellant to be confirmed from the date, his other colleagues were confirmed. That final seniority list issued on 29-06-2018 placed the appellant on Serial No 297, whereas his colleagues/batch mates are at Serial No 90, 91, 92 and 93. That such act of the respondents was discriminatory and against law and the appellant has not been treated in accordance with law; hence, his rights secured and guaranteed under the constitution were badly violated. The learned counsel referred to the judgments of this tribunal in service appeal No 407/2011, 1227/2013 and Service Appeal No 197/2016, where in similar nature cases, relief has been granted by this tribunal. The learned counsel also referred to the judgments of supreme court of Pakistan in 2006 SCMR 1938 and 2002 PLC (CS) 1388. On question of limitation the learned counsel referred to the judgment of supreme court of Pakistan in 2002 PLC (CS) 1388 and 2009 PLC (CS) 178, where on the issue of promotion, pay and other emoluments, limitation would not foreclose his right accrued to him. The learned counsel prayed that in view of the situation, the impugned order dated 27-11-2018 may be set aside and the respondents may be directed to place the name of the appellant in confirmation list with his colleagues/ batch mates by ante dating his confirmation to meet the end of justice with all back and consequential benefits of service.



6. The learned Deputy District Attorney appeared on behalf of official respondents opposed the contention of learned counsel for appellant. He argued that the appeal is badly time barred in the first place as his seniority affected in the year 2014, whereas the appellant preferred appeal in 2018 after issuance of seniority list in 2018. Reliance Civil appeal No 566/2020. The learned Deputy District Attorney further argued that the appellant had not qualified/ completed the mandatory period of posting required for confirmation, hence not confirmed in the DPC meeting. That after completion of mandatory posting period, the appellant confirmed to the rank of SI under section 13.18 of Police Rules 1934. The learned Deputy District Attorney prayed that the instant appeal being devoid of merit may be dismissed.

7. We are conscious of the fact that time limitation needs to be kept in mind, but in the light of judgments of Supreme Court of Pakistan referred to above and in view of provisions of S.23 of Limitation Act 1908, the appellant has a continuous cause of action and issuance of seniority list at belated stage by respondents created a fresh cause of action for the appellant, not knowing the fact that his confirmation in 2014 with immediate effect would entail seniority issue at a later stage. Moreover, deferment shall not debar the appellant from confirmation from the date of his deferment, after making good the deficiency. We did not find anything adverse on record except deferment to substantiate his confirmation on a later date. We also did not notice any other seniority list on record except the revised seniority list issued on 22-06-2018. It also established from the prevailing rules that civil servants selected for promotion to a higher post in


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 Peshawar

one batch shall, on their promotion to the higher post, retain their inter se seniority as in the lower post. Moreover this Tribunal as well as Supreme Court of Pakistan in number of Judgments have granted relief in similar cases.

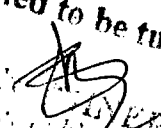
8. In the light of facts and circumstances of the present case, the instant appeal is accepted, the impugned order dated 27-11-2018 set aside with the directions to the respondents to place the name of the appellant in confirmation list with his batch mates and accordingly revise the seniority list with all consequential benefits. No orders as to costs. File be consigned to the record room.

ANNOUNCED
15.10.2020


(ATIQ UR REHMAN WAZIR)
MEMBER (E)


(ROZINA REHMAN)
MEMBER (J)

Date of Presentation of Application	29/11/2020
Number of Pages	2000
Copy	22/
Use of	22/
Total	
Name of	
Date of Presentation of Copy	16/12/2020
Date of Delivery of Copy	15/1/21

Certified to be true copy

Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Appeal No. 1264/2012

Date of Institution. .. 16.11.2012

Date of Decision .. 31.01.2013



Shakeel Ahmad, Sub Inspector, Frontier Reserves Police (FRP) H/Q Police Lines Khyber Pakhtunkhwa, Peshawar.

(Appellant)

VERSUS

1. Secretary to the Government of Khyber Pakhtunkhwa Province, Home & Tribal Affairs Department, Civil Secretariat, Peshawar.
2. Provincial Police Officer, Central Police Office, Khyber Pakhtunkhwa, Peshawar.
3. The Additional Inspector General of Police/Commandant, Frontier Reserve Police (FRP) H/Q Police Lines, Khyber Pakhtunkhwa, Peshawar.
4. Chairman Departmental Promotion Committee and Selection Committee/The Additional Inspector General of Police H/Q Central Police Office, Khyber Pakhtunkhwa, Peshawar. ... (Respondents)

SERVICE APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT AGAINST THE FINAL IMPUGNED ORDER PASSED BY THE RESPONDENT NO.2 DATED 12.11.2012 WHEREBY THE APPLICATION OF THE APPELLANT SEEKING CONFIRMATION IN THE RANK OF SI WAS NOT ENTERTAINED AND FILED AND THE APPELLANT BEING ELIGIBLE POLICE OFFICER WAS DEPRIVED OF HIS CONFIRMATION IN THE RANK OF SUB-INSPECTOR.

MR. MUHAMMAD USMAN TURLANDI,
Advocate

... For appellant.

MR. SHERAFGAN KHATTAK,
Addl. Advocate General

... For respondents.

MR. NOOR ALI KHAN,
SYED MANZOOR ALI SHAH,

... MEMBER
... MEMBER

JUDGMENT

NOOR ALI KHAN, MEMBER.- This appeal has been filed by Shakeel Ahmad, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act 1974, against the order of respondent No. 2 dated 12.11.2012, whereby the application of appellant for confirmation in the rank of Sub Inspector was rejected. It has been prayed that on acceptance of the appeal, the impugned order may be set aside and the appellant be confirmed in the rank of Sub Inspector with retrospective effect enabling the appellant to get equal treatment like his other colleagues.

2. Brief facts of the case as narrated in the memo: of appeal are that the appellant joined the Frontier Reserve Police, on 4.4.1995 as Constable and served efficiently and to the entire satisfaction of his superiors. He was gradually promoted as Assistant Sub Inspector on 28.9.2007 and according to Rule 13.18 of Police Rules 1934, he was confirmed in the rank of ASI and his name was brought on promotion list "E" w.e.f. 1.7.2010 vide order dated 30.7.2010. On 29.1.2009, the appellant was promoted as Sub Inspector and assumed the charge of the post. The appellant was further promoted as Inspector on adhoc basis and posted as Reserve Inspector (Headquarter) Police Lines, Peshawar. The appellant being eligible in all respect, approached the respondent No. 3 for his confirmation/promotion in the rank of Sub Inspector, which was recommended and forwarded to respondent No. 2. The departmental appeal of the appellant was rejected on 12.11.2012 with the remarks that no ASI shall be confirmed in a substantive vacancy in the rank of SI unless he has been tested for at least a year as an officiating SI independent charge of a Police Station in a District other than that in which his home is situated or three years deputation period as Officiating Sub Inspector in Special Branch, PTC Hangu CID according to CPO direction during the year 2000 and two years in investigation/Elite Force as per Standing Orders. Hence the present appeal.

3. The appeal was admitted to regular hearing on 4.12.2012 and notices were issued to the respondents. The respondents have filed their joint written reply and contested the appeal. The appellant also filed rejoinder in rebuttal.

4. Arguments heard and record perused.

5. The learned counsel for the appellant argued that the appellant was promoted as Assistant Sub Inspector on 28.9.2007 and according to Rule 13.18 of Police Rules 1934, he was confirmed in the rank of ASI and his name was brought on promotion list "E". The appellant has been promoted as Sub Inspector on 29.1.2009 and served for sufficient time and eligible for confirmation/promotion in the rank of S.I Substantively. He also qualified upper College Course with excellent service record. As per Police Orders the duties and responsibilities of Frontier Reserve Police are the same as those of Regular Police and in the light of the notification dated 15.1.1988, Police Rules are fully applicable to Frontier Reserve Police. In the financial year 2002-03, the Finance

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E. AMIR
Khyber Pakhtunkhwa
Service Tribunal
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Department had also declared the FRP as a permanent budgetary force. So the appellant has the fundamental right to be dealt with in the same manner as the officers of the regular police. Under Rule 13.18 of Police Rules 1934, after successful completion of two years as Offtg. S.I he has to be confirmed w.e.f. 1.7.2010.. He stated that the appellant could not post himself as independent SHO to meet the requirement for confirmation. It was the responsibility of the respondents to post him as independent SHO. He produced a copy of judgment dated 23.5.2011, in Service Appeal No. 407/2011 of this Tribunal and stated that in similar circumstances, confirmation has been granted to appellant in the aforementioned service appeal without spending a period of one year independent SHO. The appellant is also entitled to the same treatment. He requested that the appeal may be accepted as prayed for.

6. The learned AAG argued that the appellant was promoted to the rank of ASI on 28.9.2007 and was later on confirmed into the same rank on 1.7.2009. He was promoted as SI but on officiating basis on 29.1.2009. For confirmation in the same rank he has to fulfill the requirements under the rules. The appellant has not spent one year as independent SHO which was one of the basic criteria for confirmation as Sub Inspector, hence he was not entitled for confirmation under Police Rules and Standing Orders. Hence his application for confirmation has rightly been turned down by the competent authority. He requested that the appeal may be dismissed.

7. The Tribunal observes that the main issue which falls for determination in the present case is that whether the appellant has rightly been ignored by the respondent department from confirmation/promotion as S.I on the ground of his not fulfilling the requirement to serve as SHO for a period of at least one year outside his home district before he is confirmed as S.I. The appellant was promoted as ASI on 28.9.2007 and according to Rule 13.18 of Police Rules 1934, he was confirmed and his name was brought on promotion list "E" w.e.f. 1.7.2010 vide order dated 30.7.2010. On 29.1.2009, he was promoted as Sub Inspector on officiating basis and assumed the charge of the post. The appellant also passed the Upper College Course and further promoted as Inspector on adhoc basis on 27.8.2010 and posted as Reserve Inspector (HQ) Peshawar, where he still serving in that capacity. It was the prerogative/discretion of the departmental authority to post him as SHO, for which the appellant cannot be held responsible and ^{should not} suffer for the acts of others. Under Rule 13.18 of Police Rules 1934, he has to be confirmed on successful completion of two

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years period of probation or reverted back to his substantive rank. Since the appellant has not been reverted, and has further been promoted as Inspector on adhoc basis, was entitled for confirmation.

8. In view of the above, the appeal is accepted, the impugned order is set aside and the respondent department is directed to confirm the appellant as Sub Inspector w.e.f. 1.7.2010 as per rule 13.18 of Police Rules 1934. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED

31.1.2013

Ed/- Noor Ali Khan
Member

Ed/- Syed Mansoor Ali Qureshi
Member

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
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Peshawar

Date	15-1-2015
No	100
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Date of issue	15-1-2015
Date of filing	15-1-2015

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR.

Appeal No. 407/2011

Date of Institution. ... 03.3.2011
Date of Decision ... 23.5.2012.



Mr. Nasir Khan, Inspector, Special Branch,
Khyber Pakhtunkhwa, Peshawar.

(Appellant)

VERSUS

1. The Provincial Police Officer, Khyber Pakhtunkhwa, Peshawar.
2. The CCPO, Khyber Pakhtunkhwa, Peshawar.
3. The Additional I.G (Headquarters) Peshawar.
4. The DPC through its Chairman (Additional IG HQs) Peshawar. (Respondents)

APPEAL U/S 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE ORDER DATED 30.7.2010, WHEREBY THE APPELLANT HAS BEEN INCLUDED IN LIST-F WITH IMMEDIATE EFFECT INSTEAD OF WITH EFFECT FROM 20.2.2003 AND AGAINST THE ORDER DATED 17.1.2011, COMMUNICATED TO THE APPELLANT ON 7.2.2011, WHEREBY THE DEPARTMENTAL APPEAL OF THE APPELLANT HAS BEEN FILED.

MR. MUHAMMAD ASIF YOUSAFZAI,
Advocate

For appellant

MR. ARSHAD ALAM,
AGP

For respondents.

SYED MANZOOR ALI SHAH,
MR. NOOR ALI KHAN,

MEMBER
MEMBER

ATTENDED
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

JUDGMENT

SYED MANZOOR ALI SHAH, MEMBER. - This appeal has been filed by Nasir Khan, the appellant under Section 4 of the Khyber Pakhtunkhwa Service Tribunal Act, 1974, against the order dated 30.7.2010, whereby his name has been included in List "F" with immediate effect instead of 20.2.2003 and against the order dated 17.1.2011, communicated to the appellant on 7.2.2011, whereby his departmental appeal has been filed. It has been prayed that on acceptance of the appeal, the impugned order dated 30.7.2010 may be modified to the extent that name of the appellant be enlisted in list "F" with effect from 20.2.2003 with all consequential and service benefits.

2. Brief facts of the case are that the appellant initially joined Frontier Reserve Police as Constable on 2.5.1991. After passing lower course at PTC Hangu, he was promoted to the rank of officiating Head Constable on 14.4.1998. In the year 1998, the appellant passed intermediate course at Hangu and his name was brought on list "D" w.e.f. 20.10.1998. On 17.2.2000, he was promoted as Selection Grade Head Constable in BPS-9 and on 4.4.2000; he was promoted as Officiating ASI in the FRP Headquarter, Peshawar. After qualifying Upper School Course at Hangu in the year, 2000, and being eligible for promotion, he was promoted to the rank of Officiating S.I under Police Rules 13.18, vide order dated 20.2.2001, on probation period for two years. His name was brought on List "E" w.e.f. 20.2.2002 and the same was also reflected in the Police Gazette. On 12.4.2002, the appellant filed an application for his transfer to his parent District Police Peshawar. The appellant already passed Lower Intermediate and Upper School Course and also on list "E". The post was available and the appellant was issued proper NOC and transferred to Capital City Police, Peshawar. He also applied for transfer of his lien to Capital City Police, and vide order dated 8.10.2002; his lien has been transferred from FRP to Capital City Police Peshawar with immediate effect and his name was placed at the bottom of seniority list "E" of Officiating S.Is in Capital City Police and allotted him Provincial Police number 167/P. In pursuance of CPO/DPC decision vide No. 18322/E-II, dated 8.9.2003 and No. 13161/E-II, dated 12.6.2007, the appellant had been reverted to the rank of IHC with effect from 8.9.2003 vide order dated 22.10.2007. After exhausting departmental remedy, he filed service appeal No. 1101/2007 in this Tribunal. The case was accepted as prayed for and the impugned orders were set aside by restoring the appellant's seniority on list "E" w.e.f. the notification dated 20.2.2002 to his original position with all back/service benefits. Vide order dated 30.7.2010, the appellant was promoted to the rank of Officiating Inspector and his name was also brought on list "F" but with immediate effect instead of 20.2.2003. Feeling aggrieved, the appellant filed departmental appeal on 21.8.2010, which was rejected on 17.1.2011, copy received by the appellant on 7.2.2011, hence the present appeal on 3.3.2011, which is well within time.

3. The appeal was admitted to regular hearing on 22.3.2011 and notices were issued to the respondents. They filed their joint written reply and contested the appeal. The appellant also filed rejoinder in rebuttal.

4. Arguments heard and record perused.

EXAMINED
 Khayber Pakhtunkhwa
 Service Tribunal
 Peshawar
 ATTACHED

5. The learned counsel for the appellant argued that the appellant was promoted as Offtg. S.I on 20.2.2001. Under Rule 13.18 of Police Rules, 1934. He has to be confirmed on successful completion of two years probation period or reverted back to his substantive rank. Since the appellant has not been reverted therefore, he stood confirmed as Sub Inspector automatically w.e.f. 20.2.2003. He further argued that in the instant case basic right of the appellant has been violated, and there is no need of impleadment of junior colleagues of the appellant as respondents. In support of his arguments, the learned counsel relied on 2006-SCMR 1938. He stated that Inspector Zain Khan, has also filed service appeal for the same relief, which was accepted in limine, and while implementing the judgment dated 29.5.2007, he has been assigned revised seniority into promotion list "F" w.e.f. 15.12.1998. The appellant is also entitled to the same treatment as per judgment of the august Supreme Court of Pakistan as reported in 1996-SCMR-1185. The learned counsel for the appellant further stated that previously, the appellant filed service appeal No. 1101/2007, which was accepted on 23.9.2008 and his seniority restored on list "E" with effect from the notification dated 20.2.2002 to his original position with all back service benefits, but the department did not give all the back service benefits to the appellant despite of several presentation by the appellant. He requested that the appeal may be accepted as prayed.

6. The learned AGP argued that it is true that the appellant qualified Upper College Counsel in the year 2000, but the FRP was a temporary force till 2007 and all promotions in FRP were given as Officiating/temporary as per government policy. He further argued that name of the appellant was brought on list "F" and was promoted to the rank of Inspector on Officiating basis w.e.f. 30.07.2010. The appellant did not remain as SHO of a Police Station for a period of one year at relevant time and was confirmed in the rank of Sub Inspector and his name was also included in List "F" after serving for a period of three years w.e.f. 2.12.2005 to 1.12.2008, in Special Branch which was mandatory for confirmation as per Police Rules/Standing Order. So far as his reversion to the rank of IHC is concerned, the appellant was later on restored as per the judgment dated 23.2.2008 of this Tribunal and his grievances have been redressed. He requested that the appeal may be dismissed.

7. The Tribunal observes that the appellant was promoted as Officiating Sub Inspector vide order dated 20.2.2001. He would be on probation for a period of two years as per Rule 13.18 of Police Rules 1934. After completing two years period, the appellant stood automatically confirmed in absence of any order regarding extension of his probation period by the competent authority. It is also against the spirit of Police Rules 1934 to keep an official on probation for a long period, which

→ also resulted in confirmation and promotion of junior officials prior to the appellant. So far as the period of one year as independent SHO is concerned that also hold no ground because it was for the authority to give the appellant assignment of SHO being the discipline force, the appellant could not post himself as independent SHO to meet the requirement. The Tribunal also noted that the appellant remained independent Incharge of various Sections of Establishments i.e. OSI/FRP, Mess Manager of HQRs, Police FRP, Clothing Godown, Fuji Missal Section, Sector Commander Traffic Police as well as Additional SHO in various Police Stations, which also satisfy the condition of one year independent Service. The appellant has been confirmed w.e.f. 24.11.2008 instead of 20.2.2003, vide notification dated 18.11.2009 and his name was brought on list "F" vide notification dated 30.7.2010 with immediate effect and promoted as Inspector on officiating basis. So junior to the appellant have become senior to him and has been discriminated. The Tribunal agrees with the arguments advanced by the learned counsel for the appellant.

8. In view of the above, the appeal is accepted, the impugned notification dated 30.7.2010 is modified to the extent of appellant by enlisting his name in list "F" w.e.f. 20.2.2003 with all consequential/back benefits. Parties are left to bear their own costs. File be consigned to the record.

ANNOUNCED
23-5-2012

*Sd/- Syed Manzoor Ali Shah
Member*
*Sd/- Noor Ali Khan
Member*

Certified to be true copy

[Signature]
Khyber Pakhtunkhwa
Service Tribunal,
Peshawar

Date of Submission of Application 31-1-2013
 Number of Words 1600
 Copying Fee 10
 Vignette 2
 Total 12
 Name of Copyist [Signature]
 Date of Completion of Copy 31-1-2013
 Date of Delivery of Copy 31-1-2013