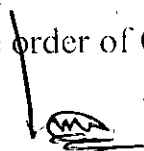


FORM OF ORDER SHEET

Court of _____

Case No. - _____ 1867 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	19/12/2022	<p>The appeal of Mr. Izhar Ahmad presented today by Muhammad Irshad Mohmand Advocate. It is fixed for preliminary hearing before Single Bench at Peshawar on _____. Notices be issued to appellant and his counsel for the date fixed.</p> <p>By the order of Chairman</p> <p> REGISTRAR</p>

BEFORE THE KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL AT PESHAWAR

Service Appeal No:- 1867 /2022

Izhar Ahmad

(Appellant)


VERSUS

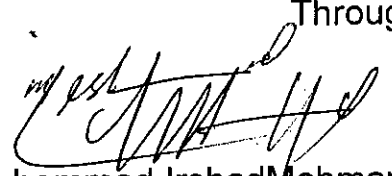
Government of Khyber Pakhtunkhwa through Chief Secretary KPK at
Civil Secretariat Peshawar & others

(Respondents)

I N D E X

S.No	Description of Documents	Annex	Pages
1.	Service Appeal		1-6
2.	Application for Suspension		7-8
3.	Application for condonation		9-10
4.	Address of Parties		11
5.	Copy of Appointment Order	"A"	12
6.	Copy of promotion order as Head Constable	"B"	13-14
7.	Copy of promotion order dated 04-12-2008 as ASI	"C"	15
8.	Copy of demotion order dated 04-09-2012 from ASI to Constable	"D"	16
9.	Copy of Cancellation Order dated 28/09/2012	"E"	17
10.	Copy of Judgment / order dated 10-01-2022 passed by this Honorable Tribunal	"F"	18-31
11.	Copy of Departmental Appeal dated 22/08/2022 filed by Appellant	"G"	32
12.	WakalatNama		33


Appellant: Izhar Ahmad
Through


Muhammad Irshad Mohmand
Advocate High Court
Peshawar

Dated 16-12-2022

①

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

Service Appeal No:- 1867 /2022

Izhar Ahmad, No 512/SB, Assistant Sub Inspector Special
Branch Police Department KPK Peshawar (Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary
KPK at Civil Secretariat Peshawar
2. Provincial Police Officer Khyber Pakhtunkhwa at CPO
Peshawar
3. Additional Inspector General of Police (Special Branch) KPK
Peshawar.
4. Deputy Inspector General of Police (Special Branch) KPK
Peshawar (Respondents)

**APPEAL U/S 4 OF KHYBER PAKHTUNKHWA SERVICE
TRIBUNAL ACT, 1974, TO THE EFFECT THAT THE
IMPUGNED ORDER NO 6413-14/EB DATED 04-09-2012
WHEREBY THE APPELLANT WAS DEMOTED FROM
ASSISTANT SUB INSPECTOR (ASI) TO CONSTABLE ISSUED
BY RESPONDENT NO 3 IS ILLEGAL AGAINST THE LAW,
FACTS AND INEFFECTIVE UPON THE RIGHTS OF
APPELLANT, HENCE LAIBLE TO BE SET-ASIDE AND THE
DEPARTMENTAL APPEAL OF THE APPELLANT HAS NOT
BEEN RESPONDED / DECIDED WITHIN THE STIPULATED
PERIOD.**

PRAYER:-

On acceptance of this Service appeal, the impugned demotion Office Order No 6413-14/EB dated 04-09-2012 issued by Respondent No 3be declared as illegal, unlawful, void ab-initio and liable to be set aside and the Respondents be directed to grant the appellant his own rank as Assistant Sub Inspector with all back benefits as extended to other colleagues of Appellant by this Honorable Tribunal vide consolidated judgment order dated 10-01-2022 passed in Service Appeal No 1225 / 2017

Respectfully Sheweth:-

The brief facts leading up to the filing of this Service Appeal are as under:-

1. That the Appellant is law abiding citizen of Pakistan and performing his duty in Special Branch of Police Department which is highly sensitive & technical branch and to make it attractive certain incentive are extended to the officials who opted to transfer or posted in special branch, and the appellant was basically / initially appointed as constable in the Special Branch of Police department vide order dated 30-05-1996. **(Copy of appointment order is attach as Annex "A")**
2. That the Appellant has performed his duty as constable in special branch up to the satisfactory performance for 6 years' and thereafter was promoted as Head Constable vide order dated 08-08-2002. **(Copy of promotion order is attach as Annex "B")**

3

3. That the appellant was performing his duty with honesty to the entire satisfaction of his high ups and with the passage of time after 12 years' service, the Appellant was promoted to the post of Assistant Sub Inspector vide office order No 5727-28 / EB dated 04-12-2008. **(Copy of promotion order dated 04-12-2008 is attach as Annex "C")**
4. That thereafter the Respondent No 3 illegally, unlawfully and against the law issued the impugned Office Order No 6413-14-/ EB dated 04-09-2012 whereby the appellant was illegally demoted to the post of Constable from Assistant Sub Inspector in disregard of law. **(Copy of demotion order dated 04-09-2012 is attach as Annex "D")**
5. That after demotion to the post of constable, the Appellant was transferred vide office order ends No 17215-18-/E-II dated 06/09/2012 from Special Branch KPK Peshawar to District Police Mardan as Constable illegally and then vide office order No 19091-94 dated 28-09-2012 the said transfer order from Peshawar to Mardan was cancelled by the Respondent, but the appellant was posted as constable instead of posting the appellant as Assistant Sub Inspector. **(Copy of cancellation Order dated 28/09/2012 is Annex "E")**
6. That similarly other colleagues of the Appellant were also demoted to lower rank and thereafter they filed service appeals before this Honorable Tribunal and the same were allowed by this Honorable Tribunal vide consolidated judgment / order dated 10-01-2022. **(Copy of Judgment / order dated 10-01-2022 is attach as Annex "F")**
7. That after the judgment/ order dated 10-01-2022 passed by this Honorable Tribunal, the appellant also filed departmental appeal to the Respondents on 22/08/2022 to award / grant the benefit of the judgment and be posted in his own rank as

④

Assistant Sub Inspector but the same was not responded / decided within the statutory period. (Copy of Departmental Appeal dated 22/08/2022 is attached as Annexure "G")

8. That the appellant being aggrieved from the impugned orders and by not awarding him his own rank as Assistant Sub inspector & also not responding the departmental appeal within the stipulated period, preferred this service appeal before this Honorable Tribunal on the following ground:-

GROUNDS

- A. That the impugned orders of Respondents are based on malafidie, ulterior motive, against law & justice, therefore liable to be struck down and the Appellant is entitle for the Post of Assistant Sub Inspector with all back benefits as extended to other colleagues by this Honorable Tribunal.
- B. That the appellant has performed his duty to the entire Satisfaction of his high ups and after rendering more than 12 year service in the department & with the passage of time the appellant was promoted to the post of Assistant Sub Inspector, therefore the impugned order of demotion is illegal and ineffective upon the rights of the appellant.
- C. That the appellant has not committed any sort of miss conduct, therefore the impugned order of demotion is illegal, unwarranted and unjustified being a punishment.
- D. That no show cause notice was issued to the appellant while demoting the appellant from the rank of Assistant Sub Inspector not opportunity of hearing was provided to the appellant, therefore the appellant has been condemned unheard which is against the natural justice.

5

- E. That the promotion of the appellant has been made in accordance with law & seniority, therefore the impugned order of demotion are without jurisdiction, arbitrary in nature and void ab-initio and is liable to be set aside and the appellant is entitle for the post of Assistant Sub inspector with all back benefits including the seniority as extended to other colleagues of the appellant.
- F. That the appellant has rendering more than 12 years' service and for no good reason the appellant has been demoted from Assistant Sub Inspector to the post of Constable and has been penalized just for nothing and the same act of Respondent is against the rules of law & justice.
- G. That the Appellant has been discriminated in matter of promotion as others colleagues of the Appellant have been extended the same benefits of promotion after the judgment of this Honorable Tribunal passed vide judgment / order dated 10-01-2022 but the same relief has been denied to the Appellant with mala fide intention & ulterior motive.
- H. That it is also settled Law that when the Supreme Court, High Court or Service Tribunal decide a matter related to Term & Condition of Service etc., the benefit of the same shall also be extended to the non-litigated party, therefore under the verdict of the Honorable Court, the appellant is also entitle for the same relief, but the Respondents have illegally refused the same to the appellant.
- I. That the Appellant has not been treated in accordance with law nor extended equal protection of law which is inalienable right of the Appellant.

6

J. That the Appellant seek leave of this Honorable Tribunal to raise any other grounds at the time of arguments

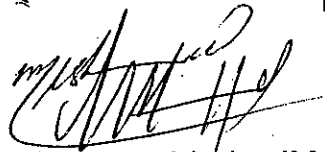
Prayer:-

It is therefore, prayed that on acceptance of this Service Appeal the impugned order of demotion of appellant from Assistant Sub Inspector to Constable issue by Respondents may kindly be declared as illegal, unlawful, based on mala fide intention, ulterior motive, void ab-initio / discriminatory, having no backing of law, without lawful authority and of no legal effect and is liable to be set aside and the Respondents be directed to award / grant the appellant his own rank as Assistant Sub Inspector with all back benefits in the light of judgment passed by this Honorable Tribunal vide judgment order dated 10-01-2022 passed in Service Appeal No 1225 / 2017 in the larger interest of justice.

Any other relief which has not been asked specifically for which the Appellant is entitled may also be granted.



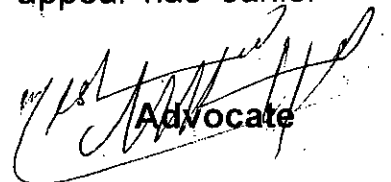
Appellant: Izhar Ahmad
Through



Muhammad Irshad Mohmand
Advocate High Court
Peshawar

CERTIFICATE

As per instruction of my client no such service appeal has earlier been filed by the Appellant before this Tribunal.



Advocate

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

Service Appeal No:- /2022

Izhar Ahmad

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary KPK at
Civil Secretariat Peshawar & others **(Respondents)**

**APPLICATION FOR SUSPENSION OF THE IMPUGNED
Office Order No 6413-14/EB dated 04-09-2012
AND THE RESPONDENT BE RESTRAINED FROM PASSING
ANY ADVERSE ACTION AGAINST THE APPELLANT TILL
THE FINAL DECISION OF THE CASE**

=====

Respectfully Sheweth:-

1. That the above noted appeal is being filed before this Honorable Tribunal in which no date of hearing has yet been fixed.
2. That the appellant has illegally been demoted to the post of constable from Assistant Sub inspector, therefore the appellant has got a good prima facie case in his favour and balance of convenience also lies in favour of appellant and in sanguine of its success.
3. That while passing the impugned order by Respondent no show cause notice has been issued to the appellant and just for nothing the appellant has been penalized, therefore the respondent be restrained from passing any adverse action against the appellant.

- 4. That if the impugned order is not suspended the appellant will suffer irreparable loss.
- 5. That the facts and grounds of the appeal may kindly be read as an integral part of this application.

Prayer

It is therefore respectfully prayed that on acceptance of this application the impugned Office Order No 6413-14/EB dated 04-09-2012 be suspended till the final decision of the appeal and the Respondents be restrained from passing / or taking any adverse action against the appellant.

*Appellant's
used
M. Ishaq Ahmad*

AFFIDAVIT

I, Izhar Ahmad, No 512/SE, Assistant Sub Inspector. Special Branch Police Department KPK Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanied Application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honorable Tribunal.



17-12-12

DEPONENT

CNIC # 16101-1691791-3

Mob. 333-9140818

9

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
AT PESHAWAR

Service Appeal No:-

/2022

Izhar Ahmad

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary KPK at
Civil Secretariat Peshawar & others

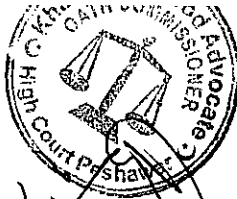
(Respondents)

APPLICATION FOR CONDONATION OF DELAY

Respectfully sheweth:-

The applicant / appellant submit as under:-

1. That the applicant / appellant is filling the instant application for condonation of delay, if any in the above mentioned appeal.
2. That the impugned order of demotion of the applicant / appellant from the post of Assistant Sub inspector to the post of Constable is totally illegal, unwarranted, void ab-initio and the set procedure of law as no show cause notice has been issued to the appellant, therefore being void order is liable to be set aside and under the law no limitation is run against the void order.
3. That the delay in filling of departmental appeal as well as service appeal is not intentional but tu lack of knowledge and the appellant was perusing his remedy before his high ups in the department, moreover the judgment rendered by this Honorable tribunal vide judgment / order dated 10-01-2022 has recently been came to the notice of the appellant.
4. That the applicant / appellant has not committed any miss-conduct during his entire service and the appellant has been penalized just for nothing, therefore the impugned order of demotion is illegal and liable to be set aside.
5. That while the Respondent passing the demotion order of appellant, no opportunity of hearing & defense was provided to the applicant / appellant which is against natural justice, therefore



DEPONENT

I, Izhar Ahmad, No 512/SB, Assistant Sub Inspector Special Branch Police Department KPK Peshawar, do hereby solemnly affirm and declare that all the contents of the accompanied Application are true and correct to the best of my knowledge and belief and nothing has been concealed or withheld from this Honorable Tribunal.

AFFIDAVIT

Muhammad Irshad Mohmand
Advocate High Court
Peshawar

Applicant/Appellant: Izhar Ahmad
Through

It is therefore most humbly requested that on acceptance of this application, if there is any delay the same may kindly be condone in the larger interest of justice.

Prayer:-

6. That similarly other colleagues of the Appellant were also demoted to lower rank and thereafter they filed service appeals before this Honorable Tribunal which were allowed by this Honorable Tribunal vide consolidated judgment / order dated 10-01-2022.

7. That it is also settled Law that when the Supreme Court, High Court or Service Tribunal decide a matter related to Term & Condition of Service etc., the benefit of the same shall also be extended to the non-litigated party as reported in the judgment of 1996 SCMR Page 1185 & 2009 SCMR Page 1, therefore under the verdict of the Honorable Court, the appellant is also entitled for the same relief, but the Respondents have illegally refused the same to the appellant.

if there is any delay in filling of departmental appeal / service that may kindly be condone in the larger interest of justice.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL
AT PESHAWAR

Service Appeal No:- /2022

Izhar Ahmad

(Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary KPK at
Civil Secretariat Peshawar & others

(Respondents)

ADDRESSES OF PARTIES


Izhar Ahmad, No 512/SB, Assistant Sub Inspector Special Branch
Police Department KPK Peshawar

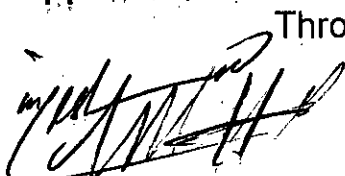
(Appellant)

VERSUS

1. Government of Khyber Pakhtunkhwa through Chief Secretary
KPK at Civil Secretariat Peshawar
2. Provincial Police Officer Khyber Pakhtunkhwa at CPO Peshawar
3. Additional Inspector General of Police (Special Branch) KPK
Peshawar.
4. Deputy Inspector General of Police (Special Branch) KPK
Peshawar

(Respondents)


Appellant: Izhar Ahmad
Through


Muhammad Irshad Mohmand
Advocate High Court
Peshawar

ORDER.

Annex "A"

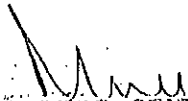
(12)

The following are hereby enlisted as constables purely on temporary basis in the NWFP Spl: Branch w.e.f 30.5.96 till further orders.

On enlistment they are allotted SB constabulary Nos as per list attached against each and also allowed to draw 20 percent SR Spl: Pay from the same date. They are directed to report to Admn: Section for further instructions.

No.	Name and Parentage	Home address	Allotted C.No.
	Mohammad Khalid s/o Haji Hikmat Khan	25-C. Police colony Nasir Bagh Road Pesh:	497/SB
	S. Ajmudin s/o S. Hashmudin	H.No.439 Moh: Pir Khel vill: Jangle khel Kohat	498/SB
	Fazullah s/o Hadrat Mohd: Qasim	Vill: Totakan Malakand Agency	499/SB
	Lal Mohammad s/o Dost Mohammad	Moh: Ali Khel Thana Malakand Agency.	500/SB
	Meera Jan s/o Bakht Rawan	Vill: Toor Warsak Daggar, distt: Bunir	501/SB
	Ham-youn Khan s/o Faizul Haq	Khattak colony No.1 Civil Quarters Peshr:	502/SB
	Tarq Ali s/o Fazal-Wahab	R/O Akhoun Abad.No.2 Peshawar	503/SB
	Khurram Mehboob s/o Fazli Mehboob	H.No.4644 Mohd: Abad S.Hassan pir Road Pesh	504/SB
	Munir Ahmad s/o Abdul Aziz	vill: Tarar Teh: and distt Haripur	505/SB
	Hidayat Ullah s/o Habib Khan	R/O Mathra Peshr:	506/SB
	S.Khan Shah s/o S.Mastan Shah	Vill: Abdara Peshr:	507/SB
	Imtiaz Ahmad s/o Mohd: Idrees	R/O Din Bahar colony distt: Peshr:	508/SB
	Ikhtiar Ullah s/o Shakir Ullah	R/O Hazar Khawani Pesh:	509/SB
	Asher Hayat Qureshi s/o Wilayat Shah Qureshi	R/O Behzadi Chikarkot distt: Kohat	510/SB
	Mohammad Naveed s/o Mohd: Umar	R/O Moh: Khan distt: Charsadda	511/SB
	Izhar Ahmad s/o Mohd: Inam	R/O Turo Qasia distt: Mardan	512/SB

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21
244

BY:  INSPECTOR GENERAL OF POLICE,
SPECIAL BRANCH NWFP PESHAWAR.

ORDER

Annex "B"

(13)

The following constables of this Estt: are hereby promoted as Offg; Head constables BPS-7 (2220-120-5820) with effect from 1.6.2002 in the existing vacancies of Special Branch NWFP Peshawar.

Their promotion is purely on temporary basis and they will not claim the benefit of this promotion towards seniority maintained in their own distt:/Units.

S.No.	Name and No.	S.No.	Name and No.
1.	Const: Juma Khan, 579/SB	31.	Nadir Khan, 221/SB:.
2.	Mohammad Zubair, 310/SB	32.	Khalil ur Rahman 531/SB:
3.	Naseer Ul Hayat, 334/SB	33.	Amin Khan 43/SB:.
4.	Fazal Elani, 175/SB	34.	Kifayatullah 375/SB:.
5.	Munawar Gul, 199/SB	35.	Sahib Zada 352/SB:.
6.	Sajjad Hussain, 63/SB	36.	Syed Khan Shah 507/SB:.
7.	Abdul Haleer, 325/SB	37.	Muhammad Bilal 57/SB:.
8.	Ali Rehman, 135/SB	38.	Muhammad Shah 53/SB:.
9.	Mohammad Fazil, 530/SB	39.	Zahir Ullah 539/SB:.
10.	Israr, 580/SB	40.	Nizam ud din 563/SB:.
11.	Swal Faqir, 74/SB	41.	Shafiq ur Rahman 219/SB:.
12.	Gul Marjan, 367/SB	42.	Wilayat Khan 48/SB
13.	Intiaz Ali, 312/SB	43.	Muhammad Rehan 34/SB
14.	Qurban Ali, 415/SB	44.	Shoukat Iqbal 489/SB
15.	Abdul Hameed, 430/SB	45.	Mera Jan 501/SB:.
16.	Ikram Ullah, 192/SB	46.	Farman Ali Shah 402/SB
17.	Shafiqat Nawaz, 141/SB	47.	Zahid Ali 348/SB
18.	Shah Faisal, 20/SB	48.	Mumtaz Munir 370/SB
19.	Khalil Ur Rehman, 419/SB	49.	Mahaz Ali 448/SB
20.	Akbar Khan, 548/SB	50.	Muhammad Islam 301/SB
21.	Daud Khan, 534/SB	51.	Sher Shah 335/SB
22.	Anwar Behzad, 260/SB	52.	Iqbal Khan 415/SB
23.	Mohammad Naeem, 437/SB	53.	Raees Khan 91/SB
24.	Mohammad Asif, 173/SB	54.	Muhammad Saeed 142/SB
25.	Sajid Khan, 392/SB	55.	Soakeel Raza 164/SB
26.	Iftikhar Ahmad, 575/SB	56.	Israr Khan 297/SB
27.	Ghulam Hussain, 531/SB	57.	Sifat Khan 432/SB
28.	Newsnerawan, 559/SB	58.	Fazalullah 499/SB:.
29.	Abdul Wasib, 40/SB	59.	Alam Zeb 486/SB
30.	Mohammad Mushtaq, 72/SB	60.	Fenad Zaman 130/SB

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- Muhammad Shah 401/SB:
- Masood Khan 285/SB:
- Zaffar Jamal 497/SB:
- Altaf Ajeem 523/SB:
- Govind Mustafa 472/SB:
- Raza Kafeel Ahmed 558/SB:
- Shahid Shah 56/SB:
- Muhammad Iqbal 151/SB:
- Masud Khan 174/SB:
- Muhammad Ali 46/SB:
- Muhammad Saad 377/SB:
- Muhammad Saif 541/SB:
- Muhammad Rasheed 267/SB:
- Muhammad Ali 360/SB:
- Muhammad Ahmed 463/SB:
- Muhammad Khan 84/SB:
- Muhammad Ahmed 161/SB:
- Muhammad Hussain 386/SB:
- Muhammad Shah 97/SB:
- Muhammad Saif 522/SB:
- Muhammad Rehman 364/SB:
- Muhammad Ali 531/SB:
- Muhammad Shahzada 461/SB:
- Muhammad Ali 524/SB:
- Muhammad Khan 16/SB:
- Muhammad Ali Shah 193/SB:
- Muhammad Saif 138/SB:
- Muhammad Shah 147/SB:
- Muhammad Ahmed 503/SB:
- Muhammad Wahab 92/SB:
- Muhammad Ali 513/SB:
- Muhammad Ullah 409/SB:
- Muhammad Hani 568/SB:
- Muhammad Muhammad 203/SB:
- Muhammad Khan 488/SB:
- Muhammad Khan 224/SB:
- Muhammad Hussain 123/SB:
- Muhammad Sarwar 145/SB:
- Muhammad Ali 19/SB:
- Muhammad Ali Shah 483/SB:

- 101. Abdur Rehman 552/SB:
- 102. Ibadur Rehman 561.
- 103. Abdur Razaq 562/SB:
- 104. Danish Khan 265/SB:
- 105. Diyar Khan 333/SB:
- 106. Muhammad Akram 405/SB:
- 107. Zahoor Khan 82/SB:
- 108. Khalid Pervoz 291/SB:
- 109. Munir Ahmed 505/SB:
- 110. Ikhtiar Ullah 509/SB:
- 111. Khalid Mehmood 110/SB:
- 112. Ali Zar Khan 475/SB:
- 113. Rafiq Shah 341/SB:
- 114. Shabbaz Khan 484/SB
- 115. Amiruddin 24/SB
- 116. Umar Khan 432/SB
- 117. Hazrat Younus 3/SB
- 118. Qaiser Khan 279/SB:
- 119. Muhammad Nazif 30/SB
- 120. Inayatullah No.451/SB
- 121. Zarshid 495/SB
- 122. Fakhre Alam 131/SB
- 123. Abid Shah 96/SB
- 124. Khurram Mehboob 220/SB
- 125. Aidayatullah 506/SB
- 126. Izhar Ahmad 512/SB
- 127. Zafar Ali 353/SB
- 128. Sahiwal 517/SB
- 129. Naveed Akhtar 468/SB
- 130. Irfan Hussain 394/SB
- 131. Sani Gul 101/SB
- 132. Sohail Manzoor 25/SB
- 133. Nowsherawan 118/SB
- 134. Muntaram 550/SB
- 135. Said Khan 281/SB
- 135. Wali Gul 272/SB
- 137. Munsif Khan 514/SB
- 138. Didarul Haq 330/SB
- 139. Shabeen Shah 469/SB
- 140. Naz Ali 64/SB

ORDER

Annex

"C"

(15)

Head constable Izhar Ahmad No:512/SB is hereby Promoted as Offg:
Asstt: Sub -Inspector BP S-9 (3820-230-10662) on temporary basis with effect from
01.12.2008

His promotion is purely on temporary basis and he will not claim any
benefit out of it towards seniority maintained in his own distt:/Unit.

stambh

SSP/Admn:

For Dy: Inspector General of Police
Special Branch NWFP Peshawar

No. 5727-28/EB, dated 4/12/2008
Copy to the:-

1. Acctt:/SB

2. EA/SB



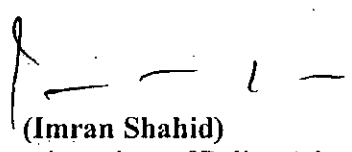
ANNEX "D"

16

ORDER

On repatriation to parent district Mardan ASI Izhar Ahmad No.512 is hereby demoted to his substantive rank of constable BPS-5 (5400-260-13200) with immediate effect.

He is allotted constabulary No.674/SB



(Imran Shahid)

Sr: Superintendent of Police Admn:
For Addl: Inspector General of Police
Special Branch Khyber Pakhtunkhwa
Peshawar

No. 6413-14/EB, dated Peshawar the, 14 19 2012.
Copy to the:-

- Acctt./SB
- EA/SB

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Handwritten notes and signatures at the bottom of the page, including dates like '12/12/2011', '13/11/2011', and other illegible markings.

ORDER.

ANNEX "E"

(17)

This office endst:No.17215-18/E-II dated 6.9.2012 so for it relates to repatriation order of Constable Izhar Ahmad No:512 from Special Branch, Khyber Pakhtunkhwa, Peshawar to his parent District Police Mardan is hereby cancelled.


(MUHAMMAD IQBAL)
AIG/Establishment
For Provincial Police Officer,
Khyber Paakhtunkhwa,
Peshawar.

No. 19091-94 /E-II, Dated Peshawar the 28/9 /2012

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.6622/EB dated 27.9.2012.
3. Deputy Inspector General of Police, Mardan Region, Mardan.
4. District Police Officer, Mardan.
5. PSO to PPO Khyber Pakhtunkhwa, Peshawar.

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL PESHAWAR

Service Appeal No. 1225/2017

Date of Institution ... 06.11.2017

Date of Decision ... 10.01.2022



Shafqat Ullah, No. 392/SB Sub Inspector Special Branch Police Department
... (Appellant)

VERSUS

Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat,
Peshawar and two others: ... (Respondents)

Muhammad Alamzeb Khan,
Advocate

... For Appellant

Asif Masood Ali Shah,
Deputy District Attorney

... For respondents

SALAH-UD-DIN

...

MEMBER (JUDICIAL)**ATIQU-UR-REHMAN WAZIR**

...

MEMBER (EXECUTIVE)**JUDGMENT**

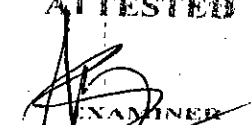
ATIQU-UR-REHMAN WAZIR MEMBER (E):- This single judgment shall dispose of the instant service appeal, as well as connected Service Appeals bearing No. 1167/2017 "titled Mumtaz Ali Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1177/2017 "titled Imtiaz Ali Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1192/2017 "titled Samin Khan Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1193/2017 "titled Saeed Khan Versus Government of Khyber Pakhtunkhwa through Chief

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Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1196/2017 "titled Humayon Khan Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1197/2017 "titled Israil Khan Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1204/2017 "titled Muhammad Iqbal Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1228/2017 "titled Muhammad Ashraf Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1235/2017 "titled Muhammad Asif Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1236/2017 "titled Habibullah Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1237/2017 "titled Asif Saleem Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others" and Service Appeal bearing No. 1238/2017 "titled Humayon Khan Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", as common questions of law and facts are involved therein.

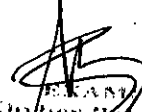
02. Brief history of the case is that the appellants are employees of special branch of police department, which is the most un-attractive off branch shoot of the department. In order to make it attractive, certain incentives were offered to the employees, particularly the lower staff and one step promotion was one of them. The appellants were basically constables, but while joining special branch, they were granted one step promotion, who subsequently reached to the posts of Assistant Sub Inspectors (ASI) and Sub Inspectors (SI) in due course of time and

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EXAMINER
Khyber Pakhtunkhwa
Service Tribunal

after due process. The incentives so offered were given legal cover in shape of a standing order of 1996 issued on 24-01-1996. In the wake of judgment of August Supreme Court of Pakistan reported as 2013 SCMR 1752, respondent No. 2 issued instructions to all heads of police offices vide the impugned order dated 21-03-2016 to done away with out of turn promotions. In pursuance of the instructions, respondent No. 3 issued the impugned order dated 27-04-2016, whereby all orders issued regarding second and third step promotions to the officials of special branch including the appellants, were withdrawn. Feeling aggrieved, the appellants filed departmental appeals followed by writ petition No 2088-P/2016, which was dismissed vide judgment dated 12-01-2017 on the ground of jurisdiction, leaving the appellants at liberty to approach proper forum for redressal of their grievance. The appellants then filed the instant appeals, with prayer that the impugned orders dated 21-03-2016 and 27-04-2016 may be set aside and the appellants may be restored to their respective positions alongwith all back benefits.

03. Learned counsel for the appellants has contended that judgment of supreme court of Pakistan has been misinterpreted and has wrongly been applied upon appellants, as promotions of the appellants were made on merit after due process and in due course of time; that judgment was announced in 2013, whereas the same has been executed upon appellants in 2016 and the appellants have been penalized for no good reason; that such promotions were made after fulfilling all the codal formalities in accordance with law, which cannot be termed as out of turn promotions; that such promotions have not affected rights of any other person, otherwise they would have challenged such promotions; that the appellants were otherwise fit for promotions like their other colleagues in regular police; that their other colleagues in regular police have reached the position of inspectors, whereas the appellants were demoted to the rank of head constables,

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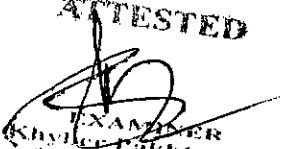

EXAMINER
Khyber Pakhtunkhwa

inspite of the fact that all the appellants are having more than 35 years of service at their credit; that valuable and fundamental rights of the appellants are involved in the matter and is a case of public importance; that the impugned orders are without jurisdiction, arbitrary in nature, hence not tenable in the eye of law; that the impugned orders are unfair, as the appellants has been condemned unheard.

04. On the other hand learned Deputy District Attorney for the respondents has contended that it is correct that incentives of one step promotions were allowed to the police officials who voluntarily opted for transfer to special branch; that it is also correct that in view of standing order of 1996, those officials, who had spent more than five years in special branch, were further promoted to the rank of ASIs and SIs after observing the codal formalities; that it is also correct that such promotions were granted in due course of time against existing vacancies; that such promotions were considered as legal until pronouncement of judgment of the supreme court of Pakistan reported as 2013 SCMR 1752 and in light of the said judgment, such promotions were declared as out of turn, as the appellants though were otherwise eligible for promotion, but were not equipped with the mandatory trainings, which are necessary for promotion to the next grade, therefore in light of the said judgment, second and third step promotions availed by police officials in special branch were withdrawn.

05. We have heard learned counsel for the parties and have perused the record.

06. In order to properly understand the issue in hand, it would be useful to have a glimpse of the background of the case. Special branch being an important wing of the police department remained one of the neglected and un-attractive areas for police personnel and nobody would opt to be transferred to special branch in any rank. In order to make it attractive, 20% special allowance was

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EXAMINER
Service of Pakistan
Service of Pakistan

allowed for officials serving in special branch, but it did not work, hence the respondents went one step ahead and issued a standing order of 1996. Salient features of such order would elucidate that there is no defined standard for bringing police personnel on deputation to special branch and normally unfavorite employees or those who were not considered as efficient, had been transferred to special branch on deputation with certain time period, thus the special branch became hub of unwilling workers, adversely affecting efficiency level of the institution. In order to improve the status of special branch, it was felt eminent to regulate such transfers by devising rules and regulations for special branch. For the purpose, standing order of 1996 was brought into force, where inter-alia, incentives of adhoc promotions were offered to such employees, who were willing to serve for a period of five years in special branch, but on return to their respective districts, they will be reverted to their previous positions and their seniority will be maintained in their respective districts. Those who stay beyond the period of five years, will be granted regular promotions and to this effect a case will be submitted to the government for establishment of a training school in collaboration with intelligence bureau school, which ultimately would impart necessary trainings to employees of special branch, pertaining to intelligence courses, VVIP security training and many others, so as to enable them to handle their respective jobs efficiently as well as to equip them to be promoted on regular basis without qualifying police courses and such practice of promotion will continue till establishment of such training school for special branch.

07. As per practice in vogue in special branch and subsequently, in light of standing order of 1996, a written agreement was required to be signed between the employee and the special branch, containing the conditions that his seniority will be maintained in his respective district and his promotion would be on officiating/adhoc basis and on return to his respective district, he will be reverted

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to his original position. Record reveals that police personnel were normally transferred to special branch on deputation basis with the option to return to their respective districts, but the appellants are amongst those, who had decided to remain in special branch until their retirement. Since cases of the appellants are similar in nature having common questions of law and facts, so case of one Mr. Mumtaz Ali is taken as an example, who joined police force as Constable on 20-10-1975. On 04-11-1981, he was transferred to special branch and was granted one-step promotion as Head Constable. After 15 years, on 11-06-1996 he was promoted as Assistant Sub Inspector (ASI) and on 04-09-2002, he was promoted as Sub Inspector (SI). Record would suggest that such promotions had been made by promotion committees against the available sanctioned posts purely on officiating/adhoc basis only as an incentive to such employees, who would opt to remain in special branch for a period of more than five years. Mr. Mumtaz Ali travelled a long way in earning promotion to the post of SI and it took almost 27 long years for him to reach to the post of SI and that too on officiating/adhoc basis, which was good only for monitory consideration in terms of enhanced salary, which ultimately would yield benefit in case of pension. During the course of litigation, six of the appellants retired from service upon reaching their age of superannuation, while others are serving as head constables and are at the verge of retirement.

08. With such considerations, the appellants opted to remain in special branch with anticipation that they had signed a written agreement with respondent No. 3 wherein it was mentioned that such arrangements would continue until alternate arrangements are made. Record is silent as to whether any alternate arrangements were made or not, but subsequently in order to make the special branch functional, promotions of subordinate ranks in regular police were made conditional with mandatory stay for certain period in special branch, which was/is

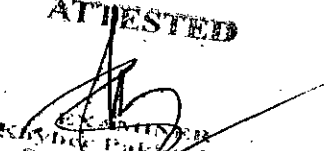
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mandatory for all but in wake of announcement of Judgment of Supreme Court of Pakistan reported as 2013 SCMR 1752, the provincial police officer issued directives vide order dated 19-06-2013 that special case promotions should be discontinued in future to provide level playing field for all police personnel in career progression. Such letter was addressed to all heads of police offices, but no adverse action was taken against employees of special branch, as such directives were meant for future. In another developing story, this tribunal in service appeals No. 561, 562, 563, 537, 715 & 538, in similar nature cases pertaining to investigation wing of the police, vide its judgment dated 16-11-2015, remitted their appeals to respondents with direction to the respondents to examine appeals of the appellants and decide the same strictly on merit without any discrimination. The appellate authority (Provincial Police Officer) examined such appeals in light of judgment of Supreme Court of Pakistan and decided that the present appellants as well as all such promotions in other units have been made against the law and rule, hence may be done away with it. Such instructions were issued vide order dated 21-03-2016 and in compliance, respondent No. 3, issued order dated 27-04-2016, whereby orders regarding second and third step promotions were declared as out of turn promotions, hence were withdrawn with immediate effect and the appellants were left with one step promotion as head constables.

09. In order to reach to a logical conclusion, it would be useful to briefly introduce the judgment in question. While disposing of constitutional petitions challenging vires of statutes, the supreme court of Pakistan, declared impugned legislations and benefits extended thereunder by government for being violative of the Constitution. It was the Government of Sindh, which empowered the Chief Minister to grant out of turn promotion to civil servants by bringing amendment in civil servants Act, 1973 through promulgation of ordinances, where non-civil

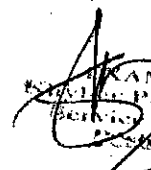
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EXAMINER
Sindh Police Officer

servants and non-cadre civil servants were transferred to cadre posts in Sindh government by way of deputation and their absorption against cadre posts with backdated seniority by chief minister pursuant to Sindh Civil Servants Act, 1973 as amended by Sindh civil servants (second amendment) Ordinance 2012, Sindh Civil Servants (Amendment) Act, 2013 and Sindh Civil Servants (second amendment) Act, 2013. Such deputationists, despite not having matching qualifications to cadre in which they were transferred and liable to be repatriated, had been absorbed against cadre posts against language of section-10 of Sindh Civil Servants Act, 1973 on the basis of legislations so made. The supreme court of Pakistan in its judgment in question has held that neither a non-cadre civil servant nor a civil servant from non-cadre post could be transferred to a cadre post in government by way of deputation as same would affect rights of civil servants serving in government and create sense of insecurity in them. The impugned legislation meant for specific class of persons was declared violative of Article-25, 143 and 240 of the Constitution, which ultimately would encourage nepotism and discourage transparent process of appointment of civil servants in prescribed manner. Further held that benefits extended to different employees or civil servants through impugned legislations would not attract principle of locus poenitentiae, hence the Supreme Court struck down such legislations and withdrew the benefits of out of turn promotions. The judgment so announced was sent to all chief secretaries of the province for compliance.

10. Now the moot question before us is as to whether the promotions of the appellant were illegal and the same come under the parameters drawn for out of turn promotions. For the purpose, we have carefully examined the judgment in question, which has delineated various aspects involving out of turn promotions, relevant portion of which is reproduced as under:

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 EXAMINER
 Sindh Public Service Commission
 Karachi

"We are of the considered opinion that a person/litigant, who has availed benefit for promotion under Article-9-A without application of the criteria laid down under Rule-8-B by way of underhand means or by any mode other than merit, cannot get protection on such benefit on the principle of locus poenitentiae, unless he could show that the benefit availed by him was in accordance with law; in good faith and without ulterior motive or malafide."

The verdict provides for a chance to the beneficiaries to show as to whether the benefits so availed were in accordance with law or otherwise. The same would equally apply to the appellants, who were required to be afforded an opportunity to defend their cause, which however was not granted by the respondents and without proper examination of the judgment as well as without application of independent mind, competent authority unilaterally decided their cases. The principle of Audi alteram partem has always been considered as mandatory in such cases, as no adverse action can be taken against any one without providing him an opportunity to defend himself. The appellants however is having as strong case on merit, as their promotions were duly protected by standing order of 1996, which were made after fulfilling the required codal formalities and such promotions were not promotions in real meaning, rather it was an incentive granted to the appellants in lieu of services rendered in special branch, with a tacit understanding between the appellants and the respondents. The appellants served in special branch due to such incentives, otherwise they would have earn such promotions, if they were in their respective districts, like their other colleagues in their respective districts, who had elevated to the post of inspectors, hence such promotions cannot be termed as out of turn promotions.

11. For the purpose, we need to understand as to what is out of turn promotion. Out of turn, promotion is a promotion, when it is not your turn, but in the instant case, the appellants were promoted in their own turn and nobody else

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EXAMINER
Kerala State Service Tribunal

were affected by such promotions nor they were given any benefit of seniority over their seniors. The supreme court of Pakistan in the judgment in question has held as under;

"Grant of out of turn promotion were class specific, prejudicial to public interest and not based on intelligible differentia, rather having distorted service structure, affected inter-se-seniority between officers serving on cadre posts after acquiring jobs through competitive process."

12. We have observed that promotions in the instant case are neither class specific nor prejudicial to public interest or affected seniority of others, rather such promotions were made amongst the deputationists in light of standing order of 1996. The appellants in the instant case are not the deputationists in a sense, which has been discussed in the judgment in question. The appellants spent their whole lives serving in an un-attractive place only for the purpose of getting promotions, but in the last leg of their service, they were reverted back to the post of head constables. For the sake of comparison of the case of the appellants with those discussed in the judgment, relevant portion of the judgment is reproduced as under:

"The procedure provided under the ESTACODE requires that a person who is transferred and appointed on deputation must be a government servant and such transfer should be made through the process of selection. The borrowing government has to establish the exigency in the first place and then the person who is being transferred/placed on deputation in government must have matching qualifications, expertise in the field with required experience. In absence of these conditions, the government cannot appoint anyone by transfer on deputation."

In the instant case, the appellants are regular police personnel and their transfers on deputation were made on solid reasons and in exigency of service by

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 EXAMINER
 Senior District Officer
 Service Tribunal
 Islamabad

the special branch by offering them incentives of officiating promotions. The appellants having matching qualifications, expertise as well as the required experience, thus they were fit to be appointed on deputation in special branch. In the instant case, neither they were absorbed against posts infringing rights of other employees, nor were they promoted through bypassing of their colleagues. In nutshell, case of the appellants is distinguished from the one discussed in the judgment in question. In the judgments reported as PLD 1993 SC 109 and PLD 1961(WP) Lahore 78, worthy superior courts have graciously held that while taking something as a precedent and while considering the value of the principles of a case, emphasis has to be placed on material facts, before the court, for such facts may serve as a guide for the reasons for pronouncement of law by the judge or the statement of rule of law followed by him; that precedents primarily apply to their own fact and can have but little weight where facts are different. August supreme Court of Pakistan in the judgment in question has held as under:

"The provincial assembly (Sindh) through the impugned instruments pronounced a legislative judgment with the sole object to accommodate their blue-eyed, who were neither civil servants nor government servants. The deputationists brought in were not recruited through the process of the competitive exams and were appointed on deputation to the cadre posts, which appointments affected the rights of the civil servants serving in different government departments, as their promotions were blocked."

In the instant case, the situation is totally different, as the appellants were brought in to special branch through incentives of officiating promotions, against which they served for considerable time period and such incentives were withdrawn wrongfully under the pretext of the judgment in question without proper examination of such judgment, which however was not warranted. In last Para of the judgment in question, it has been ordered that copy of the same be

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 EXAMINER
 (Senior) (Khyber Pakhtunkhwa)
 Service Commission

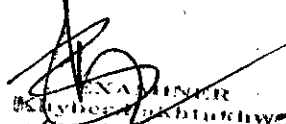
sent to all Chief Secretaries of the provinces with direction to streamline the service structure of civil servants in line with the principles laid down in the judgment. In light of the said judgment, the respondents were required to have streamlined service structure of the employees of special branch, however instead of doing so, the respondents have wrongly and illegally withdrawn promotions granted to the appellants by complying the required legal formalities.

13. Provincial Police Officer, Punjab, while deriving wisdom from the judgment of supreme court of Pakistan reported as 2015 SCMR 456, extended the same benefit to SI Abdul Ghani, whose case was similar to that of the appellants vide order dated 09-04-2020. On the same analogy, the IG Islamabad vide order dated 29-09-2020 extended the same benefit to SI Muhammad Zahid, where he was granted promotions on the same dates, when his erstwhile colleagues were promoted. Relevant portion of the judgment is reproduced as under:

"..... the officers/officials who have been repatriated to their parent departments shall be entitled to salaries and other benefits from the date they were relieved to join their parent departments. Their seniority shall be maintained in their parent departments with their batch-mates as if they were never relieved from their parent departments. Expiry of period lien shall not come in the way of the officers to deprive them from joining the parent department....."

14. We have observed that in the said judgment, though repatriation to parent departments have been upheld but rights of promotion and seniority of the affectees have been taken care of, as their cases were not considered in the category of out of turn promotions. The instant case is eccentric to the effect that appellants were not repatriated to their parents department, but were only downgraded and kept absorbed in the special branch. In a manner, they were deprived of the benefits, which were accrued to them, if repatriated to their parent departments. We are of the considered opinion that the appellants

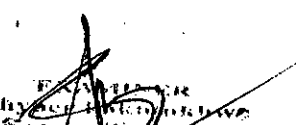
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suffered twice, as on one hand, they were not repatriated to their parent departments, hence deprived them of the opportunity to re-gain their seniority and promotions in their parent department and on the other hand, their ad-hoc promotions were also withdrawn, which were good only to the extent of monetary benefits in lieu of the services rendered by appellants in special branch. In such a situation, natural justice demands that the appellants shall not suffer for any wrongdoing of the respondents. We are of the considered opinion that judgment of the supreme court of Pakistan reported as 2013 SCMR 1752 has been misinterpreted and erroneously made applicable upon the promotion cases of the appellants because such promotions cannot be termed as out of turn promotions.

15. In view of the foregoing discussion, the instant service appeal as well as connected Service Appeals bearing No. 1167/2017 "titled Mumtaz Ali Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1177/2017 "titled Imtiaz Ali Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1192/2017 "titled Samin Khan Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1193/2017 "titled Saeed Khan Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1196/2017 "titled Humayon Khan Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1197/2017 "titled Israil Khan Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1204/2017 "titled Muhammad Iqbal Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No.

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 CHIEF SECRETARY
 KHYBER PAKHTUNKHWA
 SERVICE

1228/2017 "titled Muhammad Ashraf Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1235/2017 "titled Muhammad Asif Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1236/2017 "titled Habibullah Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", Service Appeal bearing No. 1237/2017 "titled Asif Saleem Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others" and Service Appeal bearing No. 1238/2017 "titled Humayon Khan Versus Government of Khyber Pakhtunkhwa through Chief Secretary, Civil Secretariat, Peshawar and two others", are accepted as prayed for. Parties are left to bear their own costs. File be consigned to record room.

ANNOUNCED
10.01.2022

(SALAH-UD-DIN)
MEMBER (J)

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

Certified to be true copy

EXAMINER
Khyber Pakhtunkhwa
Service Tribunal
Peshawar

Date of Presentation of Application 07/12/22
Number of Words 5800
Copying Fee 60/-
Urgent 2
Total 60/-
Name of Copyist _____
Date of Completion of Copy 08/12/22
Date of Delivery of Copy 08/12/22

Annex "G"

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جناب عالی!

مودبانہ گزارش ہے کہ مورخہ 30-05-1996 کو سائل محکمہ پولیس سپیشل برانچ میں بطور کانشیبل بھرتی ہوا اور بحوالہ چٹھی نمبر 6080-6110/EB مورخہ 08-08-2002 کو بطور ہیڈ کانشیبل ترقیاب ہوا اور پھر بحوالہ چٹھی نمبر 5727-28/EB مورخہ 04-12-2008 کو بطور اسٹنٹ سب انسپکٹر ترقیاب ہوا۔ اس دوران میں مختلف افسران سے ہیڈ کانشیبل اور اسٹنٹ سب انسپکٹر کے سرٹیفیکیشن بھی وصول کئے ہیں۔ اسی دوران بحوالہ چٹھی نمبر 6413-14/EB مورخہ 14-09-2012 سائل کو اپنے بھرتی شدہ ریٹک کانشیبل میں واپس کر کے ضلع مردان تبادلہ کر دیا گیا لیکن افسران بالا کی جانب سے تبادلے کا حکم نامہ منسوخ کر دیا گیا تھا لیکن سائل تاحال اسی ریٹک یعنی کانشیبل کے عہدے پر فائز ہے۔

لہذا آپ صاحبان سے بذریعہ درخواست ہمدردانہ استدعا کی جاتی ہے کہ سائل کو اپنے سابقہ ریٹک یعنی بطور ASI واپس کئے جانے کا حکم صادر فرما کر مشکور فرمائیں۔ سائل آپ کی لمبی عمر کیلئے تاحمد دعا گور ہے گا۔

عین نوازش ہوگی۔




العارض


اظہار احمد، FC/674 متعینہ سپیشل برانچ، CM، سکوڈ پشاور۔

Ec/legal.
For legal opinion.

~~8833~~

28/12/2012

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ایڈویکٹ: <i>Mirshafiqul</i>		پشاور بار ایسوسی ایشن، خیبر پختونخواہ		
بار کونسل ایسوسی ایشن نمبر: BC-12-3483		رابطہ نمبر: 0300-5917744		
بعدالت جناب: <i>سر سید امجد علی</i> K-P-K پشاور				

مخاطب: <i>مسٹر</i>	دعویٰ:
 اظہارِ رائے صدر بنام حکومتی روضہ	علت نمبر:
	موضوع:
	جز:
	تھانہ:

باعث تحریر آگے

مقدمہ مندرجہ عنوان بالا میں اپنی طرف سے واسطے پیروی و تجویز دی کارروائی متعلقہ

آن مقام *پشاور* کے *محمد ارشد* صاحب کو *محمد امجد علی* کو وکیل مقرر کر کے اقرار کیا جاتا ہے کہ صاحب موصوف کو مقدمہ کی کل کارروائی کا کمال اختیار ہوگا، نیز وکیل صاحب کو راضی نامہ کر کے دفتر ثالث و فیصلہ بر حلف دینے جواب دعویٰ اقبال دعویٰ اور درخواست از ہر قسم کی تصدیق زریں پر دستخط کرنے کا اختیار ہوگا، نیز بصورت عدم پیروی یا ڈگری یا کسی طرف یا اپیل کی برائگی اور منسوخی، نیز دائر کرنے اپیل کمرانی و نظر ثانی و پیروی کرنے کا مختار ہوگا اور بصورت ضرورت مقدمہ مذکورہ کے کل یا جزوی کارروائی کے واسطے اور وکیل یا مختار قانونی کو اپنے ہمراہ یا اپنے جائزے تقرر کا اختیار ہوگا اور صاحب مقرر شدہ کو وہی جملہ مذکورہ بااختیارات حاصل ہوں گے اور اس کا ساتھ پر دستخط منظور و قبول ہوگا دوران مقدمہ میں جو خرچہ ہر جانب اتوائے مقدمہ کے سبب سے ہوگا۔ کوئی تاریخ پیشی مقام دورہ یا حد سے باہر ہو تو وکیل صاحب پابند نہ ہوں گے کہ پیروی مذکورہ کریں۔ لہذا وکالت نامہ لکھ دیا تاکہ مندرجہ

المرقوم: *Muhammad Ghoshad* 16-12-2022
Muhammad Ghoshad
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نوٹ: اس وکالت نامہ کی فوٹو کاپی ناقابل قبول ہوگی۔

اظہارِ رائے صدر