


FORM OF ORDER SHEET

Court of _____

Case No.- _____

1903 /2022

S.No.	Date of order proceedings	Order or other proceedings with signature of judge
1	2	3
1-	22/12/2022	7 The appeal of Mr. Muhammad Javed resubmitted today by Mr. Amaad Nasir Kundi Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on _____. Notices be issued to appellant and his counsel for the date fixed.
		By the order of Chairman  REGISTRAR.

The appeal of Mr. Muhammad Javed ASP D.I. Khan received today i.e. on 16.12.2022 is incomplete on the following score which is returned to the counsel for the appellant for completion and resubmission within 15 days.

- 1- Addresses of respondent no. 5 to 36 are incomplete which may be completed according to the Khyber Pakhtunkhwa Service Tribunal rules 1974.
- 2- In the memo of appeal many places have been left blank which may be filled up.

No. 3649 /S.T.

DL 19/12/2022

REGISTRAR
SERVICE TRIBUNAL
KHYBER PAKHTUNKHWA
PESHAWAR

Amaad Nasir Kundi Adv. Pesh.

R/S.M.

The addresses of Res No- 6 to 36 are

incomplete for the purpose of service. The

Res No- 5 is omitted Respondent no "DSB"

Section Board Establishment may be read as "The Departmental Chairman/President, Establishment Department Govt. of Khyber Pakhtunkhwa, Peshawar


"DSB" has its Department Govt. of Khyber Pakhtunkhwa, Peshawar

Further Respondents No- 6-36 are posted at the Private Stations, at KP Peshawar and are

Deployment Stations, at KP Peshawar. Thus their services are required to be made through

Res No-1 have been respectively. Dt 22.12.2022

Retained again that the objection are still stands
counsel for the is directed to remove the objection
and re-submitted within 7 days.


22/12/2022

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1983/2022

MUHAMMAD JAVED, presently posting as Additional Superintendent of Police, Dera Ismail Khan, District Dera Ismail Khan, KPK.

Address for the purpose of service:

Son of Ghulam Haider, R/o Shakoki Lisan Nawab District

Mansehra.....Appellant

VERSUS

1. The Inspector General of Police, Peshawar KPK.
2. The Govt. of KPK, Secretary Establishment, through its Chief Secretary, Peshawar.
3. The KP Police, through its AIG Establishment, Peshawar.
4. The Government of Khyber Pakhtunkhwa through its Secretary Home, Civil Secretariat, Peshawar.
5. The Departmental Selection Board "DSB" through its Chairman / President, Establishment Department Govt of KPK Peshawar.
6. Falak Naz, SP Special Branch Khyber Pakhtunkhawa Peshawar
7. Tajamal Khan, SSP Security Peshawar.
8. Tariq Habib, SP CTD hazara Range
9. Nisar Ahmad, DPO Orakzai
10. Tariq Iqbal, SP RRF Peshawar Region
11. Aslam Nawaz, SP Investigation CCP Peshawar
12. Ishtiaq Ahmad, SP Special Branch Khyber Pakhtunkhawa Peshawar
13. Iftikhar Shah, SP Special Branch Khyber Pakhtunkhawa Peshawar
14. Noor Jamal, SP Elite Force Mardan Region
15. Syed Mukhtiar Shah, DPO Torghar.
16. Nazir Ahmad, SP Investigation Batagram.
17. Saeed Akhtar, At the Disposal of CCPO Peshawar as SP.
18. Muhammad Ishtiaq, SP Investigation Abbotabad.
19. Muhammad Maroof, SP Head Quter Elite Force.
20. Muhammad Ayaz, Addl SP Haripur.
21. Muhammad Jamil Akhtar, Addl SP Mansehra.

22. Abdul Hai, SP SSU South CPEC.
23. Syed Inayat Ali Shah, SP City Peshawar.
24. Niaz Muhammad, Director Police Training School Swabi.
25. Hameed Ullah, AIG Welfare Khyber Pakhtunkhwa.
26. Sajjad Ahmad, SP Investigation Charsadda.
27. Shah Hassan, SP Investigation Swat.
28. Nazir Khan, DPO Chitral Upper.
29. Sajjad Ahmad Sahibzada, DPO Mohmand.
30. Muzamil Shah, DPO Lower Kohistan.
31. Mushtaq Ahmad, SP Investigation Lower Dir.
32. Shaukat Ali, CPO Peshawar to actualize his promotion against BS-18 Vacancy.
33. Abdul Samad, DPO Bajaur.
34. Muhammad Khalid, SP Investigation Chitral Lower.
35. Zia Hassan, SP Investigation Bannu.
36. Shafiullah, DPO Swat.

...Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED OFFICE NOTIFICATION / ORDER BEARING NO. SO (E-1) E & AD / 2-4/2022 VIDE DATED 05/09/2022 (ANNEX-A, P/), WHEREBY THE APPELLANT HAS NOT BEEN PROMOTED AGAINST THE POST OF SUPERINTENDENT OF POLICE "SP" BPS-18 ON REGULAR BASIS WITH IMMEDIATE EFFECT WHEREAS THE RESPONDENT-DEPARTMENT HAS BEEN PROMOTED THE JUNIOR OFFICIALS HEREIN PRIVATE RESPONDENTS SHOWN AT SERIAL NO. 6-36 BEING AGGRIEVED WITH THE ABOVE SAID IMPUGNED OFFICE NOTIFICATION, THE APPELLANT HAS BEEN DULY FILED DEPARTMENTAL APPEAL / REPRESENTATION THROUGH PROPER CHANNEL FOR REMOVAL OF ANOMALY AND DISPARITY AND TREATING THEM AT PAR VIDE DATED (ANNEX-B, P/) TO THE RESPONDENT NO. 01 HEREIN "IGP" BUT TO NO AVAIL THUS REMAINED UN-RESPONDED DESPITE OF EXPIRY OF STATUTORY PERIOD, HENCE, THIS APPEAL, INTER ALIA, ON THE FOLLOWING FACTS AND CIRCUMSTANTIAL GROUNDS: -

Respectfully Sheweth:-

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1903 /2022

MUHAMMAD JAVED

VERSUS

The Inspector General of Police, Peshawar & others

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974

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4.	Seniority List	28/06/2022	C	15-28
5.	Vakalatnama	-	-	29

Through:-

Date: 16 December, 2022


Appellant


AMAAD NASIR KUNDI

Advocate High Court,

Kundi Law Associates

Office No.4, 2nd Floor,

Juma Khan Plaza,

Near FATA Secretariat,

Opposite Super CNG Gas Filing Station,

Warsak Road,

Peshawar.

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Email: amaadkundi786@gmail.com

BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. 1903/2022

MUHAMMAD JAVED, presently posting as Additional Superintendent of Police, Dera Ismail Khan, District Dera Ismail Khan, KPK.

Address for the purpose of service:

Son of Ghulam Haider, R/o Shakoki Lisan Nawab District
Mansehra.....

Appellant

VERSUS

1. The Inspector General of Police, Peshawar KPK.
2. The Govt. of KPK, Secretary Establishment, through its Chief Secretary, Peshawar.
3. The KP Police, through its AIG Establishment, Peshawar.
4. The Government of Khyber Pakhtunkhwa through its Secretary Home, Civil Secretariat, Peshawar.
5. The Departmental Selection Board "DSB" through its Chairman / President, Peshawar.
6. Falak Naz
7. Tajamal Khan,
8. Tariq Habib
9. Nisar Ahmad
10. Tariq Iqbal
11. Aslam Nawaz
12. Ishtiaq Ahmad
13. Iffikhar Shah
14. Noor Jamal
15. Syed Mukhtiar Shah
16. Nazir Ahmad
17. Saeed Akhtar
18. Muhammad Ishtiaq
19. Muhammad Maroof
20. Muhammad Ayaz
21. Muhammad Jamil Akhtar
22. Abdul Hai
23. Syed Inayat Ali Shah

- K
24. Niaz Muhammad
 25. Hameed Ullah
 26. Sajjad Ahmad
 27. Shah Hassan
 28. Nazir Khan
 29. Sajjad Ahmad Sahibzada
 30. Muzamil Shah
 31. Mushtaq Ahmad
 32. Shaukat Ali
 33. Abdul Samad
 34. Muhammad Khalid
 35. Zia Hassan
 36. Shafiullah

[Note: Private respondent No- 6-36 are posted at different stations in the KP province, thus, their services is require to be made through the Respondent No. 1 herein "IGP" KP respectively in the interest of justice.]

...Respondents

APPEAL UNDER SECTION 4 OF THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL ACT, 1974 AGAINST THE IMPUGNED OFFICE NOTIFICATION / ORDER BEARING NO. SO (E-1) E & AD / 2-4/2022 VIDE DATED 05/09/2022 (ANNEX-A, P/), WHEREBY THE APPELLANT HAS NOT BEEN PROMOTED AGAINST THE POST OF SUPERINTENDENT OF POLICE "SP" BPS-18 ON REGULAR BASIS WITH IMMEDIATE EFFECT WHEREAS THE RESPONDENT-DEPARTMENT HAS BEEN PROMOTED THE JUNIOR OFFICIALS HEREIN PRIVATE RESPONDENTS SHOWN AT SERIAL NO. 6-36 BEING AGGRIEVED WITH THE ABOVE SAID IMPUGNED OFFICE NOTIFICATION, THE APPELLANT HAS BEEN DULY FILED DEPARTMENTAL APPEAL / REPRESENTATION THROUGH PROPER CHANNEL FOR REMOVAL OF ANOMALY AND DISPARITY AND TREATING THEM AT PAR VIDE DATED (ANNEX-B, P/) TO THE RESPONDENT NO. 01 HEREIN "IGP" BUT TO NO AVAIL THUS REMAINED UN-RESPONDED DESPITE OF EXPIRY OF STATUTORY PERIOD, HENCE, THIS APPEAL, INTER ALIA, ON THE FOLLOWING FACTS AND CIRCUMSTANTIAL GROUNDS: -

Respectfully Sheweth:-

1. Laconic facts of the matter in hand in nutshell is that, the appellant is a law abiding citizen of the beloved state, Pakistan and has been enjoying all the fundamental rights as guaranteed under the Constitution of Islamic Republic of Pakistan since by birth.
2. That the Appellant was appointed as Constable in the prestigious provincial force herein referred as "KP Police" since 1987. The appellant was awarded promotion time and again due to gallantry performance firstly to the post of ASI on 09/07/1996, thereafter to the post of Sub Inspector in the year of 2000, subsequently to the rank of Inspector in the year of 2009, and lastly to the post of DSP in the year of 2014 respectively.
3. That the Appellant has been shown at appropriate place in the Revised Seniority List of Deputy Superintendent of Police i.e. at serial No. 26 vide No. 1355/SE-I, dated 28/06/2022 is (Annex-C & P) and the same was correct, accurate and lawful thus, the Appellant having no objection over upon them.
4. That to the utter astonishment, the Appellant being Senior, Eligible and qualified for the due promotion i.e. against the post of SP (BPS-18), his name was not included in the working paper / agenda apropos to the Departmental Selection Board "DSB" albeit to discover that most of the junior officials / colleagues / private respondents very much obvious in the Seniority List were included and thereafter recommended for promotion to the post of SP (BPS-18) herein challenged, thus the Appellant was discriminated / on the basis of discrimination, illegal and without lawful promotion which is violation of section 2 of KP Validation of Standing Order Act, 2005 and provides protection, adequate remedy. Needless to observe that the Appellant was in Hangu, PTC w.e.f 1996 to 1999 accordingly.
5. That non-inclusion of Appellant's name and thereafter non-consideration leading to the promotion in question, as stated above, is apparently based on erroneous and outcome of improper reckoning due to misreading of record etc. which resulted to the instant disputed promotion.
6. Further needless to mention here that he is senior one amongst the cadre and was at the serial No. 26 in the seniority list / bid whereas on the other side, they had mala fide, discriminately, without lawful authority, unfairly, whimsically, capriciously, arbitrary, promoted the following juniors officials herein private respondents which removes the reflection and controversy, thus, needs to be rectified and liable to be set aside the instant order.

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7. That the larger Bench comprising Hon'ble Mr. Justice Lal Jan Khatak, Hon'ble Mr. Justice S.M. Attique Shah & Hon'ble Mr. Justice Syed Arshad Ali of august Peshawar High Court, Peshawar has been passed the order / judgment in WP No. 684-A of 2021 and shall decide the connected WP No. 587-M/2020 titled "Badshah Hazrat and others Vs. Government of Khyber Pakhtunkhwa and others" and W.P No. 4949-P of 2020 titled "Raham Hussain and others Vs. Government of Khyber Pakhtunkhwa and others" as common question of law and facts is involved in all three petitions. The petitions was heard on 09/12/2021 and judgment / order was announced on 24/03/2022 accordingly. The operative para of the judgment / order *ibid* is enumerated herein below:-

"9. For what has been discussed above, we dispose of these petitions in terms that the impugned decision / orders are set aside and the petitioners cases are sent to the Provincial Government of Khyber Pakhtunkhwa through the Chief Secretary first to clarify its position whether it wants to continue with the matter of awarding accelerated positions to the members of its Police Force in line with the Khyber Pakhtunkhwa Validation of Standing Order Act, 2005, prevailing Police Rules and Khyber Pakhtunkhwa Police Act, 2017 or not and then decide the issue raised in the petitions accordingly but till such policy is streamlined, no averse action shall be taken against the petitioners" .

8. Thus feeling aggrieved with the above impugned office Notification / order, the appellant having no other alternate, adequate, speedy and efficacious remedy available to him under the law except to invoke the jurisdiction of this Honorable Tribunal under these circumstances, inter alia, on the following facts and reliable Grounds.

GROUND S:

- a) That the impugned office order / Notification dated 05/09/2022 is illegal , evasive manner, contrary to law and rules, unlawful, without lawful authority, arbitrary, against the law and is liable to be set aside and struck down and ineffective upon the rights of petitioner.
- b) That appellant was the most senior DSP than those of private Respondents as per seniority list and was eligible for promotion as was granted to them herein private respondents No. 06-36 but the same was denied for no reason.

- 5
- c) That it is also held by the Apex Court apropos to matter of promotion competent Authority is bound to consider all eligible candidates for promotion on merit. In the matter of civil service, there should not at all be any instance where the competent authority is found to be accommodating any one civil servant for grant of promotion by not considering or ignoring all other equals and even seniors. Reliance is placed on the reported judgment i.e **(2022 SCMR 550)**
- d) That the treatment meted out to the appellant is highly discriminative in nature, violently offending against the manifest and unambiguous provisions of Articles 4 and 25 of the Constitution, 1973 which guarantee equality equal protection of law and to be treated in accordance with law to be the inalienable right of every citizen.
- e) That the Appellant has never earned any adverse remarks in his ACRs which could disentitle him from promotion. Similarly, Authorities had not shown any valid reason for the impugned action / inaction in issuing the promotion order and has acted in violation of Service Rules for Promotion. Further held by the Apex Court that authority is bound to intimate the civil servant in respect of any adverse remarks in ACR prior to the month of June each year. Reliance is placed on the reported judgment of **2020 PLC (CS) 454 & 2018 PLC (CS) N 137.**
- f) That the DPC / authority if not recommended the civil servant for promotion against the higher post than the DPC is under bounden duty to give any specific reason for the same. Reliance is placed on the reported judgment of **2021 SCMR 1281.**
- g) That acts of Respondents are against the settled principle of Law and Rules the Hon'ble Court may interfere under extraordinary appealable jurisdiction. That the appellant being well qualified, fulfill the required criteria and rules and also entitled for due promotion which is the due, fundamental and legitimate right of him but due to mala-fide intention of the respondents, he has been deprived of the legitimate promotion in hand and other benefits.
- h) That the departmental authorities though not promoted the appellant to the Post of SP BPS-18 herein disputed coveted relief which is in violation of Article 24-A of General Clauses Act and rules applicable to the matter because while giving promotion no rhyme and reasons were given for undeniable promotion and depriving the appellant from back benefits. The competent authority acted in mechanical way and influenced by extraneous considerations. The impugned order is therefore, violative of Section 24-A of General Clauses Act, 1897 which provides that an

authority vested with a power to make any order is bound to exercise that power reasonably, justly, fairly and for the advancement of the purpose for which such power is vested in him. The authority is further bound to mention the reasons for passing the adverse order.

- i) That but unfortunately, with the passage of time, the behavior of the respondents have changed and biased because he was not allowed apropos to obligatory right of promotion although he is senior, eligible, well qualified, well experienced. They have adopted pick and choose policy and violates the rules and regulations clearly, illegally and unlawfully on the basis of favoritism and nepotism, hence, granting promotion to other juniors/ colleagues herein private Respondents whereas ignored the present appellant despite most senior one and fulfilling the requisite terms conditions and criteria for the said promotion and hence, liable to be reversed and set aside. The respondents have also overlooked the FR-17 which is reproduced herein below;

“provided that the (appointing Authority) may, if satisfied that a civil servant who was entitled to be promoted from a particular post was, for no fault of his own, wrongfully prevented from rendering service to the Federation in the high post, direct that such civil servant shall be paid the arrears of pay and allowance of such high post through pro forma promotion or up-gradation arising from the antedated fixation of his seniority”.

- j) That the appellant has fulfilled the requirements for their promotion but he had not been treated equally, reasonably, fairly, and justly and this right has been guaranteed to him by the Constitution of Pakistan as mentioned in the Article 4 & 25. The respondent-department are bound to deal all the matters either promotion or appointment in accordance with law. Civil servant has vested legal right to be considered for promotion under the law. Reliance has placed on 2017 PLC (CS) 115.
- k) The Apex Court held in a landmark judgment that **“civil servant holding qualifications and fulfilling other conditions prescribed for promotion to certain post would have right to be considered for promotion.** Reliance is placed on a case reported as *1998 SCMR 208*.
- l) That in the instant case denial to grant promotion to the post of SP BPS-18 is a wrongful act of the Authority. The request of the appellant is required to be considered in the light of relevant rules and policy because it is held in PLD-1994-Lahore-3 that no one can suffer on account of the act of the authority, who had to pass an order and who had taken some action

which action was illegal or without lawful authority. Person who had been wronged on account of such action of authority is entitled to be compensated to the same position as of right to the maximum possible extent, which he would have occupied but for the wrongful act of the authority.

- m) That the Authorities of the respondent organization have totally failed to consider the appellant's case in accordance with express provisions of law, departmental Rules/ Regulations and government instructions. Likewise omission of the respondent in scrutinizing the appellant's service record.
- n) That the appellant has a fundamental right to be treated in accordance with law as ordained in the teachings of Islam and is palpable of our homeland Constitution of Islamic Republic of Pakistan, 1973 and in the various landmark judgments of the Apex Courts.
- o) That the discretion vested with the respondents is not unbridled, but requires to be exercised fairly, justly and honestly rather using the same arbitrarily, mala-fidely, capriciously and whimsically as held by the Hon'ble Apex Court in case reported as **1995 SCMR 650 and 2005 SCMR 25**.
- p) **2009 PLC (CS) 523 SC**
"Held, while dealing with the cases while the aggrieved party had alleged discrimination, the court could not overlook the implication thereof.... Equal treatment of all similarly situated was basic principal on which rested justice under the law... if evenhanded justice was not administered, same could have many adverse and negative effects on a society and could cause discontentment and frustration in the social set up and this could be no denial that social justice was an objective and enshrined in the Constitution".
- q) That it is axiomatic that the matter relating to the terms and conditions of service particularly the question of promotion should be examined without heat or emotion and personnel malice so that fair, reasonable and judicious conclusions and decisions free from any biased or prejudice are made. Justice should not only be done but seem to be done.
- r) That the impugned orders and omissions on the part of the respondents amount to depriving the appellant of the means of livelihood (in shape of benefits attached to the highest post and highest status) without hearing him, which is against the Constitutional Obligation imposed on the State and its Agencies regarding promotion of social justice. On this reliance is placed on 1994-SCMR-2232.


PRAYER

It is, therefore, respectfully prayed that by acceptance of the instant appeal with costs the impugned order dated 05-09-2022 may kindly be set aside, declared illegal and without lawful authority and consequently the respondent -department may kindly be directed to promote the appellant from the due date i-e 05-09-2022 when the case of other junior colleagues herein private respondents were promoted / passed with all back benefits and consequential relief etc.

Any other relief, which this Honorable Tribunal deems fit and appropriate, may also be granted.

Through:-


Appellant


AMAAD NASIR KUNDI
Advocate High Court, Peshawar

9
BEFORE THE KHYBER PAKHTUNKHWA SERVICE TRIBUNAL, PESHAWAR

Service Appeal No. _____/2022

MUHAMMAD JAVED

VERSUS

The Inspector General of Police, Peshawar & others

APPEAL UNDER SECTION 4 OF THE SERVICE TRIBUNAL ACT, 1974

AFFIDAVIT

I, MUHAMMAD JAVED, the appellant, do hereby solemnly affirm and declared that the contents of the accompanying appeal are true and correct to the best of my knowledge and belief and nothing has been concealed there from.

M Javed

DEPONENT

The appellant/ deponent is identified by me on 16 /12/2022 at Peshawar

Amjad
AMAAD NASIR KUNDI
Advocate High Court

A

BETTER COPY PG NO. 10

**GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT**

Dated Peshawar the September 05, 2022

NOTIFICATION

NO.SO(E-1)E&AD/2-4/2022. on the recommendations of the department, Selection Board, in its meeting held on 19.08.2022 and subsequent approval of the the Chief Minister, Khyber Pakhtunkhwa being Competent Authority, the following Deputy Superintendents of Police (BS-17) are hereby promoted to the rank of Superintendents of Police (BS-18), on regular basis, with immediate effect:-

Sr No.	NAME OF OFFICERS	Sr. No.	NAME OF OFFICER
1	Mr. Qaid Kamal	2	Mr. Muhammad Aleem Jan
3	Mr. Muhammad Arif	4	Mr. Muhammad Shafiq
5	Mr. Muhammad Arif	6	Mr. Sanaullah
7	Mr. Mukhtiar Ahmad	8	Mr. Tahir-ur-Rehman
9	Mr. Muhammad Suleman	10	Mr. Tahir Iqbal
11	Mr. Khabir Muhammad	12	Mr. Qamar Hayat
13	Mr. Falak Niaz	14	Mr. Tajamul Khan
15	Mr. Tariq Habib	16	Mr. Nisar Ahmad
17	Mr. Tariq Iqbal	18	Mr. Aslam Nawaz
19	Mr. Ishtiaq Ahmad	20	Mr. Iftikhar Shah
21	Mr. Noor Jamal	22	Mr. Syed Mukhtiar Shah
23	Mr. Nazir Ahmad	24	Mr. Saeed Akhtar
25	Mr. Muhammad Ishtiaq	26	Mr. Muhammad Maroof
27	Mr. Muhammad Ayaz	28	Mr. Muhammad Akhtar
29	Mr. Abdul Haq	30	Mr. Syed Inayat Ali Shah
31	Mr. Niaz Muhammad	32	Mr. Hameed Ullah
33	Mr. Sajjad Ahmad	34	Mr. Shah Hassan
35	Mr. Nazir Khan	36	Mr. Sajjad Ahmad Sahibzada
37	Mr. Muzamil Shah	38	Mr. Mushtaq Ahmad
39	Mr. Shaukat Ali	40	Mr. Abdul Samad
41	Mr. Muhammad Khalid	42	Mr. Zai Hassan
43	Mr. Shafiullah	44	Mr. Sohail Afzal
45	Mr. Mir Faraz	46	Mr. Mr. Muhammad Asif

2. The officers, on promotion, will remain on probation for a period of one year or till retirement, whichever is earlier, in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Promotion of the officers stood at Sr. No. 33 to 13 shall be subject to the decision of the Superior Judiciary and Cabinet regarding the issue of "out of turn promotion" and absorption in Khyber Pakhtunkhwa Police from other Provinces/Departments.

ATTESTED
to be true Copy



10 A

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

Dated Peshawar the September 05, 2022

NOTIFICATION

NO. SO(E-I)E&AD/2-4/2022. On the recommendations of the Departmental Selection Board, in its meeting held on 19.08.2022 and subsequent approval of the Chief Minister, Khyber Pakhtunkhwa being Competent Authority, the following Deputy Superintendents of Police (BS-17) are hereby promoted to the rank of Superintendents of Police (BS-18), on regular basis, with immediate effect :-

Sr. No	NAME OF OFFICERS	Sr. No	NAME OF OFFICERS
1	Mr. Oaid Kamal	2	Mr. Muhammad Abeer Jan
3	Mr. Muhammad Arif	4	Mr. Muhammad Shafiq
5	Mr. Muhammad Arif	6	Mr. Sanaullah
7	Mr. Mukhtiar Ahmad	8	Mr. Tahir-Ur-Rehman
9	Mr. Muhammad Suleman	10	Mr. Tahir Iqbal
11	Mr. Khabir Muhammad	12	Mr. Omar Hayat
13	Mr. Falak Niaz	14	Mr. Tajamul Khan
15	Mr. Tariq Mahib	16	Mr. Nisar Ahmad
17	Mr. Tariq Iqbal	18	Mr. Aslam Nawaz
19	Mr. Ishling Ahmad	20	Mr. Hashar Shah
21	Mr. Noor Jamal	22	Syed Mukhtiar Shah
23	Mr. Nazir Ahmad	24	Mr. Saeed Akhtar
25	Mr. Muhammad Ishling	26	Mr. Muhammad Maroof
27	Mr. Muhammad Ayaz	28	Mr. Muhammad Jamil Akhtar
29	Mr. Abdul Hai	30	Syed Inayat Ali Shah
31	Mr. Niaz Muhammad	32	Mr. Hameed Ullah
33	Mr. Sajjad Ahmad	34	Mr. Shah Hassan
35	Mr. Nazir Khan	36	Mr. Sajad Ahmad Sahibzada
37	Mr. Muzamil Shah	38	Mr. Mushtaq Ahmad
39	Mr. Shaukat Ali	40	Mr. Abdul Samad
41	Mr. Muhammad Khalid	42	Mr. Zia Hassan
43	Mr. Shafiqullah	44	Mr. Sohail Afzal
45	Mr. Mir Faraz	45	Mr. Muhammad Asif

2. The officers, on promotion, will remain on probation for a period of one year or till retirement, whichever is earlier, in terms of Section-6(2) of Khyber Pakhtunkhwa Civil Servants Act, 1973 read with Rule-15(1) of Khyber Pakhtunkhwa Civil Servants (Appointment, Promotion & Transfer) Rules, 1989.

3. Promotion of the officers stood at Sr. No. 33 to 43 shall be subject to the decision of the Superior Judiciary and Cabinet regarding the issue of "out of turn promotion" and absorption in Khyber Pakhtunkhwa Police from other Provinces/Departments.

ATTESTED
to be true Copy



11

GOVERNMENT OF
KHYBER PAKHTUNKHWA
ESTABLISHMENT DEPARTMENT

4. Posting/transfer orders will be issued by Provincial Police Officer, Khyber Pakhtunkhwa.

CHIEF SECRETARY
GOVERNMENT OF KHYBER PAKHTUNKHWA

Endst. No. & date even.

Copy of above is forwarded to the:-

1. Principal Secretary to Governor, Khyber Pakhtunkhwa.
2. Principal Secretary to Chief Minister, Khyber Pakhtunkhwa.
3. Secretary to Govt. of Khyber Pakhtunkhwa, Home & TAs Department.
4. Provincial Police Officer, Khyber Pakhtunkhwa.
5. Accountant General, Khyber Pakhtunkhwa.
6. Capital City Police Officer, Khyber Pakhtunkhwa.
7. All Regional Police Officers in Khyber Pakhtunkhwa.
8. Director, Information, Khyber Pakhtunkhwa.
9. PSO to Chief Secretary, Khyber Pakhtunkhwa
10. PS to Chief Secretary, Khyber Pakhtunkhwa
11. PS to Secretary Establishment/PS to SS(E)/SS (Reg)/PA AS(HRD)/DS(E.)/SO(E.II) Establishment Department.
12. PS to Secretary (Admn.)/D.S(A)/SO(Secret)/ Director Protocol/ Estate Officer/ACSO Cypher/Deputy Director (IT) Administration Department, Khyber Pakhtunkhwa.
13. Officers concerned.
14. Manager, Govt. Printing Press Peshawar.

INQAD KHAIH**

177
11/1
5/9/2022
SECTION OFFICER (ESTT-I)

ATTESTED
to be true Copy

12

B

To, The Worthy Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

Through proper channel

Subject: **DEPARTMENTAL APPEAL / REPRESENTATION AGAINST THE IMPUGNED OFFICE NOTIFICATION NO. SO(E-1)E&AD/2-4/2022 DATED PESHAWAR THE September 05, 2022 WHEREBY THE FOLLOWING JUNIORS / DEPUTY SUPERINTENDENT OF POLICE (BS-17) OF THE APPELLANT HAVE BEEN PROMOTED TO THE POST OF SUPERINTENDENT OF POLICE "SP" (BS-18) ON REGULAR BASIS ON ADOPTION OF NEPOTISM, DISCRIMINATION, ILLEGALLY, CONTRARY TO SENIORITY LIST, AND WITHOUT LAWFUL AUTHORITY AND THUS BY USURPING THE FUNDAMENTAL AND DUE RIGHTS OF APPELLANT GUARANTEED UNDER THE CONSTITUTION OF ISLAMIC REPUBLIC OF PAKISTAN 1973 AND ALL OTHER ENABLING PROVISION OF LAW DESPITE OF ELIGIBLE SENIOR AND WELL QUALIFIED WITH ALL RESPECTS THUS THE DECISION OF DEPARTMENTAL AUTHORITY IS LIABLE TO BE SET ASIDE AND STRUCK DOWN.**

Respected Sir,

Very Earnestly, the appellant makes following submission for your gracious consideration.

1. That the Appellant is currently posted as Addl: Superintendent of Police at Dera Ismail Khan.
2. That having inducted in Police Departmental around 40 years earlier, the Appellant in due course of service earned promotion to the Deputy Superintendent of Police vide Notification No. S/20/2014, dated 02.01.2014 issued by the competent authority.
3. That the Appellant was enlisted as constable on 1982 and was subsequently promoted to the Rank of ASI on 09.07.1996. From 1996 to 1999 the services of appellant was handed over to PTC Hangu, being competent, hard work and dedicated to his duty. The appellant promoted to the Rank of Sub Inspector, Inspector, DSP in 2000, 2009 & 2014 respectively.
4. That in Revised Seniority List of Deputy Superintendent of Police of for the year- 2022, as it stood issued vide No. 1355/SE-I, dated 28.06.2022, the name of the Appellant is listed at Serial No. 26 whereas the juniors of appellant have been shown

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afterwards the appellant which reflects the controversy and disparity:

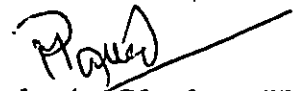
5. That to the dismay of the Appellant given his position in seniority, name of Appellant was not included in the working paper/agenda of the departmental selection Board tasked with making recommendation for promotion of DSSP BPS- 17 to that of next grade i.e. BPS-18, although certain officers placed junior in seniority list of DSSP were included therein, hence the Appellant has been discriminated/rejected on the basis of out-of-turn promotion, which is the violation of KP Validation of Standing Order Act, 2005. Infact the appellant was in PTC Hangu till 1996 to 1999 and the Section 2 of ibid Act provides adequate defense to the appellant. **(Copy placed herewith).**
6. That the Appellant ought to have been considered for promotion to the next grade i.e. BPS-18 in light of his seniority as well the relevant rules whereby seniority is reckoned in accordance with placement of successful candidates the relevant Seniority List.
7. That the non-inclusion of the name of appellant and thereby his non-consideration for promotion to the next higher rank/grade, as submitted above, its apparently based on an errand an outcome of improper reckoning due to misreading of record etc. A blatant proof of erroneous reckoning of seniority in the impugned list is that cases of those placed junior to the appellant were considered by DSB at the cost of right of appellant.
8. That while not included the name of appellant in the agenda of DSB and thereby non-consideration rather ignoring the name of appellant for promotion to the next higher grade by DSP in it is meeting held on 19.08.2022, the provision of Police Rules as well as that of Promotion Rules have been defied and ignored insheer disregard to the principle of natural justice, equity and fair play.
9. That the appellant thus is within his constitutional right to seek justice and be included in the list of officers in the prospective promotion list of DSP BPS-17 to next higher grade of BPS-18 and placed in due position of his seniority.
10. It is also matter of concern that the dealing had apparently misconceived and this erred in giving effect to the judgment pronounced recently by Hon'ble Peshawar High Court, Peshawar on 09.12.2022. As such the name of appellant ought to have been included and thus considered by DSB in its stated meeting for promotion to the next higher graded.

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In view of the afore-made submission herein above, it's earnestly requested that the concerned hands / authority may kindly be directed to make necessary rectification in the records, placed the name of appellant in list of officers i.e. DSP (BPS-17) to be promoted to the next higher grade of BPS-18 in preference to his juniors as placed in the revised seniority list-2022 and consequently to be granted promotion to the appellant in next higher grade i.e. from BPS-17 to BPS-18 from the due date i.e.05/09/2022 when the case of juniors colleagues / officials / DSPs were considered and thereafter to be promoted against the disputed post i.e. SP BPS-18, so that the appellant is saved from any complication likely to arise in future due to an over-sight by any dealing hand.

Yours' most obediently,



(Muhammad Javed s/o Ghulam Haider)
Presently, Addl: Superintendent of Police,
Dera Ismail Khan
Cell #. 03005623170

Dated 12-9-2022


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Sr. No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
53.	Sahibzada Sajjad Ahmad	02.02.1971	Swabi	01.12.2001	01.12.2003	08.04.2013
54.	Mr. Muizamil Shah	08.03.1972	Swabi	01.12.2001	01.12.2003	25.03.2013
55.	Mr. Mushlag Ahmad	15.03.1970	Swabi	01.12.2001	01.12.2003	25.03.2013
56.	Mr. Shaikat Ali	05.03.1971	Swabi	01.12.2001	01.12.2003	30.11.2012
57.	Mr. Abdul Samad	14.04.1969	Swabi	01.12.2001	01.12.2003	25.03.2013
58.	Mr. Muhammad Khalid	01.01.1970	Chitral	01.12.2001	01.12.2003	24.01.2014
59.	Mr. Shafulah	01.04.1971	DIKhan	13.12.2001	13.12.2003	07.11.2012
60.	Mr. Abdul Hal Khan,	01.08.1972	D.I.Khan	24.01.2002	24.01.2004	19.07.2013
61.	Syed Inayat Ali Shah	10.01.1972	D.I.Khan	24.01.2002	24.01.2004	24.01.2014
62.	Mr. Zia Hassan	01.11.1974	DIKhan	25.01.2002	24.01.2004	02.01.2014
63.	Mr. Nasir Khan	20.12.1972	Peshawar	14.10.2002	14.10.2004	30.01.2018
64. ✓	Mr. Rahim Hussain	11.05.1970	Shangla	17.10.2002	17.10.2004	12.09.2014
65.	Mr. Amjad Hussain	24.03.1971	Mansehra	17.10.2002	17.10.2004	12.09.2014
66.	Mr. Murad Ali	09.01.1973	Bannu	30.09.2000	30.09.2002	02.04.2015
67.	Mr. Ali Gohar	23.03.1968	K. Agency	13.01.2003	13.01.2005	02.04.2015
68.	Mr. Habis Ur Rehman	04.03.1966	Mansehra	20.02.2003	20.02.2005	30.09.2016
69.	Mr. Waqar Ahmad	12.04.1974	Charsadda	01.05.2003	01.05.2005	02.04.2015
70.	Mr. Abdus Salam Khalid.	24.06.1976	Lakki	01.05.2003	01.05.2005	25.03.2016
71.	Mr. Sajjad Hussain	23.03.1976	Nowshera	23.06.2003	23.06.2005	02.04.2015
72.	Muhammad Tahir Shah	01.03.1972	Bannu	24.07.2003	24.07.2005	24.01.2014
73.	Mr. Satar Khan	30.04.1971	Kohat	29.08.2003	29.08.2005	02.04.2015
74.	Mr. Hidayat Ullah Shah	20.04.1965	Swabi	20.12.2003	20.12.2005	25.03.2016
75.	Mr. Shakeel Ahmad	14.04.1969	Charsadda	20.12.2003	20.12.2005	12.09.2014
76.	Mr. Khan Khel	10.04.1969	Mardan	20.12.2003	20.12.2005	24.01.2014
77.	Mr. Muhammad Saeed	04.05.1969	Mardan	20.12.2003	20.12.2005	12.09.2014
78.	Mr. Rasheed Iqbal	15.01.1974	Mardan	20.12.2003	20.12.2005	25.03.2016
79.	Mr. Muhammad Fayaz	07.03.1974	Mardan	20.12.2003	20.12.2005	25.03.2016
80.	Ms. Aneela Naz	09.10.1971	Peshawar	01.01.2004	01.01.2006	02.04.2015
81.	Ms. Asmal Ara	15.04.1975	Swabi	01.01.2004	01.01.2006	02.04.2015
82.	Mrs. Shazia Shahid	30.04.1976	Charsadda	01.01.2004	01.01.2006	02.04.2015
83.	Mr. Mujeeb Ur Rehman	02.04.1969	Bannu	08.04.2004	08.04.2006	02.04.2015

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Sr. No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
84.	Mr. Nisar Muhammad	20.01.1973	Lakki	17.04.2004	17.04.2006	24.01.2014
85.	Mr. Rahmat Ullah	05.03.1971	Nowshera	31.05.2004	31.05.2006	24.10.2014
86.	Mr. Mustafa Karim Pasha	01.09.1969	Bannu	07.10.2004	07.10.2006	02.04.2015
87.	Mr. Azmat Ali Khan	06.01.1970	Bannu	07.10.2004	07.10.2006	02.04.2015
88.	Mr. Shabir Hussain Shah	15.06.1972	Lakki	07.10.2004	07.10.2006	18.08.2015
89.	Arbab Shafiqullah Jan	09.10.1966	Peshawar	22.11.2004	22.11.2006	02.01.2014
90.	Mr. Rafiqullah	12.03.1968	Peshawar	22.11.2004	22.11.2006	02.01.2014
91.	Muhammad Aliq Shah	01.09.1978	Charsadda	22.11.2004	22.11.2006	06.02.2014
92.	Mr. Yasir Aman	11.08.1970	Peshawar	22.11.2004	22.11.2006	02.04.2015
93.	Mr. Naseer Ali	03.10.1975	Charsadda	22.11.2004	22.11.2006	30.09.2016
94.	Mr. Murad Ali	13.04.1965	Charsadda	22.11.2004	22.11.2006	15.11.2016
95.	Mr. Aurang Zeb	05.01.1970	Mansehra	04.12.2004	04.12.2006	30.09.2016
96.	Mr. Sajjad Haider	20.04.1970	Abbotabad	04.12.2004	04.12.2006	15.11.2016
97.	Mr. Muhammad Ilyas	01.04.1973	Mardan	07.12.2004	07.12.2006	18.08.2015
98.	Mr. Arshad Khan	30.05.1974	Peshawar	08.12.2004	08.12.2006	07.03.2017
99.	Ms. Nazia Naureen	01.12.1970	Abbotabad	09.12.2004	09.12.2006	12.09.2014
100.	Mrs. Shahzadi Noshad	10.04.1972	Hangu	09.12.2004	09.12.2006	12.09.2014
101.	Mr. Alamzeb	12.02.1980	Mardan	23.12.2004	23.12.2006	24.10.2014
102.	Mr. Aqib Hussain	01.04.1965	Kohat	10.01.2005	10.01.2007	18.08.2015
103.	Mr. Falak Nawaz	03.02.1969	Kohat	10.01.2005	10.01.2007	25.03.2016
104.	Mr. Mazhar Jehan	12.12.1970	Kohat	10.01.2005	10.01.2007	24.08.2020
105.	Mr. Khalid Usman	06.01.1967	Karak	10.01.2005	10.01.2007	18.08.2015
106.	Mr. Asad Zubair	15.01.1980	Kohat	10.01.2005	10.01.2007	29.11.2018
107.	Mr. Muhammad Riaz	13.08.1973	Karak	10.01.2005	10.01.2007	24.08.2020
108.	Mr. Zafar Khan	10.01.1963	Buner	16.04.2005	16.04.2007	24.10.2014
109.	Mrs. Rozia Allaf	30.07.1969	Peshawar	13.05.2005	13.05.2007	02.04.2015
110.	Ms. Hamida Baro	04.12.1970	Peshawar	13.05.2005	13.05.2007	02.04.2015
111.	Mr. Muhammad Ismail	12.01.1966	Lakki	07.06.2005	07.06.2007	25.03.2016
112.	Mr. Mehmood Nawaz	07.03.1974	Lakki	02.07.2005	02.07.2007	30.01.2018
113.	Mr. Muhammad Sattar Khan	04.04.1964	Chitral	13.07.2005	13.07.2007	25.03.2016

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114.	Mr. Muhammad Zaman	01.01.1965	Buner	13.07.2005	13.07.2007	25.03.2016
115.	Mr. Riaz Muhammad	10.12.1962	Swabi	13.07.2005	13.07.2007	15.11.2016
116.	Mr. Rizwan Habib	19.04.1974	Mansehra	28.12.2005	28.12.2007	12.09.2014
117.	Mr. Jehangir Khan	10.11.1965	Abbottabad	28.12.2005	28.12.2007	24.10.2014
118.	Mr. Shah Mumtaz	20.02.1965	Dir Lower	27.05.2006	27.05.2008	30.01.2018
119.	Mr. Zahoor Ahmed	01.01.1980	Dir Lower	27.05.2006	27.05.2008	24.08.2020
120.	Mr. Zafar Ahmad	10.01.1979	Chitral	27.05.2006	27.05.2008	30.01.2018
121.	Mr. Farmanullah	27.10.1978	Dir Lower	27.05.2006	27.05.2008	24.08.2020
122.	Mr. Wahid Ullah	01.04.1981	Dir Lower	27.05.2006	27.05.2008	24.08.2020
123.	Mr. Itikhar Ali Shah	11.05.1976	Bannu	25.08.2006	25.08.2008	15.11.2016
124.	Mr. Amir Hussain	25.05.1965	Swabi	07.11.2006	07.11.2008	30.09.2016
125.	Mr. Sher Aisar	09.02.1963	Swabi	23.11.2006	23.11.2008	29.11.2018
126.	Mr. Muhammad Rauf	04.04.1963	Mardan	23.11.2006	23.11.2008	25.03.2016
127.	Mr. Rokhan Zeb	07.04.1965	Swabi	18.04.2007	18.04.2009	25.03.2016
128.	Mr. Janzada	01.04.1963	Charsadda	16.07.2007	16.07.2009	25.03.2016
129.	Mr. Zahid Khan	08.04.1967	Mkd. Agency	20.10.2007	20.10.2009	29.11.2018
130.	Mr. Badshah Hazrat	15.02.1969	Dir Lower	20.10.2007	20.10.2009	29.11.2018
131.	Mr. Naveed Iqbal	13.03.1981	Swat	20.10.2007	20.10.2009	29.11.2018
132.	Mr. Ajmal Khan	15.05.1982	Mkd. Agency	20.10.2007	20.10.2009	16.05.2019
133.	Mr. Aitq-ur-Rehman	01.11.1981	Chitral	20.10.2007	20.10.2009	24.08.2020
134.	Mr. Shahid Adnan	27.03.1973	D.I.Khan	03.11.2007	03.11.2009	30.01.2018
135.	Mr. Muhammad Saleem Tariq	01.03.1969	D.I.Khan	03.11.2007	03.11.2009	29.11.2018
136.	Mr. Gul Shid Khan	01.06.1980	Charsadda	04.11.2007	04.11.2009	30.01.2018
137.	Mr. Shaheen Shah Gohar	03.03.1971	Charsadda	24.11.2007	24.11.2009	07.03.2017
138.	Mr. Gohar Ali	15.11.1974	Peshawar	19.12.2007	19.12.2009	30.09.2016
139.	Mr. Riaz Khan	03.02.1975	Peshawar	19.12.2007	19.12.2009	30.09.2016
140.	Mr. Fazal Wahid	12.01.1971	Malakand	19.12.2007	19.12.2009	30.09.2016
141.	Mr. Amjid Ali	24.04.1969	Swabi	14.03.2008	14.03.2010	30.09.2016
142.	Mr. Izhah Shah	06.03.1966	Mardan	26.03.2008	26.03.2010	30.09.2016
143.	Mr. Sher Rehman	05.04.1964	Mardan	03.04.2008	03.04.2010	15.11.2016

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144	Mr. Jamil-ur-Rehman	16.04.1974	Abbotlabad	07.01.2002	08.04.2010	12.03.2018
145	Mr. Muhammad Iqbal	11.02.1963	Mansehra	08.04.2008	08.04.2010	16.05.2019
146	Mr. Shah Nawaz	06.06.1967	Mansehra	08.04.2008	08.04.2010	24.08.2020
147	Mr. Muhammad Khurshid	12.01.1963	Mansehra	08.04.2008	08.04.2010	07.03.2017
148	Mr. Muhammad Allaf	12.03.1969	Haripur	08.04.2008	08.04.2010	30.09.2016
149	Mr. Fazal Wahid	01.12.1968	Mardan	19.04.2008	19.04.2010	29.11.2018
150	Mr. Muslim Khan	16.02.1970	Mardan	21.04.2008	21.04.2010	30.01.2018
151	Mr. Muhammad Saddique	16.11.1968	Abbotlabad	21.04.2008	21.04.2010	29.11.2018
152	Mr. Faqir Hussain	02.02.1967	Peshawar	21.04.2008	21.04.2010	15.11.2016
153	Mr. Naseer Khan	01.04.1963	Charsadda	21.04.2008	21.04.2010	30.01.2018
154	Mr. Hukam Khan	14.03.1969	Charsadda	21.04.2008	21.04.2010	15.11.2016
155	Mr. Arab Nawaz	11.02.1969	Charsadda	21.04.2008	21.04.2010	30.01.2018
156	Mr. Mehar Ali	01.01.1969	Nowshera	21.04.2008	21.04.2010	30.01.2018
157	Mr. Yar Nawab	05.11.1963	Mardan	21.04.2008	21.04.2010	30.01.2018
158	Mr. Itikhar Ali	10.02.1968	Charsadda	21.04.2008	21.04.2010	30.01.2018
159	Mr. Nasir Khan	22.11.1968	Charsadda	21.04.2008	21.04.2010	30.01.2018
160	Mr. Hazrat Ullah	05.01.1964	Charsadda	21.04.2008	21.04.2010	16.05.2019
161	Mr. Fazal Dad	16.03.1966	Charsadda	21.04.2008	21.04.2010	18.02.2022
162	Mr. Abdullah Jan	24.10.1963	Peshawar	21.04.2008	21.04.2010	30.01.2018
163	Mr. Liaqat Ali	08.04.1964	Charsadda	21.04.2008	21.04.2010	30.01.2018
164	Mr. Tayab Jan	01.05.1970	Charsadda	21.04.2008	21.04.2010	18.02.2022
165	Mr. Asif Mehmood	25.04.1975	Bannu	04.07.2008	04.07.2010	16.05.2019
166	Mr. Ghulam Saadiq	01.02.1968	Mkd: Agency	05.08.2008	05.08.2010	16.05.2019
167	Mr. Roshan Zeb	16.02.1964	Mardan	26.08.2008	26.08.2010	30.01.2018
168	Mr. Fazal Subhan	02.05.1968	Nowshera	26.08.2008	26.08.2010	30.01.2018
169	Mr. Muhammad Ijaz Khan	01.09.1977	Charsadda	26.08.2008	26.08.2010	15.11.2016
170	Mr. Muhammad Yaseen	30.03.1975	Charsadda	10.09.2008	10.09.2010	15.11.2016
171	Mr. Ibrar Khan	20.05.1970	Abbotlabad	19.09.2008	19.09.2010	07.03.2017
172	Mr. Muhammad Yaseen	28.12.1973	Haripur	19.09.2008	19.09.2010	07.03.2017
173	Mr. Itikhar Ahmad	10.05.1968	Mansehra	19.09.2008	19.09.2010	14.03.2017

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174.	Mr. Farhad Ali	16.11.1962	Mardan	19.09.2008	19.09.2010	16.05.2019
175.	Mr. Zakir Hussain	09.03.1966	Abbotabad	19.09.2008	19.09.2010	30.01.2018
176.	Mr. Azam Ali Shah	01.01.1963	Abbotabad	19.09.2008	19.09.2010	16.05.2019
177.	Mrs. Samina Zafar	25.12.1975	Haripur	19.09.2008	19.09.2010	07.03.2017
178.	Mr. Mehboob	16.12.1965	Abbotabad	19.09.2008	19.09.2010	30.01.2018
179.	Mr. Muhammad Hamayun	01.04.1963	Abbotabad	19.09.2008	19.09.2010	30.01.2018
180.	Mr. Ghulam Muhammad	01.11.1963	Mansehra	03.12.2008	03.12.2010	15.11.2016
181.	Mr. Zahoor-Ud. Din Khan	05.05.1963	D.I.Khan	30.12.2008	30.12.2010	30.01.2018
182.	Mr. Muhammad Nabi	09.10.1966	Charsadda	30.12.2008	30.12.2010	30.01.2018
183.	Mr. Ayaz Mehmood	20.02.1971	Mardan	29.01.2009	28.07.2011	30.12.2019
184.	Mr. Shakeel Ahryed	01.01.1974	Peshawar	28.07.2009	28.07.2011	16.05.2019
185.	Mr. Hussain Ghulam	10.03.1970	Hangu	11.08.2009	11.08.2011	18.02.2022
186.	Mr. Muhammad Akbar	14.05.1963	Mardan	11.08.2009	11.08.2011	18.02.2022
187.	Mr. Zareef Khan	01.01.1969	Swabi	28.08.2009	28.08.2011	30.01.2018
188.	Mr. Bashir Dad	14.04.1972	Mardan	28.08.2009	28.08.2011	16.05.2019
189.	Mr. Arshad Hussain	15.05.1967	Shangla	28.08.2009	28.08.2011	24.08.2020
190.	Mr. Matloob Khan	13.04.1970	Haripur	28.08.2009	28.08.2011	30.09.2016
191.	Mr. Shah Nawaz	08.08.1965	Mansehra	28.08.2009	28.08.2011	24.08.2020
192.	Mr. Fazal Wahab	15.01.1965	Mardan	28.08.2009	28.08.2011	24.08.2020
193.	Mr. Jehanzeb Khan	30.11.1966	Abbotabad	28.08.2009	28.08.2011	18.02.2022
194.	Mr. Muhammad Amin	06.09.1962	Abbotabad	28.08.2009	28.08.2011	19.04.2022
195.	Mr. Muhammad Sohail	30.04.1977	Mansehra	13.10.2009	13.10.2011	24.08.2020
196.	Mr. Muhammad Yousaf	24.08.1964	Haripur	13.10.2009	13.10.2011	24.08.2020
197.	Mr. Muhammad Sajjad	24.03.1969	Mansehra	13.10.2009	13.10.2011	24.08.2020
198.	Mr. Fida Muhammad	11.12.1964	Abbotabad	13.10.2009	13.10.2011	24.08.2020
199.	Mr. Alam Zeb	10.11.1963	Mardan	18.11.2009	18.11.2011	30.01.2018
200.	Mr. Saeed Khan	15.04.1964	Peshawar	18.11.2009	18.11.2011	16.05.2019
201.	Mr. Muhammad Ishaq	21.12.1968	Nowshera	18.11.2009	18.11.2011	30.01.2018
202.	Mr. Pasham Gul	29.04.1963	Mardan	18.11.2009	18.11.2011	30.01.2018
203.	Mr. Nasrullah Khan	20.04.1968	Peshawar	18.11.2009	18.11.2011	16.02.2022

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204.	Mr. Janan Habib	16.05.1964	Charsadda	18.11.2009	18.11.2011	24.08.2020
205.	Mr. Anir Nawaz	20.03.1970	Charsadda	18.11.2009	18.11.2011	29.11.2018
206.	Mr. Afsar Zaman	01.09.1969	Mardan	18.11.2009	18.11.2011	24.08.2020
207.	Mr. Rajab Ali	09.02.1975	Kohat	18.11.2009	18.11.2011	30.01.2018
208.	Mr. Noor Ullah	10.05.1964	Peshawar	18.11.2009	18.11.2011	30.01.2018
209.	Mr. Mukhtiar Ahmad	03.12.1964	Charsadda	12.07.1997	12.07.1999	16.05.2019
210.	Mr. Muhammad Irfan	01.08.1970	Karak	01.01.2010	01.01.2012	24.08.2020
211.	Mr. Arshad Ahmed	06.01.1982	Nowshera	01.01.2010	01.01.2012	18.02.2022
212.	Mr. Muhammad Kamran	12.02.1981	Malakand	01.01.2010	01.01.2012	18.02.2022
213.	Mr. Sajid Mumtaz	27.12.1979	Charsadda	01.01.2010	01.01.2012	18.02.2022
214.	Mr. Fida Hussain	21.01.1983	Peshawar	01.01.2010	01.01.2012	18.02.2022
215.	Mr. Ijaz Ali	10.04.1983	Charsadda	01.01.2010	01.01.2012	18.02.2022
216.	Mr. Zaka Ullah	01.10.1965	Nowshera	01.01.2010	01.01.2012	24.08.2020
217.	Mr. Ali Khan	20.02.1968	Mkd Agency	01.01.2010	01.01.2012	29.11.2018
218.	Mr. Abdur Rashid	03.05.1968	Charsadda	01.01.2010	01.01.2012	29.11.2018
219.	Mr. Khalid Khan	02.01.1969	Nowshera	01.01.2010	01.01.2012	29.11.2018
220.	Mr. Niaz Muhammad	14.09.1973	Charsadda	01.01.2010	01.01.2012	29.11.2018
221.	Mr. Tauheed Ullah	08.04.1982	Charsadda	01.01.2010	01.01.2012	18.02.2022
222.	Mr. Ijaz Ali	14.05.1978	Charsadda	01.01.2010	01.01.2012	18.02.2022
223.	Mr. Adnan Azam	16.06.1984	Charsadda	01.01.2010	01.01.2012	18.02.2022
224.	Mr. Zahid Alam	15.07.1987	Peshawar	01.01.2010	01.01.2012	18.02.2022
225.	Mr. Rehmatullah	07.03.1986	Peshawar	01.01.2010	01.01.2012	18.02.2022
226.	Mr. Taj Muhammad Khan	13.02.1979	Nowshera	01.01.2010	01.01.2012	18.02.2022
227.	Mr. Muhammad Inam Jan	15.03.1979	Mardan	20.03.2010	20.03.2012	18.02.2022
228.	Mr. Luqman Khan	15.01.1980	Mardan	20.03.2010	20.03.2012	18.02.2022
229.	Mr. Ikhiraz Khan	14.01.1985	Mardan	20.03.2010	20.03.2012	18.02.2022
230.	Mr. Pir Zar Badshah	25.05.1972	Mkd Agy	20.03.2010	20.03.2012	18.02.2022
231.	Mr. Muhammad Fazil	03.12.1978	Swabi	20.03.2010	20.03.2012	18.02.2022
232.	Mr. Imtiaz Ali	03.01.1977	Mardan	20.03.2010	20.03.2012	18.02.2022
233.	Mr. Sabir Gul	04.03.1984	Mardan	20.03.2010	20.03.2012	18.02.2022

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Sr. No	Name of Officers	Date of Birth	Domicile	Date of SI Promotion	Date of confirmation as SI as per Police Rules 13.18	D.O Promotion as DSP
234.	Mr. Azmat Ali	01.04.1978	Kohat	11.07.2010	11.07.2012	18.02.2022
235.	Mr. Sadat Khan	06.04.1963	Kohat	24.08.2010	24.08.2012	18.02.2022
236.	Mr. Fazal Hanif	01.01.1974	Karak	24.08.2010	24.08.2012	18.02.2022
237.	Mr. Nazar Hussain	10.01.1975	Hangu	24.08.2010	24.10.2012	18.02.2022
238.	Mr. Muhammad Yousaf	10.04.1975	Karak	24.08.2010	24.08.2012	18.02.2022
239.	Mr. Nazir Khan	02.04.1977	Kohat	24.08.2010	24.08.2012	18.02.2022
240.	Mr. Abid Khan	01.03.1979	Kohat	24.08.2010	24.08.2012	18.02.2022
241.	Mr. Umar Hayat	01.02.1984	Karak	24.08.2010	24.08.2012	18.02.2022

NOTE:- Any officer who has any objection regarding his seniority/missing of name/date of birth etc, he must submit his representation within 15 Days after the issuance of this list, otherwise no representation will be entertained after the specific period.

(DR. ZAHID ULLAH) ^{PSP} 9
 AIG/Establishment
 For Inspector General of Police,
 Khyber Pakhtunkhwa,
 Peshawar

Endst: No. & date even.
 Copy to all concerned

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To,

The Worthy Provincial Police Officer,
Khyber Pakhtunkhwa, Peshawar.

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Through proper channel

Subject: DEPARTMENTAL APPEAL AGAINST DECISION/MINUTES OF DEPARTMENTAL SELECTION BOARD MEETING HELD ON 19.08.2022 AT CPO/PESHAWAR/ NON-INCLUSION & NON CONSIDERATION OF THE APPELLANT FOR PROMOTION TO BPS-18.

Respected Sir,

Very Earnestly, the appellant makes following submission for your gracious consideration.


1. That the Appellant is currently posted as Addl: Superintendent of Police at Dera Ismail Khan.
2. That having inducted in Police Departmental around 40 years earlier, the Appellant in due course of service earned promotion to the Deputy Superintendent of Police vide Notification No. S/20/2014, dated 02.01.2014 issued by the competent authority.
3. That the Appellant was enlisted as constable on 1982 and was subsequently promoted to the Rank of ASI on 09.07.1996. From 1996 to 1999 the services of appellant was handed over to PTC Hangu, being competent, hard work and dedicated to his duty. The appellant promoted to the Rank of Sub Inspector, Inspector, DSP in 2000, 2009 & 2014 respectively.
4. That in Revised Senior List of Deputy Superintendent of Police of for the year-2022, as it stood issued vide No. 1355/SE-I, dated 28.06.2022, the name of the Appellant is listed at Serial No. 26.
5. That to the dismay of the Appellant given his position in seniority, name of Appellant was not included in the working paper/agenda of the departmental selection Board tasked with making recommendation for promotion of DSsP BPS-17 to that of next grade i.e. BPS-18, although certain officers placed junior in seniority list of DSsP were included therein, hence the Appellant has been discriminated/rejected on the basis of out-of-turn promotion, which is the violation of KP Validation of Standing Order Act, 2005. Infact the appellant was in PTC Hangu till 1996 to 1999 and the Section 2 of ibid Act provides adequate defense to the appellant. *(Copy placed herewith)*
6. That the Appellant ought to have been considered for promotion to the next grade i.e. BPS-18 in light of his seniority as well the relevant rules whereby seniority is reckoned in accordance with placement of successful candidates the relevant Seniority List.

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7. That the non-inclusion of the name of appellant and thereby his non-consideration for promotion to the next higher rank/grade, as submitted above, its apparently based on an errand an outcome of improper reckoning due to misreading of record etc. A blatant proof of erroneous reconning of seniority in the impugned list is that cases of those placed junior to the appellant were considered by DSB at the cost of right of appellant.
 8. That while not included the name of appellant in the agenda of DSB and thereby non-consideration rather ignoring the name of appellant for promotion to the next higher grade by DSP in its meeting held on 19.08.2022, the provision of Police Rules as well as that of Promotion Rules have been defied and ignored in sheer disregard to the principle of natural justice, equity and fair play.
 9. That the appellant thus is within his constitutional right to seek justice and be included in the list of officers in the prospective promotion list of DSsP in BPS-17 to next higher grade of BPS-18 and placed in due position of his seniority.
 10. It is also matter of concern that the dealing had apparently misconceived and this erred in giving effect to the judgment pronounced recently by Hon'ble Peshawar High Court, Peshawar on 09.12.2022. As such the name of appellant ought to have been included and thus considered by DSB in its stated meeting for promotion to the next higher graded.

In view of the fore made submission it is earnestly requested that the concerned hands may kindly be directed to make necessary rectification in the records, placed the name of appellant in list of officers i.e. DSsP (BPS-17) to be promoted to the next higher grade of BPS-18 in preference to his juniors as placed in the revised seniority list-2022 and consequently to grant promotion to the appellant in next higher grade i.e. from BPS-17 to BPS-18, so that the appellant is saved from any complication likely to arise in future due to an over-sight by any dealing hand.

Yours' most obediently,




(Muhammad Javed s/o Ghulam Haider)

Presently, Addl: Superintendent of Police,

Dera Ismail Khan

Cell #. 03005623170

Dated 31.08.2022.


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THE ¹[KHYBER PAKHTUNKHWA] VALIDATION OF
STANDING ORDER ACT, 2005.

(²[KHYBER PAKHTUNKHWA] ACT NO. IV OF 2005)

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PREAMBLE

SECTIONS

1. Short title and commencement.
2. Validation of Standing Order No. 11 of 1987.

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¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011
²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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THE [KHYBER PAKHTUNKHWA] VALIDATION OF
STANDING ORDER ACT, 2005.

(²[KHYBER PAKHTUNKHWA] ACT NO. IV OF 2005)

[First published after having received the assent of the Governor of the
³[Khyber Pakhtunkhwa] in the Gazette of the ⁴[Khyber Pakhtunkhwa]
(Extraordinary), dated the 2nd February, 2005].

AN
ACT

to validate the rights created by Standing Order No. 11 of 1987,
issued by the Inspector General of Police, ⁵[Khyber Pakhtunkhwa].

Preamble.—WHEREAS it is expedient to validate the rights created by Standing
Order No. 11 of 1987, issued by the Inspector General of Police, ⁶[Khyber Pakhtunkhwa];

It is hereby enacted as follows:

1. Short title and commencement.—(1) This Act may be called the ⁷[Khyber
Pakhtunkhwa] Validation of Standing Order Act, 2005.

(2) It shall come into force at once and shall be deemed to have taken effect on
the 17th day of July, 1987.

2. Validation of Standing Order No. 11 of 1987.—(1) Notwithstanding anything
contained in the existing service rules governing the promotion and seniority of Constables,
Head Constables, Assistant Sub-Inspectors and Sub-Inspectors of the Police Department, or
any decree, order or judgment of a court, or for reasons of any procedural deficiency,-

(a) the rights of promotion and seniority accruing under Standing Order
No. 11 of 1987 (hereinafter referred to as the said Order), issued by
the Inspector General of Police, ⁸[Khyber Pakhtunkhwa], in the larger
larger public interest, with the sole intention and object to improve
the efficiency and sense of responsibility amongst the aforesaid
Police personnel, shall be deemed, and shall always be deemed, to
have validly been accrued; and

(b) all appointments and promotions made and seniority lists drawn from
1987 till date, on the basis of the said Order, shall always be deemed

¹Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

²Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

³Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁴Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁵Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁶Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁷Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

⁸Substituted vide Khyber Pakhtunkhwa Act No. IV of 2011

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to have validly been made and drawn and shall not be called in question before any court or authority.

(2) The existing service rules governing the seniority of the said Police personnel, till such time as formally amended, shall, to the extent of serving the purposes under sub-section (1), be deemed to have been impliedly modified.

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VAKALATNAM

Before the Honorable Khyber Pakhtunkhwa Service Tribunal Pesh.
M. Jameel vs. GEP etc.

I/We, M. Jameel do hereby appoint **AMAAD NASIR KUNDI** Advocate, High Court, to appear in the above titled appeal/suits etc and to do all the following acts, deeds and things on my/our behalf.

- To appear, act and plead for me /us in the above mentioned case in this court/ Tribunal or in which the same may be tried or heard and any other proceedings arising out of or connected herewith.
- To assign, verify and file appeals, suits, affidavits and application for compromise or withdrawal or for referring to arbitration of the said case as may be deemed necessary or advisable by clients for the conduct, prosecution or defense of the said case at all its stage.

AND hereby agree:-

- That the advocates shall be entitled to withdraw from the prosecution of the said case if the whole or any part of the agreed fee remained unpaid.
- Not to hold the advocate(s) responsible if he said case be proceeded ex-parte or dismissal in default in consequence of his / their absence from the court/ Tribunal when it is called for hearing.

In witness whereof / we have signed this Vakalatnama here under, the contents of which have been read/explained to me / us and fully understood by me / us.

Accepted by:-

Signature Amad of _____ the
executants



AMAAD NASIR KUNDI

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